

Upp

Minor Material Amendment (S.73)

Erection of a Single Storey Upwards Extension to Provide 4
Residential Dwellings

Liberty Court, 141 Great North Way, London NW4 1PR



1. Introduction

- 1.1 UPP Architects and Town Planners have been instructed by the applicant, The Avon Group, to submit a minor material amendment planning application via S.73 of the Town and Country Planning Act for an extant consent at the site known as Liberty Court, 141 Great North Way, London, NW4 1PR.
- 1.2 This statement should be read in conjunction with the following associated submission documents:
 - Application Form
 - CIL Form
 - Architectural Plans
 - Existing set
 - Proposed set
- 1.3 The application should also be assessed with consideration for the parent consent under ref.no: 21/5847/FUL.
- 1.4 This application seeks consent for minor alterations to application (21/5847/FUL) achieved permission for the erection of a “Single Storey Upwards Extension to Provide 4 Residential Dwellings”.
- 1.5 This statement will seek to demonstrate that the proposed changes are in accordance with planning policy on the local, regional and national levels and therefore should be granted planning consent from the Local Authority.

2. The Site and Surroundings

- 2.1 The existing site, totalling 1133 square metres, comprises a part 3, part 4 storey, purpose-built residential block with off-street car parking provision to the rear. The subject site is located on the northern side of The Great North Way (A1), an arterial highway with 6 traffic lanes.
- 2.2 The surrounding area holds a residential character with the northern side of the Great North Way consisting of several purpose-built residential blocks sited on large plots. Built form and the urban grain along the northern side of the Great North Way is comparatively sparse, whilst forms of accommodation within each plot is relatively dense. The southern side of the Great North Way consists of a row of semi-detached properties mostly in use

for residential purposes. Directly to the east of the subject site, on the opposite side of Greenland's Lane, is a Sui Generis Car repair and MOT workshop (Kwik-fit). To the north of the side and to the rear of the car park sits large open playing fields and a single storey building occupied by The Hendon Rugby Football Club.

- 2.3 The application site is located within the borough council of Barnet. The site is not located within the Green Belt, a Conservation Area or any Area of Outstanding Natural Beauty (AONB). It is also not a site of specific scientific interest. The site is located within Flood Zone 1, which has a low probability of flooding. The site is not a listed building locally or statutorily, nor are there any in the immediate surrounding area. The site has a PTAL rating of 0.

3. Relevant Planning History

Application Site:

- 3.1 **Ref. no: 21/5847/FUL.** Roof extension to provide an additional storey comprising 4no. self-contained flats. Status: Permitted subject to conditions. Date: March 2022
- 3.2 Ref. no: F/02180/12. Use of part of living room for administrative purposes of taxi cab business, ancillary to residential dwelling. Status: Lawful. Date: July, 2012.
- 3.3 Ref. no: C14890A/03 - Erection of two, two-storey buildings including rooms in the roofspace, comprising 24 flats and parking for 34 cars with access from Great North Way following demolition of existing buildings (outline). Status: Approved following legal agreement. Date: May, 2002.
- 3.4 Ref. no: C14890A/03 - Application for reserved matters relating to design and external appearance (conditions 1 and 2) of planning permission C14890 for erection of two, two-storey buildings including rooms in roofspace comprising 24 flats and parking for 34 cars with access from Great North Way following demolition of existing buildings granted 24-07-2003. Status: Approved. Date: August 2003.
- 3.5 Ref. no: C14890B/03 - Application for reserved matters relating to landscaping of planning permission C14890/02 for the erection of two, two-storey buildings including rooms in roofspace following demolition of existing buildings granted 24/07/03. Status: August, 2003.

- 3.6 Ref. no: C14890C/03 - Details of means of enclosure and materials in pursuant to conditions 7 and 8 of planning permission C14890 for the erection of two, two-storey buildings including rooms in the roof space following demolition of existing buildings granted 24/7/03. Status: Approved. Date: August, 2003.
- 3.7 Ref. no: C14890D/03 - Submission of details of estate road, levels and excavations for drainage pursuant to Conditions 5, 6 and 15 of planning permission C14890/02 for redevelopment of site to provide 24no. flats approved 24.07.03. Status: Approved. Date October, 2003. Ref. no: C14890E/03 - Details of bin storage, cycle storage and protective tree fencing in pursuant to conditions 9, 10 and 16 and amended details of landscaping in pursuant of conditions 1,12,13 and 14 of planning permission C14890/02 for redevelopment of site to provide 24no. Flats approved 24.07.03. Status: Approved subject to conditions. Date: November, 2003.

4. The Proposal

- 4.1 The proposal maintains the same unit sizes and proposed extension while amending the parking arrangement and proposing facade alterations to all elevations. All amendments are in accordance with Local and national Policy as outlined below. The principle of development remains the same and is established via the approved scheme (21/5847/FUL).
- 4.2 This application seeks to vary Condition 1 (drawing numbers) and Condition 6 (Parking Spaces) attached to the parent consent.
- 4.3 This application also seeks to remove Condition 9 (car lift maintenance agreement), Condition 12 (car stacker - noise emission) and Condition 13 (noise impact report - car stackers).

5. Planning Policy and Legislation

5.1 The Local Development Framework and relevant legislation for this application is as follows:

- S.73 of the Town and Country Planning Act 1990
- The National Planning Policy Framework (NPPF)
- The London Plan (2021)
- Barnet Local Plan - Core Strategy (2012)

S.73 of the Town and Country Planning Act

5.2 Section 73 of the Town and Country Planning Act 1990 in the United Kingdom allows for the submission of a new planning application to amend or vary conditions attached to an existing planning permission. This provision is often used when a developer or landowner wishes to make changes to an approved development without submitting an entirely new planning application.

5.3 Section 73 allows for the variation of conditions attached to an existing planning permission. Conditions are requirements imposed by the local planning authority to control and manage the development.

5.4 Section 73 applications are suitable for minor changes. What constitutes a "minor" change can vary, but it often includes alterations that do not substantially deviate from the originally approved plans.

National Planning Policy Framework (NPPF)

5.5 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.

- 5.6 The National Planning Policy Framework (NPPF) was revised on 20th July 2021. 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.
- 5.7 Section 5 of the NPPF provides guidance in relation to Delivering a Sufficient Supply of Homes, with Paragraph 59 stating that *“to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”*.
- 5.8 Paragraph 11 of the national Planning Policy Framework outlines that *Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:*
- [c] approving development proposals that accord with an up-to-date development plan without delay; or*
 - [d] where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;*
 - ii. or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 5.9 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.
- 5.10 Section 9 states that *“Transport issues should be considered from the earliest stages of plan-making and development proposals, so that: a) the potential impacts of development on transport networks can be addressed; b) opportunities from existing or*

proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;”

- 5.11 Section 12 of the NPPF outlines the goal of achieving well-designed places as “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”
- 5.12 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.

[London Plan \(2021\)](#)

- 5.13 The London Plan 2021 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 is part of the statutory development plan for London. The relevant planning policies are:
- 5.14 Policy GG2 – Making the Best Use of Land – *“To create successful sustainable mixed-use places that make the best use of land, those involved in planning and development must:*
- *enable the development of brownfield land, particularly in Opportunity Areas, on surplus public sector land, and sites within and on the edge of town centres, as well as utilising small sites*
 - *prioritise sites which are well-connected by existing or planned public transport*
 - *proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling*

- *applying a design-led approach to determine the optimum development capacity of sites*
- *understand what is valued about existing places and use this as a catalyst for growth, renewal, and place-making, strengthening London's distinct and varied character*
- *protect and enhance London's open spaces, including the Green Belt, Metropolitan Open Land, designated nature conservation sites and local spaces, and promote the creation of new green infrastructure and urban greening, including aiming to secure net biodiversity gains where possible*
- *plan for good local walking, cycling and public transport connections to support a strategic target of 80 per cent of all journeys using sustainable travel, enabling car-free lifestyles that allow an efficient."*

5.15 Policy D1 - London's form, character and capacity for growth - "Boroughs should undertake area assessments to define the characteristics, qualities and value of different places within the plan area to develop an understanding of different areas' capacity for growth. Area assessments should cover the elements listed below:

- demographic make-up and socio-economic data (such as Indices of Multiple Deprivation, health and wellbeing indicators, population density, employment data, educational qualifications, crime statistics)
- housing types and tenure
- urban form and structure (for example townscape, block pattern, urban grain, extent of frontages, building heights and density)
- existing and planned transport networks (particularly walking and cycling networks) and public transport connectivity
- air quality and noise levels
- open space networks, green infrastructure, and water bodies
- historical evolution and heritage assets (including an assessment of their significance and contribution to local character)
- topography and hydrology
- land availability
- existing and emerging Development Plan designations
- land uses
- views and landmarks."

- 5.16 Policy D6 – Housing Quality and Standards – *“Housing development should be of high quality design and provide adequately-sized rooms (see Table 3.1) with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures.”*
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- 5.18 Policy T5 – Cycling – *“Securing the provision of appropriate levels of cycle parking which should be fit for purpose, secure and well-located. Developments should provide cycle parking at least in accordance with the minimum standards set out in Table 10.2 and Figure 10.2, ensuring that a minimum of two short-stay and two long-stay cycle parking spaces are provided where the application of the minimum standards would result in a lower provision.”*
- 5.19 Policy T6.1 Residential Parking – *“New residential development should not exceed the maximum parking standards set out in Table 10.3. These standards are a hierarchy with the more restrictive standard applying when a site falls into more than one category.”*

[Barnet Local Plan – Core Policies \(2012\)](#)

- 5.20 Policy CS5 – Protecting and enhancing Barnet’s character to create high quality places; *“We will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design. Developments should:*
- *address the principles, aims and objectives set out in the following national design guidance: By Design, Secured by Design, Safer Places, Inclusive Design, Lifetime Homes and Building for Life:*
 - *be safe, attractive and fully accessible*
 - *provide vibrant, attractive and accessible public spaces*
 - *respect and enhance the distinctive natural landscapes of Barnet*
 - *protect and enhance the gardens of residential properties*
 - *protect important local views from places within Barnet (as set out in Map 8)*
 - *enhance the borough’s high quality suburbs and historic areas through the provision of buildings of the highest quality that are sustainable and adaptable.*

All development should maximise the opportunity for community diversity, inclusion and cohesion and should contribute to people's sense of place, safety and security.”.

5.21 Policy DM01 – Protecting Barnet's character and amenity;

- *“a. All development should represent high quality design which demonstrates high levels of environmental awareness and contributes to climate change mitigation and adaptation.*
- *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.*
- *c. Development proposals should ensure attractive, safe and, where appropriate, vibrant streets which provide visual interest, particularly at street level and avoid blank walls.*
- *d. Development proposals should create safe and secure environments and reduce opportunities for crime and minimise the fear of crime.*
- *e. Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.*
- *f. Development proposals for lighting schemes should not have a demonstrably harmful impact on residential amenity or biodiversity.*
- *g. Development proposals should retain outdoor amenity space having regard to its character. h. Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate.*
- *i. Loss of houses in roads characterised by houses will not normally be appropriate.*
- *j. Development proposals will be required to include hard and soft landscaping that:*
 - i. is well laid out in terms of access, car parking and landscaping*
 - ii. considers the impact of hardstandings on character*
 - iii. achieve a suitable visual setting for the building*
 - iv. provide an appropriate level of new habitat including tree and shrub planting*
 - v. make a positive contribution to the surrounding area*
 - vi. contributes to biodiversity including the retention of existing wildlife habitat and trees*
 - vii. adequately protects existing trees and their root systems.*
- *k. Trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. ”.*

- 5.22 Policy DM17– Travel Impact and parking Standards; “g: Parking management 1. The council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:
- i. 2 to 1.5 spaces per unit for detached and semi detached houses and flats (4 or more bedrooms);
 - ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
 - iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).”

6. Planning Considerations

Principle of development

- 6.1 The principle of development remains the same from the previously approved application (21/5847/FUL).

Transport and Highways

Car Parking:

- 6.2 The application site falls within an area benefiting from a PTAL rating of 0. This is considered to have a very poor connection to forms of public transport. Subsequently, and as confirmed in the Highways pre-application advice and via the parent consent, the Local Authority highways team will seek the maximum provision of off-street parking spaces in accordance with Local Plan Policy DM17.
- 6.3 The land to the rear of the site is occupied by 14 resident parking spaces and 4 visitor spaces that serve the existing 13 residential units.
- 6.4 Part G of Policy DM17 prescribes that the proposed development would require the provision of 5 off-street parking spaces which equates to 1 dedicated space per proposed unit and an additional space to accommodate any overspill.
- 6.5 The transport statement that accompanies (21/5847/FUL) details that the provision of 4 visitor parking spaces is considered to be surplus to requirements in line with recent policy guidance, and therefore the additional 4 parking spaces are deemed acceptable.

- 6.6 The revised plans accompanying this application detail the positioning of 4 residential parking spaces at the front of the site directly off of the slip road adjacent to the Great North Way. This arrangement replicates that benefiting the majority of properties fronting this section off the Great North Way. The new parking area is designed to allow safe egress and access in a forward gear. The net gain of parking spaces remains the same from the approved scheme (21/5847/FUL).
- 6.7 The new provision of standard parking spaces acts as an upgrade on the previously approved mechanical car stackers. Mechanical car stackers cause a continual need for maintenance, and during the maintenance periods, the additional spaces will become completely unusable. Similarly, mechanical car stackers can cause significant noise disturbance and general nuisance for existing and future residents.

Facade Amendments

- 6.8 The amended plans include the addition of a shell with integrated structural reinforcements surrounding the existing facade of the building. This alteration is required to ensure the delivery of the approved 4 residential units. The proposed alteration does not alter the approved external appearance of the building in any significant manner.
- 6.9 The facade alterations will create deeper window reveals for the existing windows. This will act as a passive design measure for the existing residential units that mitigates against the urban island heat effect and internal overheating.

7. Conclusion

- 7.1 This application seeks to outline the key changes made to application (21/5847/FUL) which was given permission for the erection of a Single Storey Upwards Extension to Provide 4 Residential Dwellings.
- 7.2 This statement should be read in conjunction with the following associated submission documents:
- Application Form
 - CIL Form
 - Architectural Plans
 - Existing set
 - Proposed set



7.3 It is considered that the proposed amendments to the development are compliant with National, Regional and Local Planning Policy and Guidance.