

Location **Land Fronting St Andrew's Road And Portsdown Avenue
Golders Green London NW11 0PJ**

Reference: **23/5270/S73** Received: 11th December 2023
Accepted: 11th December 2023

Ward: Golders Green Expiry 5th February 2024

Case Officer: **Emily Bell**

Applicant: Mr Martin Rutledge

Proposal: Variation of condition 1 (Approved Plans) of planning permission reference 20/5616/FUL dated 17/01/22 for 'Erection of 8no. two-storey dwelling houses with rooms in the roofspace. Associated alterations to hard and soft landscaping with associated vehicular access. Provision of amenity space, parking, bicycle storage, and refuse and recycling storage. Retention of 3no. existing tennis courts (1no. of which to be upgraded to a Multi Use Area) with installation of wheelchair access. Refurbishment of the clubhouse to include replacement roof, replacement windows with double glazing and new external cladding.' Variation to include amendment of ridge height for adjacent property No. 8 St Andrew's Road on street scene drawing number 2202/SS/01

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Design and Access Statement - PAC Design
Planning Statement - Centro Planning Consultancy
Transport Statement - Transport Planning Associates

Sustainability Statement - Centro Planning Consultancy
Ecological Assessment (with update letter) - MLM Group
Sports report - Sport, Leisure and Culture Consultancy (SLC)
Arboricultural Report - Marcus Foster
Legal Opinion - William Hicks Q.C.
Site location Plan
Tree survey 20th November 2020
Bat survey 18 January 2021
SPG/P31/01
SPG/P31/02
SPG/P31/03
SPG/P31/04
SPG/P31/05
SPG/P31/06
SPG/P31/07
SPG/P31/08
2201-S-103 C1A
SPG/P31/11 REV A
2202-PLOTS 1-4-01 REV A
2201-PLOTS 5-8-01 REV A
2202-PLOTS 5-8-02 REV A
2201-PLOTS 1-4-02 REV A
2202-PLOTS 5-8-03 REV A
2202-SS-01 REV A
2201-PLOTS 5-8-010 C1C
SPG/P31/30 Clubhouse Elevations
SPG/P31/40 Refuse
SPG/P31/50 Photos
SPG/P31/51 Photos
SPG/P31/52 Photos
SPG/P31/53 Photos
Covering Letter Section 73 Minor Material Amendments Submission dated 31/08/22

2201-PLOTS 5-8-010 C1C
SD231652-02

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 permission 20/5616/FUL dated 17/01/22.

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

- 3 The development shall be implemented in accordance with the details approved under application 22/2310/CON dated 16/12/2022 with regards to materials.

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).

- 4 The development shall be implemented in accordance with the details approved under application 22/2310/CON dated 16/12/2022 with regards to levels.

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

- 5 The development shall be implemented in accordance with the details approved under application 23/0655/CON dated 17/07/2023 with regards to means of enclosure before first occupation or the use is commenced and retained as such thereafter.

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

- 6 The privacy screens to be installed along proposed houses 7 and 8 and along the proposed patios to all plots shall be installed in accordance with the details approved under application 23/0655/CON dated 17/07/2023 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).

- 7 The development shall be implemented in accordance with the method statement for the removal, treatment and control of wall cotoneaster approved under application 22/1263/CON dated 20/5/22

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 8 The development shall be carried out in accordance with the details in the land contamination reports approved in applications 22/1263/CON dated 20 May 2022, 22/2948/CON dated 26 July 2022 and 23/2454/CON dated 18/09/2023.

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).

- 9 The tennis club and associated club house hereby permitted shall not be open to members of the public before 8am or after 10pm on weekdays and Saturdays or before 8am or after 9pm on Sundays and Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

- 10 The development shall be implemented in accordance with the details approved under application 22/1263/CON dated 20/5/22 with regards to noise impacts from the development. 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 2016).

- 11 The development shall be implemented in accordance with the details approved under application 22/2310/CON dated 16/12/2022 with regards to extract and ventilation equipment before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the amenities of the neighbouring occupiers are not prejudiced odour and smoke in the immediate surroundings in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012) and Policy CS14 of the Local Plan Core Strategy (adopted 2012).

- 12 The development shall be implemented in full accordance with the details as approved under application 23/1009/CON dated 04/05/2023 with regards to refuse/recycling 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) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 13 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby

approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

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

- 14 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 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 15 The development shall be implemented in accordance with the details as approved under application 23/0655/CON dated 17/07/23 with regards to cycle spaces and parking.

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

- 16 The development shall be implemented in accordance with the Demolition and Construction Management Plan approved under application 22/1263/CON dated 20/5/22

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).

- 17 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).

- 18 Before the development hereby permitted is first occupied, the amenity area(s) shall be subdivided and shall be implemented in accordance with the details indicated Drawing no. SPG/P31/11 REV A 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) and the Sustainable Design and Construction SPD (Adopted October 2016).

- 19 Before the building hereby permitted is first occupied the proposed windows and rooflights in the side elevations facing no. 7 and 9 Portsdown Avenue and no. 8 and 10 St Andrews Road 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).

- 20 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevations facing no. 7 and 9 Portsdown Avenue and no. 8 and 10 St Andrews Road.

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).

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

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

- 22 a) The development shall be implemented in accordance with the hard and soft landscaping details approved under application 23/0655/CON dated 17/07/23

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).

- 23 The development shall be implemented in accordance with the details approved under application 23/0655/CON dated 17/07/2023 with regards to the Landscape Management Plan and shall be implemented in full prior to first occupation.

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

- 24 a) The development shall be implemented in accordance with the tree protection plan method statement approved under application 22/1684/CON dated 11/5/22

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

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

- 25 The development shall be implemented in accordance with details approved under application 22/1263/CON dated 20/5/22 with regards to the location, extent and depth of all excavations for services to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site and retained thereafter.

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

DPD (adopted September 2012).

- 26 The development shall be carried out in accordance with the details approved under application 24/0145/CON dated 13/02/24 regarding aboricultural site supervision.

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

- 27 The measures approved under application 22/1263/CON dated 20/5/22 with regards to on site noise 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 amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted 2016).

- 28 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)

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

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of the London Plan 2021 and the Sustainable Design and Construction SPD 2016.

- 30 The development shall be implemented in accordance with the parking details approved under application 22/2310/CON dated 16/12/22. The off-street parking

spaces shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

- 31 The site clearance and any mitigation measures in relation to ecology shall be implemented in full in accordance with details in the hereby approved document titled "Ecological Appraisal Report" by MLM Group.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 32 The street trees to be retained as indicated on the hereby approved documentation shall not be damaged or removed prior to, during or after construction, unless otherwise agreed with the Council's Street Trees department.

Reason: To mitigate against the loss of trees of special amenity value on site in accordance with Policy CS of the Local Plan Core Strategy (adopted September 2012) and Policy DM01 and of the Development Management Policies DPD (adopted September 2012).

- 33 Prior to occupation of the development the applicant must submit an application under Section 184/278 of the Highways Act (1980) for the proposed vehicular access and implement the highway works before the development is occupied. The proposed access design details, construction and location will be reviewed by the Highways Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.

Reason: To ensure that the works on public highway are carried out to the satisfaction of the highway authority in the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 34 The development shall be implemented in accordance with the details approved under application 23/1009/CON dated 04/05/23 with regards to lighting and retained thereafter.

Reason: To safeguard the visual amenities of the locality and prevent disturbance to existing and future occupants thereof are not adversely affected by the development in accordance with Policies DM01 and DM04 of the Development Management Policies (2012).

- 35 The development shall be implemented in accordance with the details approved under 23/0655/CON dated 17/07/23 with regards to acoustic walls, fencing and other acoustics barriers and retained thereafter.

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

- 36 The development shall be implemented in accordance with the details approved under application 23/2874/CON dated 18/09/23 with regards to Secure by Design and retained thereafter.

Reason: To ensure that the development meets Secure By Design principles as required by the Metropolitan Police, in accordance with Policy CS12 of Barnet's Core Strategy DPD (2012) and Policy DM01 and DM02 of Barnet's Development Management Policies Document DPD (2012).

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 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.

- 3 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 4 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.

- 5 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.

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale NW9 4EW.

- 6 For any proposal for new crossovers or modification to the existing crossovers, a separate crossover/access application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

The applicant is advised that the permitted maximum width of a residential crossover is 4.2 metres. Information on how to apply for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, 2 Bristol Avenue, Colindale NW9 4EW.

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale NW9 4EW.

- 7 Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on

site during this period and has shown it is absolutely certain that nesting birds are not present.

- 8 In line with the National Planning Policy Framework (NPPF) in aiming to achieve sustainable development and the obligations on public bodies to conserve and enhance biodiversity as required by the Natural Environment and Rural Communities (NERC) Act 2006, it is advised that the recommendation made in Section 8 of the MLM Groups Ecological Assessment Report, is implemented in full. This included the installing a minimum of three integrated or wall mounted bat bricks or bat boxes, mounted on trees or buildings in the site. We also recommend the inclusion of bird nesting provision in the form of bird boxes within mature trees and on buildings; and where new planting is to be included, native species should be selected.

- 9 If at any time following the start of demolition works, a bat roost or evidence of a bat roost is observed, all work would need to cease until a suitably licensed bat ecologist has been consulted and advice sought on how best to proceed under current laws and legislation. Where a bat roost is identified, destruction of the roost would Property and infrastructure Capita Blackburn Business Centre, CastleWay House, 17 Preston New Road, Blackburn, BB2 1AU Tel +44 (0)1254 273000 Fax +44 (0)1254 273559 www.capita.co.uk/property Capita Property and Infrastructure Ltd Registered office: 71 Victoria Street, Westminster, London SW1H 0XA. Registered in England and Wales No. 2018542. Part of Capita plc. www.capita.co.uk usually need to be covered by a European Protected Species (EPS) Licence obtained from Natural England. The planning authority would need to have sight of any mitigation strategy developed for a licence application in order to address their obligations under The Habitats and Species Conservation Regulations 2018 (as amended).

OFFICER'S ASSESSMENT

1. Site Description

The application site previously comprised approximately 3860 sqm of tennis courts with one small club building, located between St Andrews Road and Portsdown Avenue. The site gained approval for the erection of 8no two storey dwellinghouses with rooms in the roofspace and the retention of 3no existing tennis courts and the refurbishment of the clubhouse. The development is under construction on site and virtually complete.

There are changes in ground levels in the site with the ground levels declining from east to west along St Andrews Road and inclining from the centre of the site towards the south (towards St Andrews Road).

Surrounding properties are suburban in character in both streets, with a mix of detached and semi-detached houses along with two short terraces towards the junction of St Andrews Road with Templar Avenue.

While the more immediate surroundings of the site are defined by the generally large although closely set houses which results in the suburban character of the area, Portsdown Avenue becomes more urban in character towards its eastern end where it continues eastwards beyond its junction with Templar Avenue to join Finchley Road.

There are a range of local shops and services on Finchley Road itself, all within a short walk from the Tennis Club site.

The site does not lie within a Conservation Area nor are the surrounding buildings Locally or Statutory Listed.

2. Site History

Reference: 18/4546/FUL

Address: Templars Lawn Tennis Club, St Andrews Road, London, NW11 0PJ

Decision: Refused

Decision Date: 23 November 2018

Description: Erection of 8no two storey single family dwellinghouses with rooms in the roofspace. Associated alterations to hard and soft landscaping with associated vehicular access. Provision of amenity space, parking, bicycle storage and refuse and recycling storage. Retention of 3no existing tennis courts, (1no of which to be upgraded to a Multi-Use Games Area) with installation of wheelchair access. Refurbishment of the clubhouse including replacement roof, replacement windows with double glazing and new external cladding

Reference: 19/5661/FUL

Address: Templars Lawn Tennis Club, St Andrews Road, London, NW11 0PJ

Decision: Refused

Decision Date: 16 December 2019

Description: Erection of 8no two storey single family dwellinghouses with rooms in the roofspace. Associated alterations to hard and soft landscaping with associated vehicular access. Provision of amenity space, parking, bicycle storage and refuse and recycling storage. Retention of 3no existing tennis courts, (1no of which to be upgraded to a Multi-Use Games Area), and new clubhouse, with installation of wheelchair access

Reference: 20/5616/FUL

Address: Templars Lawn Tennis Club, St Andrews Road, London, NW11 0PJ

Decision: Approved following legal agreement

Decision Date: 17 January 2022

Description: Erection of 8no. two-storey dwelling houses with rooms in the roofspace. Associated alterations to hard and soft landscaping with associated vehicular access. Provision of amenity space, parking, bicycle storage, and refuse and recycling storage. Retention of 3no. existing tennis courts (1no. of which to be upgraded to a Multi Use Area) with installation of wheelchair access. Refurbishment of the clubhouse to include replacement roof, replacement windows with double glazing and new external cladding

Reference: 22/1263/CON

Address: Templars Lawn Tennis Club, St Andrews Road, London, NW11 0PJ

Decision: Approved

Decision Date: 20 May 2022

Description: Submission of details of conditions 7 (Method statement for wall cotoneaster), 8 (part 1a only) (Desktop study) 10 (Ventilation/extraction noise), 16 (Demolition and construction management and logistics plan), 25 (Service excavations), 27 (Noise

assessment) pursuant to planning permission 20/5616/FUL dated 17/01/2022

Reference: 22/1684/CON

Address: Templars Lawn Tennis Club, St Andrews Road, London, NW11 0PJ

Decision: Approved

Decision Date: 11 May 2022

Description: Submission of details of condition 24 (Tree Protection Plan) pursuant to planning permission 20/5616/FUL dated 17/01/2022

Reference: 22/2310/CON

Address: Templars Lawn Tennis Club, St Andrews Road, London, NW11 0PJ

Decision: Approved

Decision Date: 16 December 2022

Description: Submission of details of conditions 3 (Materials) 4 (Levels) 11 (Kitchen extraction) 30 (Revised parking plan) pursuant to planning permission 20/5616/FUL dated 17/01/2022 and 22/4415/S73 dated 16/12/2022

Reference: 22/2948/CON

Address: Templars Lawn Tennis Club, St Andrews Road, London, NW11 0PJ

Decision: Approved

Decision Date: 26 July 2022

Description: Submission of details of condition 8b (Desktop study) pursuant to planning permission 20/5616/FUL dated 17/01/2022

Reference: 22/3591/ADV

Address: Templars Lawn Tennis Club, St Andrews Road, London, NW11 0PJ

Decision: Approved subject to conditions

Decision Date: 7 September 2022

Description: Construction non-illuminated hoarding advertisements along front and rear of site

Reference: 22/3597/NMA

Address: Templars Lawn Tennis Club, St Andrews Road, London, NW11 0PJ

Decision: Approved

Decision Date: 22 August 2022

Description: Non-material amendments to planning permission reference 20/5616/FUL dated 17/01/2022 for 'Erection of 8no. two-storey dwelling houses with rooms in the roofspace. Associated alterations to hard and soft landscaping with associated vehicular access. Provision of amenity space, parking, bicycle storage, and refuse and recycling storage. Retention of 3no. existing tennis courts (1no. of which to be upgraded to a Multi Use Area) with installation of wheelchair access. Refurbishment of the clubhouse to include replacement roof, replacement windows with double glazing and new external cladding.' Amendments include changes to internal layouts

Reference: 22/3598/NMA

Address: Templars Lawn Tennis Club, St Andrews Road, London, NW11 0PJ

Decision: Refused

Decision Date: 12 August 2022

Description: Non-material amendments to planning permission reference 20/5616/FUL dated 17/01/2022 for 'Erection of 8no. two-storey dwelling houses with rooms in the roofspace. Associated alterations to hard and soft landscaping with associated vehicular access. Provision of amenity space, parking, bicycle storage, and refuse and recycling storage. Retention of 3no. existing tennis courts (1no. of which to be upgraded to a Multi

Use Area) with installation of wheelchair access. Refurbishment of the clubhouse to include replacement roof, replacement windows with double glazing and new external cladding.' Amendments include construction of basement storage areas to plots 7 and 8

Reference: 22/4415/S73

Address: Templars Lawn Tennis Club, St Andrews Road, London, NW11 0PJ

Decision: Approved subject to conditions

Decision Date: 16 December 2022

Description: Variation of condition 1 (Approved Plans) of planning permission reference 20/5616/FUL dated 17/02/22 for 'Erection of 8no. two-storey dwelling houses with rooms in the roofspace. Associated alterations to hard and soft landscaping with associated vehicular access. Provision of amenity space, parking, bicycle storage, and refuse and recycling storage. Retention of 3no. existing tennis courts (1no. of which to be upgraded to a Multi Use Area) with installation of wheelchair access. Refurbishment of the clubhouse to include replacement roof, replacement windows with double glazing and new external cladding.' Variation to include alterations to front door canopies and insertion of rooflights. Amendment of raised patios.

Reference: 23/0655/CON

Address: Templars Lawn Tennis Club, St Andrews Road, London, NW11 0PJ

Decision: Approved

Decision Date: 17 July 2023

Description: Submission of details of conditions 5 (Enclosure/boundary treatment) 6 (Privacy screens) 15 (Cycle parking/storage) 22 (Landscaping) 23 (Landscape management plan) 35 (details of all acoustic walls, fencing and other acoustic barriers) pursuant to planning permission 20/5616/FUL dated 17/01/22

Reference: 23/1009/CON

Address: Templars Lawn Tennis Club, St Andrews Road, London, NW11 0PJ

Decision: Approved

Decision Date: 4 May 2023

Description: Submission of details of conditions 12 (Refuse/Recycling) 34 (Lighting calculations) pursuant to planning permission 20/5616/FUL dated 17/01/2022

Reference: 23/2454/CON

Address: Templars Lawn Tennis Club, St Andrews Road, London, NW11 0PJ

Decision: Approved

Decision Date: 18 September 2023

Description: Submission of details of condition 8 (Contaminated Land) pursuant to planning permission 20/5616/FUL dated 17/01/22

Reference: 23/3874/CON

Address: Templars Lawn Tennis Club, St Andrews Road, London, NW11 0PJ

Decision: Approved

Decision Date: 18 September 2023

Description: Submission of details of condition 36 (Secured by design) pursuant to planning permission 20/5616/FUL dated 17/01/2022

Reference: 24/0145/CON

Address: Templars Lawn Tennis Club, St Andrews Road, London, NW11 0PJ

Decision: Approved

Decision Date: 13 February 2024

Description: Submission of details of condition 26 (Arboricultural Protection Measures)

pursuant to planning permission 20/5616/FUL dated 17.01.2022 (AMENDED DESCRIPTION)

3. Proposal

Variation of condition 1 (Approved Plans) of planning permission reference 20/5616/FUL dated 17/01/22 for 'Erection of 8no. two-storey dwelling houses with rooms in the roofspace. Associated alterations to hard and soft landscaping with associated vehicular access. Provision of amenity space, parking, bicycle storage, and refuse and recycling storage. Retention of 3no. existing tennis courts (1no. of which to be upgraded to a Multi Use Area) with installation of wheelchair access. Refurbishment of the clubhouse to include replacement roof, replacement windows with double glazing and new external cladding.' Variation to include:

- o amendment of ridge height for adjacent property No. 8 St Andrew's Road on street scene drawing number 2202/SS/01

The ridge height of no. 8 St Andrew's Road was drawn inaccurately on the originally approved drawing no. 2202-SS-01 which showed the ridge height of no. 8 as higher than Plot 5 of the approved scheme under application ref: 20/5616/FUL.

This application seeks to accurately reflect the height of the adjacent property. This amendment falls outside the site boundary and there are no amendments proposed to the development itself.

4. Public Consultation

Consultation letters were sent to 257 neighbouring properties. 11 letters of objection has been received, summarised below:

- o Request an independent survey by the LPA to verify the stated ridge height.
- o How could a key material consideration have been drawn wrong from the outset
- o Higher roof on Plot 5 visually overwhelms the neighbouring property
- o There could be other mistakes within the original approval
- o Permission was agreed provided sport was not lost to the community. No courts have been made available
- o Lack of garden landscaping as specified in the original plans
- o Other breaches have been reported on the site
- o Increased height of the plots further takes away light and outlook, loss of public visual amenity
- o Plot 5 has resulted in loss of light to the neighbouring property
- o All new plots on Portsdown Avenue have a very generous front elevation recess relative to immediate neighbours yet Plot 5 have no front elevation recess and protrudes past the front of the neighbouring property.
- o Disruptions during building works

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 19th December 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, creates better places in which to live and work and helps make development acceptable to communities...being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM17

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.

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:

- Whether harm would be caused to the character and appearance of the building, the street scene and the wider area;
- Whether harm would be caused to the living conditions of neighbouring residents;

5.3 Assessment of proposals

In deciding whether a change is material a Local Planning Authority must have regard to the effect of the change on planning permission as originally granted, together with any previous changes made under this Section. The LPA should consider amendments under S73 providing that the proposed changes do not amount to a fundamental alteration of the consented scheme.

Upon review of the proposal, officer are satisfied that the proposed changes do not have the effect of a fundamental alteration to the allowed scheme and can be determined under the scope of an application under S73.

The proposed amendments do not result in any greater number of houses than previously approved and as such there are no objections to the principle of the development which was found to be acceptable.

Impact of the proposal on the character and appearance of the building, the street scene and the wider area

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01 which states that all proposals should preserve and enhance the local character of the area, as well as policies CS05 (both of the Barnet Local Plan), D1, D3 and D6 (of the London Plan).

The amendment includes an alteration to the ridge height of the adjacent property (no. 8 St Andrews Road) to the development, in particular adjacent to plot 5. The approved plan number 2202-SS-01 showed the ridge height of no. 8 as higher than Plot 5 of the approved scheme under application ref: 20/5616/FUL. This application seeks to amend the ridge height of no. 8 and the amended plans show that the ridge heights of Plot 5 and

no.8 St Andrews Road would be marginally different. The application is supported by a structural survey which includes level datum of Plot 5 and no. 8 St Andrews Road. This data shows the ridge height of plot 5 to be 0.05m higher than no. 8 and the eaves height to be 0.3m higher.

The dimensions of Plot 5 are unchanged from that approved, including the distance of the dwelling from the common boundary with no. 8 St Andrews Road. Further, adjacent to the boundary the front building line of Plot 5 is shown as set back 6 metres from the pavement. This distance was verified on site by officers.

As the scale of the proposed dwellings is the same as previously approved, which was previously found to be acceptable, and the amendment covered under this application to the ridge height of the neighbouring property does not alter the appearance of the scheme, it is not considered that the amendment would result in harm to the appearance of the development within the streetscene. There is a perception of additional height compared to the approved plans when seen from certain vantage points within the street. However, officers consider that the development overall fits well within the streetscene.

Whether harm would be caused to the living conditions of neighbouring residents

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan policy D6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

The built form and building lines remain unchanged from that which was previously considered and found to be acceptable. It is acknowledged that the height of no. 8 St Andrews Road has been amended through this application and it was previously shown to be higher than Plot 5. There is a perception of additional height therefore when seen from 8 St Andrew's Road and also from certain vantage points within the street. However, officers consider that the development overall fits well within the streetscene. As the heights of the two properties would be almost the same, there is not considered to be any significant adverse impact or additional impact on the residential amenities of the occupiers of 8 St. Andrews Road.

With regards to the impacts on wider surrounding properties, this application only seeks to amend the height of no. 8 St Andrews Road and the impact of the development itself would not be changed from that previously approved.

5.4 Response to Public Consultation

- o Request an independent survey by the LPA to verify the stated ridge height.

The application is supported by a structural levels survey which shows the ridge heights of Plot 5 and no. 8 St Andrews Road to be the same.

- o How could a key material consideration have been drawn wrong from the outset
- o There could be other mistakes within the original approval
- o Other breaches have been reported on the site

Decisions are based on the assumption that applicants have submitted accurate plans. Nevertheless, this S73 application seeks to rectify the previously inaccurate drawing and the impacts of the amendment has been discussed within the main body of the report above. Other reports of potential breaches to the approved plans are being assessed by

the council's Enforcement department.

- o Higher roof on Plot 5 visually overwhelms the neighbouring property
- o Increased height of the plots further takes away light and outlook, loss of public visual amenity
 - o Plot 5 has resulted in loss of light to the neighbouring property

The impacts of the amendments proposed under this application have been discussed within the main body of the report.

- o Permission was agreed provided sport was not lost to the community. No courts have been made available

The original approved application (20/5616/FUL) and this subsequent S73 application are subject to a legal agreement to ensure the retained facilities are available for public use.

- o Lack of garden landscaping as specified in the original plans

The landscaping and landscape management plan of the site were approved under discharge of condition application 23/0655/CON dated 17/07/2023.

- o All new plots on Portsdown Avenue have a very generous front elevation recess relative to immediate neighbours yet Plot 5 have no front elevation recess and protrudes past the front of the neighbouring property.

The front recesses are not amended from that previously found to be acceptable and approved. It was verified on site by officers that the set back from the pavement of Plot 5 is as per the approved drawings.

- o Disruptions during building works

The impacts of building works are not a material planning consideration. Work is virtually complete.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed amendment would not give rise to any unacceptable impacts on the character and appearance of the application site, the street scene and the locality, or have an adverse impact on the safety and amenities of neighbouring occupiers. This application is therefore recommended for approval.

