

Location **Brookfields Garage Victoria Lane Barnet EN5 5UN**

Reference: **23/3152/FUL** Received: 19th July 2023
Accepted: 24th July 2023

Ward: High Barnet Expiry 18th September 2023

Case Officer: **John Sperling**

Applicant: Mr Colin Murphy

Proposal: Demolition of existing garage and erection of 3no. two storey dwellings and replacement commercial unit (Use Class E) with associated parking (Amended Plans)

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:

A066 A XX DR 001
A066 A XX DR 010 Rev A
A066 A XX DR 023
A066 A XX DR 024
A066 A XX DR 110 Rev B
A066 A XX DR 111 Rev A
A066 A XX DR 112 Rev A
A066 A XX DR 120 Rev A
A066 A XX DR 121 Rev A
A066 A XX DR 122 Rev A
A066 A XX DR 123 Rev A
A066 A XX DR 124 Rev A
A066 A XX DR 130 Rev A
A066 A XX DR 131 Rev A

A066 A XX DR 132 Rev A

A066 A XX DR 140 Rev A

10063-D-CP

23-123.01: Version 2, Preliminary Risk Assessment, Avion Associates Limited, dated January 2023

Preliminary Risk Assessment Appendix 1 of 6

Preliminary Risk Assessment Appendix 2 of 6

Preliminary Risk Assessment Appendix 3 of 6

Preliminary Risk Assessment Appendix 4 of 6

Preliminary Risk Assessment Appendix 5 of 6

Preliminary Risk Assessment Appendix 6 of 6

10063, Tree Survey and Constraints Plan, Hayden's Arboricultural Consultants, dated 8 February 2023

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

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

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

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

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

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

- 4 a) Notwithstanding the details submitted with the application and otherwise hereby approved, none of the dwellings nor the commercial unit hereby approved shall be first occupied until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016); and Policies D6 and SI7 of the London Plan 2021

- 5 Prior to occupation of the development, 6 x Cycle parking spaces for the residential and 2 x cycle spaces for the commercial unit shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason

In the interests of promoting cycling as a mode of transport 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) 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.

7 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

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

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

8 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.

- 9 Before the commercial use is first brought into use the single allocated parking spaces shown on Drawing No. A066 A XX DR 112 Rev A shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policy T6 of the London Plan (2021)

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

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

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

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

- 11 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).

- 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 Air Source Heat Pumps 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 October 2016) and Policy D14 of the London Plan 2021.

- 13 The level of noise emitted from the Air Source Heat Pumps 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

- 14 The residential properties hereby approved shall be used as single family dwellinghouses as shown in the hereby approved drawings under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

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

- 15 The commercial premises hereby approved shall be used, as shown in the hereby approved drawings, Class E ci), ciii) and g i, gii) or giii) and no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

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

- 16 Prior to occupancy all details (including specification, location, and orientation) of biodiversity enhancement measures including 2 x Schwegler House sparrow terrace, 2 x Integrated bat roost boxes and 2 x insect hotel; or similar alternatives, and biodiverse and native species planting and/or seeding shall be submitted to and

approved by the Local Planning Authority.

The development hereby permitted shall not be occupied until all ecological enhancement features are installed/constructed in accordance with details shown on the thereafter approved plans and in accordance with the Preliminary Ecological Appraisal (PEA) (The Ecology Partnership, November 2023) and 'Designing for Biodiversity A technical guide for new and existing buildings (RIBA)'. Pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan.

- 17 Prior to the occupancy of works details of a Bat Sensitive Lighting Strategy including light spill plans shall be submitted and approved by the local planning authority. The artificial lighting scheme designed for the development, shall be in accordance with Bats Conservation Trust Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016), and the relevant statutory wildlife protection legislation.

- 18 The LPA advises that the soft landscaping for the amenity lawn consist of species rich seed mix or turf. This mix should consist of a ratio of 70/30 native grass to flowering plants as such flowering plant species and grasses provide high value to pollinating insects including bees, butterflies. An example of a potential species rich meadow seeding mix includes Boston Seed Dual Purposed Wildflower Meadow Seed Mix BSXM 70/30 and for the amenity lawn Emorsate Seed Strong Lawn Grass Mixture EG22.

Any proposed tree and shrub planting should incorporate native species rich plantings and consist of native berry producing shrub species such as hawthorn, blackthorn, spindle, field maple, hazel, and hornbeam. A best practice approach would be to apply a '10-20-30' formula to develop a diverse tree/hedge population - no more than 10% of any species, 20% of any genus or 30% of any family. These species will provide ideal foraging and sheltering habitats for a variety of species including nesting birds, invertebrates, and foraging mammals.

Night scented plants should also be incorporated into a detailed planting schedule where feasible. An extensive list of suitable plant species can be found on the RHS advice page <https://www.rhs.org.uk/advice/pdfs/plants-for-bats.pdf>. The provision of bat friendly planting is in Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan.

- 19 a) Before the development hereby permitted is first occupied, details of the subdivision of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented 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) and the Sustainable Design and Construction SPD (adopted April 2013).

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

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

- 21 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).

- 22 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policy SI 2 of the London Plan 2021.

- 23 Prior to installation, details of the boilers shall be forwarded to the Local Planning Authority for approval. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%).

Reason: To comply with the Mayor's London Plan SPG on Sustainable Design and Construction and Policy SI1 of the Mayor's London Plan 2021 in relation to air quality.

- 24 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-F of Part 1, or Class A of Part 2 of Schedule 2 of that Order shall be carried out within the area of the application site hereby approved.

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

- 25 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 D6 and D7 of the London Plan 2021.

- 26 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).

- 27 a) No development shall take place until the implementation of a programme of archaeological evaluation has been secured in accordance with a written scheme which has been submitted by the applicant and approved by the Local Planning Authority in writing and a report on that evaluation has been submitted to the Local Planning Authority.

b) If heritage assets of archaeological interest are identified by the evaluation under a) above, then before development (other than demolition to present ground level) commences the implementation of a programme of archaeological investigation shall be secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in

writing.

c) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under b).

d) The development shall not be first occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under b), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

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

- 28 Before the building hereby permitted is first occupied the proposed windows at first floor level on the south-west elevation 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).

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 and the Applicant engaged with this prior to the submissions of this application. 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 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>

- 3 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 stockpiling 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.

- 4 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a license. 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
- 5 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.

6 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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.

7 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.

- 8 The Air Quality reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006; 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 2014 and 10) Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 9 During construction, any excavations including holes, pipes and boreholes that need to be left overnight should be covered over or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work-day to prevent animals entering/becoming trapped. Vegetation clearance should be undertaken in a sensitive manner to allow terrestrial mammals to disperse. Any trapped mammals found during the process should be carefully moved to the retained boundary habitats at the end site or adjacent habitats off site.

- 10 Nesting birds and their active birds' nests are protected from damage of disturbance under the Wildlife and Countryside Act 1981, as amended (section 1). Generally, trees, buildings and scrub may contain nesting birds between 1st March and 31st August inclusive. It is considered that nesting birds are likely to be present between the above dates. You are advised to seek the advice of a competent ecologist prior to undertaking any works which could affect nesting birds during the period outlined above.

- 11 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.

- 12 Any works to the proposed commercial which results in a harmful impact to the existing residents will fail to comply with the requirements of Class E.

OFFICER'S ASSESSMENT

1. Site Description

The application site contains a detached garage/workshop building and is located between Normandy Avenue and Fitzjohn Avenue. A public car park is located to the north of the site, residential gardens to the south, and hardstanding areas used in connecting with the storage and repair of vehicles to the east and west of the existing building. The site is accessed from Victoria Lane within the High Barnet Ward.

The property is located adjacent to Wood Street Conservation Area, however it does not fall within a conservation area and is not a listed building.

There are mature trees which enclose the site to the northwest and southwest and provide a natural visual buffer from the adjacent residential properties. However, none of these trees are protected.

The site is located within an Area of Special Archaeological Significance and the site is in PTAL 5.

2. Site History

Reference: 15/00404/FUL

Address: Brookfields Garage, Victoria Lane, Barnet, EN5 5UN

Decision: Withdrawn

Decision Date: 27 March 2015

Description: Demolition of existing garage and erection of 5 no. dwellinghouses comprising of 4no. two storey plus rooms in roofspace terraced houses and 1 no. two storey detached house. Associated amenity space, refuse stores and offstreet parking spaces

Reference: 15/04981/FUL

Address: Brookfields Garage, Victoria Lane, Barnet, EN5 5UN

Decision: Refused

Decision Date: 17 November 2015

Description: Demolition of existing garage and erection of 4 no. three storey plus basement terraced dwellinghouses with lightwells to front and rear and a two storey detached class B1 office block. Associated amenity space, refuse stores and off-street parking spaces.

Reasons for refusal:

1. The proposed residential block, by reason of its bulk, siting, mass, scale and overall design would result in a cramped form of development that is visually obtrusive to neighbouring properties (10-16 Normandy Avenue and 15-17 Fitzjohn Avenue) and constitute an overdevelopment of the site. It would be detrimental to the character and appearance of the area. The proposal would be contrary to policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (Adopted September 2012), policies DM01 of the Development Management Policies DPD (Adopted September 2012), and the Residential Design Guidance SPD (Adopted April 2013).

2. The proposed siting of windows and balconies would result in both a perceived sense of and direct overlooking onto the residential amenity space of neighbouring gardens. This would be detrimental to the privacy of residents of Fitzallen and Normandy Avenue. The proposal would therefore fail to comply with the National Planning Policy Framework 2012, Development Management policy DM01 and DM02 the council's Residential Design Guidance Supplementary Planning Document 2013.

3. The proposal by virtue of failing to provide adequate daylighting and adequate outlook from the proposed units would result in a poor and sub-standard form of residential accommodation to the detriment of future occupiers contrary to policy 3.5 of the Mayor's London Plan July 2011, policy CS5 of the Barnet's Local Plan (Core Strategy) DPD and policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD (both adopted September 2012), SPD: Sustainable Design and Construction (Adopted April 2013) and SPD: Residential Design Guidance (Adopted April 2013).

Reference: 16/3583/FUL

Address: Brookfields Garage, Victoria Lane, Barnet, EN5 5UN

Decision: Refused

Decision Date: 27 July 2016

Description: Erection of 4 three storey semi-detached self-contained residential dwellings and 1 no two storey detached class B1 office block following the demolition of the existing garage. Provisions for car parking and amenity space

Reasons for refusal:

1. The proposed residential block, by reason of its bulk, siting, mass, scale and overall design would result in a cramped form of development that is visually obtrusive to neighbouring properties (10-16 Normandy Avenue and 15-17 Fitzjohn Avenue) and constitute an overdevelopment of the site. It would be detrimental to the character and appearance of the area. The proposal would be contrary to policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (Adopted September 2012), policies DM01 of the Development Management Policies DPD (Adopted September 2012), and the Residential Design Guidance SPD (Adopted April 2013).

2. The proposed siting of windows in the flank elevations of the dwellings would result in both a perceived sense of and direct overlooking onto the residential amenity space of

neighbouring gardens. This would be detrimental to the privacy of residents of Fitzjohn and Normandy Avenue. The proposal would therefore fail to comply with the National Planning Policy Framework 2012, Development Management policy DM01 and DM02 the council's Residential Design Guidance Supplementary Planning Document 2013.

3. The proposal by virtue of failing to provide adequate outlook from the proposed units would result in a poor and sub-standard form of residential accommodation to the detriment of future occupiers contrary to policy 3.5 of the Mayor's London Plan July 2011, policy CS5 of the Barnet's Local Plan (Core Strategy) DPD and policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD (both adopted September 2012), SPD: Sustainable Design and Construction (Adopted April 2013) and SPD: Residential Design Guidance (Adopted April 2013).

The refusal was tested at appeal (APP/N5090/W/17/3166516) and was dismissed for the following reason;

'The proposed development, due to the bulk, size, mass, and scale of the buildings, with relatively little distances between them and in such close proximity to the site boundaries, would appear cramped and contrived. Moreover, whether or not the proposed garden sizes would meet the desired standards of the SDCD, they would be significantly smaller than and out of character with the surrounding gardens. Whilst the garden sizes alone might not amount to a reason for refusing the proposal, it adds weight to the concerns that the proposal would amount to over-development..... I conclude that the proposed development would have an unacceptable effect on the living conditions of the occupants of Nos 15/17 Fitzjohn Avenue and Nos 14/16 Normandy Avenue and would not provide satisfactory living conditions for future occupants of the proposed dwellings'.

Reference: 18/2916/OUT

Address: Brookfields Garage, Victoria Lane, Barnet, EN5 5UN

Decision: Withdrawn

Decision Date: 25 July 2018

Description: Erection of 3 dwellings with associated parking (Outline application with access and siting being considered)

Reference: 23/3013/FUL

Address: Brookfields Garage, Victoria Lane, Barnet, EN5 5UN

Decision: Withdrawn

Decision Date: 19 July 2023

Description: Demolition of existing garage and erection of 3no. two storey dwellings and replacement commercial unit (Use Class E) with associated parking

Reference: B/03629/14

Address: Brookfields Garage, Victoria Lane, Barnet, EN5 5UN

Decision: Approved subject to conditions

Decision Date: 29 October 2014

Description: New roof to existing workshop to increase roof height and single storey side extension to existing workshop

Reference: B/00947/14

Address: Brookfields Garage, Victoria Lane, Barnet, EN5 5UN

Decision: Approved subject to conditions

Decision Date: 8 May 2014

Description: New roof to existing workshop to increase roof height.

Reference: B/01227/13

Address: Brookfields Garage, Victoria Lane, Barnet, EN5 5UN

Decision: Withdrawn

Decision Date: 21 June 2013

Description: Demolition of existing garage followed by construction of new garage with 6no. rooflights

Reference: B/02973/12

Address: Brookfields Garage, Victoria Lane, Barnet, EN5 5UN

Decision: Refused

Decision Date: 24 October 2012

Description: Re-building of a new garage with 6no. rooflights following demolition of the existing garage building.

Reference: B/00827/11

Address: Brookfields Garage, Victoria Lane, Barnet, EN5 5UN

Decision: Approved subject to conditions

Decision Date: 15 September 2011

Description: Continued use of part of site for storage of scaffolding boards.

3. Proposal

The current application seeks permission for 'Demolition of existing garage and erection of 3no. two storey dwellings and replacement commercial unit (Use Class E) with associated parking (amended drawings).'

The existing garage will be demolished and replaced with a 75sqm commercial premises in a similar location within the site. The premises will measure a maximum depth of 13.7 metres, width ranging from 5.9 metres to 9.3 metres. The rearmost portion of the premises would measure a height of 3.8 metres and the front 2.9 metres. The taller section would be distanced 3.6 metres from the closest neighbouring boundary. 1no commercial parking space will be provided. The use of the premises will be restricted to Class E(g) i) office ii) the research and development of products or processes or iii) any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area).

In the north-western portion of the site, a terraced segment of three dwellings is proposed. Units 1, 2 and 3 and ordered left to right on drawing number A066 A XX DR 110 B. All two bed/ four person properties over ground and first floor levels. The buildings are similarly designed and proportioned with a recessed porch area, larger ground floor and significantly smaller first floor level. The maximum depth of the properties is 11.2 metres and width being 9.7 metres. The ground floor height is 3.1 metres and the first floor is 6 metres. No parking spaces are proposed for the residential units.

The site area is 869sqm and the total built space would be 340sqm.

Amendments were sought to create a minimum of 2.7m gap to the western site boundary, reduce the depth of proposed houses providing a minimum 4.85m distance to the rear site boundary and include provide a front garden to House 1 (and relocation of refuse/bike stores accordingly). Additional details of proposed materials were sought.

4. Public Consultation

Consultation letters were sent to 180 neighbouring properties.

6no objections were received and may be summarised as follows:

- Harmful character impact
- Incongruent design of dwellings
- Inaccuracy of drawings
- Overlooking
- Loss of privacy
- Developers will expand on proposal
- Restricted access for emergency vehicles to the site
- Highways congestion and restricted access
- Limited pedestrian access via Victoria Road to/from the site
- Proposal conflicts with Policy DM14
- No car parking spaces for residential properties

1no representations were received from the Hendon and District Archaeological Society. They stated that the: "site is in an Archaeological Priority Area and may contain mediaeval and post-mediaeval remains. In 2016 Historic England recommended that an archaeological condition should be imposed if application 16/3583/FUL was approved (it was actually refused). Such a condition should be imposed if this present application is approved. I am copying this to Historic England."

Following receipt of the requested amendments, a 14 day reconsultation was arranged and issued to the public consultees. 3no letters of objection were received and may be summarised as follows:

- Harmful impact on existing neighbouring residents
- Insufficient space on the access road
- Objection to the location of the bin store
- Acknowledge reduced bulk of the development but harmful impact on amenity remains

4.1 Internal Consultation

Ecology comments: following receipt of a PEA, no further objections raised subject to conditions.

Environmental Health: following amendments, no objections, subject to conditions.

Highways comments: following amendments, no objections, subject to conditions.

Trees: No objections to repositioning of dwellings subject to conditions.

5. Planning Considerations

5.1 Policy Context

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

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

The revised National Planning Policy Framework (NPPF) was published in 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 Plan 2021 was adopted on 02 March 2021 and is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years and the Mayor's vision for Good Growth.

The Plan is part of the statutory development plan for London, meaning that the policies in the Plan should inform decisions on planning applications across the capital. Borough's Local Plans must be in 'general conformity' with the London Plan, ensuring that the planning system for London operates in a joined-up way and reflects the overall strategy for how London can develop sustainably, which the London Plan sets out.

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.

Barnet's Local Plan (2012)

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.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS14.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM17.

Supplementary Planning Documents
Residential Design Guidance SPD (October 2016)
Sustainable Design and Construction SPD (October 2016)

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 application site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate amenity would be provided for future occupiers;
- Impact on highways;
- Provision of refuse storage

5.3 Assessment of proposals

Principle of development

- Residential units

Policy GG2 of the London Plan 2021 seeks to ensure that development explores the potential to intensify the use of the land to support additional homes. Policy CS3 of the Core Strategy sets out how the Council will provide 28,000 new homes throughout the lifetime of the Core Strategy 2011-2026.

The government is committed to maximising the re-use of previously developed land and empty properties to minimise the amount of green field land being taken for development. One of the chief objectives of the NPPF is to provide sufficient housing for future needs, ensuring that as many new homes as possible are constructed on brownfield land. The NPPF advocates the adoption of a sequential approach to selecting sites for housing to ensure that green field sites are used only when no appropriate sites exist inside urban areas. The sequential approach identifies previously developed sites within urban areas as being the most suitable for development.

Policy DM08 states that the priority for market housing is 4 bed homes and 3 bed homes are medium priority. In addition to this policy, Policy CS4 states that the Council seeks a range of dwelling sizes and types of housing including family and lifetime homes that meet the Council's identified housing priorities that do not undermine the suburban character and local distinctiveness. It is noted that the proposed dwellings are two bed, four person dwellings which are not medium or high priority dwellings. However, the supporting text to the policy does state that it is intended to be applied flexibly. Policy H10 of the London Plan recognises the role that one and two bed units can play in freeing up existing family

housing. It also recognises a higher proportion of one and two bed units are generally more appropriate in locations which are closer to a town centre or underground station or with higher public transport access and connectivity. Given the constraints of the site, and the financial realities of the London property market which means a demand also exists for smaller units, the proposed occupancy level of the dwellings are, on balance, be accepted. The site is adjacent highly accessible via public transport with access to the local tube station and a range of bus routes, and the scheme offers the opportunity to redevelop a brownfield site and contribute to the housing requirement of the borough.

The surrounding area is predominantly residential with family dwellings, the principle of the new residential dwellings is acceptable. However, the scheme should comply with Council's policies and guidance in respect of the issues discussed below for the scheme to be recommended for approval.

- Commercial unit

Policy SD1 of the London Plans (2021) states that planning decisions should support development which creates employment opportunities and housing choice for Londoners (B.2). The current scheme is noted to provide both these elements.

Policy DM14 states (ii) "[Outside of a designated area as specified under (i)], loss of a B Class use will only be permitted where it can be demonstrated to the Council's satisfaction that a site is no longer suitable and viable for its existing and alternative business use in the short, medium and long term and a suitable period of effective marketing has been undertaken.

Following the change of the Use Class Order on the 1st September 2020, the existing commercial unit (which has operating in a residential area without causing detriment to the amenity of the area) is now under Class E of the updated Use Class Order.

The proposed commercial unit will be retained and restricted in use to Class E (g) which includes the following:

- g) i) office
- ii) the research and development of products or processes or
- iii) any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area)

Whilst it is acknowledged the garage/workshop will be lost, the proposal will provide a new commercial space. As such there will not be a net loss of the required floor space. It is noted that the principle for development was acceptable under both 15/04981/FUL and 16/3583/FUL and the current application is comparable to these applications where the principle of development was not a concern.

Character and Appearance

Policy DM01 seeks to preserve, protect and enhance the character of the Borough. It states amongst other priorities, that:

- b) Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. The council consider that it is important that the scheme is appropriate to its setting and does not overdevelop the site to the detriment of the surrounding area.

In order to outline the acceptability of the scheme, this report will outline how the current scheme responds to the Planning Inspector's assessment related to the proposed scheme under ref 16/3583/FUL.

Paragraph 14 - "The proposed buildings would have flat roofs and an appearance of stacked blocks. Although most nearby houses are of more traditional design there are also examples of flat roofed and modern buildings nearby. In principle, there would be no objection to a more modern design for development on the appeal site although I have seen little evidence to demonstrate how the particular design promotes or reinforces local distinctiveness."

The current scheme proposes flat roofs and no concerns were raised by the Inspector. As such, no objections are raised in this instance. It is noted that supporting evidence has been provided for this application and provides examples of existing flat roof developments in proximity of the application site. Some examples include 11-13 Crompton House, 17 High Street and the rear of the Red Lion Pub, 31 High Street. The reduced scale and bulk of the current proposal also avoids creating the 'stacked blocks' which was highlighted by the Inspector so the development is considered to be harmonious within the character of the wider area.

Paragraph 15 - "Some of the design features demonstrate an innovative approach in relation to glazed areas in close proximity to boundaries and bringing light into the proposed rooms. However, overall I consider that the design is somewhat contrived in endeavouring to accommodate four houses of the footprint and scale proposed given the particular shape and size of the appeal site. Moreover, there appears to be some discrepancies between the plans and I cannot safely conclude that the relationship between the proposed buildings as shown on plan Ref 1069 183 could be achieved or that the rear garden sizes shown would meet the 55sqm sought by the SDCD for houses with five habitable rooms."

Officers note that the Inspector did not raise an in-principle objection to a contemporary scheme at the site in question. The previously dismissed application was viewed as contrived by reason of proposing four residential dwellings proposed (plus a commercial unit) over three floor levels, its odd internal configuration and associated level changes, limited outlook and front door access on the side elevation produced a very contrived development.

The current scheme, whilst similarly including a commercial unit, proposes three residential units across two stories where the vast majority of the footprint is at ground level. Also, the front door access to the properties being placed on the front elevation also resembles a more appropriate approach relative to the previously dismissed scheme. The scheme was also amended to increase distance from the boundary which further reduced its bulk and massing which is viewed to be far more appropriate and sympathetic in this context. Although the proposed development does benefit from a distinctive and contemporary appearance the LPA views that it is no longer over-engineered merely to achieve the number of dwellings.

Lastly, the submitted drawings are noted to be consistent, so no concerns are raised in this regard.

Paragraph 16 - "On balance I consider the proposed development, due to the bulk, size, mass, and scale of the buildings, with relatively little distances between them and in such

close proximity to the site boundaries, would appear cramped and contrived. Moreover, whether or not the proposed garden sizes would meet the desired standards of the SDCD, they would be significantly smaller than and out of character with the surrounding gardens. Whilst the garden sizes alone might not amount to a reason for refusing the proposal, it adds weight to the concerns that the proposal would amount to over-development."

As mentioned previously, the amended design is noted to be more suited to the size of the plot and suitably distanced from the boundaries to avoid creating a cramped and overdeveloped development. The ground floor areas were amended to be well distanced from the neighbouring respective boundary. House 1 is noted to be well distanced from the western boundary. No changes to the proportions of the first-floor area were required due to being appropriately proportioned from the outset of the application. The reduced footprint also increases the size of the proposed garden spaces which also more closely resembles the sizes of gardens at existing properties.

Overall, the LPA views that the scheme has been acceptably amended to resolve the ruling made by the Planning Inspector under the previously refused application. As such, the scheme is considered acceptable on character grounds and adheres to the policies and expectations of Policy DM01 of Barnet's Local Plan.

Impact on the amenities of neighbours

The proposal must not harm the residential amenities of neighbouring occupiers. This includes ensuring adequate light, outlook, privacy and avoiding a sense of overbearing or enclosure to neighbours. This is a requirement of Policy DM01.

In terms of the impact of the 3no dwellinghouses on the existing neighbouring residents, the amended proposal is not considered to result in a harmful impact. This is due to the bulk of the proposal primarily being at ground level which measures 3.1 metres is distanced by approximately 25 metres from the closest properties situated along Fitzjohn Avenue. This, alongside the rear sections of the dwellings have been amended to create a 4.8 metres distance from the boundaries of the respective properties so the proposal is not considered to result in a reduced enjoyment to the indoor and outdoor spaces at the properties.

The first-floor sections are noted to be centrally positioned within the site and not overly bulky to result in an acceptable impact on the neighbouring residents by reason of there being sufficient distance from the respective element and scale. Also, the proposed windows have been positioned away from the closest properties to avoid creating an actually or perceived sense of overlooking. The materials will be conditioned to ensure the first-floor elements are timber and so appear sympathetic to the existing natural environment. Similar due diligence will also be attributed to the ground floor elements of the scheme.

With regards to the proposed commercial premises, no harmful impact is considered to take place to the neighbouring residents along Normandy Avenue by reason of not comprising an overly dominant structure that would result in a harmful loss of outlook or sense of enclosure to the nearby residents. The proposed structure is noted to be offset from the boundary which will increase the distance from neighbouring habitable rooms. The case officer noted that the taller section of the proposed commercial premises is similarly tall as the existing garage pit, shown in drawing number A066 A XX DR 024.

Overall, the level of impact on neighbouring properties is considered acceptable and in

compliance with DM01.

Living standards for future occupiers

In terms of the amenity for future occupiers, the Planning Authority expects a high standard of internal design and layout in new residential development to provide an adequate standard of accommodation. The London Plan and Barnet's Sustainable Design and Construction SPD sets out the minimum space requirements for residential units.

Housing unit 1 - 2 bed 4 persons over two stories - requires 79sqm - 87.5sqm provided

Housing unit 2 - 2 bed 4 persons over two stories - requires 79sqm - 87.5sqm provided

Housing unit 3 - 2 bed 4 persons over two stories - requires 79sqm - 87.5sqm provided

The proposed dwellings comply with the above requirements.

Table 2.2 contained within the Sustainable Design and Construction SPD (Oct 2016) states that bedrooms should meet the following requirements.

- The minimum area for double/twin bedrooms should be 11.5 m².

All proposed bedrooms meet the above standards.

Light/outlook:

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

It is noted that the kitchen space does not benefit from direct sources of outlook. However, the connected living/dining space is benefits from glazing that is above requirement. Overall, the proposed dwellings would have an acceptable level of outlook and an acceptable level of daylight / sunlight provision to all habitable rooms.

Amenity Space:

In terms of outdoor amenity space, Barnet's Sustainable Design and Construction SPD sets out the minimum standards for outdoor amenity space provision in new residential developments. 5 habitable rooms are proposed for each property, requiring 55m².

Housing unit 1 would provide 110sqm

Housing unit 2 would provide 69.3sqm

Housing unit 3 would provide 87sqm

All proposed dwellings comply with the minimum 55sqm requirement.

In addition to this, the quality of the amenity space has been improved by reason of the applicant reducing the bulk and massing of the proposed dwellings.

Based on the above, it is considered that the proposed development would provide an acceptable level of amenity for future occupiers and consequently, this application is recommended for approval on amenity grounds to serve the future occupiers of the houses.

Highways/ Cycle parking

The highways department provided the following comments:

The applicant is proposing to demolish the existing garage and erect three two-storey dwellings and replacement commercial unit (use Class E) with parking.

The application site is within a town centre area and it is accessed via Victoria Lane which is off the High Street. The site has a PTAL rating of 5 (very good). However, 9 bus routes can be accessed from stops within 2 minutes' walking distance from the site. High Barnet tube station is within 8 minutes walking distance of the site.

2 visitors and 1 commercial space are shown on the ground floor plan but the location of these spaces are not ideal and it is not clearly evident that vehicles can maneuver in and out of the site safely in forward gear. In addition, concerns raised about access as conflicts between incoming and outgoing traffic on the accessway may arise. Further information was sought to which the Highways officer accepted. As such, no further objections were raised subject to additional information being provided by way of conditions.

Refuse and Cycle parking provision

The proposed development is required to comply with Barnet's Waste and Recycling Strategy (2021). Refuse and recycling storage has been located at the front of the property in bin stores. The positioning and design of the bin stores will be secured via a suitably worded condition.

5.4 Response to Public Consultation

Consultation letters were sent to 180 neighbouring properties.

6no objections were received and may be summarised as follows:

- Harmful character impact
- Incongruent design of dwellings
- Inaccuracy of drawings
- Overlooking
- Loss of privacy
- Developers will expand on proposal
- Restricted access for emergency vehicles to the site
- Highways congestion and restricted access
- Limited pedestrian access via Victoria Road to/from the site
- Proposal conflicts with Policy DM14
- No car parking spaces for residential properties

1no representations were received from the Hendon and District Archaeological Society. They stated that the: "site is in an Archaeological Priority Area and may contain mediaeval and post-mediaeval remains. In 2016 Historic England recommended that an archaeological condition should be imposed if application 16/3583/FUL was approved (it was actually refused). Such a condition should be imposed if this present application is approved. I am copying this to Historic England."

Following receipt of the requested amendments, a 14 day reconsultation was arranged and issued to the public consultees. 3no letters of objection were received and may be

summarised as follows:

- Harmful impact on existing neighbouring residents
- Insufficient space on the access road
- Objection to the location of the bin store
- Acknowledge reduced bulk of the development but harmful impact on amenity remains

The proposed development is considered acceptable. Amendments were requested and received to address character concerns.

Impact on neighbouring amenity is considered acceptable.

Previously determined application have viewed the demolition of the existing commercial unit is acceptable. The respective use class will be restricted to certain uses by way of condition.

The residential units will provide a good standard of amenity for the future occupiers.

The Council's Highways department raise no objections to the scheme, subject to adherence to conditions and informatives.

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 proposed development is considered acceptable and the application is thus recommended for approval, subject to conditions.

