

Location 93 High Road London N2 8AG

Reference: 23/1660/FUL Received: 17th April 2023
Accepted: 17th April 2023

Ward: East Finchley Expiry 12th June 2023

Case Officer: Alissa Fawcett

Applicant: Ian Woodhouse

Proposal: Conversion into 5no. self-contained flats including, lower ground and ground floor rear extension following demolition of existing rear storage building and rear access staircase, first and second floor rear extensions. Alterations and extension to roof to create an additional storey at third floor level. Retention of existing ground floor shop and basement storage. (Amended Description)

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. 3. Highways (traffic order) £2,392.01

"A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development."

4. Monitoring of the Agreement £119.60

"Contribution towards the Council's costs in monitoring the obligations of the agreement."

RECOMMENDATION II:

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

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

93FHR/PL/001 - Site Location Plan and Block Plan
93FHR/PL/002 - Existing Floor Plans Basement and Ground
93FHR/PL/003 - Existing Floor Plan First, Second and Roof
93FHR/PL/004 - Existing Elevations
93FHR/PL/005 Rev D - Proposed Floor Plans Lower Ground and Roof
93FHR/PL/006 Rev A - Proposed Floor Plans First, Second, Third and Roof
93FHR/PL/007 - Proposed Front and Rear Elevations
93FHR/PL/008 - Proposed Side Elevation / Section
Orb Property Planning - Planning and SPD Statement
The Daylight Lab - Daylight and Sunlight Report (June 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 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core

Strategy (adopted September 2012).

- 4 The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 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) No development other than demolition works shall commence on site in

connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

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

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

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

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

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

- 8 Prior to installation, details of the boilers shall be forwarded to the Local Planning Authority for approval. The boilers shall have dry NO_x emissions not exceeding 40 mg/kWh (0%), and shall be installed in full accordance with the details approved.

Reason: To reduce and limit NO_x emissions to improve air quality and reduce

greenhouse gases in accordance with Policies GG3, SI1 and SI2 of the Mayor's London Plan 2021.

- 9 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

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

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

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

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

- 11 Notwithstanding the details shown on the hereby approved plans, details of cycle parking including the type of stands proposed shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, before the development hereby permitted is occupied, the cycle parking spaces shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

12 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.

13 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

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 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

16 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).

- 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), Policy SI 2 of the London Plan 2021.

- 18 Before the building hereby permitted is first occupied the proposed window(s) serving the ground floor ensuite and screen to rear courtyard as shown on plan 93FHR/PL/005 D 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:

- 1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 01/04/2024, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s)

The proposed development does not include a formal undertaking to meet the costs of provision of affordable housing; highways; sustainable travel; carbon reductions; and local economic development mitigation. The proposal would therefore not address the impacts of the development, contrary to Policies CS5 and CS9 of the

Local Plan Core Strategy (adopted September 2012), policies DM01 and DM17 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 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 The submitted Construction Method Statement shall include as a minimum details of:
- o Site hoarding
 - o Wheel washing
 - o Dust suppression methods and kit to be used
 - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
 - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.

- o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
- o Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.
- o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

- 5 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.

- 6 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

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.

- 7 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.
- 8 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.
- 9 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 10 Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this

work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale NW9 4EW

- 11 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.

- 12 The applicant shall carry out a "before" and "after" condition survey of the agreed route to be utilised by all construction traffic. The "before" survey shall be submitted to and approved in writing by Local Planning and Highway Authority prior to the commencement of the development. The "after" survey shall be completed three months before the completion of the development and approved by thereafter submitted to and approved in writing by the Local Planning Authority and Local Highway Authority. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey shall be implemented as approved following completion of the development.

OFFICER'S ASSESSMENT

This application was called into Committee by Councillor Mitra in order to "determine the

impact on neighbours".

1. Site Description

The application site is addressed as 93 High Road, located on the western side of High Road, in the ward of East Finchley. The site is opposite Leicester Road (to the east) and close to the junction with Beresford Road to the south, which runs to the rear (east) of the parade.

The site forms part of a three-storey parade, which is characterised by commercial uses at ground floor and (predominantly) residential on the upper floors.

The site falls within the Primary Retail Frontage of the East Finchley town centre (as defined by the Appendix 5 of Barnet's Development Management Policies Document DPD, 2012).

The site is not within a SINC or SSI, nor within a designated conservation area and does not include statutory or locally listed buildings.
It is not in an Area of Special Archaeological Interest.

There are no trees on site, including any Tree Preservation Order's on site.

The property currently comprises a commercial unit at ground floor level, and two self-contained flats on the first and second storey.

2. Site History

Reference: C12978A/02

Address: 93 High Road, London, N2 8AG

Decision: Approved subject to conditions

Decision Date: 8 July 2002

Description: Change of use from ground floor shop to ground floor shop and self-contained flat.

Relevant site history for neighbouring sites;

Reference: 17/4376/FUL

Address: 105 High Road, London, N2 8AG

Decision: Approved subject to conditions

Decision Date: 4 September 2017

Description: Creation of 4 no self-contained residential units to replace the existing 2 no self-contained residential units. Alterations/extensions to existing roof to create a new mansard roof extension with 3 no dormer windows to the front elevation and 2 no rooflights to the rear elevation with new parapet wall to the front. Three-storey rear extension following removal of rear terrace/steps to extension

3. Proposal

This application seeks consent for the conversion into 5no. self-contained flats including,

lower ground and ground floor rear extension following demolition of existing rear storage building and rear access staircase, first and second floor rear extensions. Alterations and extension to roof to create an additional storey at third floor level. Retention of existing ground floor shop and basement storage.

The scheme has been amended since the original submission to show a reduction in the number of units from 6 to 5, removing the basement unit to create a duplex with the proposed ground floor unit.

At basement level it is proposed to extend beneath the full footprint of the extended building above.

The extensions to the rear of the property follow the removal of existing storage buildings and both ground floor and lower ground floor additions.

The new built form at ground floor shows a new extension of 2.7m adjacent to the shared boundary with 91 High Road and 9.5m adjacent to the shared boundary with 95 High Road, whose property projects further by over 1m.

The ground floor rear extension is set back from the rear boundary by 3m, which allows a courtyard for the lower ground and ground floor duplex unit, beyond which is a rear alley of approximately 1.7m, which provides a further gap to the rear boundary of the property to the rear.

At first floor level the extensions project the same depth as the ground floor additions along the shared boundary with 91 High Road. The development is set away from the shared boundary with 95 High Road with a gap of almost 2.5m, the same as is found on the existing arrangement. At second floor the development shows a lesser projection, set back from the new ground and first floor rear building line by over 2.5m. A new storey is proposed at third floor in the form of mansard roof set back from the High Road frontage by 2.8m.

The development would be car free and future occupiers would be restricted from obtaining parking permits.

The redeveloped building has been amended to include 5 residential units in stead of the originally sought 6.

The proposed mix comprises:

Lower Ground and Ground Floor -
Flat A (Duplex): 2 bed, 4person unit: 106.8sqm

First Floor -
Flat B: 1bed, 1person unit: 37.6sqm
Flat C: 1bed, 1person unit: 37.2sqm

Second Floor
Flat D: 1bed, 2person unit: 65.5sqm (duplex with accommodation at third floor)
Flat E: 1bed, 1person unit: 43sqm

4. Public Consultation

A site notice was posted 27th April 2023

Consultation letters were sent to 138 neighbouring properties.
3 objection responses were received including 1 from the Finchley Society.

The comments received can be summarised below;

- This is an overdevelopment of the building leading to inadequate residential accommodation that contravenes standards set by both the Borough and the London Plan for residential accommodation. There is no amenity space for the flats other than a small basement courtyard for the basement studio flat.
- The daylight to that basement flat is likely to fall short of standards and it is single aspect thus poorly ventilated - and unlikely to meet Building regulations.
- Flats B and C are single aspect. Space standards are below minimum.
- Additionally to meet energy performance standards the walls will need to be upgraded and insulated which may well result in the areas being reduced in size in reality.
- Flats which do not have external amenity space are only allowed, in exceptional circumstances and then if their floor area is increased accordingly. Again this means that these flats are undersized. All these point to the fact that there are too many units being squeezed into this building.
- There is no section through the converted roof space to show whether there is adequate headroom in the room in the loft.
- There is no indication of where refuse bins are to be located, nor how they will be collected.
- I am the sitting tenant (Tenant In Situ). It has been my home for 52 years. Over the years I have had to make necessary repairs, at substantial cost to me, when the landlord refused to. The plans mean that my flat will be split into two. The landlord has offered me one of the smaller self contained flats. I am obviously not happy about this. I am currently seeking legal advice and I am not sure I will get this before the cut-off
- over-intensification of development on the site leading to poor standards of accommodation.
- inadequate storage space especially for 'dirty storage' and as such will adversely impact on the amenities of local residents and High Road users contrary to existing Development Management Policies DM01 and DM02 and emerging Local plan review policies.

Internal consultees-

Environmental Health department: Acceptable subject to conditions.

Highways: Highways would raise no objection to the proposal subject to s106 CPZ permit restriction, as well as the planning conditions and informatives.

Waste and Recycling - confirm that no more bins are required in this location and that future residents will be part of the residential sack scheme.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material

considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was updated on 5th September 2023. 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, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

The 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 2031. 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 new London Plan which sets out the Mayor's overarching strategic planning framework from 2019 up to 2041 was adopted in March 2021, replacing the London Plan 2016.

London Plan Policies 2021;

London Plan 2021:

- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D6 Housing quality and standards
- Policy D7 Accessible housing
- Policy D10 Basement Development
- Policy D14 Noise
- Policy H10 Housing size mix
- Policy E1 Offices
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands
- Policy SI 1 Improving air quality
- Policy SI 2 Minimising greenhouse gas emissions
- Policy SI 5 Water infrastructure
- Policy SI 13 Sustainable drainage
- Policy T5 Cycling
- Policy T6 Car Parking
- Policy T6.1 Residential Parking
- Policy T6.2 Office Parking
- Policy T7 Deliveries, servicing and construction

Barnet's Local Plan 2012

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.

- Relevant Core Strategy Policies: CS1, CS4, CS5, CS8, CS9

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM11, DM14, DM16, DM17

ul Supplementary Planning Documents

Residential Design Guidance SPD (2016)

Sustainable Design and Construction SPD (2016)

5. Main issues for consideration

The main issues for consideration in this case are:

- Principle of development;
- Impact on character and appearance;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the living conditions of future occupiers;
- Whether harm would be caused to highways and parking;
- Environmental Health matters

Principle of development:

The site is currently occupied by a three-storey building with commercial use at ground floor with basement storage and residential use at first and second floor.

The existing building is not a statutory or locally listed building and is not located within a designated conservation area. As such, there is no objection to the redevelopment of the existing building.

Considering the context of the application site, the proposed conversion and extensions are deemed acceptable and similar to other nearby developments, in particular that at 105 High Road, along the same terrace, detailed above.

A significant proportion of the ground floor commercial space has been maintained, and as some of the rear part of the building has been assigned to the residential, this has been mitigated through the refurbishment of the basement area which will serve as a new storage area for the A1 unit. The development does not therefore result in the loss of any A1 floorspace.

For the reasons set out above the principle of the proposed development is considered to be acceptable.

Impact on character and appearance

Paragraph 126 of the National Planning Policy Framework (2023) 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."

Policy D3 Optimising site capacity through the design-led approach of London Plan 2021 sets out policies in respect of the design-led approach; form and layout; experience and quality and character.

Policy D5 Inclusive design of London Plan 2021 sets out policies for achieving standards of accessible and inclusive design.

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 Development Management Policies Document DPD (2012) states in point b: "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."

It is considered that the design, form, scale, height and bulk of the converted building is reflective of recent developments along this part of High Road, in particular at 105-107 High Road (planning consent reference 17/4376/FUL) which shows a multi-level flatted development with new mansard roof with commercial floorspace provided at ground floor level. As such the proposed development is considered to be in accordance with the established character and appearance of the existing street scene, providing a positive contribution to the locality.

The removal of the storage building and rear steps and existing extension creates a more uniform rear, with neater appearance than the existing situation.

The proposed brick clad elevations use materials in keeping with the surrounding architectural treatment found in the local area and appropriate conditions have been recommended to ensure that the materials used for the new building are of an appropriate quality. Subject to the conditions recommended, the proposal is found to be acceptable and compliant with the development plan policies that relate to design, character and appearance.

Impact on amenity of neighbouring occupiers

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states in point e: "Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users."

It is not considered that any harm will arise to neighbouring occupiers from the proposed development along the High Road frontage. The new mansard roof extension at third floor level is significantly set back from the front building line ensuring that there is limited visibility of this addition at roof level, except from longer views. Whilst a similar development exists further along this terrace, at 105 High Road, thereby creating an acceptable precedent, there are few others, thereby reducing the potential for any loss of privacy or overlooking between occupiers at this level.

At the rear it is considered that the new extensions will not result in any loss of amenity to the neighbouring occupiers. There are no rear facing windows except at roof level.

Along the shared boundary with 91 High Road the proposed extensions do project beyond their building line. However, they are considered to be modest in size, subordinate to the building overall. The positioning is such that the proposed development will not result in any loss of privacy or overlooking to these occupiers.

Along the shared boundary with 95 High Road it is not expected that there will any loss of amenity above what is already expected. This is due to the separation between the new built form and the boundary which is set at a similar width to the existing gap. Whilst it is recognised that there is greater depth of extensions, they are not sufficient to be harmful to the occupiers of this neighbouring property.

The vegetation along the passageway between the application terrace and rear of properties along Beresford Road helps to screen the proposed development from these occupiers and therefore helps to ensure no loss of amenity above what is already experienced in this densely populated part of the East Finchley Town Centre.

For the reasons set out in detail above, it is not considered that the proposed development would give detrimentally harm the amenities and living conditions of neighbouring occupiers.

Impact on amenity of future occupiers:

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states in point e: "Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users."

Policy DM02 of Barnet's Development Management Policies Document DPD (2012) states that where appropriate, development will be expected to demonstrate compliance with national and Londonwide standards supported by the guidance set out in the council's suite of Supplementary Planning Documents including minimum floor space, London Plan Policy and outdoor amenity space, the Sustainable Design and Construction SPD.

All new residential development should ensure a minimum distance of 21 m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 m to a neighbouring garden. These requirements are met.

The application proposes to sub-divide the existing two flats into four self-contained unit and provision an additional duplex unit at lower ground and ground floor level. Each unit would meet London Plan space standards and receive an adequate level of light, outlook and privacy, as well as appropriate widths.

Whilst it is noted that Flat B at first floor level is a single aspect unit, the fact does not face

north allows for acceptable levels of daylight and sunlight for future occupiers.

As noted above the scheme has been amended since the initial submission to show the removal of the basement unit and its replacement with duplex unit across lower ground and ground floor levels. This ensures that the future occupiers of this unit are afforded with sufficient internal amenity, especially in terms of light and outlook. This basement duplex benefits from a small external amenity space area of 17.6sqm. The upper duplex unit, Flat D on the second and third floors also benefits from a small area of private amenity space at roof level facing the High Road.

Although the other units would not be served by outdoor amenity space, the units are acceptable in size, and taking into consideration the application site has a PTAL rating of 4 and is close to public transport, local services, and public parks, on balance this is considered acceptable. Furthermore, the existing flats do not have any private amenity space.

Flat D, the duplex at second and third floor levels,

A 'Daylight and Sunlight Report' produced by The Daylight Lab (dated June 2023) has been submitted. The report notes in the Conclusion that all of the proposed lower ground and upper ground floor flats at No.93 High Road shall enjoy acceptable levels of daylight and sunlight, with test results exceeding relevant BRE guidelines.

For the above reasons, it is considered that future occupiers would have acceptable living conditions, in accordance with Policy DM01 and DM02 of Barnet's Development Management Policies Document DPD (2012) and Policy D6 of the London Plan 2021.

Highways and parking:

Policy DM17 of Barnet's Development Management Policies Document DPD (2012) sets out the Council's parking standards.

It states:

"1. The council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi detached houses and flats (4 or more bedrooms);
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

2. Residential development may be acceptable:

i. with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be demonstrated through a survey that there is sufficient on street parking capacity.

ii. with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ."

A highways officer has assessed the application and commented:

The site fronts onto High Road (A1000) and it is in a town centre location. It is in a CPZ that operates Mon-Sat but adjoining side roads are covered by CPZ restrictions that

operate between and there are pay by phone parking bays in front of the site. The site has a public transport accessibility level (PTAL) rating of 4 (good) on a scale of 1-6 where 1=poor and 6=excellent accessibility. Three bus routes (234, 102, 263) can be accessed from stops within 2 minutes walking distance from the site and East Finchley tube station is within 5 minutes walking distance of the site.

The proposed alterations and conversion will produce 6 self-contained flats (2x studio and 4x1bed units) and retain the existing ground floor shop and basement storage on site. The parking requirement for the site based on policy DM17 is between 0- 6 spaces as it is acceptable to provide no parking for the commercial element given the site's location. Based on a PTAL of 4, Highways would accept the provision of 2 spaces. However, no parking is proposed and Highways would accept a car free scheme subject to imposing CPZ permit restrictions on occupants of the new units.

A minimum of 7 long stay cycle parking spaces needs to be provided for the new dwelling. No cycle parking spaces are shown on the proposed plan. Details of cycle parking are requested and this can be secured by way of a planning condition.

Refuse storage and collection arrangements are expected to remain unchanged. However there are no refuse storage locations on the proposed plans and this is to be secured by way of a planning condition.

The proposed development will involve building works so a construction logistics plan is requested by way of a planning condition.

There are no changes to existing pedestrian access arrangements and no off-site highway works are envisaged.

Highways would raise no objection subject imposing s106 CPZ permit restrictions and the following conditions/informative:

Sustainability/accessibility:

Table 2.8 of Barnet's Sustainable Design and Construction SPD (2016) states that for minor development scale, development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the London Plan energy hierarchy.

Section 4 of the Planning Statement "Sustainability Statement - How the development accords with SPD" gives details on the proposed sustainability measures adopted with this development.

Policy ECC01 - Mitigating Climate Change in Barnet's Draft Local Plan publication states in point d ii) that ii) For minor development efforts should be made to make the fullest contribution to minimising carbon emissions and meet a carbon reduction target of at least 6% beyond the latest Building Regulations and demonstrate how the Mayor's Energy Hierarchy has been used to achieve this. A condition will be attached accordingly in the event of an approval.

Table 2.11 of Barnet's Sustainable Design and Construction SPD (2016) states new dwellings should be designed to ensure that a maximum of 105 litres of water is consumed per person per day. This is reiterated in Policy SI 5 Water infrastructure of the London Plan 2021. A condition will be attached accordingly in the event of an approval.

Environmental health matters:

An environmental health officer has reviewed the application and initially raised some concerns as follows;

"This is a very intense usage of the space on a busy high road. The amenities of all flats will be impacted by a busy noisy environment. There may not be adequate space for all the waste - this should be discussed with waste as this often results in bins blocking the alleyways at the rear and the resultant issues with overfilling and rats.

Noise and air

The proposed flats are on a busy main road (A1000) so there will be some noise and air quality impacts from traffic. Since this is next door to a busy pub, Gertie Browns, which has opening hours of 11am till 12 midnight every day of the week, there is also likely to be a noise impact from this (on any flat adjacent or above) due to shared party walls. The pub can also hold music events also which would cause particular issues for the future occupants of the flats whereas they might reasonably expect a high level of amenity given the "newness" of the development. So, I would advise on the precautionary principle being applied here to protect the continued usage of the pub and expect a high level of insulation/ design to prevent noise transmission through the buildings and from all usages of the pub. This can largely be conditioned.

Odour

The pub is likely to have cooking facilities with a commercial flue with an outlet below the proposed roof extension (adjacent to pub). This would result in people at the rear potentially suffering from (noise and) odour from the pub flue; our standard restaurants' informative stipulates that there should be non-openable at the same level or above and within 20m from a restaurant flue. This cannot be conditioned - it is better to resolve this before approval. "

The agent was able to provide evidence of the flues in the surrounding area and the updated comments from Environmental Health were as follows;

"The flue for the café at Casa Pepe's does not appear to be separated/ blocked by another building as the agent states and this is because this building appears to be lower than the proposed units and the flue terminus. This may cause issues for the new residents because the flue is within 20m and lower than the second floor windows (which has been derived from case studies) again potentially affecting the flats at the rear (odour). However, the flue points away from the proposed development. As such the impact from odour is likely to be reduced. In my opinion this cannot rule out the approval of the development but indicates that the occupants may wish to have alternative means of ventilation in the rear top floor rooms.

The plant that is shown on the rear roof of the pub will likely cause annoyance to the residents in the rear units of the proposed development when they open their windows to ventilate or cool their rooms. The plant is likely air con units and fridge condensers. The condenser will operate 24/7.

Therefore, I would advise a noise condition to provide mitigation in the windows at the rear as well as the front which faces onto a busy road. This could be acoustic ventilators so windows can be opened for ventilation but not result in unacceptable noise levels in the

flats. Due to the Agent of Change principle it is better to design in mitigation to enable the pub to continue operation. Either that or mechanical ventilation and cooling should be provided to the future residents. Therefore, conditions should be imposed for mitigation at the front and rear of the flats due to traffic and commercial noise and internal noise transmission from the pub.

The air quality is not likely to be good at the front of the site due to road traffic pollution but due to the height of the units they are less impacted, so an air pollution mitigation is not necessary.

The London Plan will necessitate the condition for low emission boilers."

6 Response to Public Consultation

- Comments made that this is an overdevelopment of the building leading to inadequate residential accommodation that contravenes standards set by both the Borough and the London Plan for residential accommodation. There is no amenity space for the flats other than a small basement courtyard for the basement studio flat are noted. This is a town centre location where higher density development is encouraged by both local and national planning policy, there are other examples of approved developments in the same parade. Amenity space has been provided where possible and there are good quality parks in the local area within a short walk such as Cherry Tree Wood.

- The concerns raised in regard to the level of daylight to that basement flat is noted. The scheme has now been amended to incorporate the basement flat into a duplex unit with the ground floor unit.

- Concerns raised that some of the units do not meet the required standards are noted. However, the amended scheme has been reviewed and all units are above the required space standards, future occupiers are considered to have acceptable levels of residential amenity.

- Concerns raised that to meet energy performance standards the walls will need to be upgraded and insulated which may well result in the areas being reduced in size in reality are noted. However, any reduction in flat size as a result of insulation requirements would be very minimal and all of the flats are above the required standards.

- In regard to the comments made that the flats which do not have external amenity space are only allowed, in exceptional circumstances. It should be noted that the flats all meet the required standards. The scheme has been amended to reduce the number of units from 6 to 5 by incorporating the basement unit into the ground floor to create a larger duplex unit.

- The comment made that no section through the converted roof space to show whether there is adequate headroom in the room in the loft, is noted. Section 008 shows sufficient headspace in the upper floor flat

- Issues with sitting tenant are not material planning considerations and must be dealt with privately.

- The comments made that the proposed development results over-intensification of development on the site leading to poor standards of accommodation is noted. However, all flats pass London Plan standards and the town centre location is highly appropriate for

a flatted scheme.

- Concerns raised that inadequate storage space especially for 'dirty storage' / refuse bins and as such will adversely impact on the amenities of local residents and High Road users contrary to existing Development Management Policies DM01 and DM02 and emerging Local plan review policies is noted. However, the Council's waste and recycling officer has reviewed the scheme and confirm that no more bins are required in this location and that future residents will be part of the residential sack scheme.

7. 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.

8. Conclusion

Having taken all material considerations into account, it is considered that the development as amended would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is considered to have an acceptable impact on the amenities of both future and neighbouring occupiers. This application is therefore recommended for APPROVAL.

