

**MEETING**

**FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE**

**DATE AND TIME**

**WEDNESDAY 1ST NOVEMBER, 2017**

**AT 7.00 PM**

**VENUE**

**HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ**

**TO: MEMBERS OF FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE (Quorum 3)**

Chairman: Councillor Eva Greenspan  
Vice Chairman: Councillor John Marshall

**Councillors**

Councillor Alan Schneiderman	Councillor Arjun Mittra Councillor Shimon Ryde BSc (Hons)	Councillor Jim Tierney
Councillor Melvin Cohen LLB		

**Substitute Members**

Councillor Ross Houston	Councillor Jack Cohen	
Councillor Graham Old	Councillor Reuben Thompstone	Councillor Anne Hutton Councillor Alon Or-bach Councillor Gabriel Rozenberg

**You are requested to attend the above meeting for which an agenda is attached.**

**Andrew Charlwood – Head of Governance**

Governance Services contact: Tracy Scollin 020 8359 2315 [tracy.scollin@barnet.gov.uk](mailto:tracy.scollin@barnet.gov.uk)

Media Relations contact: Sue Cocker 020 8359 7039

**ASSURANCE GROUP**

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	To Follow
2.	Absence of Members (If any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
4.	Report of the Monitoring Officer (If any)	
5.	Addendum (if applicable)	
6.	17-1363-FUL 22-24 Dollis Avenue	5 - 42
7.	17-3678-FUL, Dersingham Road, NW2 1SP	43 - 68
8.	Any item(s) the Chairman decides are urgent	

### FACILITIES FOR PEOPLE WITH DISABILITIES

Hendon Town Hall has access for wheelchair users including lifts and toilets. If you wish to let us know in advance that you will be attending the meeting, please telephone Tracy Scollin 020 8359 2315 [tracy.scollin@barnet.gov.uk](mailto:tracy.scollin@barnet.gov.uk). People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

### FIRE/EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by uniformed custodians. It is vital you follow their instructions.

You should proceed calmly; do not run and do not use the lifts.

Do not stop to collect personal belongings

Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions.

Do not re-enter the building until told to do so.



This page is intentionally left blank

**Location**                      **22 And 24 Dollis Avenue London N3 1TX**

**Reference:**                      **17/1363/FUL**

Received: 6th March 2017  
Accepted: 13th March 2017

**AGENDA ITEM 6**

**Ward:**                              Finchley Church End

Expiry 8th May 2017

**Applicant:**                      N/A

**Proposal:**                      Demolition of existing buildings. Erection of two-storey building comprising of 9no residential apartments with rooms in roof space and basement level. Parking for 15no cars at basement level, cycle parking for 20no cycles and refuse storage. Associated new fencing, landscaping, and amenity space

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning 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 Chairman (or in his absence the Vice- Chairman) 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: Sustainability and Energy Statement by JS Lewis Ltd dated February 2017; Daylight and Sunlight Study by Delva Patman Redler ref LT/lt/17021 dated January 2017; Planning and Design and Access Statement by JMS Planning and Development Ltd dated February 2017; Arboricultural Assessment and Method Statement by Barrell Tree Consultancy Dated 24th February 2017 ref 14390-AA-MW; Tree Protection Plan Barrell Plan Ref: 14390-BT1; Drawing no. ASP.14.043A.001 Rev B; Drawing no. ASP.14.043A.002 Rev I; Drawing no. ASP.14.043A.003; Drawing no. ASP.14.043A.004; Drawing no. ASP.14.043A.005; Drawing no. ASP.14.043A.100 Rev E; Drawing no. ASP.14.043A.101 Rev C; Drawing no. ASP.14.043A.102 Rev A; Drawing no. ASP.14.043A.103 Rev D; Drawing no. ASP.14.043A.104 Rev B; Drawing no. ASP.14.043A.200 Rev E; Drawing no. ASP.14.043A.201 Rev E; Drawing no. ASP.14.043A.202 Rev D; Drawing no. ASP.14.043A.203 Rev F; Drawing no. ASP.14.043A.204 Rev B; Drawing no. ASP.14.043A.205 Rev E; Drawing no. ASP.14.043A.300 Rev E.

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 Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

- 4 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

- 5 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

Refuse collection points should be located within 10 metres of the Public Highway, at ground floor level, otherwise, the development access needs to be designed and constructed to allow refuse vehicles to access the site and turn around within the site, including access road construction to adoptable standards. The applicant should sign a Waiver of Liability and Indemnity Agreement to indemnify the Council against any claims for damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; to protect the amenities of the area and to ensure that the access is satisfactory in terms of highway safety development in accordance with policies DM01 and DM17 of the Adopted Barnet Development Management Policies DPD (2012), and CS9 and CS14 of the Adopted Barnet Core Strategy DPD (2012).

6 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.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety 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 April 2013) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

7 Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the approved parking spaces to be provided with electric vehicle charging facilities, 20% active and 20% passive in accordance with the London Plan. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason

To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan.

- 8 Before the development hereby permitted is first occupied, the basement parking for cars and cycles shown on Drawing No ASP.14.043A.100 Ref E shall be provided. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason

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

- 9 Notwithstanding the plans submitted, before development commences, details of the passing places, access ramp gradient leading to the basement car parking area, car park layout, and the car ramp warning (signal control) system, including maintenance contract details, together with headroom clearances along the ramp and within the parking area shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out nor shall it be subsequently operated otherwise than in accordance with the approved details.

Reason

In the interests of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 10 The development shall thereafter be implemented in accordance with the cycle parking and storage details indicated on the hereby approved drawing no. ASP.14.043A.100 Rev E and the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and 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.

- 11 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 Policy 7.21 of the London Plan 2015.

- 12 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 before the development hereby permitted is commenced.
- 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 April 2013) and 7.21 of the London Plan 2015.

- 13 The roof of the building 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).

- 14 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing no.20 Dollis Avenue and The Lintons, 26 Dollis Avenue 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 April 2013).

- 15 The layout of the residential units as indicated on the hereby approved plans shall be implemented 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 policy DM01 of the Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (adopted October 2016).

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

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 17 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10.41% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 18 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

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

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

- 20 The amenity space shall be implemented in accordance with the details indicated on the hereby approved Drawing no. ASp.14.043A.002 Rev I before first occupation or the use is commenced and retained as such thereafter.

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

- 21 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

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

- 22 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).

### **Informative(s):**

- 1 In accordance with paragraphs 186 and 187 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 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](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £15,680.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £74,790.00 payment under Barnet CIL.

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](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the

final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk)

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 3 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 4 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 7294.

- 5 Any details submitted in respect of the Demolition Construction and Traffic Management Plan (DCMP) above shall control the hours, routes taken by delivery and construction vehicles, delivery arrangements, means of access and security procedures for construction traffic to and from the site and for the provision of on-

site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.

The DCMP will take into account locations of any schools in the proximity of the proposed development that may be affected by the proposed development and the applicant shall ensure that construction related traffic and or deliveries shall be avoided during the school drop off and pickup times. The applicant may need to liaise with the affected school to ensure that measures are in place to ensure pedestrian safety.

- 6 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via [crossovers@barnet.gov.uk](mailto:crossovers@barnet.gov.uk).
- 7 The plans and particulars submitted in accordance with Condition 11; above shall include:
  - (a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree and which trees are to be removed;
  - (b) details of the species, diameter (measured in accordance with paragraph (a) above), root protection area (as defined in BS5837:2012 Trees in Relation to design, demolition and construction-Recommendations), the approximate height, and an assessment of the general structural and physiological condition, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
  - (c) details of any proposed pruning of any retained tree, and of any tree on land adjacent to the site;
  - (d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the recommended protective distance referred to in BS5837: 2012.
  - (e) details of the specification and position of fencing [and of any other measures to be taken] for the protection of any retained tree from damage before or during the course of development.

In this connection 'retained tree' means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

**Background Information:**

The application was deferred by the Finchley and Golders Green Area Planning Committee on the 17<sup>th</sup> October 2017 for the following reasons:

“Some residents had not received notification by email of the meeting”.

Officer’s recommendation remains for approval and the report, as submitted at the previous meeting, is attached below as Appendix 1.



## Appendix 1:

<b>Location</b>	<b>22 And 24 Dollis Avenue London N3 1TX</b>	
<b>Reference:</b>	<b>17/1363/FUL</b>	Received: 6th March 2017 Accepted: 13th March 2017
<b>Ward:</b>	Finchley Church End	Expiry 8th May 2017
<b>Applicant:</b>	N/A	
<b>Proposal:</b>	Demolition of existing buildings. Erection of two-storey building comprising of 9no residential apartments with rooms in roof space and basement level. Parking for 15no cars at basement level, cycle parking for 20no cycles and refuse storage. Associated new fencing, landscaping, and amenity space	

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning 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 Chairman (or in his absence the Vice- Chairman) 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: Sustainability and Energy Statement by JS Lewis Ltd dated February 2017; Daylight and Sunlight Study by Delva Patman Redler ref LT/lt/17021 dated January 2017; Planning and Design and Access Statement by JMS Planning and Development Ltd dated February 2017; Arboricultural Assessment and Method Statement by Barrell Tree Consultancy Dated 24th February 2017 ref 14390-AA-MW; Tree Protection Plan Barrell Plan Ref: 14390-BT1; Drawing no. ASP.14.043A.001 Rev B; Drawing no. ASP.14.043A.002 Rev I; Drawing no. ASP.14.043A.003; Drawing no. ASP.14.043A.004; Drawing no. ASP.14.043A.005; Drawing no. ASP.14.043A.100 Rev E; Drawing no. ASP.14.043A.101 Rev C; Drawing no. ASP.14.043A.102 Rev A; Drawing no. ASP.14.043A.103 Rev D; Drawing no. ASP.14.043A.104 Rev B; Drawing no. ASP.14.043A.200 Rev E; Drawing no. ASP.14.043A.201 Rev E; Drawing no. ASP.14.043A.202 Rev D; Drawing no. ASP.14.043A.203 Rev F; Drawing no. ASP.14.043A.204 Rev B; Drawing no. ASP.14.043A.205 Rev E; Drawing no. ASP.14.043A.300 Rev E.

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 Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

- 4 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

- 5 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

Refuse collection points should be located within 10 metres of the Public Highway, at ground floor level, otherwise, the development access needs to be designed and constructed to allow refuse vehicles to access the site and turn around within the site, including access road construction to adoptable standards. The applicant should sign a Waiver of Liability and Indemnity Agreement to indemnify the Council against any claims for damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; to protect the amenities of the area and to ensure that the access is satisfactory in terms of highway safety development in accordance with policies DM01 and DM17 of the Adopted Barnet Development Management Policies DPD (2012), and CS9 and CS14 of the Adopted Barnet Core Strategy DPD (2012).

6 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.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety 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 April 2013) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

7 Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the approved parking spaces to be provided with electric vehicle charging facilities, 20% active and 20% passive in accordance with the London Plan. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason

To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan.

- 8 Before the development hereby permitted is first occupied, the basement parking for cars and cycles shown on Drawing No ASP.14.043A.100 Ref E shall be provided. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason

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

- 9 Notwithstanding the plans submitted, before development commences, details of the passing places, access ramp gradient leading to the basement car parking area, car park layout, and the car ramp warning (signal control) system, including maintenance contract details, together with headroom clearances along the ramp and within the parking area shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out nor shall it be subsequently operated otherwise than in accordance with the approved details.

Reason

In the interests of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 10 The development shall thereafter be implemented in accordance with the cycle parking and storage details indicated on the hereby approved drawing no. ASP.14.043A.100 Rev E and the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and 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.

- 11 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 Policy 7.21 of the London Plan 2015.

12 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 before the development hereby permitted is commenced.

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 April 2013) and 7.21 of the London Plan 2015.

13 The roof of the building 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).

14 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing no.20 Dollis Avenue and The Lintons, 26 Dollis Avenue 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 April 2013).

- 15 The layout of the residential units as indicated on the hereby approved plans shall be implemented 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 policy DM01 of the Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (adopted October 2016).

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

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 17 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10.41% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 18 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

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

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

- 20 The amenity space shall be implemented in accordance with the details indicated on the hereby approved Drawing no. ASp.14.043A.002 Rev I before first occupation or the use is commenced and retained as such thereafter.

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

- 21 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

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

- 22 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).

### **Informative(s):**

- 1 In accordance with paragraphs 186 and 187 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 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](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £15,680.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £74,790.00 payment under Barnet CIL.

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](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the



final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk)

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 3 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 4 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 7294.

- 5 Any details submitted in respect of the Demolition Construction and Traffic Management Plan (DCMP) above shall control the hours, routes taken by delivery and construction vehicles, delivery arrangements, means of access and security procedures for construction traffic to and from the site and for the provision of on-

site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.

The DCMP will take into account locations of any schools in the proximity of the proposed development that may be affected by the proposed development and the applicant shall ensure that construction related traffic and or deliveries shall be avoided during the school drop off and pickup times. The applicant may need to liaise with the affected school to ensure that measures are in place to ensure pedestrian safety.

- 6 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via [crossovers@barnet.gov.uk](mailto:crossovers@barnet.gov.uk).
- 7 The plans and particulars submitted in accordance with Condition 11; above shall include:
  - (a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree and which trees are to be removed;
  - (b) details of the species, diameter (measured in accordance with paragraph (a) above), root protection area (as defined in BS5837:2012 Trees in Relation to design, demolition and construction-Recommendations), the approximate height, and an assessment of the general structural and physiological condition, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
  - (c) details of any proposed pruning of any retained tree, and of any tree on land adjacent to the site;
  - (d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the recommended protective distance referred to in BS5837: 2012.
  - (e) details of the specification and position of fencing [and of any other measures to be taken] for the protection of any retained tree from damage before or during the course of development.

In this connection 'retained tree' means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

## **Officer's Assessment**

### **1. Site Description**

The application site is at present comprised of two large detached dwellings located on the northern side of Dollis Avenue within the Finchley Church End Ward. The properties are not listed nor do they lie within a conservation area.

Although the area is predominantly characterised by single family dwellings, there are examples of flatted developments in the immediate vicinity, including to the north at the development known as The Lintons (no.26 Dollis Avenue) and directly opposite at the development known as Primrose Court.

The existing properties benefit from off-street parking and a large forecourt. The existing properties are two storeys in height with accommodation in the roof space. No.22 Dollis Avenue benefits from a large single storey outbuilding connected to the main dwelling along the boundary with no.20 Dollis Avenue.

There are changes in the ground levels with the existing dwellings lying at a higher level than the highway.

There are numerous trees on the site and adjacent land however none are covered by a Tree Preservation Order.

### **2. Site History**

Reference: F/04503/08

Address: 22 Dollis Avenue, London, N3 1TX

Decision: Lawful

Decision Date: 19 January 2009

Description: Erection of ground floor side and rear extension and first floor rear extension. Alterations to roof including side dormers.

Reference: F/00153/13

Address: 22 Dollis Avenue, London, N3 1TX

Decision: Approved subject to conditions

Decision Date: 19 March 2013

Description: Extension to roof including two side dormer windows to facilitate a loft conversion. First floor side extension.

Reference: F/02469/08

Address: 22 Dollis Avenue, London, N3 1TX

Decision: Refused

Decision Date: 3 September 2008

Description: Erection of ground floor side and rear extension and rear first floor extension. Extension and alteration to existing roof including new rear balcony, front dormer and solar panels.

Reference: C10607A/05

Address: 22 Dollis Avenue, London, N3 1TX

Decision: Refused

Decision Date: 12 December 2005

Description: Alteration to roof including gable end to front elevation and dormer window to side to extend existing loft conversion. Part single, part two-storey rear extension. Two-storey side extension. First floor side extension.

Reference: F/03294/10

Address: 24 Dollis Avenue, London, N3 1TX

Decision: Approved subject to conditions

Decision Date: 17 November 2010

Description: Formation of ground floor side extension to adjoining garage. First floor extensions to both sides and front elevations. Alterations to roof including extension of ridge-line and addition of a rear dormer (Amendment to planning application reference C/12313/D/05 dated 06/06/05)

Reference: C12313D/05

Address: 24 Dollis Avenue, London, N3 1TX

Decision: Approved subject to conditions

Decision Date: 6 June 2005

Description: Formation of ground floor side extension adjoining garage. First floor extensions to both sides and front. Alterations to roof including extension of ridge-line and addition of rear dormer. (Amendment to Appeal decision ref: APP/N5090/A/03/1118648 dated 18/03/2004.)

Reference: C12313B/02

Address: 24 Dollis Avenue, London, N3 1TX

Decision: Refused

Decision Date: 24 January 2003

Description: Part single, part two storey side and front extension facing 22 Dollis Avenue. Two storey side extension facing 26 Dollis Avenue. Enlarged roofspace involving formation of rear former window and elevational alterations.

Reference: C12313A/01

Address: 24 Dollis Avenue, London, N3 1TX

Decision: Approved subject to conditions

Decision Date: 25 May 2001

Description: Two storey side extension.

Reference: C12313C/04

Address: 24 Dollis Avenue, London, N3 1TX

Decision: Withdrawn

Decision Date: 3 March 2005

Description: Ground floor side extension adjoining garage. First floor extensions to both sides and front. Alterations to roof including extension of ridge-line and addition of rear dormer window.

### **3. Proposal**

The applicant seeks planning consent for the demolition of the existing dwelling houses and erection of two-storey building comprising of 9no residential apartments with accommodation in roof space and basement level. The development would include parking for 15no cars at basement level, cycle parking for 20no cycles and refuse storage at basement level also. In addition, there would be new fencing, and associated landscaping and amenity space.

The units mix would as follows:

- 1 x 1 bed (2 occupiers) flats;
- 2 x 2 bed (4 occupiers) maisonettes;
- 2 x 2 bed (4 occupiers) flats;
- 4 x 3 bed (6 occupiers) flats.

The proposed building would be set 2.4m from the boundary with no.26 Dollis Avenue (The Lintons) at the front and a minimum of 0.8m at the rear, although the rearmost section of the building at the building would be set further away from the boundary. The proposed building would be set 2m from the boundary with no. 20 Dollis Avenue measured at the front and 2.2m measured at the rear.

Due to the bend in the road at this position, the buildings on this side of the road follow a stagger. The building line would be comparable to The Lintons, although recessed by 0.5m, and would project approximately 4.6m beyond the front elevation of no. 20 Dollis Avenue ( 2.8m beyond the front elevation of single storey garage of no.20 adjoining the boundary with the host site).

The building would have a maximum depth of 18m, although there are recessed sections at the front and rear elevations. The building would have a maximum width of 29.4m, although the building is narrower at the rear and set 4m from the boundary with no.20 Dollis Avenue and 3m from the boundary with no 26 Dollis Avenue (flatted development).

The building would be set at a higher level than the streetscene with an access ramp to the main entrance. The section of the building adjacent to The Lintons (no.26) would be set at a lower level by 0.5m to appear subordinate.

The ramp into the basement would be situated adjacent to no.20 Dollis Avenue. The building would have a crown roof with front and rear dormers.

The application has been amended during the course of the application to address concerns raised by officers regarding siting of the building, bulk and massing, size of rear terrace and lightwells, and outlook to basement units (amended to maisonettes). The bulk and massing has been reduced near no.26 The Lintons and the section of the building set lower to appear subordinate. The building has also been sited towards the rear by 0.2m along The Lintons boundary and 2m along the boundary with 20 Dollis Avenue.

#### **4. Public Consultation**

Consultation letters were sent to 57 neighbouring properties.

18 responses have been received, comprising 18 letters of objection. A petition has also been received comprising of 62 signatures.

The objections received can be summarised as follows:

- Loss of attractive houses replaced with a block of flats of no architectural merit;

- Principle of flats unsuitable;
- Poor design/ utilitarian appearance;
- Proposed building massive and obtrusive, and this would dominate the road;
- Out-of-character;
- Overdevelopment;
- Road is an attractive road with mature character as described by Inspector on other scheme (no.14 Dollis Avenue), this building will change appearance of street;
- Parking pressures from occupiers and visitors to new flats;
- Increase in pollution from vehicles;
- Flats unsuitable in this location/ alter character of road;
- Loss of trees;
- Poor planning decisions before do not justify poor decisions now;
- More suitable to a university campus than a residential street;
- Overbearing and bulky design;
- Number of unsightly bins on collection day will be unpleasant;
- No engagement with neighbours;
- In most London Borough's a Construction Method Statement would be supplied by an engineer. No structural information has been provided for the basement;
- No details of site specific investigation including ground water and monitoring results have been provided;
- No surface water or sustainable urban drainage strategy (SUDS) details have been provided;
- Overlooking into rear and neighbouring gardens due to raised terrace and rear balconies;
- Loss of light/ overshadowing to neighbouring properties
- Planned height of fence at 2.5m does not conform to standard;
- Loss of outlook and sense of enclosure;
- Significant loss of garden and landscaping;
- Oppose the scale and high density;
- No affordable housing/no social gain;
- Disruption during construction;
- Setting precedent;
- Low brick wall will reduce security of taller fencing at the front

A site notice was erected on the 23rd March 2017.

A reconsultation was carried out to consider allowing neighbours to comment on the amended scheme. Four additional comments and a petition with 105 signatures have been provided; the comments can be summarised as:

- Council should preserve current balance of family homes to apartments on Dollis Avenue/prevent the destruction of character and loss of family homes;
- Tree survey does not consider the impact on trees on neighbouring land;
- No pre-application consultation with neighbours;
- Most Councils require a detailed Construction Method Statement to be provided to detail the basement;
- Overdevelopment of the site;
- Overlooking in rear and side gardens;
- Size of basement;
- Reduction in height of fence would enable overlooking;
- Loss of light/ overshadowing;
- Loss of outlook;
- Impact to streetscene;
- Sense of enclosure/ overbearing;

- Poor amenity for basement units;
- Nothing in the amended plans deal with the comments made previously objecting to the development on character grounds (loss of housing to flats);
- "How long will it be before the transformation of this lovely Avenue is so marked and the density of its population so high that public transport through this wide avenue should be considered?";
- Dominate this side of the road;
- Proposal is not going to be affordable housing;
- Increase of traffic and congestion/ Highways safety due to proximity to nearby schools;
- "More suitable to a bland university campus than a residential street";
- "The overbearing bulky design of the facade of the terraced block of flats does not take into account of the distinctiveness of the existing dwellings";
- Building fails to disguise itself as a house due to vast amount of fenestration at the rear and rear and height of the building.

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 2016

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

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

#### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS10, CS15.

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17.

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

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of development
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Impact on future occupiers
- Impact on Trees
- Highways
- Sustainability Measures

### **5.3 Assessment of proposals**

#### Principle of Development

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

The houses are not considered to be particular architectural merit, they are not listed nor do they lie within a conservation area. As such the principle of demolition is considered acceptable.

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.



Policy DM01 part h) which seeks to protect the character of Barnet states that the 'conversion of dwellings into flats in roads characterised by houses will not normally be appropriate'. Although the area is predominantly comprised of single family units, there are some examples of flatted development in the immediate vicinity. Directly to the north of the site, lies a block of 8 flats known as Lintons (at no.26 Dollis Avenue) and directly adjacent to the site lies another block of 7 flats known as Primrose Court. More recently planning permission was granted at no.21 Dollis Avenue for the erection of a block of 5no flats (reference F/04800/14) and no. 14 Dollis Avenue was granted permission at appeal or 6no flats with basement parking and accommodation (planning reference F/02194/12).

Considering this, the principle of a flatted accommodation on this section of the road is considered to be acceptable.

London Plan policy 3.4 seeks to optimise the housing potential of sites with reference to the density matrix contained in Table 3.2 which provides a guide to appropriate density ranges for particular locations, depending on accessibility and character.

The application site has benefits from a PTAL of 3 which is considered to be average, and is considered to fall within a suburban setting as defined in the London Plan. The London Plan Density Matrix suggests a range of 35-95 units per hectare. Taking the site area of 0.17ha, the proposal for 9 flats would equate to a density of 52.94 units per hectare which is within the recommended range as specified in the London Plan density matrix. The proposed density range is considered to be appropriate; however is not the only consideration to determine whether development is suitable. The NPPF stipulates that planning decisions should "optimise the potential of the site to accommodate development" and development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. This will be discussed in more detail in the following sections.

The proposed development would result in the loss of two 6 bedroom dwelling houses. Policy DM08 stipulates that for market housing, the highest priority is for family homes of 4 bedrooms. Whilst smaller units are proposed, all of which exceed the minimum space standards, the overall increase in the number of units, including 2bed and 3 bed units is considered to outweigh the loss of the larger dwellings due to the overall associated benefits of adding to the housing stock. The scheme is a minor application and would include a suitable mix of units for the area. As such is considered to be acceptable in principle.

#### Impact on the character of the area

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. However, whilst the NPPF advocates that planning should not attempt to impose architectural styles or particular tastes it is considered proper to seek to promote or reinforce local distinctiveness.

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

The building line is considered to be appropriate and responds to the camber of the road. Whilst the building would project beyond the front elevation of no.20 Dollis Avenue, this would not be uncharacteristic for this section of the road, and given the distance between the properties and amendments to the siting of the building particularly near no.20 Dollis Avenue. it is not considered to appear overbearing. Similarly the building line at the rear would be in keeping with the building depth of other properties in the road, with the central projection set away from the common boundaries.

The design of the building is traditional and simply, reflective of some of other buildings on the road including no. 14 Dollis Avenue, which although granted approval at appeal, still constitutes the character of the road. Details of materials would be provided by a condition.

The proposed building would be set lower than the ridge of the existing properties and in terms of the height of the building, this is considered to be appropriate. With regards to the scale, bulk and massing of the building this has been amended and reduced during the course of the assessment of the application to address concerns raised by officers. Whilst the proposed building would span across the site with no gap in between (as with the existing detached dwellings), the building includes a mixture of recesses and forward projections to reduce the prominence of the building and break-down the massing. Similarly the section adjacent to The Lintons has been set 0.5m lower than the main building including the secondary entrance to appear subservient and the building reads as two cores, with the left hand section sited at a lower level than thus reducing the prominence of the building. The amendments in reducing the bulk and massing are considered to have addressed initial concerns regarding the building appearing overbearing and reading as a grandeur structure; in this regard it is considered that the building is of an appropriate scale for the large site.

The immediate vicinity is comprised of a mixture mainly large detached houses and some flats, of varying forms, plot widths and size of buildings; whilst there is some pattern in the style of small groups of buildings, it is not considered that there is a strong rhythm. Furthermore due to the variety between the types of buildings including siting on the plot, there is not a strong continuity in the spacing between buildings themselves. It is therefore considered that whilst the span of the building would not allow views through the centre of the site as existing due to the spacing between the two dwellings, this would not be out-of-character or detrimental to the general streetscene.

Whilst the Residential Design Guidance SPD stipulates that front dormers will not normally be considered acceptable, there are other examples of front dormers in the vicinity and these would not be out-of-character. The dormers both at the front and rear are modest in size and appear subordinate.

With regards to the basement, the Council's Residential Design Guidance SPD stipulates that "for new residential development, basements should generally be limited to the proposed footprint and volume of the house or building... [although] in larger buildings with extensive plots it may be possible to extend under part of the rear garden".

The lightwells have a modest projection and at the front given the large front garden, suitable landscaping would be sought to obscure the appearance. The rear terrace has been reduced to a modest depth of 2m. The level of excavation and basement manifestations appear subordinate to the main building.

The location of the ramp to the southern section of the road would minimise the prominence and, subject surrounding landscaping as indicated in the site plan, the visibility from the streetscene is considered to be unassertive.

The proposal would retain a large rear garden, similar to the depth of gardens of other properties on the road.

It is considered that the combined amendments have reduced the dominance of the building and the proposal it is not considered to represent an overdevelopment of the site. Officers therefore consider that the proposed building, as amended, would be sympathetic and positive addition to the character and appearance of the locality.

#### Impact on the amenities of neighbours

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites. New development should therefore have due regard to the amenity of existing occupiers in neighbouring buildings.

Whilst it is acknowledged that the proposed building would be sited beyond the 2.8m beyond the main elevation of no.20, the building would not result in loss of light to the amenities of these occupiers. It is also noted that adjacent to no.20 was a long single storey structure abutting the boundary which would be removed and therefore in this regard, the removal of this structure would alleviate the impact at the rear garden of no.20 Dollis Avenue. Due to the siting of the building, the distance from the common boundaries and also the distance between flank elevations of neighbouring properties, combined with the lower height of the proposed building than the height of the existing structures, it is not considered that the proposed structure would appear overbearing or imposing on the amenities of neighbouring properties.

The applicant has provided a Daylight and Sunlight Study as part of the supporting documents which concludes that the development would not have an adverse impact on daylight and sunlight received by the nearest neighbours (no.20 and 26 Dollis Avenue).

There are windows located to the flank elevation of the proposed however these will be conditioned to be obscured glazed, as they do not serve habitable rooms or are secondary windows, to prevent overlooking into neighbouring properties and gardens. Similarly, there are windows to the side elevations of the neighbouring buildings fronting the host site, although from the site visit and supporting information (Daylight and Sunlight study) these do not appear to serve habitable rooms and as such it is not considered that the siting of the building would be detrimental to the visual amenities or privacy of neighbouring occupiers.

The terrace at the rear has been reduced in depth to take into account concerns raised by officers on character and amenity grounds; it is not considered, given the distance from the neighbouring properties and depth as amended, that the raised terrace would result in overlooking to neighbouring gardens.

The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between windows serving habitable rooms should be 21 metres and there should be a distance of 10.5 metres between a new development and a neighbouring garden. Due to the length of the garden and the siting of the building,

the scheme would meet both standards and it is therefore not considered that the proposed building would result in direct overlooking in the properties at the rear; the building would be at least 18.6m to the rear gardens of properties on Church Crescent and approximately 39m between habitable rooms. The windows at the rear of the building would not result in additional levels of overlooking than expected in a suburban setting.

On balance, the impact on neighbouring occupiers is considered to be acceptable and approval is recommended.

#### Impact on the amenities of future occupiers

Any proposal for the site which includes an element of residential dwelling use will need to demonstrate that it is providing suitable amenities for its future occupiers in the relevant regards (for example, daylight, sunlight, outlook, privacy and internal and external amenity space). Development plan policies DM01, DM02 (of the Barnet Local Plan) and 3.5 (of the London Plan), the guidance contained in the Barnet Supplementary Planning Documents 'Sustainable Design and Construction' and 'Residential Design Guidance' and the Mayoral planning guidance document 'Housing' identify what this would constitute.

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2016. The SPD standards for bedrooms require double bedrooms to provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm.

The minimum standards, as set out in the London Plan, are as follows:

- 1 bed unit for 2 occupiers at one storey is 50sqm;
- 2 bed unit for 4 occupiers at one storey is 70sqm;
- 2 bed unit for 4 occupiers over two storeys is 79sqm;
- 3 bed unit for 6 occupiers at one storey is 95sqm.

The proposed units would offer the following floor areas:

- Unit 8 is a one bed unit (2p) providing 91sqm;
- Unit 1 and Unit 2 are two bed maisonette units (4p) providing a floor area of 109sqm and 147sqm respectively;
- Unit 3 and Unit 6 are two bed maisonette units (4p) providing a floor area of 143sqm for each unit;
- Unit 4, Unit 5, Unit 7 and Unit 9 are three bed units (6p) providing a floor area of 131sqm, 131sqm, 141sqm and 192sqm respectively.

The units would comply and exceed the minimum space standards relative to the size of the unit. In addition, the bedrooms would meet and again exceed the standards for single or double rooms (respectively).

New flats are expected to provide suitable outlook and light to all habitable rooms; the scheme would meet this requirement. The units would all have dual aspect. With regards to the maisonette flats, the layout results in the bedrooms to these units being served by lightwells. Whilst the outlook to these rooms would be limited due to the depth of the lightwells, consideration has been given to the siting of the principle and communal habitable rooms to these flats (the living and dining areas) being sited at ground floor levels and thus benefitting from good outlook. In addition, as mentioned above, the applicant has provided a Daylight and sunlight study which demonstrates that the habitable rooms located at basement level would receive acceptable levels of light. On

balance, it is considered that the siting of part of the accommodation at basement level does not warrant refusal.

Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels; this will be enforced by an appropriate condition attached to the decision. The stacking of the flats is considered to be suitable.

With regards to outdoor amenity space, all new residential development is expected to provide suitable and useable outdoor amenity space for future occupiers. The Sustainable Design and Construction SPD stipulates that for flats, 5sqm of outdoor amenity space should be provided per habitable room; where rooms exceed 20sqm in floorspace, they are counted as two habitable rooms. The proposal would involve the provision of outdoor amenity space for all flats through a rear communal garden; this is considered to be a useable area.

It is considered that the proposed scheme would provide high level of amenity for future occupiers and approval is recommended on these grounds.

### Highways

The Council's Highways officers have reviewed the information provided and have commented on the scheme.

The proposal is for the demolition of 2 existing dwellings and the erection of a two storey building comprising of 9 units (1x1bed/ 4x2bed/ 4x3bed). Basement parking for 15 car parking spaces is provided, along with 20 cycle parking spaces, refuse storage and new fencing. Amenity space and other associated works.

The site lies within a PTAL of 3 which is considered average, and there is a Controlled Parking Zone (CPZ) in effect Monday to Friday 2 to 3pm.

According to the parking standards as set out in Policy DM17, this site would require in the range of 8 to 13 vehicle car parking spaces. The provision of 15 spaces is therefore an over provision of 2 car parking spaces, however officers have considered this to be acceptable given the size of the units (exceeding the minimum floor area).

In accordance with Policy 6.9 of the London Plan, new development should provide secure, integrated, convenient and accessible cycle parking facilities. Based on table 6.3 of the London Plan, the development would require the provision of a 17 cycle spaces (1 cycle space per studio and 1 bedroom unit and 2 cycle spaces per other sized dwellings). The provision of cycle parking is 20 spaces is above the minimum requirements set out in the London Plan.

In terms of the refuse management, the provision would comply with requirements as set out in the Council's Waste Management Strategy. In respect of the bin collection point, the applicant has clarified that the bins would located more than 10m from the highway at basement level. The bins will be managed through a private collection company who will collect the bins direct from the bin store. Such a private collection company will be able to access the basement floor through the proposed ramp via key pad arrangement or

otherwise. Further details will be required as to how this will be managed including details of the vehicle, however these can be secured through a condition.

Highways officers have recommended that subject to the attached conditions and informative, there is no objection to the scheme on highways grounds.

### Trees

As part of the submission, an arboricultural impact assessment and tree protection plan have been provided, which have been reviewed by the Council's tree specialist. Although there are no protected trees on the site, Policy DM01 advises that trees should be safeguarded.

The proposal requires the loss of 21 trees categorised as C low value. The majority of these trees are small or small growing tree species. There will be a minor loss of visual tree amenity in the local area, however larger healthy trees are retained at the front of the property and in the rear. In addition, the proposed arboricultural impact assessment appears to be in draft form; an accurate method statement and tree-protection plan would be secured through a condition.

Whilst no landscaping plan has been submitted, it is considered that subject to a condition to secure a suitable landscape plan which would seek to provide a high quality frontage to the apartment building and help soften the mass of the building into the street scene, the proposal would be acceptable in this regard. The landscaping scheme would be required to address the loss of trees on the site.

### Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition is attached to ensure compliance with these Policies. The scheme would provide two lifts.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 10.41% CO<sub>2</sub> reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy

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

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

### Community Infrastructure Levy

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April

2012 setting a rate of £35 per sqm (index related) on all 'chargeable development' in Barnet.

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013 at £135 per sqm (index related).

The proposal has been calculated to be liable for £74,790.00 of Barnet CIL and £15,680.00 of Mayor's CIL.

#### **5.4 Response to Public Consultation**

It is considered that the planning related objections have been addressed in the report above. In addition, the following responses are provided:

"No engagement with neighbours"- Whilst engagement and consultation with neighbours is encouraged, it is not a statutory requirement with an application of this scale.

"In most London Borough's a Construction Method Statement would be supplied by an engineer. No structural information has been provided for the basement" - The structural implications of the basement including the possible impact on neighbouring properties with regards to stability are assessed under Building Regulations and it is not considered justified to require a Basement Impact Assessment to be secured by a condition. Taking into the geology of the area, A BIA would not be warranted accordance with Sustainable Design and Construction SPD.

"No details of site specific investigation including ground water and monitoring results have been provided" and "No surface water or sustainable urban drainage strategy (SUDS) details have been provided" - Given the scale of development, the application does not require this information. In addition, the site is within a Flood Risk Zone 1 which is considered to have a low probability of flooding. The Government's standing advice suggests that a flood risk assessment will only be required in Flood Zone 1 if the development is larger than 1 hectare and/or is affected by sources of flooding other than rivers and the sea, for example surface water drains; it is not considered that there is any evidence to justify that this information will be required and as such the lack of this information is not considered to be a justified reason for refusal. The application does not require the provision of SUDS information as it is considered as a minor application (up to 9 units). The application does not require the provision of SUDS information as it is considered as a minor application (up to 9 units). The site has been identified as having a low probability of surface water flooding and is not identified as a site in a critical drainage area.

"Overlooking into rear and neighbouring gardens due to raised terrace and rear balconies"- The rear terraced has been significantly reduced in depth since the initial consultation and this is no longer considered to be detrimental to the privacy of future occupiers. With regards to the Juliette balconies, it is noted that the doors to this open inwards into the proposed units and would not facilitate a platform beyond the rear elevation; it is therefore not considered that this would result in a greater level of overlooking than a standard window on the rear elevation.

"Planned height of fence at 2.5m does not conform to standard"- the fence has been reduced in height to 2m as indicated on drawing no. ASP.14.043A.002 Rev D.

"No affordable housing/no social gain"- The development does not meet the threshold to require the provision of affordable housing.

"Disruption during construction" - It is considered that noise and disturbance during construction can be mitigated by the condition restricting working hours.

"Low brick wall will reduce security of taller fencing at the front"- Details of the means of enclosure have been requested through a condition.

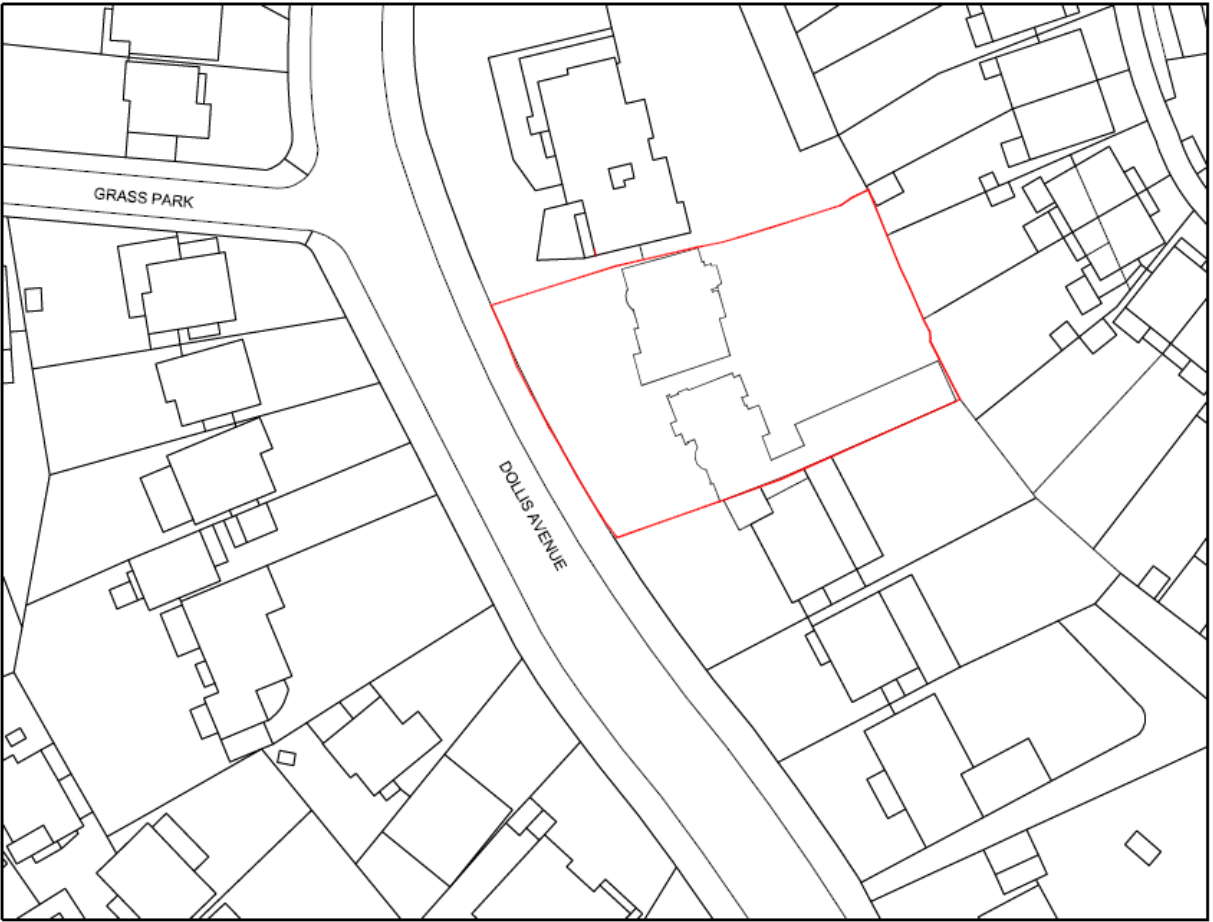
## **6. Equality and Diversity Issues**

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

## **7. Conclusion**

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





This page is intentionally left blank

<b>Location</b>	<b>Dersingham Road Garage Dersingham Road London NW2 1SP</b>	
<b>Reference:</b>	<b>17/3678/FUL</b>	Received: 8th June 2017
		Accepted: 19th June 2017
<b>Ward:</b>	Childs Hill	Expiry 14th August 2017
<b>Applicant:</b>	Mr Christos Tsentas	
<b>Proposal:</b>	Demolition of existing buildings. Erection of a three-storey building including a (D1 use) unit at ground floor level. Basement level car parking, plant housing and individual storage units to accommodate 9no self-contained flats at ground, first and second floor levels with associated Juliet balconies to elevations and roof terrace. Associated hard and soft landscaping, amenity space, cycle storage and refuse and recycling storage	

**AGENDA ITEM 7**

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning 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 Chairman (or in his/her absence the Vice- Chairman) 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:

- P-000 (Site Location Plan)
- P-001 (Existing Site Plan)
- P-002 (Existing Ground Floor Plan)
- P-003 (Existing First Floor Plan)
- P-004 (Existing Roof Plan)
- P-005 (Existing East Elevation)
- P-006 (Existing South Elevation)
- P-007 (Existing West Elevation)
- P-008 (Existing North Elevation)
- P-009 (Existing Long Elevation)
- P-010 (Existing Cross Section)
  
- P-101 A (Proposed Site Plan)
- P-102 (Proposed Basement Plan)
- P-103 (Proposed Ground Floor Plan)
- P-104 A (Proposed First Floor Plan)
- P-105 A (Proposed Second Floor Plan)
- P-106 B (Proposed Roof Plan)
- P-107 B (Proposed East Elevation)
- P-108 B (Proposed South Elevation)
- P-109 (Proposed West Elevation)
- P-110 B (Proposed North Elevation)

P-111 B (Proposed Long Section)  
P-112 (Proposed Cross Section)

Daylight/ Sunlight (received 08.06.17)  
Design and Access Statement (received 08.06.17)  
Design and Access Statement Addendum (received 10.10.17)  
Land Contamination Assessment (received 08.06.17)  
Noise Impact Assessment (received 08.06.17)  
Planning Statement (received 08.06.17)  
Structural Survey (received 08.06.17)  
Sustainability Appraisal (received 08.06.17)

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) Prior to the commencement of use, details regarding the proposed D1 use shall be submitted to and approved in writing by the Local Planning Authority.
- b) The premises shall be used for the approved D1 use as submitted and for no other purpose (including any other purpose in Class D1 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 and to safeguard the amenities of occupiers of adjoining residential properties.

- 4 The D1 use as approved hereby permitted shall not be open to members of the public before 09:00 or after 17:00 on weekdays or before 09:00 or after 13:00 on Saturdays. The use is not permitted to be open on Sundays and Public Holidays.

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

- 5 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 Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

6 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- 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. Staff travel arrangement;
- ix. details of contractors compound and car parking arrangements needs to be provided;
- x. Details of interim car parking management arrangements for the duration of construction needs to be provided;
- xi. Provision of a competent banksman;
- xii. Details of a community liaison contact for the duration of all works associated with the development needs to be provided.
- xiii. There is a school and a pedestrian crossing in close proximity of the site therefore no construction related traffic will avoided during the drop off and pick up times and any deliveries shall take into account the operational hours of the School.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13 , CS14, DM01, DM04 and DM17 of the Barnet Local Plan and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

7 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 April 2013) and 5.21 of the London Plan 2015.

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

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

- 9 a) Before development commences, a scheme of proposed air pollution and ventilation mitigation measures as designed by a fully qualified consultant shall be submitted to and approved in writing by the Local Planning Authority.
- b) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality from in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.3 of the London Plan.

- 10 Notwithstanding the plans submitted, prior to the commencement of the development, gradient for the access ramp leading to the basement car parking area, car park layout, and the car ramp warning (signal control) system, including maintenance contract details, together with headroom clearances along the ramp and within the parking area and the access to the parking area from public highway shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out nor shall it be subsequently operated otherwise than in accordance with the approved details.

Reason: In the interests of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 11 Prior to occupation of the development, the basement parking as shown on Drawing No. P-102 and the access to the parking area from public highway shall be provided. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

- 12 Prior to occupation of the development full details of the electric vehicle charging points to be installed in the development shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include provision for not less than 20% of the approved residential parking spaces to be provided with active electric vehicle charging facilities and 20% passive electrical charging facility. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan.

- 13 Prior to occupation of the development, Cycle parking spaces 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.

- 14 Prior to occupation of the development details of the refuse collection arrangements shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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 7.21 of the London Plan 2016.

- 16 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments and roof terrace balustrade, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.



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

- 17 The level of noise emitted from the ventilation 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 7.15 of the London Plan 2015.

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

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

- 19 Prior to the erection and installation of photovoltaic panels, details of the size, design and siting of all photovoltaic panels to be installed as part of the development shall be submitted and approved in writing by the Local Planning Authority. Calculations demonstrating the additional carbon emission reductions that would be achieved through the provision of additional panels shall also be submitted. The development shall be carried out and constructed in accordance with the approved details.

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 CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

- 20 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 08:00 am or after 19:00 p.m. on any other day.

Reason: To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day.

- 21 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).

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

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

- 23 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

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

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

- 25 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 35% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Polices document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 26 No works on public highway as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans. The applicant will be expected to enter into with the Highways Authority under Section 278 Agreement of the Highways Act, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

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

#### **Informative(s):**

- 1 In accordance with paragraphs 186 and 187 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 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](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq. m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £44,730 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq. m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £93,150 payment under Barnet CIL.

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](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk)

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 4 If the development is carried out it will be necessary for any existing redundant vehicular crossover(s) to be reinstated to footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.
- 5 Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 6 Proposal for any traffic management for temporary works on public highway to facilitate construction Works will require the applicant to consult the Highway Authority prior to commencing any works on highway. Please contact Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ for further information.
- 7 Any details submitted in respect of the Demolition Construction and Traffic Management Plan (DCMP) above shall control the hours, routes taken by delivery and construction vehicles, delivery arrangements (ensure that deliveries do not coincide and vehicles are not kept waiting and parked up on public highway causing obstruction), means of access and security procedures including provision of Banksman where required for managing construction traffic to and from the site and for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the

provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site where necessary on or adjacent to the site. The applicant is also advised that the site is located in close proximity of a school and pedestrian crossing and therefore the deliveries would need to be arranged outside the school pickup and drop off times if applicable.

- 8 The applicant is advised that the development is located on or near a Strategic Road Network (SRN)/Transport for London Road Network (TLRN) and is likely to cause disruption. The Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would require TfL's approval before works can commence.
- 9 The applicant is advised that for construction works adjacent or affecting the public highways, the council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary.
- 10 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 11 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance towards any damage to the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic related to the proposed development. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 12 The applicant is advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

The applicant is advised that photographic survey shall be undertaken of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.

To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section - Development and Regulatory Services, London Borough of Barnet, Barnet House, 1255 High Road, Whetstone N20 0EJ

- 13 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980.

During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

- 14 Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.
- 15 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.
- 16 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 30dB(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.



## **Officer's Assessment**

### **1. Site Description**

The application site is located on the western side of Dersingham Road between the junctions with Cricklewood Lane and Caddington Road, within the ward of Childs Hill.

The site consists of an old petrol filling station with a covered forecourt. Around the edges of the site are a number of single and two storey buildings that accommodate workshops and office facilities. The site is currently used for the service/maintenance and repair of 'black cabs'.

Within the context of the site, there is a terraced row of residential dwellings to the north with long rear gardens backing onto the site. To the west is a three storey flatted development, accessed off Douglas Mews and to the south is a two storey parade with commercial units on the ground floor and residential flats above. Opposite the site to the east, is Childs Hill Primary School.

Dersingham Road is predominately residential area comprising of two storey terraced and semi-detached dwellings. Cricklewood Lane to the south is of a more mixed character with commercial units and residential flatted development.

### **2. Site History**

Reference: 15/02053/FUL

Address: Jacabs Ltd, Dersingham Road Garage, Dersingham Road, London, NW2 1SP

Decision: Approved subject to conditions

Decision Date: 7 August 2015

Description: Erection of a three-storey detached building comprising of 57.2sqm of class D1 (Medical Unit) at ground floor level and 7no. self-contained flats with basement parking, associated landscaping and amenity space, storage areas, cycle and refuse storage following demolition of existing buildings.

Reference: C00839H/06

Address: Dersingham Road Garage Dersingham Road London NW2 1SP

Decision: Refused

Decision Date: 9 August 2006

Description: Demolition of existing building. Erection of three-storey building comprising of a surgery (Class D1) at ground floor level and 9No. self-contained flats at ground, first and second floor levels. Basement parking and communal garden at roof level.

Reference: C00839G/05

Address: Dersingham Road Garage Dersingham Road London NW2 1SP

Decision: Withdrawn

Decision Date: 19 April 2006

Description: Demolition of existing building. Erection of a four-storey building comprising of a surgery (Class D1) at ground floor and 10 no. self-contained flats at ground, first, second and third floors. Basement parking and communal garden at roof level.

### **3. Proposal**

The application seeks the redevelopment of the site, involving the demolition of the existing buildings on site and the construction of a part two, part three storey building with basement level, to provide a D1 (Non-residential institutions) unit on the ground floor, 9no. self-contained flats and associated parking, storage areas, amenity space and refuse storage.

The proposed building would measure approximately 20m in width across the site, a total depth of approximately 32m and a height of approximately 10m. The proposed D1 unit would measure 69sq.m. At this stage it is not yet known what precise D1 use will occupy this unit but it is anticipated that a use such as a clinic, health centre or day centre would be most likely user. In terms of the proposed residential units, the proposal would provide 2 x 1 bedroom units, 4 x 2 bedroom units and 3 x 3 bedroom units.

A number of amendments have been made during the course of the application, including:

#### *First Floor*

- The outdoor space of Unit 103 has been increased.

#### *Second Floor*

- Three portions of the proposals north-facing top mass have been reduced, to form a set-back second floor level.
- Internal layouts of units 203 and 205 have been re-configured to 2b3p and 2b4p flats.

#### *Roof Level*

- Addition of roof-terrace as a shared outdoor amenity space, which is set-back from each elevation and will be enclosed by a 1.5m high balustrade and planters.

### **4. Public Consultation**

Consultation letters were sent to 116 neighbouring properties. The application was subject to a period of re-consultation following the submission of amended plans.

7 responses have been received, comprising 7 letters of objection. A number of submitted representations have been submitted on behalf of a number of residents and have been signed with email addresses. However, these representations are only considered as one objection as the Council has no way of knowing that these names are valid and would need to be submitted individually to count as separate objections.

The objections received can be summarised as follows:

- Loss of employment;
- Proposal is higher and wider than previous approval which makes the development out of character;
- Concern over precise use of business unit and associated noise and traffic;
- Over-provision of GP practises;
- 13no. new windows are being installed along the north elevation which will cause overlooking;
- Overlooking to neighbouring properties;
- Loss of light / overshadowing;
- Addition of new units will add to the parking pressure;
- Future occupiers should not be entitled to parking permits;

- Increase in traffic, impact on traffic safety and associated noise;
- Insufficient parking provision to serve future occupiers;
- Impact of contamination from previous uses.

### *Consultee Responses*

**Environmental Health** - No objection subject to conditions.

**Traffic and Development** - No objection subject to conditions.

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 2016

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

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

#### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS10, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM13, DM14, DM17.

## Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)  
Sustainable Design and Construction SPD (adopted 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 existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Adequate provision of accommodation for future occupiers;
- Highways and parking provision; and
- Other material considerations.

### **5.3 Assessment of proposals**

A previous application was granted planning permission in 2015 (reference 15/02053/FUL) for the erection of three-storey detached building comprising of 57.2sq.m of Class D1 (Medical Unit) at ground floor level and 7no. self-contained flats.

#### Principle of development

The loss of the existing employment use on the site has been justified and accepted through the previous planning permission mentioned above. A period of active marketing was undertaken and the evidence submitted was considered to meet the requirements of Barnet policy DM14. The redevelopment of the site was accepted with a mix of one small business unit (57.2sqm) and 7no. residential units. The existing site employed two members of staff and the approved medical unit would provide employment for two staff. As a result, the approved scheme resulted in no net loss of employment.

An employment element would be retained within the site and is larger (69sq.m) than previously provided which is welcomed by the Planning Authority. However, the submitted Planning Statement states that no specific D1 use has been identified at this stage. Previously a medical centre was proposed and it is envisaged that a use which is similar in nature would occupy this unit. The submitted Planning Statement states that the unit would naturally lend itself to clinics, health centres, day centres etc and not the larger, more intensive D1 uses such a museum, library or hall. In order to control the potential uses, a condition has been attached which seeks that further details of the proposed D1 use are to be submitted and approved to the Planning Authority before occupation of the site. A separate condition has been attached which limits the hours of use of the unit. In this instance, this is considered to be appropriate and will allow the Planning Authority to assess the suitability of any future use of the unit. It was raised within the submitted representations that there are existing medical practices within the surrounding area and the provision of another unit would be an over-supply and lead to increased competition. While competition is not a planning issue, it has to be noted that the previously approved scheme was for the provision of medical unit. The proposed unit is only marginally larger than the unit previously approved and as such given that a similar use occupies the site, it is not expected to result in an additional noise/disturbance compared to the previously approved scheme.

The other element of the scheme is the provision of residential flats. Barnet policy DM01 states that the provision of flats in roads characterised by houses will not normally be appropriate. This part of Dersingham Road is considered to have a fairly mixed character, with the application site located between two different areas of Cricklewood Lane and Caddington Road. In this instance, the site was considered to have a stronger link with Cricklewood Lane where there are a large number of flatted properties and as such, the introduction of flats on this site was not considered to be detrimental to the character of the surrounding area.

The proposed mix of units is considered to be acceptable.

#### Impact on the character and appearance of the site, streetscene and wider area

Barnet policy DM01 expects that development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. It is stated within Barnet's Residential Design Guidance SPD that respecting local character does not necessarily mean replicating it; however, great care should be taken when incorporating contemporary design into existing urban fabric

In considering the existing character and context, the site consists of a mixture and variety of building designs and heights, ranging from single to two storey buildings and a covered forecourt. These structures occupy a large majority of the site, with an area of open hardstanding located centrally within the site. It is acknowledged that the existing buildings do not contribute to or enhance the appearance of the area. Surrounding the site, there are two differing character areas. Cricklewood Lane consists of a mixed character comprising 2-4 storey buildings, differing architectural styles and mixed commercial and residential uses. Whilst further along Dersingham Road and the adjacent Caddington Road, there is a strong traditional character of two storey semi-detached and terraced residential dwellings.

The application site can be identified as being located in the middle of these two areas, acting as a gap or transitional site. Whilst there are the differing character styles in the area, it can be generally assumed that there is a common arrangement with the fronts of buildings lining the street and private spaces located at the rear of the site.

The proposal comprises of a three storey building with a small two storey element at the rear (west) of the site. The layout of the building is arranged in a broad 'T' shape with the larger massing sited towards the eastern side of the site fronting onto Dersingham Road, with the rear section having a narrower, staggered layout. The scheme proposes a modern modular design, with flat roof, large glazing fenestration and brick detailing.

Assessing the scheme, the proposal would introduce a new building which would sit forward of the existing building line along the pavement edge and would occupy the entire width of the site along Dersingham Road. This approach was accepted during the previous application as the building line would not project beyond the established building lines formed by the side elevation of the end properties on Cricklewood Lane and Caddington Road.

In terms of scale, massing and height, the proposed development would represent an increase of all these aspects in relation to the existing buildings on site and the previously approved development. In terms of height, the submitted drawings illustrate that the proposed building would only be higher by approximately 1m than the approved building.

Having reviewed this detail and taking into account that the overall height would not exceed the height of surrounding buildings; it is considered that the additional increase would not result in a building that would appear out of scale with the adjacent buildings. The proposed first and second floors are stepped in from the side boundaries and as the building projects further back, the set-back increases away from the side boundaries. Along the eastern part of the site, the building would be constructed along the boundary and towards the rear, the building would measure 1.5m and 4m on the first and second floors respectively from the northern site boundary. The provision of stepped elements is considered to reduce the overall visual bulk of the building.

With regards layout and massing, the proposal would occupy a large proportion of the site with areas of relief and landscaping to the north and south of the central sited rear element. It is considered that the larger eastern element in terms of siting, layout and massing would appear to be acceptable. The more significant change is the introduction of additional mass and bulk within the rear element of the proposal which stretches to the rear boundary of the site. Following lengthy discussions with the agent/applicant, three elements of the second floor along the northern elevation have been further reduced by approximately 1m. It is considered that this reduction has a much improved visual appearance in terms of the buildings bulk and also its appearance within the streetscene.

In terms of external appearance, the proposal is of a modern modular design which would be a stark contrast to the more traditional appearances of the surrounding buildings. In terms of suitability, it is acknowledged that brick is a common element among buildings along Cricklewood Lane and is considered to be an appropriate material. The scheme incorporates a uniformity of layout of windows on the front elevation which is considered to create an acceptable visual appearance. Brick detailing has been incorporated to help break up the visual massing of the building.

Overall, It is considered that, while the proposal is of a contemporary modular design, following a number of amendments, the design, scale, height, bulk and mass of the proposed development is appropriate and responds to the site's context and surrounding area.

#### Impact on amenity of neighbouring occupiers

Barnet policy DM01 states that schemes which significantly harm the amenity of neighbouring occupiers will be refused. The Residential Design Guidance SPD provides further details on how privacy of neighbouring occupiers can be protected. Privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed). In new residential development there should be a minimum distance of about 21m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5m to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

In terms of potential impacts, it is considered that the neighbouring dwellings properties to the north, south and west have the potential to be impacted by the proposed development. These consist of two storey dwellings to the north, first floor residential flats to the south and a three storey flatted development to the west.

In terms of the impact to the properties to the north, the long rear gardens provide a separation distance of approximately 24.5m between windows of habitable rooms which would comply with the SPD requirements. However, the distance to the neighbouring

garden is measured at only 2-3m. This element of the scheme attracted the most discussions between parties as to whether the associated impact could be successfully overcome. The proposed second floor was further reduced in terms of footprint and set away from the neighbouring boundary which is considered to help reduce any overbearing impact. The overall mass and bulk is considered to be acceptable given the long gardens of the northern property and as such the overbearing impact is considered to be less. In order to overcome the overlooking impact, the design of the northern elevation incorporates windows which are either positioned at a high level at head height or are hidden behind brickwork screens which act like obscure glazing. The agent has submitted a number of drawings and visualisations which illustrate that the high level windows would remove any direct overlooking impact. A number of the northern facing rooms have been provided with side windows but these are only considered to offer oblique views of the neighbouring properties and would not result in any detrimental harm of overlooking.

To the south, there are residential units above ground floor level. The side elevation of the front block would measure approximately 10m from the rear elevation of the units on Cricklewood Lane. This was a similar distance on the approved scheme and as such this is considered to be acceptable. The proposal would increase the depth of this section compared to the previous scheme by 3-4m. However, the separation distance is not considered to have an overbearing impact on the properties to the south. The agent has identified that the closest windows (10m away from the boundary) that face onto the application site are non-habitable rooms (less than 13sq.m) and any habitable rooms are set further back at 14m from the boundary. It is measured that there would be a 21m separation distance between the closest facing habitable room windows which would meet the policy guidance requirements.

To the west there is a three storey flatted development which is sited further south of the proposed development. The large area to the north of this block is currently in use as a car park. Any proposed windows on the western elevation would overlook the car park. Those windows proposed on the western elevation of the main block would have a distance of 21m. It is not considered that this flatted development would be adversely impacted by the proposed development.

With regards the roof terrace, this has been set-back from the side edges of the building at sufficient distance to avoid any overlooking or perceived element of overlooking. Section drawings have been provided which show the relationship to both the north and south.

#### Provision of adequate accommodation 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 in order to provide an adequate standard of accommodation. Table 3.3 within policy 3.5 of the London Plan 2016 provides minimum spaces standards for new dwellings. The proposed scheme consists of the following units:

Level	Use	Area (m <sup>2</sup> )	Private Amenity (m <sup>2</sup> )	Shared Amenity (m <sup>2</sup> )
Ground	3-bed duplex	113	42	-
	3-bed duplex	113	42	-
	3-bed duplex	115	44	-
First	1-bed	58	5	9
	1-bed	61	5	9
	2-bed	81	6	9
Second	2-bed	78	8	9
	2-bed	98	10	9
	2-bed	96	35	-

All of the above proposed units would exceed the minimum space standards and would provide dual aspects outlooks. Officers had expressed concerns regarding the northern facing rooms as to whether they would receive adequate outlook with high level windows and natural light. Following discussions with the agent/applicant, additional amendments have been made to these rooms and additional drawings and visualisations have been provided to satisfy raised concerns. Each of the units would be provided with private amenity spaces and would have access to a communal area on the roof terrace. The provision of outdoor amenity space is considered to be acceptable in this instance.

#### Highways and parking provision

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

Policy DM17 sets out parking standards as follows for the residential use:

For 1 bedroom units	0.0 to 1.0 space per unit
For 2 and 3 bedroom units	1.0 to 1.5 spaces per unit

Based on the above parking standards the parking requirement for the proposed development is calculated as follows:

2x1b	a range of 0.0 to 1.0	0.0 to 2.0 spaces required
4x2b	a range of 1.0 to 1.5	4.0 to 6.0 spaces required
3x3b	a range of 1.0 to 1.5	3.0 to 4.5 spaces required

This equates to a parking provision range of between 7.0 and 12.5 spaces to meet the requirements of Policy DM17. The site has a PTAL rating of 3 which is considered to be a moderate level of accessibility. The site is located within a one hour Controlled Parking Zone (CPZ) which operates from Monday to Friday 10am to 11am and payment parking is in operation on Dersingham Road in the vicinity of the site which operates from Monday to Friday 9am to 5.30pm with a maximum stay of 1hr30mins. The proposal provides 10 parking spaces within the basement car park. The Council's Traffic and Development service has assessed the proposed development and comments that taking into consideration of the above factors and that the site is located within a walking distance of a



town centre location close to local amenities, the proposed parking provision is in accordance with policy DM17.

### Other material considerations

#### *Accessibility and sustainability*

The proposal includes the provision of a lift which would meet the requirements of M4(2) of the Building Regulations where step free access is required. This would comply with policy 3.5 of the London Plan. A condition is inserted to ensure the development is constructed to M4(2) standards.

Policy 5.15 of the London Plan also seeks to ensure that new developments minimise the use of mains water. A condition is attached which would seek that all units have been constructed to have 100% of the water supplied through a water meter, to include water saving and efficiency measures and to limit a maximum of 105 litres of water to be consumed per person per day.

The development would also be expected to demonstrate a reduction of carbon dioxide emissions. The applicant has submitted a sustainability statement which states that the development will achieve a 35% reduction in carbon dioxide emissions.

#### *Contamination*

A contamination report has been submitted as part of the proposal. The Environmental Health service has reviewed the application and consider that subject to a suitable condition, there are no in principle objection to the proposed development.

### **5.4 Response to Public Consultation**

**Loss of employment** - Addressed within assessment of report.

**Proposal is higher and wider than previous approval which makes the development out of character** - Addressed within assessment of report.

**Concern over precise use of business unit and associated noise and traffic** - Addressed within assessment of report.

**Over-provision of GP practises** - Addressed within assessment of report.

**13no. new windows are to be installed along the north elevation which will cause overlooking** - Detailed and lengthy discussions have been held between officers and the agent/applicant regarding this element of the scheme. The use of high level windows is not considered to result in a significant level of harm.

**Overlooking to neighbouring properties** – It is not considered that the proposal would result in any significant harm in terms of overlooking.

**Loss of light / overshadowing** - The proposed design and layout is not considered to result in any significant harm of loss of light or overshadowing.

**Highways and parking** - Assessed within assessment of report. The Council's Traffic and Development service has raised no objections to the proposed development. As the

proposal complies within the parking requirements of Barnet policy DM17, there is no need to restrict future occupiers from obtaining residential parking permits. Visitor parking is not assessed as part of the application.

## **6. Equality and Diversity Issues**

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

## **7. Conclusion**

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



© London Borough of Barnet 2017  
Contains public sector information licensed under the Open Government Licence v3.0  
© Crown copyright [and database rights] 2017 OS 100017674 EUL. Use of this data is subject to terms and conditions.

This page is intentionally left blank