

Location 1 Hocroft Walk London NW2 2LT

Reference: 22/1976/FUL Received: 12th April 2022
Accepted: 10th May 2022

Ward: Childs Hill Expiry 5th July 2022

Case Officer: Stephen Volley

Applicant: C/O UPP Architects + Town Planners

Proposal: Demolition of the existing dwelling and erection of three storey plus accommodation in the roofspace building to provide 6no. self-contained flats with associated amenity space, car parking, cycle parking, and refuse storage (Amended Plans)

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

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

-A contribution of £5,996.00 towards the new provision of street trees in the immediate area.

-Meeting the Council's costs of monitoring the planning obligation

RECOMMENDATION II:

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

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

001HO-A-01-001 rev 6 - Location plan
001HO-A-01-002 rev 6 - Block Plans
001HO-A-02-001 - Existing Front Visualization
001HO-A-02-002 - Existing Rear Visualization
001HO-A-03-001 - Existing Ground Floor Plan
001HO-A-03-002 - Existing First Floor Plan
001HO-A-03-003 - Existing Roof Plan
001HO-A-05-001 - Existing Section A-A'
001HO-A-05-002 - Existing Section B-B'
001HO-A-06-001 - Existing West Elevation
001HO-A-06-002 - Existing East Elevation
001HO-A-06-003 - Existing North Elevation
001HO-A-06-004 - Existing South Elevation
001HO-A-02-101 rev 6 - Proposed Front Visualization
001HO-A-02-102 rev 6 - Proposed Rear Visualization
001HO-A-03-101 rev 6 - Proposed Ground Floor Plan
001HO-A-03-102 rev 6 - Proposed First Floor Plan
001HO-A-03-103 rev 6 - Proposed Second Floor Plan
001HO-A-03-104 rev 6 - Proposed Third Floor Plan
001HO-A-03-105 rev 6 - Proposed Roof Plan
001HO-A-05-101 rev 6 - Proposed Section A-A'
001HO-A-05-102 rev 6 - Proposed Section B-B'
001HO-A-05-104 rev 6 - Section D-D'
001HO-A-06-101 rev 6 - Proposed Elevation
001HO-A-06-102 rev 6 - Proposed Elevation
001HO-A-06-103 rev 6 - Proposed Elevation
001HO-A-06-104 rev 6 - Proposed Elevation
001HO-A-01-003 - Proposed Landscape plan dated 8th November 2022
001HO-A-01-004 - Landscaping information dated 8th November 2022

Summary of revision UPP Architects

Arboricultural Impact Assessment Method Statement & Tree Protection Plan 15th February 2022

Bat emergence survey report 31st October 2022

Preliminary Ecological Appraisal / Preliminary Roost Assessment 3rd August 2022

Parking technical note dated February 2023

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

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

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

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

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

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

- 4 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection measures shown on the approved tree protection plan (22_5837_05_60_TPP_v1) have been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved.

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

- 5 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall commence on site until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority.

b) All tree felling and pruning works shall be carried out in full accordance with the approved specifications under this condition and in accordance with British Standard 3998 (Recommendation for Tree Works).

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)

6 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, including details of 10 standard replacement trees, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

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

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

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

7 Prior to occupation of the development the proposed parking space and access arrangements shown on drawing no.001HO-A-03-102 Rev 6 shall be provided and maintained at all time times. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason

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

8 Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, before the development hereby permitted is occupied, 12 (long stay) cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of cycles in connection with the approved development.

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

- 9 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
 - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
 - vii. noise mitigation measures for all plant and processors;
 - viii. details of contractors compound and car parking arrangements;
 - ix. details of interim car parking management arrangements for the duration of construction;
 - x. details of a community liaison contact for the duration of all works associated with the development.

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

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

- 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 Unit 1 shall be adapted for M4(2) compliance with Unit 3, achieving M4(3) (wheelchair accessible) compliance. All other units at the lower and upper floor levels shall be adapted for M4(1) compliance within Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

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

- 11 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied

to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

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

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

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

- 13 No flat shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority, and have been installed in their entirety; details of privacy screens to adequately screen the private amenity areas/balconies associated with the development, The screens shall be permanently retained as such thereafter. Balcony screening shall be obscured glazed to a height of 1.7 metres.

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

- 14 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

- 15 The development shall be implemented and thereafter maintained in accordance with the recommendations made within the preliminary bat assessment dated June 2022 and bat emergence survey report dated October 2022

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development

Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016); and Policy G6 of the London Plan 2021.

- 16 a) No development other than demolition works shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to 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 details approved under this condition.

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

- 17 a) No development other than demolition works 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.

- 18 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.

19 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise has been submitted to and approved in writing by the Local Planning Authority.

b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or the first occupation of the development 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.

20 a) Prior to the first occupation or commencement of the use of the development hereby permitted, full details of the active Electric Vehicle Charging facility to serve the proposed parking space (1no.) shall be submitted to the Local Planning Authority and approved in writing.

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 policy T6.1 of the London Plan 2021.

21 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: 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 (2016), and Policies GG3 and S11 of the London Plan 2021

22 The residential units hereby approved shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and for no other

purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

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

23 a) Prior to the first occupation of the hereby approved development, details of the proposed green roof shall be submitted to and approved in writing by the Local Planning Authority.

b) The green roof shall be implemented in accordance with the details approved under this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and G1 of the London Plan 2021.

24 Before the building hereby permitted is first occupied the windows to be obscured as shown on drawing numbers 001HO-A-03-101 Rev 6, 001HO-A-03-102 Rev 6, 001HO-A-03-103 Rev 6 and 001HO-A-03-104 Rev 6 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).

RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 30th September 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 include a formal undertaking to meet the costs of replacement tree planting within the immediate locality of the application site contrary to policy G7 of the London Plan (2021), Policy CS7 of the Local Plan Core Strategy (adopted September 2012), policy DM01 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. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

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

We believe that your development is liable for CIL. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

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

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

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

Further details and the application form can be downloaded from:

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

- 4 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 5 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway. To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

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

- 6 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.
- 7 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk
- 8 Any gates must open inwards and not out onto the public highway for health and safety reasons
- 9 The Air Quality reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.
For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, (Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006; 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 2014 and 10) Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014
Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.
- 10 The submitted Construction Method Statement shall include as a minimum details of:
 - o Site hoarding
 - o Wheel washing
 - o Dust suppression methods and kit to be used
 - o Site plan identifying location of site entrance, exit, wheel washing, hoarding,

dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.

- o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
- o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

- o For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

- 11 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

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

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

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

- 13 The applicant is advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

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

To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section - Development and Regulatory Services, London Borough of Barnet, 6th Floor, 2 Bristol Avenue, Colindale, NW9 4EW.

OFFICER'S ASSESSMENT

1. Site Description

The application site has a relatively isolated position located on the west side of Hocroft Walk, a no-through road inaccessible by car onto the A41 by way of bollards. The site currently provides a two-storey detached single family property with adjoining garage on the north flank wall below which a lower-level supports living accommodation and small hardstanding at the front. The site is substantially set back from the A41 and the topography slopes down from the south to the north providing a lower ground floor level, which allows access into a comparatively large private garden area. The southern boundary is bounded by a series of trees and vegetation, which provides a soft green buffer along the A41 and screening from the congestion and traffic from the dual carriage way. The site is adjacent to a row of single storey garages to the west and a pair of semi-detached houses, nos 14 -16 Lyndale Avenue which are located at the junction with Hocroft Walk to the north.

The site is not located within a designated Conservation area, nor does it contain a listed building. There are no Tree Preservation Orders on or adjacent to the site. The Environment Agency's (EA) flood zone map identifies the entirety of the site within Flood Zone 1 being an area with a low probability of flooding.

The site has a PTAL rating of 3/4, which demonstrates a moderate to good level of accessibility to public transport. The site is located within a Controlled Parking Zone (CPZ) C1 which restricts car parking from Monday to Friday between 10am and 11am.

2. Relevant Site History

Reference: 21/8261/QCD

Address: 1 Hocroft Walk, London, NW2 2LT

Decision: Pre-application advice issued

Decision Date: 4 October 2021

Description: Demolition of the existing single family dwelling and erection of a newbuild development to provide 7 self-contained residential units. In addition, we have outlined an extension and conversion scheme to which will provide 4 residential units. Both proposals provide 3 off-street parking spaces. The proposal also includes the provision of refuse storage and secure cycle storage

3. Proposal

Planning permission is sought for demolition of the existing dwelling and erection of three storey plus accommodation in the roofspace building to provide 6no. self-contained flats with associated amenity space, car parking, cycle parking, and refuse storage (as amended).

Following a number of objections from residents and consultees the following amendments and additional information has been received.

- Unit 1 becomes a 3 bedroom duplex
- Size and style of dormers have been amended to reduce bulk
- Removal of one of the dormers at the rear
- Removal of Juliette balconies and substitution with smaller dormers with just windows.
- Rear blank facade has been re-designed by the addition of central windows

- 1no. Parking space and dropped kerb
- Bike storage arrangement reconfigured
- Hedge along the boundary facing the main road
- Topography to include additional soft landscaping
- 2.5m head high on all levels
- Compliance with M4(1), M4(2) and M4(3) accessibility standards

- Parking technical note
- Landscaping Plan
- CAVAT Values to offset tree loss
- Bat emergence survey report / Ecological Appraisal

The 6 proposed self-contained flats are identified in the proposal (as amended) as:

- Unit 1 - 3 bedroom 4 person duplex apartment with a total GIA of 99.49m²
- Unit 2 - 2 bedroom 3 person apartment with a GIA of 63.87m²
- Unit 3 - 2 bedroom 3 person apartment with a GIA of 64.54m²
- Unit 4 - 1 bedroom 2 person apartment with a GIA of 50.11m²
- Unit 5 - 2 bedroom 3 person apartment with a GIA of 62.76m²
- Unit 6 - 2 bedroom 2 person apartment in the roofspace with a GIA of 64.10m²

A total of 1no. car parking space and 12no. cycle parking spaces are proposed on plot to serve all six units. Vehicular and pedestrian access will be via the existing, albeit widened, crossover onto Hocroft Walk.

The proposed development is required to remove some of the existing vegetation on site, however, landscaping and replacement tree planting will be implemented across the site. Adjacent to the entrance, there will be a large flower bed to soften the visual appearance of the development, as seen from Hocroft Walk.

4. Public Consultation

Consultation letters were sent to 36 neighbouring properties. A total of 9 responses have been received including a detailed response from a planning agent representing the owner of 16 Lyndale Avenue. The objections raised are summarised below.

- Out of character with its surroundings, overdevelopment
- Poor standard of design
- Loss of green space
- Insufficient parking
- No electric charging points
- Flooding concerns
- Illegally used as HMO
- Impact on the amenity, privacy and enjoyment of neighbouring occupiers
- Traffic congestion and haphazard parking
- Reduce the foliage and natural habitat in the area
- Noise and air pollution
- Loss of family accommodation
- The proposed landscaping is unimaginative and formulaic
- Internal living space so as barely to meet minimum standards
- stepped free access is not clear
- Outdoor space is deficient for all of the Units other than Unit 2

Following receipt of amended plans residents were re-consulted on 18th May. A total of 4 responses have been received including a further detailed response from the agent of 16 Lyndale Avenue raising the following objections:

- Inappropriate development, with reference to emerging policy requirements and recent appeal decisions
- Overdevelopment, with under provision of internal and external space.
- Does not meet the accessibility and inclusive design principles of adopted and emerging local plan policy
- Poor quality outdoor space
- Adverse impact on the character of the area - out of character
- Loss of family-sized home
- mix of dwelling types and sizes does not accord with adopted and emerging planning policy
- Gives rise to parking stress in the locality
- technical parking note / survey is not in accordance with the day to day reality i.e. school drop offs, churchgoers
- Parking restrictions along Hocroft walk will prevent overspill parking
- Additional vehicular movements will be harmful to pedestrian safety
- Emergency vehicles cannot access site
- Adverse impact on 16 Lyndale Avenue - overbearing, overlooking resulting in loss of privacy to garden and dwelling, loss of outlook, reduction of daylight and sunlight
- Emergency access does not comply with Building Regulation requirements
- Provides no biodiversity interest still less biodiversity gain or enhancement.
- Does not meet emerging policy criteria HOU03 for walking distance of a major or district town centre, provision of one larger family sized home of 74m² or more and is not located in a road that is largely characterised by large houses. Car and cycle parking provision is not met.
- Biodiversity net gain has not been met
- Impact on various species including bats, birds, mammals, vertebrates and invertebrates
- Site and surrounds subject to flooding
- HMO unauthorised use

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was published on 20th July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable

development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

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

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 to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

The relevant London Plan (2021) policies are as follows:

D1, D2, D3, D4, D5, D6,D7, D8, D10, D11; D12; D14; H1; H3; H4; H5; H6; H7, H10; S2; S4; G5; G6; SI 2; SI 3; SI 5; SI 7; SI 12; SI 13; T1; T3; T4;T6; T6.1; HC1.

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, CS6, CS9, CS13, CS14, CS15

-Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM10, DM11, DM17

Barnet's Local Plan (Reg 22) 2021

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

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

-S106 agreements (adopted April 2013)

-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 existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposal provides a good standard of accommodation for future occupiers;
- Whether the proposal has an Ecological, Biodiversity or Arboricultural Impact
- Highways Impacts resulting from the proposal
- Flood Risk

5.3 Assessment of proposals

Principle of development

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

The proposal would comprise a flatted use to replace the existing single dwellinghouse. The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land. In this instance, weight is given to the relatively isolated siting (the existing property is the only property on this section of Hocroft Walk) and its location adjacent to A41 Hendon Way. Additionally, there are several flatted uses within the local area, This includes the adjacent building at Hocroft Court as well as properties along the length of Lyndale Avenue including Nos. 2, 4, 20, 22, Kimber House, Wendover Court and Moreland Court.

Moreover, and perhaps most importantly, there will be no net loss of a family home in this case as Unit 1, being a 3 bedroom 4 person duplex apartment with a total GIA of 91.92m² essentially replaces the existing on site provision.

Taking these factors into consideration, Officers would not object in principle to a flatted use in this location.

Impact on the character of the area

Paragraph 126 of the National Planning Policy Framework (2021) states:

"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process."

Paragraph 130 of the National Planning Policy Framework (2021) states:

"Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (46); and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

The development plan for Barnet comprises the Barnet's Core Strategy DPD (2012) and Barnet's Local Plan (Development Management Policies) Development Plan Document (2012).

Policy CS5 of Barnet's Core Strategy DPD (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 Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) 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."

Barnet's Local Plan Supplementary Planning Document: Residential Design Guidance (2016) emphasises that development needs to recognise local patterns of development. This includes the perimeter block structure, which is characterised by the fronts of buildings facing onto the street and private spaces located at the rear, providing a clear distinction between public and private space.

Although the proposed building at a maximum of three storeys plus roof would be slightly larger than those adjacent, the change in ground levels is such that it would have the appearance of a two-storey building (plus roof) from the A41. With exception to the Cherry Tree fronting the application site alongside the A41, the existing trees will be removed and replaced by Broadleaf hedging and lavender peony and rambling rose planting. This will assist in softening the appearance of the dwelling within the public domain. A new fence, to replace the existing boundary enclosures, including the red brick wall fronting the A41 will also assist in this regard.

The contemporary design approach is welcomed as it will contribute to the mixed urban typology and grain of the area. Following the demolition of the existing building with a gross internal floor area of 149.68sqm, the additional floor area proposed equating to 275.61sqm is not considered so significant to warrant concerns for overdevelopment of

this site. Indeed, the building appears to sit comfortably within its plot without appearing cramped or contrived. The open space and landscaping features surrounding the building will help to soften its scale and massing.

It is noted that many properties on Hocroft Walk, albeit to the south of Hendon Way, have large crown roof forms. Given this, and the variety of built form within the immediate vicinity of the site, a crown roof design would not necessarily be out of keeping with the area. Notwithstanding this, the proposal as originally submitted displayed an excessively bulky and prominent roof level, which has now been addressed through clear separation between the two crown roofs and a reduction of the parapet lip proposed on the main crown roof. In addition, a dormer window has been removed at the rear with the remaining dormers reduced in scale, including the removal of a Juliet balcony. Further minor adjustments have also been made to the roofs to make them appear proportionate with one another.

Regarding levels, it is noted that there is a significant fall from south to north. As such, it is understood that the lower ground floor level to the northern side can be achieved with minimal additional excavation or harm to the visual amenity of the area.

The materiality has been demonstrated in the form of visual snap shots and involves similar mixed red brickwork, grey slate roof tiles and stone clad lintels, which provides a visually attractive contrast, form of articulation and detailing across the building. Grey coloured, permeable block paving of the front hardstanding is to be used to enable natural surface water drainage.

To provide some level of natural surveillance onto the Hocroft Court garages opposite and along the pedestrianised section of the A41, windows serving ensembles have been inserted at ground, first and second storey level. A skylight is also proposed at roof level. These features will also assist in animating the façade, which is an otherwise blank elevation.

Overall, the development provides a well-designed scheme that responds positively to the character and appearance of the area, whilst enabling an efficient redevelopment of a previously developed site. The proposal is policy compliant in terms of achieving high quality inclusive design and would bring forward much needed family housing in a sustainable location.

Impact on the amenities of neighbours

Section 12 of the National Planning Policy Framework (2021) sets out guidance for 'achieving well-designed places'. This includes in Paragraph 130 of the Framework states that planning policies and decision should ensure that development "...create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users..." (part f)

Policy D3 of the 2021 London Plan seeks to deliver appropriate outlook, privacy and amenity through a design led approach.

Policy CS5 of the LB Barnet; Local Plan (Core Strategy) DPD (2012) and Policy DM04 of the LB Barnet; Local Plan (Development Management Policies) DPD (2012) seek to protect and enhance Barnet's character and identify the environmental considerations for development. Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Barnet's Residential Design Guidance SPD (2016) and Sustainable Design and Construction SPD (2016) sets out guidance.

Overlooking:

New residential development is to be afforded a degree of privacy for future and neighbouring occupiers using minimum distances between habitable windows and gardens. The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between windows serving habitable rooms should be 21 metres and that there should be a distance of 10.5 metres between a new development and a neighbouring garden. In addition, new development should ensure that there is no material loss of visual amenity including a sense of enclosure.

Given the siting on the corner of the A41 Hendon Way and Hocroft Walk the potential for any direct impact on residential amenity is limited to no.16 Lyndale Avenue located at the rear of the application site. The owner / occupier has raised (amongst other matters) loss of amenity objections. The further objections received from owner / occupiers in Lyndale Avenue and Church Walk are dealt with in other sections of this report. Hocroft Court, comprising flatted development on all levels, is located directly adjacent to the application site along Hendon Way. The proposed side elevation facing this building includes obscured windows to non habitable rooms only (ensuites), and therefore no further assessment is required.

Main windows facing 16 Lyndale Avenue

The separation distance with the rear facing windows of 16 Lyndale Avenue is approximately 30 metres and thus exceeds the minimum 21 metre distance for directly facing windows. At a distance of 10.5 metres from the rear garden of this neighbouring property the main windows serving the living areas of units 2, 3, 5 and 6 are policy compliant without the need for obscured glazing. It is noted that Juliet balconies are proposed at the upper floor levels suggesting that the windows can be opened fully, particularly during the summer months. However, this arrangement is considered acceptable given the acceptable separation distance and the fact that mature tree screening within the ownership of the neighbour exists along the common boundary. Additional tree planting along this boundary as shown on the proposed landscaping plan (001HO-A-01-003) will further mitigate against direct overlooking of this neighbouring property.

Secondary Windows facing 16 Lyndale Avenue

Due to the tapered nature of the rear boundary the secondary windows serving all dining areas, and the bedroom of unit 1, fall short of the minimum 10.5 metre standard with the neighbours garden. To address this issue all windows are to be obscured glazed and permanently shut to prevent direct overlooking of the neighbours garden. A planning condition can be imposed to ensure that the windows remain obscured glazed and non openable through the lifetime of the development.

Loss of daylight / sunlight:

As noted above, the separation distance with the rear facing windows of 16 Lyndale Avenue is approximately 30 metres and thus the amount of internal daylight / sunlight currently enjoyed by the occupiers of no.16 Lyndale Avenue will not be affected by this proposal.

The rear garden to this neighbouring property is south facing so potential for loss of sunlight exists. In the Officer's view, this potential loss has been mitigated against through the design of the roof (crown roof) and the lowering of the height of the building towards the common boundary. Although some potential exists for overshadowing of the rear most part of the neighbours garden during early to mid-morning periods the impact will be minimal as the mature vegetation and trees that currently occupy the rear part of the garden, cast their own shadows.

Noise and Disturbance:

Section 2.14 of The Sustainable Design and Construction SPD identifies noise as having a significant effect on the quality of life and seeks mitigation measures to manage and minimise potential impact.

This is a previously developed site, that in the Officers view provides a suitable noise buffer between the busy Hendon Way A41 and the residential dwellings in Lyndale Avenue. The redevelopment of the site with a three storey building will continue to mitigate against noise. Although the level of activity on site will be increased through the provision of 6 residential units the additional noise and disturbance this creates to the immediate neighbours will be negligible when set against the ambient noise of traffic movements along the A41. Tree Planting and the inclusion of a high level fence along the side and rear boundaries of the application site will mitigate against noise and disturbance from the communal garden and external stairwell.

Environmental health Officers have been consulted and raise no objections to the proposal, subject to conditions including a Demolition and Construction Management and Logistics Plan.

Conclusion:

For all the above reasons the amenities of neighbouring occupiers, particularly at no. 16 Lyndale Avenue, will not be prejudiced by overlooking, daylight / sunlight loss or noise and disturbance in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

The amenities of future occupiers

London space standards contained in the London Plan (2021) and Section 2.1 of the Sustainable Design SPD (Oct 2016) set out the minimum gross internal area (GIA) space requirements for residential units. A bedroom measuring 11.5m² and above is calculated as a two-person room.

Internal Space Standards:

The proposed units are measured as follows:

- Unit 1 - 3 bed 4 person (duplex) 99.49m² / 84m² required
- Unit 2 - 2 bed 3 person 63.87m² / 61m² required
- Unit 3 - 2 bed 3 person 64.54m² / 61m² required
- Unit 4 - 1 bed 2 person 50.11m² / 50m² required
- Unit 5 - 2 bed 3 person 62.76m² / 61m² required
- Unit 6 - 2 bed 3 person 64.10m² / 61m² required

All proposed units exceed the minimum internal space standards stated above.

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

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

With exception to the single bedroom of Unit 1 measuring 7.18m² all proposed bedrooms meet the above standards. The minor under provision noted is considered by Officers to be acceptable in this case as it allows the entire unit to meet building regulations M4(2) and M4(3) accessibility.

Floor to ceiling height:

Policy D6 of the London Plan (2021) states that a minimum ceiling height of 2.5 metres is required for at least 75% of the gross internal area of each dwelling.

Following receipt of amended plans an appropriate ceiling height of 2.5metres has been achieved across the development in full compliance with the above standard.

Light/outlook:

Barnet's Sustainable Design & Construction SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and that bedrooms and living rooms /kitchens should have a reasonable outlook with clear glazed windows. It also advises that the use of opaque glazing should be avoided in order to provide an outlook. Table 2.4 of the SPD states that bedrooms and living rooms/kitchens should have a reasonable outlook with clear glazed windows.

Units 1, 2, 3, 5, and 6 are dual aspect thereby enjoying an acceptable level of daylight / sunlight provision. Unit 4 is served by a roof light and two large dormer windows facing Hocroft Walk. To avoid direct overlooking within the prescribed 10.5m it has been necessary to apply opaque glazing to windows serving a main habitable room on each level facing the rear garden of no.16 Lyndale Avenue. However, these are considered by Officers to be secondary windows only with the open planned arrangement of the living space benefitting from a main window with sufficient outlook and daylight.

For the above reasons all units will enjoy an acceptable level of daylight and outlook from habitable rooms.

Private Outdoor Amenity Space:

Section 2.3 of the Sustainable Design & Construction states that for flats, 5m² of usable amenity space should be provided per habitable room. Any room at 20m² or above is calculated as two habitable rooms.

Para. 2.3.1 of the SPD sets out the options for outdoor amenity space -'For flats, options include provision communally around buildings or on roofs or as balconies. Whatever option is chosen it must be usable'.

Paragraph 8.2 of the Residential Design Guidance SPD (2016) states that:
'Private amenity space for the exclusive use of building occupants is a highly valued asset. Sufficient, functional amenity space should therefore be provided for all new houses and flats wherever possible'.

The proposed development includes the provision of both communal and private external amenity space.

-Unit 1 (ground and 1st floor duplex) comprises private amenity space in the form of a garden measuring 12.7m² / 25 m² required.

-Unit 2 (1st floor) comprises private amenity space in the form of a garden measuring 71.1m² / 20m² required

Unit 3 (1st floor) comprises a balcony fronting Hendon Way measuring 7.2m² / 20m² required

-Unit 4 (2nd floor) no private amenity space proposed / 20m² required

-Unit 5 (2nd floor) comprises a balcony fronting Hendon Way measuring 7.2m² / 20m² required

-Unit 6 (3rd floor) does not provide private amenity space / 20m² required

The above calculations suggests that all units, with exception to unit 2 on the ground floor, do not meet minimum standards for private amenity space as required in the Sustainable Design & Construction SPD, however, this is offset in the main by a communal area proposed to the rear of the application site providing an area of 60.1m². Officers acknowledge that when applying mathematical exactitude, a deficit of 17.8m² exists across the entire development (excluding unit 2) but this is considered marginal, being offset by the provision of public open space in easy walking distance of the application site off Hocroft Road. Officers consider that on balance the communal and private amenity space being proposed is acceptable.

Accessibility - Building regulations M4(2) and M4(3) compliance:

Policy D7 of the 2021 London Plan states that residential development must ensure that: 1) at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings'; 2) all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

Due to the topography of the site with the land falling sharply away from the road frontage(s) it has proved difficult to achieve full compliance with the objectives of London Plan Policy D7 (Accessible housing). In such exceptional circumstances supporting text to policy D7 provides certain flexibility for small-scale infill development of blocks of four storeys or less, which is the case with this proposal. It states that *'dwellings above or below ground floor level would be required to satisfy the mandatory building regulations requirements of M4(1) via the Building Control process. M4(2) and M4(3) dwellings should still be required for ground floor units'*. In this case, Unit 1 on the ground floor has been adapted for M4(2) compliance with Unit 3, also on the ground floor, achieving both M4(2) and M4(3) (wheelchair accessible) compliance. All other units at the lower and upper floor levels can satisfy the mandatory building regulations requirements of M4(1).

On balance, these measures are considered by Officers to be acceptable for this site. A Planning condition is imposed to ensure full compliance with these standards at ground

floor level.

Conclusion:

Based on the above, it is considered that the proposed development would provide an acceptable standard of accommodation for future occupiers.

Ecological, Biodiversity and Arboricultural Impact

Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment.

London Plan policy G7 states that Development proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees.

Policy DM01 of the Adopted Barnet Development Management Policies will be required to include hard and soft landscaping that contributes positively to biodiversity and adequately protects existing trees and their root systems. The policy continues to set out that trees should be safeguarded and that when protected trees are to be felled, they will require replanting with a suitable size and species of tree Core Strategy Policy CS7 seeks to maintain and improve the greening of the environment through the protection of trees.

Ecology

It is established under Defra circular 08/2006 that the presence of a protected species is a material consideration within the planning decision process and that Planning Authorities have a duty to protect ecology and biodiversity.

The application site is within vicinity to Hampstead heath Site of Special Scientific Interest (SSSI) Approx. 0.7km and as such has high potential to be used by as foraging and commuting routes for a range of protected species. As the proposed plans require the demolition of buildings and land take of habitats for the proposed dwellings, a Preliminary Ecological Appraisal (PEA) and a Preliminary Roost Assessment (PRA) have been undertaken with the survey evidence indicating that the building is highly unlikely to support roosting bats. Due to the element of uncertainty a bat emergence survey and return survey was commissioned at the request of the Ecological Officer. The methodology outlined in the reports for sufficiently minimising the risk to roosting bats has been reviewed and considered acceptable to Officers.

Biodiversity

The proposal is for a replacement building occupying a similar footprint within the application site. On this basis, a Biodiversity Net gain Assessment is deemed disproportionate and thus not required.

The enhancement measures (nest and roost boxes) recommended with the submitted Preliminary Ecology Appraisal (Ecoassistance, August 2022) are considered sufficient to provide a net benefit to biodiversity. To comply with the objectives of Local plan DM16, a pre commencement condition has been imposed to ensure a 10% biodiversity net gain using an appropriate Defra Biodiversity Metric.

Trees / Landscaping

The proposal does not necessitate level changes which would be detrimental to trees on or off site, however, to facilitate the new building with a larger footprint being closer to the site boundaries a total of 12 no small trees and shrubs have been designated for removal, ranging between 4m and 9m in height (cat B and C). The Arboricultural officer has been consulted and raises no objection to the removal of these trees as they merit no special protection via a TPO. This recommendation has been made subject to adequate replacement planting incorporating native species of higher ecological merit, which has been achieved in part at the rear of the site as depicted on the proposed landscaping plan numbered 001HO-A-01-003. To help soften the impact of the development both lawn and hedgerow planting is also proposed along the boundaries. Such measures are to be secured by a planning condition. The inclusion of 2 no flat roofs provides an opportunity to incorporate biodiverse green roof space, which are secured by planning condition. As this proposal does not constitute major development the London Plan Urban Greening factors (UGF) contained in policy G5 do not apply.

To offset the tree value lost (i.e. to reach the equivalent value of those trees lost) in accordance with the objectives of London Plan policy G7, CAVAT values have also been provided. This relates to the existing trees fronting the A41 and Hocroft Walk, which includes a variety of mature and semi mature trees such as Gum, Elder, Broadleaf and Laurel. The CAVAT values have been assessed by the Councils Trees and Woodlands manager and considered proportionate subject to a S106 agreement to secure the financial contribution agreed at £5,996.00. This in lieu contribution will provide on street planting and open spaces within close proximity to the application site.

Conclusion:

Subject to a S106 agreement to offset the loss of existing trees and a suite of planning conditions to enhance landscaping measures and to mitigate against potential impact on Ecology & Biodiversity, Officers consider the application to be acceptable.

Highway Impacts

Paragraph 111 of the National Planning Policy Framework (2021) states:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Policy CS9 of Barnet's Core Strategy DPD (2012) sets out the Council's policies in regard to providing safe, effective and efficient travel.

The applicant is proposing to demolish the existing dwelling and constructing a new 3 storey building to accommodate 1x 1bed 4 x 2bed and 1 x 3bed self-contained units, with the provision of 1x off-street car parking space (as amended). The site is located within Controlled Parking Zone (CPZ) C1 which restricts car parking from Monday to Friday between 10am and 11am. Formal parking spaces are located across the western side of Hocroft Walk itself with formal parking spaces located across either side of Lyndale Avenue for permit holders only. The site lies within a PTAL 3/4 zone which means that there is above average public transport accessibility to and from the site. The site is served by a bus stops located on Hendon Way, Cricklewood Lane and Finchley Road. In addition,

the site is located a reasonable walk distance to Cricklewood Station, Golders Green station and West Hampstead Station.

Access

The proposed 4.2m wide vehicular access is deemed acceptable on highways grounds. The applicant is advised that an application must be made to the Highways Development control team prior to the occupation of the proposed units and prior to the commencement of any works on the public highway.

Parking

The site lies within a PTAL 3/4 zone which means that there is above average public transport accessibility to and from the site. In line with requirements set out on Policy DM17 of the Barnet Local Plan, the required off-street car parking provision for this proposal is 6/7 spaces. The provision of 1 x off street car parking space therefore represents an under-provision of 5/6. However, the applicant has provided the results of a Car Parking Survey carried out in line with the Lambeth Methodology on Wednesday 19th January and Thursday 20th January 2022. The results demonstrate that there is currently a 66% parking stress on surrounding streets. The under provision of 5/6 would potentially bring on-street car parking stress to 76%. As the parking stress threshold is set at 85%-90%, Highway Officers accept that there is sufficient space for 5/6 parking spaces to be accommodated on-street.

Notwithstanding the above, Table 10.3 of London Plan policy T6.01 states that new residential development should not exceed a maximum level of up to 0.5 - 0.75 spaces per dwelling for 1, 2 and 3 bed units within an outer London location with a PTAL of 4. With a 'maximum' standard of 4.5 spaces for this proposal the 1no. space proposed complies with London Plan parking standards. Where this is conflict between policy standards, section 38 subsection (5) of the planning and compulsory purchase Act states that - 'If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan'. The London Plan is the latest document having been adopted in 2021 and thus the parking standards are to be afforded full weight in the determination of this application.

Taking the above factors into consideration it is not expected that potential overspill of parking arising from the proposed development will cause any material impact on the existing and surrounding local highway network. In any event, the proposal complies with London Plan 'maximum' parking standards.

Cycle

A total of 12 cycle stands enclosed within a covered store at the front of the application site are proposed which far exceed the minimum standard set at 2no spaces.

Refuse

Covered and secure bin storage is to be located at the front of the application site at ground floor level and within 10m of the public footway. The street scene collections team have been consulted and consider the waste collection strategy to be acceptable.

Conclusion:

Highway officers have been consulted and reconsulted following receipt of amended drawings to provide 1no. car parking space. Subject to a suite of highway related planning conditions to secure the above-mentioned provisions, officers raise no objection on highway grounds.

Flood Risk

The Environment Agency's (EA) flood zone map identifies the entirety of the site within Flood Zone 1. The site is therefore in an area with a low probability of flooding, with no further assessment required.

5.4 Response to Public Consultation

Local residents have expressed a wide range of concerns, which have been fully considered in the main body of this report. More detailed objections relating to the overdeveloped nature of the proposal are not supported due to the acceptable scale and massing of the development and the appropriate ratio of built form to open space. Although it is accepted that a number of design elements were poorly conceived (as originally submitted) however, these have been fully addressed through detailed amendments as identified in section 3 above, with the Council's Urban Design Officers supporting the proposal, as amended. Potential adverse impacts on 16 Lyndale Avenue have been carefully considered with potential overlooking issues addressed through amended elevational drawings and a suite of planning conditions, including the requirement for obscure glazing, non openable windows and tree planting along the rear boundary.

Officers consider that the quantity and quality of both internal and external space complies with the guidance and minimum standards of both the local plans and London Plan (being the most up to date policy framework for assessing living standards). Whilst it is accepted that the London Plan 'encourages' applicants to exceed minimum space standards this advice does not in itself justify a refusal of planning permission when minimum standards have been met. Each application must be considered on its own merits and in this instance the application site also benefits from public open space located nearby off Hocroft Road. On balance, the proposal provides an acceptable standard of accommodation for future occupiers. Through the submission of a recent appeal decision it has been argued that public space cannot be relied on to offset on site provision but the case referred to sought consent for 86 residential units within the London Borough of Brent. There are no similarities to draw on in this case.

The potential impact to existing parking and traffic movements has also been raised as an objection with the suggestion that the traffic survey ignores the 'day to day reality which local residents experience'. The survey data has been compiled using the Lambeth Methodology, with a clear indication that the stress level of 76% would fall well below the parking stress threshold set at 85%- 90% for this location. Officers take the view that this margin provides an acceptable buffer for the day to day reality that residents experience. Notwithstanding this, the provision of 1no. off street car parking space for this proposal complies with the maximum parking standards set out in the London Plan. It is also suggested that fire and rescue service vehicles cannot access the site, however, it should be noted that this is a previously developed residential site that in the event of a fire has two way access for emergency vehicles. In any event Building control approval for fire service access would need to be sought prior to commencement of development.

Objections to the proposed landscaping and biodiversity measures have also been raised, suggesting that such measures do not go far enough to protect the character and appearance of the area or existing ecology, including bats. In the officers view such measures have been fully addressed, including landscaping features along the site boundaries, new tree planting (including an in lieu contribution for off site provision to offset loss) and green roofs. A condition has been imposed to secure a net biodiversity gain of at least 10% and survey evidence indicates that the building is highly unlikely to support roosting bats. The recommendations made within the preliminary bat assessment are also to be secured by a Planning condition.

Further objections and observations raised in relation to alternative uses of the site for wildlife conservation are not before the Council for determination. The Government website for assessing long term flood risk states that there are no flood warnings or alerts in this area. A condition has been imposed to ensure that the units hereby approved shall be used as self-contained residential units only.

On a final point it should be noted that the application has been determined in accordance with the development plan, which currently comprises the Barnet's Local Plan. This 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. A number of objections raised in relation to housing mix, residential conversions and the redevelopment of larger homes rely on the aims and objectives of emerging local plan policies on the basis that the submission draft of the new local plan has completed the public consultation process. However, as The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is 'adopted', this application should be determined in accordance with the 2012 Local Plan. The suggestion that the emerging policies should be afforded 'substantial weight' is therefore not accepted by officers.

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 a S106 agreement to offset the loss of existing trees and a suite of planning conditions to enhance the development and mitigate against potential harm, this application is recommended for APPROVAL.

Location Plan:

