

Location **7D High Street Barnet EN5 5UE**

Reference: **23/3183/FUL** Received: 20th July 2023
Accepted: 20th July 2023

Ward: High Barnet Expiry 14th September 2023

Case Officer: **Ashley Niman**

Applicant:

Proposal: Demolition and redevelopment of the site to provide two new buildings comprising 7 no. self-contained dwellings and a Class E (Commercial, business and service) use at the ground floor, with associated mansard to front block, landscaping and other works

OFFICER'S RECOMMENDATION

Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

RECOMMENDATION I:

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

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

3. Amendment to the Traffic Management Order:

-A contribution of £2,738.94 towards the amendment of the Traffic Management Order

(TMO) to ensure that the new occupants are prevented from purchasing CPZ parking permits

- A sum of £119.60 towards 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:

SLP-100
SU-200
SU-201
SU-202
SU-204
SU 205
SU-50
SK-201

PL-300 Rev A
PL-301
PL-302
PL-303 Rev A
PL-304 Rev A
PL-305 Rev A
PL-400 Rev B
PL-401
PL-402
PL-403
PL-404

Arboricultural Impact Assessment (Arbtech, 24 February 2022)
Tree Survey (Arbtech, 13 January 2022)
Daylight and Sunlight Report (BVP July 2023)
Energy & Sustainability Statement (The PES, 7 July 2023)
Noise Impact Assessment (Acoustics Plus, REF 104256.ad.Issue4)
Design and Access Statement (gtassociates)

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 and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority. The details shall include
- the roof material
 - shopfront detail
 - fenestration detail

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

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

- 4 a) No development 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.

- 5 Prior to the occupation of the development, details of refuse collection must be submitted to and approved in writing by the Local Planning Authority. Refuse collection points should be located within 10 metres of the Public Highway, at ground floor level, otherwise, the development access needs to be designed and constructed to allow refuse vehicles to access the site and turn around within the site, including access road construction to be designed in accordance with the Council's adoptable standards. The applicant will be expected to sign a Waiver of Liability and Indemnity Agreement to indemnify the Council against any claims for damage caused to private roads arising from and/ or in connection with the collection of waste by the Council vehicle from the premises.

Reason: To ensure that the access is satisfactory in terms of highway safety development and to protect the amenity of the area and 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.

- 6 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards, in the interests of promoting cycling as a mode of transport and to safeguard the visual amenities of the building and surrounding area, in accordance with Policy T5 and Table 10.2 of The London Plan (2021), Barnet's Local Plan Policies CS NPPF, CS1 and CS9 of Core Strategy (Adopted) September 2012, and Policies DM01 and DM17 of Development Management Policies (Adopted) September 2012.

- 7 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).

- 8 Details of cycle parking including the type of stands, gaps between stands, location of cycle parking and type of store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, a minimum of 16 long-stay and 2 short-stay cycle parking spaces shall be provided 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 vehicles in connection with the approved development.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards, in the interests of promoting cycling as a mode of transport and to safeguard the visual amenities of the building and surrounding area, in accordance with Policy T5 and Table 10.2 of The London Plan (2021), Barnet's Local Plan Policies CS NPPF, CS1 and CS9 of Core Strategy (Adopted) September 2012, and Policies DM01 and DM17 of Development Management Policies (Adopted) September 2012.

- 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/>

The measures approved under this condition, as set out in the "Noise Impact Assessment Ref: 104256.ad.Issue4" dated 13/07/2023 by Acoustics Plus Limited 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 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.

- 10 Before development commences, an air quality neutral assessment report shall be written in accordance with the relevant current guidance. This report shall be submitted to and approved 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.

a) If the report shows that the site does not conform to the air quality neutral benchmark requirements then a scheme of offset measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

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

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy GG3 and SI1 of the London Plan 2021.

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

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

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

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

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

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

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

- 13 a) No development shall take place until details of mitigation measures to show how the development will be constructed 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 E Class units; 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.

- 14 Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

b) If the desktop study and Conceptual Model indicate any risk of harm, a site

investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

d) Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016).

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

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

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

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

- 16 a) Prior to the first occupation of the hereby approved development, details of the proposed green roof have been submitted to and approved in writing by the Local Planning Authority.
- b) The green roof shall be implemented in accordance with the details approved 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 G5 and G6 of the London Plan 2021.

- 17 a) Before the development hereby permitted is first occupied, details of obscure glazing/screening proposed on the sides of the balcony screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.
- b) The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

- 18 a) No earth works or other works comprised in the development within the root protection area of trees to be retained shall take place until details of the proposed foundations have been submitted to and approved in writing by the Local Planning Authority. The foundations must take account of trees growing in close proximity to the development.
- b) The development shall be implemented in full accordance with the foundation details as approved under this condition.

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

- 19 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 72.12% 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.

- 20 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).

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

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

RECOMMENDATION III:

That if an agreement has not been completed by 31/03/2024 unless otherwise agreed in writing, the Service Director of Planning and Building Control should REFUSE the application 23/3183/FUL under delegated powers for the following reasons:

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

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

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

- 4 Damage to public highway 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.

- 5 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 6 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licences please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk.
- 7 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 8 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.

- 9 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 10 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.

- 11 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.

- 12 Tree and shrub species selected for landscaping/replacement planting shall provide long term resilience to pest, diseases and climate change. A diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below:

An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine.

To ensure the replacement trees meet bio-security standards they should be purchased from a DEFRA accredited supplier that can be found here:
<https://planthealthy.org.uk/certification>

OFFICER'S ASSESSMENT

1. Site Description

The site is located on the western side of High Street, within the Underhill ward. It forms part of a terrace of commercial buildings within the Chipping Barnet town centre. It is designated as secondary retail frontage within the Chipping Barnet town centre.

The site contains a mid-terrace two-storey property with 2no commercial units at ground floor and vacant office space above. The building has a flat roof. The property benefits from a single-storey rear projection; the total depth of the building is approx. 30.3 metres.

The terrace on this section of the High Street comprises buildings with heights between two and four storeys, with some benefitting from additional rooms in the roof space. The immediately adjacent buildings are both three-storeys in height. Properties comprise commercial units at ground floor and some residential uses above.

There are no protected trees on site, or on adjacent land, nor does the application site lie

within a conservation area or contain a locally or statutory listed building. The property opposite at Queen Elizabeth Girl's School is locally listed.

The site has a PTAL of 5 and is located within flood zone 1.

2. Site History

Reference: 22/3250/FUL

Address: 7D High Street, Barnet, EN5 5UE

Decision: Approved subject to conditions

Decision Date: 01.09.2022

Description: Change of use of first floor office into 1no. self-contained flat. Alterations to rear fenestration including new front door and removal of bars from window. Removal of external flues and air conditioning units [Amended Description/Plans]

Reference: 22/0699/FUL

Address: 7D High Street, Barnet, EN5 5UE

Decision: Refused

Decision Date: 19 May 2022

Appeal: Allowed 13.02.2023 (REF: APP/N5090/W/22/3302861)

Description: Demolition and redevelopment of the site to provide two new buildings comprising 7no. self-contained dwellings and a Class E (Commercial, business and service) use at the ground floor, with associated landscaping and other works

Reference: 16/7740/ADV

Address: 7D High Street, Barnet, EN5 5UE

Decision: Approved subject to conditions

Decision Date: 24 February 2017

Description: Installation of 1no internally illuminated fascia sign and 1no internally illuminated hanging sign

Reference: 16/7777/FUL

Address: 7D High Street, Barnet, EN5 5UE

Decision: Approved subject to conditions

Decision Date: 24 February 2017

Description: New shopfront

3. Proposal

Demolition and redevelopment of the site to provide two new buildings comprising 7 no. self-contained dwellings and a Class E (Commercial, business and service) use at the ground floor, with associated mansard to front block, landscaping and other works.

The current proposal retains the same mass, form and footprint as the allowed appeal scheme in terms of the proposed three storey front building and two storey rear building. The differences are,

- the introduction of the pitched roof form at third floor level, with four dormer windows.
- changes to the design with a better proportioned front elevation with a more balanced ratio of solid to void and shop front.

4. Public Consultation

Consultation letters were sent to 83 neighbouring properties. A site notice was posted 03.08.2023,

Six responses have been received, comprising six letters of objection.

The objections received can be summarised as follows:

- Loss of natural light
- Loss of sunlight
- Loss of privacy
- Disruption during building work
- Over development of the site

Highways Officer: No objection subject to conditions and legal agreement.

Environmental Health Officer: No objection subject to conditions.

Tree Officer: No objection subject to conditions.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The Revised National Planning Policy Framework (NPPF) was published on 20 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, 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.

Existing policies in Barnet's Local Plan (2012) and the London Plan (2021) should not be considered out-of-date simply because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF

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 2041. 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.

Barnet's New Local Plan (Reg 24)

Barnet's Draft Local Plan - Reg 24: The Reg 22 version of the draft new Local Plan was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan underwent an Examination in Public (Reg 24). The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites.

As part of this stage (Reg 24), the Inspector in his Interim Findings and Next Steps letter of August 17th has set out how the Council can through making Main Modifications to the Local Plan address issues of legal compliance and deficiencies in soundness. These interim findings are a clear indication of what the Local Plan and the policies and site proposals within will look like at adoption, subject to making the Inspector's suggested Main Modifications. Whilst the Council moves forward to formal consultation on the Main Modifications (expected to commence in January 2024) the Interim Findings and Next Steps letter of August 17th shall be considered, in the interim, a relevant material consideration in the Council's decision making on planning applications.

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.

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM06, DM11, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

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.
- Standard of amenity for future residents
- Highway issues

5.3 Assessment of proposals

Principle of development:

The principle of development was established under application ref 22/0699/FUL when officers raised no objection to the proposed land use. The appeal decision confirmed this. The relevant part of the officers report to the earlier decision is referenced below.

"The site currently contains 2no commercial units and ground floor level and office space at first floor level. 1no of the commercial units and the office unit above have been vacant for some time. The applicant provided information demonstrating marketing of the property since May 2021. These demonstrate a low level of interest in letting the property, either as a whole or as separate units.

The proposal would re-provide a commercial unit at ground floor, comprising 113 sqm. This would retain an active frontage across the width of the site. While there would be some loss of commercial floorspace towards the rear and the loss of the office space above, significant weight is given to the long-term vacancy of the majority of the existing space and the marketing information that has been provided with this application. On balance, it is considered that the sufficient evidence has been provided to justify a reduction in commercial floorspace at the site, while the proposal would maintain vibrancy and vitality of the town centre to an acceptable degree through the re-provision of commercial unit and the retention of an active frontage on the High Street. As such, on balance, the proposed development is not considered to conflict Policy DM11 of the Local Plan."

The principle of providing a residential use above ground floor level fronting the High Street and to the rear of the site is in accordance with the established pattern of development and is an appropriate use in principle.

Impact on the character of the area

Development proposals involving the redevelopment of sites are required to reflect the character of their street and the scale and proportion of surrounding houses. This is supported by Policy DM01 of Council's Development Management Policies which states that development should understand local characteristics and 'preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

The immediately adjacent properties at Nos. 7C and 7E High Street are both three storey buildings with roof forms. The subject property, given its lower height and flat roof design, constitutes a 'gap' in the terrace. In design terms, an upwards extension would restore greater consistency to the terrace and improve its appearance. This proposal differs from the appeal scheme through the introduction of the pitched roof. The additional vertical floor and 'mansard roof', with a modified pitch, would provide an appropriate infill building and be a contextual structure for its neighbours. Moreover, the proposed pitched roof would be lower than the roofs to both adjoining properties and which helps give a picture

of variety of height and bulk but within an overall coherent streetscape.

Following the submission of the proposal, several changes to the design were requested. The degree of the glazing on the front elevation has been reduced to achieve a better balance between solid and void. The second-floor windows have been reduced in height and the first floor windows have been lowered and increased slightly in height to provide a better hierarchical relationship more in keeping with the character of the high street. The shopfront has been sub-divided into three sections to break up the horizontality and details of the shopfront can be secured by condition.

The proposed rear building remains as per the appeal scheme and is two-storeys in height. As the officer noted at the time, "this retains a sense of subordination with the front block, in keeping with the general pattern of a lower scale of development to the rear of the High Street. Given the presence of several other two-storey projections to the rear of neighbouring properties on the High Street, the bulk and massing of the proposed rear block would be acceptable."

It is now considered to present an acceptable proposal that would contribute positively to the overall streetscape.

Impact on the amenities of neighbours

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

The proposed upward extensions to the front of the building would not result in a material loss of light and outlook to the side-facing windows at roof level of the neighbouring properties to either side. These include a side dormer window at No. 7E and a side gable window at No. 7C. Neither of these is obscure-glazed and it is understood that they both serve habitable rooms. The pitched roof form of the proposal has been revised to ensure that there is no material loss of light or outlook, in particular to 7C High Street.

An analysis was carried out by the applicant regarding the effect of the proposal on daylight to the living/dining/kitchen space of Flat 7C. Since the window faces within 90° of north, no sunlight test was required. The agent stated in response to the objector,

"...We note that to the front of 7C High Street there is one window, but it has 3 panes of glass (W3-W5) with a thick solid frame in between each pane. The VSC test is calculated measuring daylight at the centre point of the window. It does not consider the window size. Therefore, in order for our results to be as accurate as possible we had tested each pane and achieved a corresponding VSC value for the centre point of each pane. If we are to test the whole window as one pane of glass, the VSC result is likely to remain the same as the current result for centre window W4 (currently achieves 37.69% and no loss of daylight). Therefore, whether we test the front glazing (W3-W5) as 1 window or 3 windows, the VSC result is unlikely to change. The glazing to the front (W3-W5) face within 90 degrees of north and therefore, the BRE states that these windows can be considered north facing. In relation to the window references, these are clearly shown at Appendix 2 (relating to 'Neighbouring Information, 7C High Street') in the Daylight and Sunlight Report (July 2023). As reiterated above, the VSC test is calculated by measuring daylight at the centre point of the window. It does not consider the window size. Therefore, the VSC test provides only an indication of the amount of light received. The DD test considers the size of the window as well as the room size which provides a more accurate interpretation of

how much daylight is received. The DD result is 0.97 the existing value and a proposed well-lit area of 94.36% within the room. This confirms that the recipient would experience little change in daylight once the proposal has been built and would continue to achieve a high level of daylight exceeding BRE's DD criteria."

In summary, it was considered that the daylight report was accurate and has been prepared in accordance with the relevant BRE guidance. The applicants daylight consultant is of the firm view that the additional mansard would result in little change to the existing situation at Flat 4 (7C) in terms of daylight.

Since the floor to ceiling height of the living/dining/kitchen space of Flat 7C is exceptionally high, exceeding three metres, and the proposed roof extension to 7D is pitched away, there will be no material loss of outlook from this room.

Consideration for the amenity of neighbours in regard to the two storey rear block was given under the previous decision. No change is proposed to the rear. However, the comments in the officers report are replicated below for clarity and information.

"The site shares its north-western boundary with the neighbouring flats at Normandy Mansions and Lawn Mansions, Normandy Avenue. There is a significant change in levels between the site which sits at a lower level and the gardens of the neighbouring properties. Given the level change, the proposed two-storey building to the rear of the site would only protrude approx. 1.3 metres above the existing boundary treatment between the sites, which is at the rear of the neighbouring gardens. This is not considered to result in a material overbearing or overshadowing impact to the neighbouring occupiers at Normandy Mansions or Lawn Mansions.

To the south-east, the neighbouring property is at 7c High Street, which comprises commercial premises at ground floor and flats above. The neighbouring property has been extended rearwards, forming a two-storey elevation along the shared boundary projecting a large part of the depth of the site. While this elevation is largely blank, there are windows facing the host site, including 2no dormer windows and inset windows to the "link" element adjacent to the rear of the existing building. The proposed front building is aligned with the rear of the main building at No. 7c. In the scheme originally submitted, this included projecting balconies along the shared boundary. Following revisions, these balconies have been set-in, such that they are no closer than the existing building line at first floor. This is considered to mitigate the overbearing impact and potential loss of light resulting from the proposed building. Given that the proposed building is aligned with the rear of the neighbouring property, and has a comparable relationship to the existing building, albeit with an additional storey, it is not considered that it would result in an unacceptable overbearing impact, loss of outlook. While it is noted that the daylight and sunlight assessment finds some minor transgressions from the BRE criteria, the report concludes that these results are acceptable and furthermore these were obtained prior to the revisions to relocate the balconies away from the neighbour. As such, on balance it is not considered that the proposal would result in an unacceptable loss of light to the neighbouring property.

With regards to the rear block and its relationship with No. 7c, the pitched roof of the building adjacent to the side-facing first floor window is considered to mitigate potential loss of light, outlook, or overbearing. This is confirmed by the daylight and sunlight assessment, which finds no adverse effect to the neighbouring window. The proposed building does not project to the rear of the neighbouring building along the shared boundary and would not result in harm to the rearmost windows of No. 7c. Additionally, it is

noted that balconies would be screened to the sides to avoid potential overlooking impacts. Details of this screening would be secured by condition in the event of an approval."

Overall, on balance, the proposed development is considered to have an acceptable impact on the residential amenities of neighbouring occupiers, subject to conditions that would be attached in the event of an approval.

Impact on amenity of future occupiers

All development proposals are expected to provide an adequate level of amenity for future occupiers, in accordance with the Sustainable Design and Construction SPD and Policy DM02.

The proposals would provide the following units:

Ground floor

- Unit 1: 1-bed/2-person, 51.3 sqm;
- Unit 2: 1-bed/2-person, 50.0 sqm;

First floor

- Unit 3: 1-bed/2-person, 51.7 sqm;
- Unit 4: 2-bed/3-person, 65.3 sqm;
- Unit 5: 3-bed/5-person, 98.9 sqm;

Second floor/Roof

- Unit 6: 3-bed maisonette/5-person, 94.0 sqm;
- Unit 7: 3-bed maisonette/4-person, 88.0 sqm;

All new units must meet minimum internal space standards, as set out in the Sustainable Design and Construction SPD. All units would comply with minimum room dimension and floor area requirements.

Residential units also expected to be dual-aspect and benefit from good levels of light and outlook. Overall, it is considered that the scheme would provide an acceptable level of light and outlook for all residential units.

New units are expected to benefit from a minimum of 5 sqm of outdoor amenity space per habitable room (where rooms exceeding 20 sqm are counted as two). The proposals provide private gardens for Units E6 and E7 which would meet the minimum requirements and would be acceptable. Units E1 and E5 would benefit from a balcony providing 16.6 sqm and 24.5 sqm, respectively, which would meet minimum standards. However, the remaining Units E2, E3, and E4 would provide small balconies only, comprising between 5 and 7 sqm. These would represent a shortfall of 8 sqm for Unit E3 and 15 sqm for Units E2 and E4. While some weight is given to the town centre location and the site constraints, this shortfall is nonetheless considered to contribute to the poor level of amenity for future occupiers of the development.

Highway issues

The Highways Team has reviewed the current proposal and makes the following assessment. The applicant is proposing a car free development. The site lies within a PTAL 5 zone, which means that there is very good 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 a proposal such as this is 4-9 spaces. Given the PTAL rating of the site, the provision of 5 spaces would be acceptable.

However, taking the following into consideration:

- o The site lies within walking distance of local amenities,
- o The site lies within a Town Centre Location,
- o The site is located within a Controlled Parking Zone (HC1) Mon-Fri 2pm-3pm,
- o The site lies within a PTAL5 zone.

Highways would therefore accept a car free scheme subject to imposing a s106 CPZ permit restriction to exempt the occupiers of the proposed units from the schedule of addresses eligible for parking permits in the CPZ. The applicant has agreed to the permit restrictions and, if the scheme is approved, to enter into a legal agreement.

Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition [is attached/would be attached in the event planning permission is granted] to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 72.12% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached in the event planning permission is granted to ensure compliance with the Policy.

In terms of water consumption, a condition is attached in the event planning permission is granted to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

5.4 Response to Public Consultation

The objections are discussed within the evaluation.

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

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

