

MEETING

HENDON AREA PLANNING COMMITTEE

DATE AND TIME

TUESDAY 16TH OCTOBER, 2018

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG

TO: MEMBERS OF HENDON AREA PLANNING COMMITTEE (Quorum 3)

Chairman: Councillor Brian Gordon LLB
Vice Chairman: Councillor Elliot Simberg

Gill Sargeant
Golnar Bokaei

Nizza Fluss
Ammar Naqvi

Helene Richman

Substitute Members

Val Duschinsky
Zakia Zubairi
Prager

Charlie O-Macauley
Lachhya Gurung

Mark Shooter
Linda Freedman

Please note that the below agenda may not reflect the order in which items will be heard at the meeting.

Please consider the environment before printing. The average Print Cost for this Agenda is £3.24 per copy.

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

Andrew Charlwood – Head of Governance

Governance Service contact: Faith Mwende Faith.Mwende@barnet.gov.uk 020 8359 4917

Media Relations contact: Gareth Greene 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	MINUTES	5 - 10
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)	
	Edgware Ward	
6.	Land At The Rectory Rectory Lane Edgware HA8 7LG (Edgware)	11 - 48
7.	247 Edgwarebury Lane Edgware HA8 8QL (Edgware)	49 - 60
	Hendon Ward	
8.	366 Watford Way London NW4 4XA (Hendon)	61 - 82
	Mill Hill Ward	
9.	Land To The Rear Of 27 To 29 Daws Lane London NW7 4SD (Mill Hill)	83 - 106
10.	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 Faith Mwende Faith.Mwende@barnet.gov.uk 020 8359 4917. 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

Decisions of the Hendon Area Planning Committee

3 September 2018

Members Present:-

AGENDA ITEM 1

Councillor Brian Gordon (Chairman)
Councillor Elliott Simberg (Vice-Chairman)

Councillor Golnar Bokaei Councillor Ammar Naqvi
Councillor Nizza Fluss Councillor Helene Richman
Councillor Zakia Zubairi

Apologies for Absence

Councillor Gill Sargeant

1. MINUTES - TO FOLLOW

RESOLVED that the minutes of the meeting held on 24th July 2018 be approved as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

Councillor Gill Sargeant sent apologies and was substituted by Councillor Zakia Zubairi.

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

None.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

The Committee noted the addendum.

6. 10 AND 11 OLD RECTORY GARDENS EGWARE HA8 7LS - 18/1250/HSE (AGENDA ITEM 11)

The planning officer introduced the report which related to 10 and 11 Old Rectory Gardens, Edgware.

An oral representation was made by Mr Geoffrey Charin in objection.

An oral representation was made by Mrs Alice Nampira in objection.

An oral representation was made by the applicant Mr Sudhir Hathi.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions in the report.

Votes were recorded as follows:

For:0

Against:5

Abstain 2

As a consequence of the vote, The Chairman moved a motion which was duly seconded by Councillor Simberg to go against the Officers recommendations and refuse the application for the following reasons:

- Existing balcony is massive is very large and visually unattractive
- The proposed plans would lead to encroachment onto neighbouring properties.
- The property is already overbearing and this would further exacerbate this.

The votes were recorded as follows:

For:5

Against: 2

The Committee therefore **RESOLVED** to **REFUSE** the application for the reasons outlined above.

7. LAND REAR OF 2 AND 4 RUNDALL CRESCENT LONDON NW4 3BP - 17/7858/FUL (AGENDA ITEM 10)

The planning officer introduced the report which related to the Land rear of 2 and 4 Rundell Crescent.

Mr Jonathan Sinclair made an oral representation in objection to the application.

Mr G Giovanni made an oral representation in objection to the application.

The applicant made an oral representation in relation to the application.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions in the report and the addendum.

Votes were recorded as follows:

For:7

Against: 0

The Committee therefore **RESOLVED** to **APPROVE** the application as per the officer's report and the addendum, subject to conditions.

8. 35 HILLSIDE GARDENS EDGWARE HA8 8HA - 18/4143/HSE (AGENDA ITEM 12)

The planning officer introduced the report which related to 35 Hillside Gardens.

The applicant Mr Femar made an oral representation in relation to the application.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to refuse the application.

Votes were recorded as follows:

For:2

Against: 5

As a consequence of the vote The Chairman moved a motion to vote against the officers recommendation and approve the application for the following reasons, duly seconded by Councillor Simberg.

- The proposed plans were consistent with the surrounding area and properties.
- Other properties on the road have very similar designs.
- Many of the close neighbours were in support of the application.

Votes were recorded as follows:

For:5

Against: 1

* Councillor Naqvi was not in the room and so no vote was counted for him.

The Committee therefore **RESOLVED** to **APPROVE** the application for the reasons outlined above.

9. 86-88 BUNNS LANE NW7 2DR - 18/2723/FUL (AGENDA ITEM 7)

The planning officer introduced the report which related to 86-88 Bunns Lane.

An oral representation was made by Mr Andrew Moore in objection to the application.

An oral representation was made by a representative for the applicant Carolyn Atkar in relation to the applicant.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve subject to conditions set out in the report.

Votes were recorded as follows:

For:5

Against:2

The Committee therefore **RESOLVED** to **APPROVE** the application as set out in the officer's report.

10. 111 DAWS LANE NW7 4SJ - 18/1105/HSE (AGENDA ITEM 6)

The planning officer introduced the report which related to 111 Daws Lane.

An oral representation was made by Amanda Coakley in objection to the application.

An oral representation was made by John Gillett in objection to the application.

An oral representation was made by the applicant in relation to the application.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve subject to conditions as set out in the report.

Votes were recorded as follows:

For:7

Against: 0

The Committee therefore **RESOLVED** to **APPROVE** the application as set out in the officer's report.

11. 16 RUNDELL CRESCENT LONDON NW4 3BP - 18/3306/S73 (AGENDA ITEM 9)

The planning officer introduced the report which related to 16 Rundell Crescent.

An oral representation was made by Dr Julian Levitt in objection to the application.

An oral representation was made by Mrs Carole Broit in objection to the application.

An oral representation was made by the applicant in relation to the application.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve subject to conditions as set out in the report.

Votes were recorded as follows:

For:7

Against: 0

The Committee therefore **RESOLVED** to **APPROVE** the application as set out in the officer's report.

12. 27 TRETAWN GARDENS LONDON NW7 4NP- 18/3685/HSE (AGENDA ITEM 8)

The planning officer introduced the report which related to 27 Tretawn Gardens.

The Committee noted that on the published report the conditions were missing. The Committee were informed that conditions were as follows:

One

The development hereby permitted shall be carried out in accordance with the following approved plans:

-2018 -1254/1

-2018 -1254/2 (03/08/18)

-2018 -1254/3 (10/08/18)

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).

Two

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.

Three

The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s). Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

Four

Before the building hereby permitted is first occupied the proposed dormer window(s) in the side elevation facing the neighbouring properties nos 25 and 29 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).

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve subject to conditions as set out in the report.

Votes were recorded as follows:

For:7
Against: 0

The Committee therefore **RESOLVED** to **APPROVE** the application subject to conditions set out in the report.

13. 4 GREEN LANE NW4 2NN - 18/3509/FUL (AGENDA ITEM 13)

The planning officer introduced the report which related to 4 Green Lane.

A representative for the applicant spoke in relation to the item.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve subject to conditions as set out in the report.

Votes were recorded as follows:

For:6
Against: 1

The Committee therefore **RESOLVED** to **APPROVE** the application subject to the conditions as set out in the report.

14. ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 21.31

Location	Land At The Rectory Rectory Lane Edgware HA8 7LG	
Reference:	18/2839/FUL	AGENDA ITEM 6 Received: 10th May 2018 Accepted: 18th May 2018
Ward:	Edgware	Expiry 17th August 2018
Applicant:	Casa Bella Developments Ltd -	
Proposal:	Demolition of existing buildings and redevelopment to provide 52 residential homes (C3 Use Class) within two buildings of 4 storeys with a setback 5th storey interlinked by a single basement, together with associated car parking (basement and surface level), cycle parking, access, utilities, refuse / recyclables storage and landscaping works.	

Recommendation: Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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)

RECOMMENDATION I:

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

1. Paying the council’s legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. (a) Legal Professional Costs Recovery
Paying the Council's legal and professional costs of preparing the Agreement and any other enabling arrangements.
- (b) Enforceability
All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.
- (c) Affordable Housing
The provision within the development of the following affordable housing units -

A commuted payment of £338,541 to contribute to the provision of providing affordable housing within the London Borough of Barnet.

A review mechanism for the proposed development to be implemented after 80% of the units have been sold.

(d) Travel Plans

A requirement that the applicant shall enter into Travel Plans that seek to reduce reliance on the use of the private car, promote sustainable means of transport and include the appointment of an appropriately qualified Travel Plan Champion. The following Travel Plans of this nature shall be entered into:

- A Local Level Residential Travel Plan.

(e) Travel Plan Incentives

The Local Level Residential Travel Plan (required under item (d) above) shall include financial incentives to of a total of £15,600 such that upon the first occupation of each new residential unit, regardless of tenure, the occupier shall be given a voucher to a minimum value of £300 per dwelling. The voucher provided shall allow the occupier to purchase two of the following Travel Plan incentives:

- Subsidised membership of and credit for a Car Club to the value of £150
- Oyster Card to the value of £150.
- A bike voucher to the value of £150

(f) Travel Plan Monitoring

A contribution of £10,000 (index linked) towards the monitoring of the Travel Plans for the development.

(g) On site car parking

That all parking within the basement car park shall be for residents of the development and their visitors only and for no other purpose.

(h) Employment and Training

A commuted payment of £164,438 in lieu of a Local Employment Agreement to deliver employment opportunities for residents in the Borough and to support local initiatives that align to Town Centre Employment, Business and Skills.

(i) Air Quality contribution

A contribution of £5,200 toward the implementation of the Council's Air Quality Action Plan.

(i) Monitoring of the Section 106 Agreement

A contribution of £10,163 (index linked) towards the monitoring and management of the S106 planning obligations

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director – Planning and Building Control or Head of Strategic Planning approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director – Planning and Building Control or Head of Strategic Planning:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan Drawing No RTG-HBA-00-XX-DR-A-00-0000
Existing site block plan Drawing No RTG-HBA-00-XX-DR-A-00-0010
Proposed site block plan Drawing No RTG-HBA-00-XX-DR-A-00-0011
Demolition plan Drawing No RTG-HBA-00-XX-DR-A-00-0012
Lower ground GA plan Drawing No RTG-HBA-00-B1-DR-A-20-0100
Ground floor GA plan Drawing No RTG-HBA-00-00-DR-A-20-0100
First floor GA plan Drawing No RTG-HBA-00-01-DR-A-20-0100
Second floor GA plan Drawing No RTG-HBA-00-02-DR-A-20-0100
Third floor GA plan Drawing No RTG-HBA-00-03-DR-A-20-0100
Fourth floor GA plan Drawing No RTG-HBA-00-04-DR-A-20-0100
Roof GA plan Drawing No RTG-HBA-00-05-DR-A-20-0100
GA North elevation Drawing No RTG-HBA-00-XX-DR-A-20-0200
GA East elevation Drawing No RTG-HBA-00-XX-DR-A-20-0201
GA South elevation Drawing No RTG-HBA-00-XX-DR-A-20-0202
GA West elevation Drawing No RTG-HBA-00-XX-DR-A-20-0203
Block A East Elevation Drawing No RTG-HBA-00-XX-DR-A-20-0204
Block B West Elevation Drawing No RTG-HBA-00-XX-DR-A-20-0205
Block A Bay Elevations Drawing No RTG-HBA-00-A-DR-A-20-0210
Block B Bay Elevations Drawing No RTG-HBA-00-B-DR-A-20-0211
Outbuilding Elevations Drawing No RTG-HBA-00-B-DR-A-20-0212
Block B Entrance Bay Study Drawing No RTG-HBA-00-XX-DR-A-20-0220
Typical Elevation Bay Study Drawing No RTG-HBA-00-XX-DR-A-20-0221
Elevation Detailing Drawing No RTG-HBA-00-XX-DR-A-20-0222
GA Section AA Drawing No RTG-HBA-00-XX-DR-A-20-0300
GA Section BB Drawing No RTG-HBA-00-XX-DR-A-20-0301
Context Section AA Drawing No RTG-HBA-00-XX-DR-A-20-0302
Context Section BB Drawing No RTG-HBA-00-XX-DR-A-20-0303

Design & Access Report RTG-HBA-00-XX-RP-A-00-0000
Accommodation Schedule Drawing No RTG-HBA-A-XX-SC-SW-80-0001
Tree retention and removals plan Drawing No BD-0195-SD-005 R00
Illustrative landscape plan Drawing No BD-0195-SD-008 R00
Preliminary planting layout plan Drawing No BD 0195 SD 003 R00
Transport Statement
Daylight and Sunlight Assessment
Construction Method Statement
Arboricultural Report
Air Quality Assessment
Sustainability Statement
Flood Risk Assessment
Ecological Appraisal
Energy Statement Reference 2650 Issue 2
Odour Report Reference J0235/1/F1

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 2016.

- 4 a) No development, other than demolition, site preparation and investigative works shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to trees, 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 2016.

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

b) The landscape plan must provide sufficient soft landscaping to replace trees and shrubs removed for the development and enhance the development in the local landscape.

c) 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.

d) 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.

- 6 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 CCL 09835 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 full accordance with the Crown Consultants BS5837 Arboricultural Report, Impact Assessment & Method Statement dated 3 May 2018 ref:- 09835 Tree Protection Plan, CCL 09835 and strictly adhered to throughout all development phases.

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 2016.

- 7 All tree felling and pruning works shall be carried out in full accordance with the Crown Consultants Tree Removal and Pruning Specification Rectory Grove Edgware HA8 7LE ref 09835 Table 2.1.1 and shown on Tree Removal and Pruning Plan dwg. no. CCL 09835 TRPP and in accordance with British Standard 3998 (Recommendation for Tree Works).

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 2016.

- 8 Arboricultural Site Supervision The Arboricultural Method Statement Crown Consultants BS 5837 Arboricultural Report, Impact Assessment & Method Statement dated 3 May 2018 ref:- 09835) and plan (Tree Protection Plan dwg no CCL 09835) submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision, detailed in 6. Site inspection 6.1. Inspection Schedule 6.1.2. of the report, by a suitably qualified tree specialist.

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained and protected trees pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM01.

- 9 Notwithstanding the submitted drawing the existing hedgerow on the northern boundary of the site adjacent to Heronsgate shall be retained other than where it is required to be removed for the provision of the service bay and bin store. Revised details shall be included in the landscape details to be submitted for approval under Condition 5.

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.

- 10 a) Prior to the occupation of the hereby approved development, details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.
- b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.
- c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2016.

- 11 Within the first year of occupation of the site, the recommendations including opportunities for biodiversity enhancements as set out in the Ecological Appraisal (404.06539.00004 dated July 2018) submitted with this application should be undertaken in the site.

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

- 12 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).

- 13 Before the development hereby permitted is first occupied, a play space design including play equipment to be installed in the communal amenity space shown on the drawings hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

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 that the development represents high quality design and to accord with Policy CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013), the Planning Obligations SPD (adopted April 2013) and Policy 3.6 of the London Plan 2015.

- 14 No development other than demolition works and below ground works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings 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 amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.15 of the London Plan 2011.

- 15 The level of noise emitted from the mechanical services 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 2011.

- 16 No development other than demolition works and below ground 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 mechanical services 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 2011.

17 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;
 - i. details of contractor's compound and car parking arrangements;
- viii. Details of interim car parking management arrangements for the duration of construction;
- ix. Details of a community liaison contact for the duration of all works associated with the development.
- x. A competent Banksman should be employed to monitor and manage vehicle traffic accessing and exiting the site to ensure pedestrian and highway safety.

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 policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 18 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reasons: In the interests of good air quality with regard to London Plan (2011) policies 5.3 and 7.14

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

Reason: To comply with the London Plan's SPG on Sustainable Design and Construction(adopted October 2016) and Policy 7.14 of the London Plan (2011) in relation to air quality

- 20 Part 1

- o 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 2011.

- 21 Before the development hereby permitted is occupied the car parking spaces shown on Drawing No. RTG-HBA-00-00-A-20-0100 and RTG-HBA-00-B1-A-20-0100 shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that 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.

- 22 Before the development hereby permitted is occupied disabled parking spaces shall be provided in accordance with the London Plan Parking Standards. Thereafter, the parking spaces shall only be used as agreed and not for any purpose other than parking and turning of vehicles for the disabled use in connection with approved development unless otherwise agreed in the car park management plan.

Reason: To ensure and promote easier access for disabled persons to the approved building 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.

- 23 Prior to occupation of the development hereby permitted commences a Car Parking Management Plan shall be submitted to and agreed in writing by the Local Planning Authority.

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.

- 24 Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include for the provision of 20% active and 20% passive parking spaces with electric vehicle charging facilities. The development shall be implemented in full accordance with the approved details prior to first occupation and maintained thereafter.

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.

- 25 Before the development hereby permitted is occupied, Cycle parking spaces shall be provided in accordance with the approved plans (Lower Ground Floor RTG-HBA-00-B1-DR-A-20-0100, Ground Floor Plan RTG-HBA-00-00-DR-A-20-0100). 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.

- 26 Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and agreed 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.

- 27 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.

- 28 The premises shall be used for C3 and for no other purpose (including any other purpose in Class C 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.

- 29 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 Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 30 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.

- 31 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (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) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. 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.

- 32 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).

- 33 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).

- 34 Before the development hereby permitted is first occupied, the refuse store must be implemented in full accordance with the details submitted with this application including Plans RTG-HBA-00-B-DR-A-20-0212 and RTG-HBA-00-00-DR-A-20-0100 and retained as such thereafter.

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

- 35 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Project Ref: 42868/2001, Rev: FINAL, dated May 2018) In particular, it shall be compensatory flood storage shall be provided, as described in section 6.2.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. This is in line with paragraphs 102-103 of the NPPF and the Barnet Local Plan Policy DM04: Environmental considerations for development.

- 36 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.13 and 5.14 of the London Plan 2016.

RECOMMENDATION III:

- 1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 25/01/19 unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to meet requirements of a Travel Plan, and contributions towards affordable housing, employment and training and air quality. The proposal would therefore not address the impacts of the development, contrary to policies DM01, DM02, DM04, DM08, DM10, DM12, DM14 and DM17 of the Barnet Development Management Policies (2012) and Policies CS NPPF, CS1, CS4, CS7 and CS9 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 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.

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.

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. 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.

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.

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

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

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

- 3 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below. "An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and noninfection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine."
- 4 Notwithstanding the detail in the indicative landscape plan, no permission has been granted by the Council for removal of the boundary hedge along Heronsgate. The applicant should take care working around all Council trees and vegetation in the highway.
- 5 The submitted Construction Method Statement shall include as a minimum details of:
 - Site hoarding
 - Wheel washing. The development should provide on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development,
 - Dust suppression methods and kit to be used
 - Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
 - For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.
 - Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - For major developments only: provide a copy of an asbestos survey;
 - Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding.
 - Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. - Bonfires are not permitted on site.

 - Compliance with the arboricultural method statement and tree protection plan
 - means of access and security procedures for construction traffic to and from the site

 - 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.

- 6 Any highway approval as part of the planning process for the alteration or removal of the existing crossovers or provision of new crossovers will be subject to detailed survey by the Crossover Team in Environment, Planning and Regeneration as part of the application for 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 Regulatory Service, Traffic and Development, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.

The applicant is advised that the maximum width of crossover allowed off the public highway is 4.8m wide crossover.

- 7 The footway and the carriageway of the public highway must not be blocked during the development of the proposal. Temporary obstructions during the construction of the development must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on the High Road.
- 8 All vehicles associated with the development must only park/stop at permitted locations and within the time periods permitted by existing on-street restrictions in accordance with the Council requirements.
- 9 The costs of any associated works to public highway, including reinstatement works, will be borne by the applicants and may require the Applicant to enter into a rechargeable agreement or a 278 Agreement under the Highways Act 1980.
- 10 There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to

Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

- 11 The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-largesite/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB
- 12 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures they will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.
- 13 With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.
- 14 Eastern Power Company is the electricity distribution network operator in the area. The company is the owner/occupier of the electricity substation located within 6 metres of the proposed works.

The applicant is advised to provide details of the proposed works and liaise with the Company to ensure that appropriate protective measures and mitigation solutions are agreed in accordance with the Act. Any Party Wall Notice should be served on UK Power Networks at its registered office: UK Power Networks, Newington House, 237 Southwark Bridge Road, London SE1 6NP.

Officer's Assessment

1. Site Description

The site comprises a 0.338 ha area of land located to the rear of Station Road, within the Edgware Major Town Centre.

There is an existing two storey residential dwelling on the site. The property is accessed from a single lane access off Rectory Lane to the south east corner of the site. The site is screened by trees and vegetation along the majority of its boundary. There is an area of informal parking located at the southern part of the site, directly adjacent to the access from rectory Lane. This parking area is used by the Church and Nursery.

The site is bound to the north by Heronsgate which provides a single carriageway vehicular access to residential properties and leading to a cul de sac. These properties are two storey in height.

The site is bound immediately to the east by Portsdown, a service lane serving the rear of properties fronting Station Road. These properties are terrace properties, of three storey in height, generally comprising commercial uses at ground floor and residential use above.

To the south is Rectory Lane, a single carriageway providing access to the rear of properties along Station Road and an existing single storey nursery building. Rectory Lane continues south providing access to other community uses.

To the west are two storey residential properties and gardens.

The site has an excellent Public Transport Accessibility Rating being located within the Edgware major Town Centre. The Edgware underground station is within 150 metres.

The site is not within a conservation area and does not contain any locally or statutorily listed buildings. The closest listed building to the site is the Parish Church of St Margaret (Grade II) located approximately 400m south of the site.

A number of trees along the Northern boundary are protected by Tree Preservation Order.

The Environment Agency's Flood Map shows the site falls partially within Flood Zones 1, 2 and 3.

2. Site History

Not applicable

3. Proposal

The proposed development comprises two buildings of part four, part five storey each in height. The scheme provides a total of 52 units. Block A comprises 24 units. Block B has 28 units. The buildings have been designed in an angular form to direct outlook away from opposing units on the opposite building.

The 52 units are comprised of the following:

1 x Studio

28 x 1 bed, 2 person

10 x 2 bed, 3 person
7 x 2 bed, 4 person
1 x 3 bed, 4 person
5 x 3 bed, 5 person

Car parking has been incorporated in the basement to provide 36 spaces for the 52 units which would be accessed by car lift from Rectory Lane.

The application proposes extensive landscaping for private and communal purposes.

The principal material would be brick utilising a mixture of brick colours with a darker mix of brick at the ground floor and the upper floors in a red, pinkish, grey mix brick. The proposed development would also utilise precast stone concrete detailing in specific areas such as the entrances.

4. Public Consultation

Consultation letters were sent to 550 neighbouring properties.
20 responses have been received, comprising 12 letters of objection and 8 letters of support.

The objections received can be summarised as follows:

- The existing building should not be demolished and should be considered for local listing
- The development will result in a loss of light and outlook to the rear of buildings along Station Road
- The development appears cramped and will provide substandard accommodation.
- There are trees already being removed from the site despite no planning permission having been granted.
- Loss of landscaping
- The height of the building will be 4-5 storeys and will appear too tall and out of scale with development in the area which is 2 to 3 storeys. This development appears to be too large for this site.
- The applicant's assessment of likely traffic generation is flawed. There are likely to be significant traffic impacts. It is not feasible to accommodate the scale of deliveries and traffic along these roads. The area is badly congested already and this development will make this much worse. The proposal will result in construction traffic and ongoing traffic issues as a result of the carlift. The carlift could break down resulting in queues for parking.
- There is a potential safety concern for children and pedestrians particularly as a result of construction traffic and the difficult manoeuvring and visibility for these lanes.
- The proposal lacks reference to social housing provision and clarity on how accessible units will be for wheelchair users.
- This proposal provides too many flats for what is needed. There are still flats available in nearby developments.

The letters of support received can be summarised as follows:

- The development will provide quality new housing which would benefit young families
- The development will provide extensive landscaping and planning and have proposed to retain mature oak trees. This will be an improvement to the area.
- The development is providing on-site parking which will mitigate any traffic impacts
- The development has been designed to be considerate of neighbours

The existing site is not contributing to the community. This development would benefit the community.

- Party wall notice has not been served on a neighbouring site.

Internal consultees:

Environmental Health: Recommend approval with a number of conditions and informatives. Further information has been provided to respond to concerns raised by officers.

Highways: Recommend approval subject to a S106 Agreement and conditions and informatives.

Landscape: The indicative landscaping plan has been revised and amendments made to address comments by the Landscape officer. Conditions have been included as recommended.

Drainage: Information has been requested and provided through the course of the application.

Affordable Housing: Provided input into the Affordable Housing contribution and review mechanism.

External consultees:

London Fire Commissioner: The Commissioner is not satisfied with the proposals because there is insufficient evidence supplied to demonstrate compliance with Approved Document B Volume 2 B5 Access and facilities for the fire service.

Environment Agency: No objections were raised provided a condition is included to ensure compliance with the Flood Risk Assessment. A condition has been included to this effect.

TFL: Objection. Overprovision of parking does not reflect the excellent public transport accessibility rating. The Electric Vehicle charging points does not reflect the new London Plan standard of 20%. Cycle Parking should be enlarged to provide for larger or adapted cycles.

Metropolitan police: No response received.

Thames Water: No objection. Informatives requested regarding water and waste assets.

UK Power Network: Objection as the applicant has not served notices under the Party Wall Act.

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 24 July 2018. 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.

The London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

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, CS3, CS4, CS5, CS9, CS10, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM10, DM13 DM17.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

Planning Obligations (April 2013)

Affordable Housing (February 2007 with updates in August 2010)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development, including planning history;
- 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 future residents.
- Whether harm would be caused to the living conditions of neighbouring residents.
- Affordable Housing considerations;
- Highways;
- Trees and Landscape
- Refuse and Recycling
- Sustainability.
- Flood risk and drainage

5.3 Assessment of proposals

- Principle of development, including planning history;

The existing site is located within the Edgware Town Centre designation but is not subject to any other formal designation which would constrain the site or influence development. The site is bounded by trees and surrounded by housing on three sides.

The applicant has provided an assessment of the historic significance of the site and has appraised the historic development of Edgware town centre. Much of the historic development has arisen from the relocation of the underground station towards the east from its earlier location. Having carefully considered the history of the site and through analysis of map progression it has been established that the building currently on site is not the original rectory building. The original rectory was not located on this site; it was located south of the site, and it was demolished to accommodate the expansion of the surrounding housing estates following World War I. The building currently on site is of a restrained Arts & Crafts style property which is likely to have been built in the 1920s. Given that the building is not listed or located in, or adjacent, to a conservation area and that it is not the original rectory building, the principle of demolition is considered to be acceptable.

The site is located in a Town Centre location, as such having regard to Policy DM11, consideration should be given to the potential to provide a mixed use scheme. However, the site is not within a Primary or Secondary Shopping Frontage and there are access constraints associated with the site. Furthermore, the site is in a location characterised by residential development. Therefore it is not considered suitable for non-residential uses.

In accordance with the NPPF, development proposals are required to make effective and sustainable use of land, by re-using land that has been previously developed. It also expresses a need to significantly boost the supply of housing. The proposal will deliver 52 new homes. The provision of new housing is strongly supported by national, regional and local policy. The proposals will help the borough to meet its minimum housing delivery target of 2,349 additional homes per year as set out in the current Local Plan and the higher figure of 3,135 additional homes per year in the draft Local Plan. It is noted that the Government is proposing to introduce a standardised approach to assessing housing need, and this confirms that the housing need in Barnet for 2016 to 2026 is 4,126 new homes per annum. This emphasises the importance of optimising housing delivery and provides support for the redevelopment proposals for this site.

Policy DM07 seeks to prevent the loss of residential accommodation. The proposal will replace and intensify the existing residential use of the site and therefore does not conflict with this policy. The principle of site redevelopment is acceptable and given the back of frontage location, proximity to excellent public transport and context of residential uses surrounding the site on four sides, housing is an acceptable use of the site. The principle of a wholly residential scheme is acceptable in this location.

The scheme has proposed 52 units comprising studios, one bed, two bed and three bed flats. The proposed development offers an acceptable dwelling mix which would avoid a bias towards one bed flats. The density is approximately 150 units per hectare which would be within an appropriate implied density range set out within the current London Plan.

- Whether harm would be caused to the character and appearance of the street scene and the wider locality;

The proposed development involves two separate buildings with an angular appearance and as such, would have an irregular footprint and building envelope. The buildings follow the general pattern within this street of having flatted blocks within open space thereby allowing a sense of spaciousness around buildings. The proposed development reflects and continues that character along this street and therefore builds on the linear pattern along this street. However, the proposed buildings are shaped by the constraints which the applicants and the council identified at earlier discussions including trees and distances to adjoining residential buildings. As a result, both of the buildings have a substantially deeper footprint than their neighbours and would disrupt the building line along Heronsgate. The second and larger building would be much deeper and would run parallel to the terrace in Station Road rather than continue the linear form integral to the street.

The applicant has provided view analysis along the street to inform the appraisal of the scheme and allow for officers to be able to appreciate the scale and form of the proposed development and its relationship with existing development within the immediate surroundings. It is acknowledged that the proposed development does not have significant visibility from Station Road or other surrounding roads. The proposed development retains adequate separation from neighbouring buildings with generous open space around it which is proposed to be landscaped and structured to take into account land level changes.

The angular nature of the building to counteract concerns about amenity and outlook to neighbouring properties provides visual interest to the streetscene and is supported. The material palette has been carefully selected using high quality materials. It is proposed to use brick as the primary material. The indicative materials provided show the use of a multi-tone brick, with precast stone detailing and pigmented precast stone in special areas such as the communal entrances to each building. The ground floor is defined with a darker brick mix in order to provide the building with a plinth at ground level, separating it visually from the floors above. The upper floors are defined by a red and grey brick mix which references many of the surrounding brick tones in the area. The base palette is complimented with additional materials which add interest to the buildings. Oak window frames are proposed and designed to reference the mature oak trees in the site. Bronze colour metal work has been chosen to compliment the oak windows frames and doors. The entrances to both buildings receive a special treatment, through the use of pigmented precast stone which has been selected to compliment the brickwork palette.

- Whether harm would be caused to the living conditions of future residents.

Local Plan policies require high quality design in all new development that creates attractive places which are welcoming, accessible and inviting. Policy DM01 states that proposals should be design to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to floorspace and amenity space.

The 52 units are comprised of the following:

1 x Studio

28 x 1 bed, 2 person

10 x 2 bed, 3 person

7 x 2 bed, 4 person

1 x 3 bed, 4 person

5 x 3 bed, 5 person

All of the 52 units meet the minimum requirements for internal floorspace under the nationally prescribed standard set out in the London Plan.

In addition to floor area, consideration must be given ensure that habitable rooms receive sufficient levels of daylight or sunlight and daylight as well as outlook.

The London Plan Housing Design Guide states that: 'Providing a home with two aspects can have many benefits: better daylight, cross ventilation, a choice of views, access to a quiet side of the building, and greater flexibility in the use of rooms and the potential for future adaptability to re-arrange rooms within the home. Dual aspect design should be the default. A dual aspect dwelling is defined as one with openable windows on two external walls, which may be opposite or adjacent around a corner. One aspect may be towards an external access deck, courtyard, or ventilated atrium. Single aspect flats are difficult to naturally ventilate and more likely to overheat, an increasing concern for homes in London due to anticipated temperature increases from climate change coupled with the urban heat island effect where London is inherently warmer than its surrounding areas. Single aspect flats will only be permitted where the design is shown to allow adequate daylight and ventilation to all habitable rooms.'The proposed scheme has been carefully designed with the guidance above to ensure the majority of units are dual aspect. Where single aspect units are proposed, these are south facing.

The application is supported by a daylight and sunlight assessment to measure and appraise the impact on future occupiers and the surrounding neighbours. Conclusions of the report is that the proposal is acceptable and in accordance with planning policy requirements in relation to daylight and sunlight.

The relationship between the two buildings has been carefully considered to ensure that both buildings have adequate separation between them to offset concerns about overlooking and outlook. The building has been designed with balconies and windows directing outlook in oblique directions from facing balconies and flats to offset concerns about privacy between the buildings. At the closest points between the two buildings, there are separation distances of at least 12 metres and these are not directly facing windows and balconies. This relationship is closer than advocated for in Residential Design Guidance which states that for new residential development there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking. The guidance also states that shorter distances may be acceptable between new build properties where there are material justifications. While the separation distance is less than the minimum usually sought, the development avoids direct views to habitable room windows and balconies. The impacts are internal to the development and future occupiers will have a degree of 'buyer beware' in selecting these units. Furthermore, the landscaping proposed within the central corridor between the two buildings will also provide for screening between the closest facing windows and balconies.

All units have spacious functional balconies and taken together with communal open space at the ground floor level would enjoy a provision in excess of minimum standard. For the flats at the lowest level, the surrounding ground levels would be modified and landscaped to ensure that there is no loss of amenity to the occupiers of these flats. The communal amenity space provided is 954sqm. 130sqm of play space for 0-11 years is also provided.

Environmental Health officers have reviewed the scheme. Officers advised that a noise condition would be necessary as complaints are often received from residents living in close proximity to commercial properties such as those along Station Road. The purpose of the condition would be to ensure that enhanced glazing/ventilation is utilised in the noisiest facades so that the Council's standard noise requirements are met.

Overall, the scheme is considered to provide a suitable level of accommodation for future occupiers in accordance with Residential Design Guidance and the London Plan.

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

Any scheme will be required to address 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.

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Any development, particularly in a constrained site should ensure that the amenities of neighbouring occupiers are respected. Policy DM01 of the Development Management Plan Policies states in part that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The development will be secured with boundary treatments and the indicative landscaping plan shows a high level of landscaping around the buildings. Along the rear of Station Road, the plans show a brick wall with a soft landscaping buffer along the internal boundary. The landscaped buffer has been designed to soften the appearance of the wall as vegetation increases in height behind. It is proposed to retain a number of trees and the existing hedge along the Northern boundary facing Heronsgate. The buildings are set back within the site with high quality landscaping in front.

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

The design of the building and the site has been carefully considered with respect to neighbouring properties. The angular nature of the building has been designed to help counteract concerns around amenity and outlook. In places, the proposed building does not meet the minimum distances from habitable rooms to neighbouring gardens. This occurs along the eastern boundary with the rear of properties along Station Road. These properties are not served by rear gardens and the building still maintains the recommended distance of over 21 metres between habitable room windows. Overlooking to these properties is not considered to be a concern. Along the west boundary, the building is less than 10 metres to the side flank wall of 33-36 Heronsgate. However there are no windows in the flank elevation of the neighbouring property and the proximity here is to the side garden rather than the rear garden. Furthermore, the indicative landscaping scheme provides for planted boundaries which will help screen the development and protect the neighbouring properties from any overlooking. The development complies in every instance with the guidance for distances from habitable room windows.

The applicant has provided a daylight and sunlight assessment. The report concludes that no neighbouring gardens are at risk of an increase in overshadowing and that there is no discernible impact on daylight and sunlight to neighbouring dwellings. Therefore the scheme meets the BRW recommendations.

Overall, the proposed development is considered to retain adequate separation from neighbouring buildings with generous open space around it which is proposed to be landscaped and structured to take into account land level changes. It is considered that the proposed development would be situated sufficiently distant from neighbouring buildings to prevent a harmful amenity impact to these neighbours.

A construction Management Plan will be conditioned to ensure the impacts of construction activities on neighbouring properties is minimised. The construction hours will also be conditioned.

- Affordable Housing considerations;

London Plan Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought when negotiating on individual residential schemes, having regard to:

- Current and future requirements for affordable housing at local and regional levels identified in line with Policies 3.8 and 3.10 and 3.11.
- Affordable housing targets adopted in line with Policy 3.11.
- The need to encourage rather than restrain residential development (Policy 3.3).
- The need to promote mixed and balanced communities (Policy 3.9).
- The size and type of affordable housing needed in particular locations.
- The specific circumstances of individual sites.
- The resources available to fund affordable housing and maximise affordable housing output
- The priority accorded to family housing provision

It identifies that negotiations should take account of a sites individual circumstances, including development viability, the resources available from registered providers, the implications of phased development and other scheme requirements. It also makes it clear that affordable housing should normally be provided on site and off site contributions to affordable housing will only be accepted in exceptional circumstances.

This approach is reflected in Local Plan policy DM10 which requires the maximum reasonable amount of affordable housing to be provided on site, subject to viability, having regard to a borough wide target that 40% of housing provision should be affordable. Local Plan policy CS4 identifies that on sites which are suitable for the provision of an element of affordable housing the Council may exceptionally accept the provision of off-site affordable housing or a commuted payment instead of such provision.

The applicant has agreed to an independent review of the viability information which has been carried out. After ongoing discussions the review has concluded that the scheme is sufficiently viable to make an affordable housing contribution and is able to deliver a financial contribution of £338,541 either as on- site provision or as a commuted sum. This could equate to the provision of 13.46% affordable housing.

The viability report has concluded that a review mechanism would be necessary. Due to the potential for variance in the construction costs between the early information the cost estimate is based on and when the works are undertaken. There is also a possibility that the developer may choose to undertake value engineering exercises after the gaining of

planning permission in order to reduce costs. In addition the potential for 'real growth' in values achieved at the proposed development provides sufficient justification for a review mechanism to be included within the Section 106 agreement.

The applicant has agreed to enter into a Section 106 agreement to secure affordable housing provision, subject to a review mechanism and therefore the proposal is considered to be acceptable or compliant with the objectives of policy DM10.

- Highways;

The Highways team have been consulted on the proposal and have provided comments regarding the provision of parking. No objections have been received but a number of conditions and informatives have been recommended.

Parking provision

A total of 46 parking spaces including 5 disabled parking spaces are being provided in the site. The scheme provides 36 parking spaces including 5 disabled parking spaces at lower ground level for the residents of the 52 units. Two motorcycle spaces are also proposed. Currently, the site is provided with informal car parking within a gravelled area accessed via Rectory Lane. This area is currently utilised by the adjacent church hall. Community parking for the nearby church and nursery buildings has been allowed for on the site, at the South accessed from Rectory Lane. This replaces the existing provision and must be accommodated due to its ownership and use by a third party. 10 parking spaces are being provided at ground level to facilitate St Margaret's Church and the adjacent Fountain Montessori building. These spaces will be accessible via a crossover from Rectory Lane.

The assessment of parking provision for a residential development is based on the Public Transport Accessibility Levels (PTAL) Score. Barnet's Local Plan Development Management Policies approved in September 2012 sets out Parking Standards as follows for the residential use:

For 1 bedroom units	- 1.0 to less than 1 parking space per unit
For 2 bedroom units	- 1.5 to 1.0 parking spaces per unit
For 2 bedroom units	- 1.5 to 1.0 parking spaces per unit

Based on the above parking standards the parking requirement is calculated as follows.

29x1b = a range of (1.0 - 0.0) = 00.00 - 29.0 parking spaces required
17x2b = a range of (1.5 - 1.0) = 17.00 - 25.5 parking spaces required
06x2b = a range of (1.5 - 1.0) = 06.00 - 09.0 parking spaces required

This equates to a range of parking provision of 23 to 63.5 parking spaces to meet the Barnet Local Plan Parking Standards contained in the Development Management Plan Policies approved in September 2012. The maximum parking provision would be more appropriate in an area with a lower Public Transport Accessibility Level (PTAL) for the site.

As the site has PTAL rating of 6a, a parking provision of 36 parking spaces is within the required range of parking provision to accord with the Council's Parking Standards.

Also, taking into consideration the following:

- o The site is located within a town centre location and close to local amenities;

- o The site is a town centre with PTAL Rating of 6a which is considered as an excellent public transport accessibility.
- o The site is located within an All-Day Resident's Control Parking Zone (Zone K) for permit holders only which operates from Mon-Sat 8am-6.30pm and Payment Parking on Rectory Lane next to the site from Mon-Sat 8am-6.30pm. the length of which provides a suitable deterrent to car ownership.

The proposed level of parking provision is therefore acceptable on highway grounds. A Draft Parking Management Plan has been included with the planning submission and will be conditioned accordingly. Electrical Vehicle Charging Points are to be provided in accordance with the London Plan Parking Standards and will be conditioned accordingly.

Cycle parking

76 secure, sheltered cycle parking spaces are being provided within the building for future occupiers, in accordance with the London Plan Cycle Parking Standards. 32 cycle spaces are provided within the basement level accessible via the lift within Block A and 44 cycle spaces are provided at ground floor within Block B. In total, the development provides 80 secure cycle parking spaces owing to the additional provision of 2 'Sheffield' style cycle stands providing 4 visitor spaces incorporated within the site landscaping. Highways consider the long stay cycle parking for residents are all convenient, secure and weatherproof, as such are likely to be used by future users of the development. Highways have recommended the cycle parking is conditioned accordingly to ensure this is implemented prior to occupation of the development.

Vehicle access

The car parking for the development would be provided at basement level which is an appropriate solution which would allow the provision of an optimum amount of both built footprint and the open space. Access to the basement car park is proposed via a car lift system with 2 lifts used in an access / egress arrangement, with one lift generally used for entry and the other for exiting vehicles. Space is provided within the site boundary for vehicles to wait for the lifts away from the highway and to allow good visibility for exiting vehicles. The introduction of a ramp would be limited in respect of the available space to accommodate the necessary gradient and land area and therefore a car lift was identified as the most suitable option. The applicant has provided two lifts to address the concern raised by officers through pre-application discussions that the provision of just one lift may result in lengthy queues for access back on to the public highway while drivers wait to enter.

The provision of two lifts is also required as should one lift stop working the other can ensure vehicles can exit the parking area. The applicant has confirmed that a maintenance agreement will be in place for the car lifts to ensure that the access to the parking area is maintained. The provision of 2 lifts will ensure that at least a single lift is to remain in operation during scheduled maintenance and emergency repairs.

It is proposed that the existing vehicular crossover into the site from Rectory Lane will be extended. This will provide access to both the ground floor church car park as well as two car lifts to the basement floor car park. It is noted that all vehicles waiting to use the car lifts will do so within the site boundary to ensure that there is no adverse impact on public highway from vehicles to access the car lifts.

Pedestrian Access

Pedestrian access is proposed from Heronsgate as well as Rectory Lane, with an access point adjacent to the car lift and clearly signed so that vehicles entering / exiting the church parking or car lift are aware of the presence of pedestrians.

Rectory Lane is a particularly narrow one way road. There are footways available on both sides however the footways are substandard. Given the constraints in widths at this point very little mitigation can be provided. Heronsgate is a more suitable pedestrian access.

Trip Generation

The applicant has provided a Transport Assessment (TA) prepared by Caneparo Associates. The trip generation assessment was undertaken for the AM (08:00-09:00) and PM (17:00-18:00) peak periods on a weekday which reflects the times when any potential impact is likely to be greatest. The consultants have used the industrial standard TRICS database to establish trip generation figures for the proposed 52 residential units. The results indicated that the 52 residential units can be expected to generate in the region of 24 person movements in the AM peak hour and 34 person movements in the PM peak hour. The consultants predicted that the proposed site is expected to generate 7 car trips in the AM peak (one car every 8.5 mins) and 9 in the PM peak (one car every 6.6 mins). Given this low level of vehicular traffic generated on Rectory Lane the development generates no perceivable impact on the performance and safety of the surrounding highway network or its users.

Servicing and Refuse Collection

It is proposed that servicing and deliveries for the development by vehicles up to the size of a 7.5T van will be undertaken off-street within a dedicated loading bay accessible via a new dropped kerb on Heronsgate, any occasional deliveries by vehicles will take place on-street as is the case for the existing adjacent residential properties. It is also proposed that the deliveries may also take place by Light Goods Vehicles from the car park.

It proposed that refuse for the residential units will be stored in a dedicated compound adjacent, and accessible from, the loading bay on Heronsgate.

Highway works

The applicant has indicated that the existing crossover into site from Rectory Lane and the associated footway along the site's southern frontage is to be upgraded. The Applicant has also indicated that a new dropped kerb on Heronsgate is to be provided as an access to the proposed loading bay and has stated that highway works will be secured via a S278 Agreement. The applicant is advised that the maximum width of crossover that can be provided of the public highway is 4.8m.

The applicant is advised that any highway works on public highway if necessary to facilitate the proposal would need to be technically approved by the Highway Authority and carried out at the applicant's expense. Informatives are recommended to detail this.

Travel Plan

A Travel Plan is proposed for the development. To ensure that the objectives of the Travel Plan are met a 'Monitoring Contributions' of £10,000 for the residential development is required under Section 106. In addition, a Travel Plan Coordinator for the travel plan must be appointed.

A contribution of £15,600 towards the Travel Plan Incentives would need to be set aside based on 52 units proposed. Travel Plan Incentives would comprise of a Travel voucher/s per unit up to the value of £300 to be spent on 2 of the following:

- o £150 Oyster card;
- o Subsidised Car club membership to the value of £150 and/or towards car club hire;

- o Bike voucher to the value of £150;

In summary, Highways consider the proposals will not generate a significant negative impact on the performance and safety of the surrounding highway network or its users, as such a recommendation for approval is supported subject to a S106 Agreement and a number of conditions and informatives.

Construction Management

Highways have reviewed the draft Construction Management Plan and advised that the principle of this draft document is suitable. A condition is recommended to require a final Construction Management Plan to be submitted for approval with the Council.

- Trees and Landscape

The applicant has provided an indicative landscaping plan which has been revised through discussions with the Council's Landscape Officer. The proposed scheme retains important trees along the northern boundary consisting of mature oak trees. These are category A and B trees numbered T11, T12, T13 & T14. These trees are protected by the provisional TPO number 1 & 3.

The building is positioned at the outer edge of the root protection for the TPO oak (T13). Ground protection is proposed to allow construction access within the RPA to prevent soil compaction. The landscape consultant has raised concern that this tree is at risk if the protection is compromised and the rooting area harmed. To reduce this risk, the applicant has agreed to a condition regarding on-going site monitoring by the project arboriculturalist to ensure that all provisions are fully retained throughout the building processes.

Along Heronsgate boundary is a mature hedgerow with T13 and T14 growing within. This feature has ecological value for birds and other small animals and should be incorporated into the design. The hedgerow is a Council asset and no permission has been given for removal of this asset. Officers have been in discussions with the applicant around the landscaping along this boundary and it is intended that this hedgerow will be maintained and supplemented with additional planting within the boundary of the site. This detail will be captured in a final landscape plan.

Tree works; T1, T3, T4, T5, T6, T10, T17, T18, T21, T22, T23 and tree groups G12 & G15 will be removed to accommodate this proposal. Tree pruning works to T7, T8 & T9 are detailed in section 7 of the arboricultural report and would not have a long-term impact on visual amenity.

The 23 trees proposed to be removed to accommodate the scale of this development, have been valued as category C, low value except T23 (Cat B). The loss of visual tree amenity will need to be replaced to provide screening of views on and off the site, particularly on the eastern boundary. The landscape officer initially raised concerns with the amount of landscaping proposed to offset the loss of existing planting and soften the building into the landscape. The landscape plan has been revised through the course of the application. In particular, the planting shown along the boundary with Portsdown service road has been improved and the indicative landscape plan shows a selection of acceptable species. The hedgerow will provide long term benefits however it is recommended the brick 2.1 metre wall should be reduced in height so that trees and shrubs can grow above the wall readily. Both the landscape detail and boundary detail has been reserved by condition.

The landscaping plan shows tree planting on podiums in the centre of the site. It will be required that these trees have tree pits to allow for a large root area below the built surfaces. This detail will be required in the final landscape plan to be conditioned.

The indicative landscape plan shows a connection through the site from Rectory Lane to Heronsgate. Through discussion with officers regarding the retention of the boundary landscaping along Heronsgate, changes are proposed to the walkway through the site. It is expected that the final landscaping plan will show the walkway from Rectory Lane to Heronsgate via an access at the refuse enclosure. Previous discussions around connectivity through the site have considered the possibility of a public access however due to its town centre location, it is considered the site may be vulnerable to anti social behaviour or crime and as a result, it is proposed to enclose the site and that routes through become private rather than public rights of way. The applicants design and access statement refers to Secure by Design principles. The site has been securely enclosed with gates at the North and South for residents to access the site. A mix of brick walls, fences, railings and hedging has been used where appropriate to provide a secure line around the site.

The proposal demonstrates potential to provide a high quality landscaping scheme which takes into account both communal and private space over different levels with the ability to provide for children's play space as well.

- Refuse and Recycling

The communal refuse store is adjacent to the loading bay, behind the existing substation in the north-east corner of the site. The refuse store utilises this section of the site which is less desirable or usable owing to its proximity to the substation. The refuse store is proposed with a trellis which can provide future landscape opportunities and provides a more attractive screening of the substation from within the site. The collection point will be adjacent to the refuse store, allowing the bin lorry to be positioned close to the bin store for ease of use and speed of collection.

In terms of allocation, each property has been allocated a minimum of 100 litres of mixed recycling provision plus 70 additional litres for additional bedrooms. Likewise, each property is provided the maximum residential waste provision plus 70 additional litres for additional bedrooms. It is acknowledged that the siting of the bin store would exceed the distance normally required for residents to access refuse storage facilities however this is considered acceptable. Highways have raised no objection with the siting of the refuse stores which have been provided within a close proximity to the highway.

The details of the refuse store have been provided and will be conditioned to ensure the facilities are constructed prior to occupation of the units.

- Sustainability.

The applicant has provided a sustainability appraisal for the scheme.

Water

It is proposed that each new dwelling will achieve a predicted internal water usage of less than 105 litres per person per day in accordance with the requirements of the Barnet Local Plan.

Air Quality

An air quality assessment has been submitted as part of this application. The air quality assessment submitted calculated that the development is not air quality neutral and therefore mitigation measures are required to minimise the air quality impact of the development. The Council's Environmental Health officer reviewed the scheme. The air quality in High St Edgware has been monitored and is known to be poor. Officers consider the development requires off-setting the air quality impact either on or offsite. The applicant has agreed to contribute £100 per unit as funding towards the implementation of the Council's Air Quality Action Plan. This has been accepted and will be included by legal agreement.

Carbon Reduction

The scheme has been designed to incorporate carbon dioxide emission reduction measures of not less than 35%. A condition will be included to ensure compliance with this. The development will also be provided with space for at least 77 cycles in line with London Plan requirements. These spaces will be secure and accessible only to residents with sufficient space to make them easy to use, encouraging cycling in lieu of car journeys.

Ecology

A detailed ecological appraisal has been carried out. No protected or notable plants were recorded on the site; therefore the plant species present do not represent a constraint on the proposed development. St Margaret's Rectory is considered to have moderate roost potential for bats; however the appraisal notes that the building inspection and bat presence surveys did not identify any roosting behaviours. The level of bat activity on the site is considered to be low. The species present are relatively tolerant to indirect light pollution. Some mature trees have been recommended to be retained and this is captured in the landscaping details. The site is not considered to be of high value for invertebrates. The site is also considered unlikely to support a breeding bird assemblage of conservation importance and the impact of habitat loss for birds is likely to be negligible considering the abundance of these habitats in the area around the site. The appraisal has identified a number of ways to enhance biodiversity at the site. In accordance with the recommendations of the appraisal, a condition has been included to require measures to enhance biodiversity to be incorporated into the site.

Contamination

The applicants planning statement includes a summary of the finding of contamination assessments. Having reviewed historical mapping dating back to 1856, it is evident that the site has either been undeveloped, as glebe land or as a residential dwelling. Throughout this period much of the neighbouring uses are or have been sensitive uses. As a result it is not considered that there are any presence of contaminants on site.

A condition has been suggested by Environmental Health officers and accepted by the applicant to require a desktop assessment and potential further investigative works if required.

- Flood Risk and Drainage

Flood risk

The site is located within Flood Zones 1, 2 and 3. New developments should seek to mitigate against the future effects of climate change and so far as possible, reduce water runoff from the site and buildings to alleviate the problems of flooding. It is proposed that surface water from the proposed buildings will be attenuated via the use of a Blue Roof System. Runoff from the car parking and landscaped areas will be attenuated through the use of permeable surfacing and sub base attenuation tanks.

The build will be operated under a Site Waste Management Plan which will identify the key sources of construction waste, and methods of diverting this waste from the landfill.

The Environmental Agency were consulted on this proposal. No objections were raised provided a condition is included to ensure compliance with the Flood Risk Assessment. A condition has been included to this effect.

Drainage

Council's Drainage consultants have reviewed the scheme and assessed the flood risk assessment and surface water management strategy. Over the course of the application, the applicant has provided further information and calculations to respond to comments.

The central area of the site is located within Flood Zone 2, whilst the northeast corner and eastern boundary of the site is located within Flood Zone 3. The applicant has successfully applied the sequential and exemption tests. The applicant proposes the use of blue roofs, permeable paving and attenuation tanks. Such techniques are considered appropriate.

A drainage condition will be imposed requiring final details of the drainage system to be used.

5.4 Response to Public Consultation

Comments were received requesting the existing building be considered for local listing. This request was considered however the building does not have historic significance to justify retaining the building for local listing.

Comments regarding the impact to neighbouring properties, impact on future occupiers and scale of the building have been addressed in the relevant sections above. Comments regarding the landscaping of the site are also addressed in the text above. At the time of making the application, there were no protections on the landscaping on site so the LPA have no control over the removal of the existing vegetation. There are now several tree protections in place for the mature Oak trees.

Highways have reviewed the traffic impacts including parking provision and the use of the carlifts. Conditions will be imposed to require a management plan for the carlifts but the provision of two car lifts is acceptable to address potential issues with future breakdowns. A delivery and servicing plan will be required by condition to determine final details but the proposal is considered to be able to provide for this adequately without harming pedestrian and highways safety.

The scheme provides for a contribution to affordable housing and wheelchair units will be provided within the scheme.

In response to concerns raised by TFL, conditions have been included requiring a servicing plan to be submitted and electric vehicle charging points to meet the 20% requirement. The level of parking is considered acceptable by the LPA.

The matters raised by the London Fire Commissioner are not relevant to the planning permission and will be addressed at the point of building control.

The UK Power Network have objected on the grounds that party wall notice is required to be served on the substation. It is suggested an informative will be included to the permission to inform the applicant of the requirement to serve party wall notice.

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, subject to conditions and a legal agreement.



This page is intentionally left blank

Location **247 Edgwarebury Lane Edgware HA8 8QL**

Reference: **18/4659/HSE**

Received: 26th July 2018

Accepted: 27th July 2018

Ward: Edgware

Expiry 21st September 2018

Applicant: Mr D Sharafian

Proposal: Ground and first floor side and rear extensions with associated alterations to roof including conversion of garage into habitable room and replacement of existing garage door with new window

AGENDA ITEM 7

Recommendation: Refuse

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 proposed part single, part two storey side and rear extensions, by reason of its size, siting, design, proximity to both the northern and southern boundaries of the site and the height of the additions resulting in an extension to the existing crown roof, would appear as a cramped, unduly prominent, incongruous and visually obtrusive addition, to the detriment of the character and appearance of the host property and the character of the area and current streetscene. The application is therefore unacceptable and contrary to policy CS5 of the Barnet Core Strategy (2012), policy DM01 of the Barnet Development Management Policies Document (2012), policy 7.6 of the London Plan (2016) and the guidance contained within the Barnet Residential Design Guidance Supplementary Planning Document (2016).

- 2 The proposed part single, part two storey side and rear extension by reason of its size, siting, height and depth would have an overbearing appearance when viewed from the neighbouring properties at 245 and 249 Edgwarebury Lane, and would adversely affect the outlook of these properties, detrimental to the residential amenity of the neighbouring occupiers contrary to Policy CS5 of Barnet's Adopted Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

Informative(s):

- 1 The plans accompanying this application are:

Drawing no. EL/247/01 Rev A
Drawing no. EL/247/02 Rev A
Drawing no. EL/247/03 Rev A
Drawing no. EL/247/04 Rev A
Drawing no. EL/247/05 Rev A
Drawing no. EL/247/06 Rev A
Drawing no. EL/247/07 Rev A
Drawing no. EL/247/08 Rev A
Drawing no. EL/247/09 Rev A

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

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. In accordance the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

Officer's Assessment

1. Site Description

The application site contains a detached dwellinghouse, located on the western side of Edgwarebury Lane, with open space to the rear/west of the site.

The site is not within a conservation area (designated as Article 2(3) land in The Town and Country Planning (General Permitted Development)(England) Order 2015 as amended) and is not within an area covered by an Article 4 direction.

A condition was imposed on the permission granted under reference no. W09804A/00, which removed the permitted development right to insert windows in the southern flank elevation of the ground floor rear extension adjoining no. 245 Edgwarebury Lane. No other restrictions to the permitted development rights of the property have been imposed.

2. Site History

Reference: 17/7444/192

Address: 247 Edgwarebury Lane, Edgware, HA8 8QL

Decision: Lawful

Decision Date: 21 December 2017

Description: Single storey outbuilding to rear garden

Reference: W09804A/00

Address: 247 Edgwarebury Lane, Edgware, HA8 8QL

Decision: Approved subject to conditions

Decision Date: 27 June 2000

Description: Single storey rear extension.

Reference: W09804

Address: 247 Edgwarebury Lane Edgware Middx HA8 8QL

Decision: Approved subject to conditions

Decision Date: 15 October 1991

Description: Single storey side extension to garage

3. Proposal

The proposal seeks to construct the following additions to the existing dwellinghouse, to ultimately square off the design of the building:

- Two storey side and rear extension on the northern elevation of the property, including the conversion of the existing garage into a habitable room. This will extend the existing side extension forward to be flush with the front elevation of the original dwellinghouse at both ground and first floor, will have a width of 2.5 metres out from the northern flank elevation and will extend the depth of this elevation, and then project an additional 5 metres at ground floor to be flush with the existing rear extension and 4 metres beyond the rear wall of the original dwellinghouse at first floor; resulting in a total depth of 14.4 metres and 13.3 metres respectively. At first floor, the side and rear extension will extend the entire width of the dwellinghouse. The single storey aspect of the extension at the rear will have a maximum height of 3.4 metres with a flat roof, the two-storey aspect of the extension will have an eaves height of 5.5 metres and a maximum height of 8.5 metres,

being level with the existing ridgeline and thereby increasing the scale of the existing crown roof.

- Extension of the existing first floor on the southern elevation to project forward 1 metre to be flush with the existing first floor front-most elevation. This will be connected in with the existing roof pitch.

4. Public Consultation

Consultation letters were sent to 4 neighbouring properties.
2 letters of objection were received.

The objections received can be summarised as follows:

- a two-storey extension at the rear of the subject site would impact hugely on the light access of habitable rooms, exacerbating the impact already created by the existing single storey rear extension on neighbouring properties.
- privacy will be further impacted as a result of this proposal, noting that the outbuilding that has recently been constructed in the bottom of the garden is already facing the rear windows of neighbouring properties.
- the extension will be overbearing on neighbouring properties and does not comply with guidance of being set back from the side boundary by at least 1 metre.
- the elevations are vague; the actual distance between the proposed eaves and the eaves of neighbouring properties is very close and will impact access to the roof of neighbouring properties and is not in keeping with the character of the surrounding area.
- the depth and height of the rear first floor extension will result in a sense of enclosure and loss of outlook for neighbouring properties.
- concerned about the building process due to previous works that have been undertaken and how this will impact access, the health of trees and the health and well-being of residents.
- concerned about future plans; i.e. a third storey.
- there are no dimensions shown on the plans and therefore the detrimental impact on neighbouring properties is not demonstrated.

Cllr Brian Gordon has requested that if the LPA are of the mind to refuse this application, it be called in for the Committee to assess the proposal on the basis that the proposed development would be acceptable within the context and would not affect neighbour amenity.

5. Planning Considerations

5.1 Policy Context

Revised National Planning Policy Framework and National Planning Practice Guidance

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

The Revised National Planning Policy Framework (NPPF) was published on 24th July 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

Existing policies in Barnet's Local Plan (2012) and the London Plan (2016) should not be considered out-of-date simply because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF.

The Mayor's London Plan 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.

The Draft London Plan

'Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.'

Barnet's Local Plan (2012)

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

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

The Council's approach to extensions as set out in Policy DM01 is to minimise their 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.

Policy DM17 states the expectation for parking management in the Borough through the provision of off-street parking as guided by the London Plan in addition to the 2006 Unitary Plan. The policy states that a detached dwellinghouse of this nature should expect to provide a maximum of 2 parking spaces.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that an extension should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity.

Residential Amenity

Policy DM01 of the Development Management Policies (Adopted) 2012 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.

The proposed two storey side and rear extensions have not been designed in accordance with residential design guidance; with the two-storey extension being located on the

boundary shared with 249 Edgwarebury Lane and projecting 5 metres beyond the original rear wall at ground level and 4 metres at first floor. The property to the north (249 Edgwarebury Lane) does not benefit from a rear extension; as such, the proposed extensions will be overbearing on the neighbouring amenity spaces, both inside the dwellinghouse and the rear garden. The extensions will also impede on the outlook of the windows on the rear elevation of this neighbouring property, further noting that the property to the north of no. 249 also benefits from a single storey rear extension adjoining this property which will result in a cumulative impact of loss of outlook and spaciousness within this property. Furthermore, due to the solar orientation of the site in relation to this neighbour, the sunlight access of no. 249 will also be impacted throughout the year.

The neighbouring property to the south, being 245 Edgwarebury Lane, benefits from an existing single storey rear conservatory extension that adjoins the existing single storey rear extension. It is appreciated that the ground floor and first floor side components of the extension on the northern elevation will not impact this neighbouring property as these will be screened by the existing building and extension. As such, the impact of the proposal on this property is limited to the first-floor rear extension. The extension will be set 1 metre away from the boundary shared with no. 245, and will project 4 metres beyond the first-floor rear elevation. Guidance suggests that such an extension should be set at least 2 metres away from a neighbouring boundary and should not project any more than 3 metres beyond the original rear wall in order to mitigate concerns of outlook, loss of sunlight and having an overbearing presence on neighbouring properties; the proposal is a departure from this guidance. It was noted whilst on site that the property at no. 243 benefits from a similar scaled first floor rear extension; as such, this, in combination with the proposed extension, would result in an unacceptable loss of outlook from the first-floor windows of no. 245 and will have an overbearing impact on this property. With regards to sunlight access, due to the solar orientation of the site in relation to this property, it is unlikely that the sunlight access of no. 245 will be impacted as a result of this proposal.

All other neighbouring properties are considered to be sufficiently separated from the proposal, rendering any potential impact negligible.

Character and Street Scene

The Council's SPD 'Residential Design Guidance' states that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant.

The proposed extension has not been designed to be subordinate from the host building; through extending the ridgeline of the existing building, being flush with the front elevation at first floor, essentially extending the entire width of the subject site and protruding a depth that dominates the original building. As a result of the proposed works, the original form and character of the detached dwellinghouse will be lost and the additions will appear as discordant and incongruous additions to the original building.

It is further noted that design guidance suggests that first floor side extensions should be set at least 1 metre off a boundary with neighbouring properties, to allow for a separation of 2 metres between first floor flank walls. This standard seeks to protect existing gaps between properties that form part of the spacious character of an area, and allow sightlines through sites to the rear of properties with glimpses of the land behind properties. The proposal will not comply with this guidance, with the side and rear extension being located on the boundary shared with 249 Edgwarebury Lane, resulting in a gap of approximately 1 metre

between the flank elevations of each dwellinghouse; this would be out of character for the surrounding area.

It is appreciated that the property to the south of the subject site, at 243 Edgwarebury Lane, benefits from a large first floor rear extension that was subject to planning approval under reference no. W01055G granted in 1995. Although this extension is similar in scale to what is currently proposed, the first-floor rear extension was proposed to be set away at least 3 metres from the adjoining boundary and the first-floor side extension was set at least 1 metre away from the adjoining boundary. As such, despite this extension being assessed under a different planning framework, goes further to meet the residential design guidance for first floor side and rear extensions and does not establish a precedent for the departure from the development plan and guidance documents that is proposed through this application.

It is also noted that there is a first-floor rear extension located at no. 251; emphasising that this is only a rear extension as opposed to a side and rear extension, and is reduced in scale in comparison to the proposal. As such, the majority of properties in the surrounding area do not benefit from such a scale of extension, and therefore the proposal would appear to be out of character for the surrounding environment and would detract from the established character.

5.4 Response to Public Consultation

The above assessment is considered to address the planning matters that have been raised through objections received. However, in addition to this, the following comments are made in relation to further matters raised:

- concerned about the building process due to previous works that have been undertaken and how this will impact access, the health of trees and the health and well-being of residents.
- concerned about future plans; i.e. a third storey.

The impact of the proposal on the residential amenity of neighbouring properties has been assessed above. The remaining matters raised through this statement are not material planning considerations, and given the surrounding trees are not subject to protection, the retention of these is not a planning matter. Furthermore, the LPA cannot consider potential future works on a site prior to receiving such an application, and must instead assess the proposal as presented.

- there are no dimensions shown on the plans and therefore the detrimental impact on neighbouring properties is not demonstrated.

It is not a requirement to show dimensions on the plans, and rather, plans must be to scale to enable the LPA to measure from these to ascertain the scale and positioning of a proposal. This has been done and the LPA has assessed the proposal on this basis with a full knowledge of how the proposal relates to neighbouring buildings.

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 the proposal does not comply with the Adopted Barnet Local Plan policies and design guidance. Furthermore, the proposed development would not be in keeping with the character and appearance of the surrounding area and would have a detrimental impact on the character and form of the original host building, and on the residential amenity of neighbouring properties at 245 and 249 Edgwarebury Lane. This application is therefore recommended for REFUSAL.

In the event an appeal is lodged and allowed, the following conditions are recommended to be attached:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Drawing no. EL/247/01 Rev A
- Drawing no. EL/247/02 Rev A
- Drawing no. EL/247/03 Rev A
- Drawing no. EL/247/04 Rev A
- Drawing no. EL/247/05 Rev A
- Drawing no. EL/247/06 Rev A
- Drawing no. EL/247/07 Rev A
- Drawing no. EL/247/08 Rev A
- Drawing no. EL/247/09 Rev A

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. The materials to be used in the external surfaces of the building(s) shall match those used in the existing building.

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

4. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the northern or southern elevations of the extensions hereby approved, facing 245 and 249 Edgwarebury Lane.

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).

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

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



This page is intentionally left blank

Location **366 Watford Way London NW4 4XA**

Reference: **18/2226/FUL**

Received: 11th April 2018

Accepted: 16th April 2018

Ward: Hendon

Expiry 11th June 2018

Applicant: Mr Stephen Harris

Proposal: Conversion of existing single dwelling into 7no. bed HMO (House in Multiple Occupancy); single storey rear extension

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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:

Site Location Plan

Existing and proposed ground floor plan drwg no. 01

Existing and proposed first floor plan drwg no. 02

Existing and proposed loft floor plan drwg no. 03

Existing and proposed roof plan drwg no. 04

Existing and proposed front elevation drwg no. 05

Existing and proposed side elevation drwg no. 06

Existing and proposed rear elevation drwg no. 07

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 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 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).

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

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

- 6 Prior to the first occupation of the new unit(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.

- 7 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

8 a) Notwithstanding the details shown on the approved plans, before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards 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.

9 a) Notwithstanding the details on the approved plans, 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.

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; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

10 a) Prior to the relevant phase of the development, a landscaping plan comprising details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, has be submitted to and agreed in writing by the Local Planning Authority.

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.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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.

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. 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.

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.

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

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

Please visit

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

- 3 HMO standards include means of escape, structural fire protection, automatic fire detection, emergency lighting and firefighting equipment and in the usual course of events we would expect that the Building Regulations will be satisfied with respect to these matters. Please note that our standards refer to the LACORS 'Guidance on fire safety provisions for certain types of existing housing' which we apply in relation to licensing and other Housing Act functions usually after consultation with the London Fire Brigade where necessary. A copy of this document can be obtained as follows:

ISBN 978-1-84049-638-3

Printed by: Newman Thomson Ltd,
1 Jubilee Road, Burgess Hill, West Sussex,
RH15 9TL
Or on line at

http://www.cieh.org/library/Knowledge/Housing/National_fire_safety_guidance_08.pdf

- 4 For the avoidance of any doubt, if more than seven individuals occupy the site as a HMO then a material change of use requiring express planning permission may occur.

Officer's Assessment

1. Site Description

The application site is a two-storey semi-detached single-family dwelling on the east side of Watford Way within the ward of Hendon. The property has been extended under planning ref 17/7009/192 by way of roof extension involving hip to gable, rear dormer window, 1no. rooflight to front and new gable window to side elevation to facilitate a loft conversion and benefits from a bay window with double doors and an extension to facilitating a utility room with a roof terrace above. The depth of the extension is 1.71m, with a width of 2.62m and a height of 2.98m.

The site is predominantly surrounded by residential uses with two-storey semi-detached dwellings either used as single-family units or as self-contained flats, with houses of multiple occupancy also located within Watford Way. Sunny Hill Park is located east of the application site. Middlesex University London is located approximately 1 mile south of the application site.

The application site is located within the Hendon Ward. It is not located within a conservation area, nor is it located within close proximity to listed buildings or site of archaeological importance.

2. Site History

Reference: 17/0762/192

Address: 366 Watford Way, London, NW4 4XA

Decision: Unlawful

Decision Date: 4 April 2017

Description: Two storey rear extension. Roof extension involving hip to gable, rear dormer window with Juliette balcony, 2no. rooflights to front elevation to facilitate a loft conversion

Reference: 17/6957/PNH

Address: 366 Watford Way, London, NW4 4XA

Decision: Prior Approval Required and Refused

Decision Date: 8 November 2017

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.85 metres and maximum height of 3 metres

Reference: 17/7009/192

Address: 366 Watford Way, London, NW4 4XA

Decision: Lawful

Decision Date: 14 November 2017

Description: Roof extension involving hip to gable, rear dormer window, 1no. rooflight to front and new gable window to side elevation to facilitate a loft conversion

Reference: 17/7379/PNH

Address: 366 Watford Way, London, NW4 4XA

Decision: Prior Approval Required and Refused

Decision Date: 20 December 2017

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.85 metres and maximum height of 3 metres

Reference: 18/0152/PNH

Address: 366 Watford Way, London, NW4 4XA

Decision: Prior Approval Required and Refused

Decision Date: 25 January 2018

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.85 metres and maximum height of 3 metres.

Reference: 18/0289/HSE

Address: 366 Watford Way, London, NW4 4XA

Decision: Pending Decision

Decision Date: No Decision Made.

Description: Single storey rear extension

Reference: 18/4210/191

Address: 366 Watford Way, London, NW4 4XA

Decision: Unlawful

Decision Date: 04.09.2018

Description: Conversion of existing dwelling into 5 bed HMO (House in multiple occupancy)

3. Proposal

This application seeks planning permission for the conversion of existing 4no. bed 7no. person single family dwelling into 7no. bed 9no. person HMO (House in multiple occupancy) and the erection of a single storey rear extension at No. 366 Watford Way, London.

In respect of HMO's, the minimum standard for a one room letting where the kitchen is a separate room for 1no. person is 8.5sq.m and 12.5sq.m 2no. persons. Kitchens for communal use should not be less than 6.0sq.m. According to these standards, the 7no.bed HMO would accommodate 9no. persons at its max. capacity therefore provide an uplift of 2no. persons across the site above the original capacity.

The proposed single storey rear extension with flat roof form roof would have a maximum depth of 3.80m, a width of 6.65m and a height of 3.0m. Two windows are proposed to the rear elevation. The plans demonstrate that the existing first floor balcony would be removed.

4. Consultation

Neighbour Notification

Consultation letters were sent to 54 neighbouring properties. 3no. objections have been received regarding the proposed development, and the comments have been summarised below:

- This application is closely linked to an extension of ref 18/0289/HSE.
- Unacceptable, very high level of noise:
- The plans show there to be 8 rooms yet application mentions only 7 bedrooms i.e potentially 14 tenants.
- The Bathroom nor the Kitchen on the downstairs floor appear to comply with the minimum requirements for the number of occupants.
- Based on the submitted plans it looks like the downstairs bathroom would not fit in the cupboard under the stairs.
- Block natural light
- The proposed extension assumes a flat roof which is extremely likely to be used as a balcony/terrace for drying laundry, sunbathing
- Use of the flat roof means total loss of privacy both downstairs and upstairs.
- The flat roof can provide easy unauthorised access to my property.

- There is a rights of way issue that arises because of the numerous tenants proposed in this HMO.
- There does not seem to be any direct access to the garden other than through one of the bedrooms unless the proposal is for the tenants to walk straight out of the front door and round the house.
- No provision has been made for cars.
- Refuse provision has not been provided.
- A new hall of residence should be proposed for Middlesex University.

HMO Officer

The HMO Officer was consulted in regard to the proposed development stating that the applicants will have to satisfy themselves that our space standards will be met although for licensing purposes. They have attached guidance for the applicant to refer to.

Councillor Nizza Fluss

Officers have received a call-in request from Council Nizza Fluss in regard to the proposed development. It is noted that the Councillor has expressed concerns regarding the change of use in a residential area and what is perceived as being insufficient consultation.

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 July 2018. 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 relevant Policies are as follows:

- 4. Promoting sustainable transport
- 6. Delivering a wide choice of High quality homes;
- 7. Requiring good design
- 10. Meeting The Challenge Of Climate Change, Flooding And Coastal Change.

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 2031. 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. Relevant Policies are as follows:

- Policy 6.3 Assessing effects of development on transport capacity
- Policy 6.9 Cycling
- Policy 6.13 Parking
- Policy 7.1 Lifetime neighbourhoods
- Policy 7.4 Local character
- Policy 7.5 Public realm
- Policy 7.6 Architecture
- Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

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 and CS14.
- Relevant Development Management Policies: DM01, DM02, DM09, DM17.

Supplementary Planning Documents

Residential Design Guidance SPD (2016)

- Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States developments should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity it states that developments should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted 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

Officers consider that the main planning considerations are as follows:

- o The principle of HMO in this location
- o Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- o Whether harm would be caused to the living conditions of neighbouring residents.
- o Whether the proposal provides satisfactory living accommodation for future occupiers;
- o Parking and highways
- o Refuse and Recycling

5.3 Assessment of proposals

The principle of HMO in this location

Policy DM09 of Barnet's Development Management Policies states that 'Proposals for new HMO will be encouraged provided that they meet an identified need, can demonstrate that they will not have a harmful impact on the character and amenities of the surrounding area, are easily accessible by public transport, cycling and walking and meet the relevant housing standards for HMO'.

Officers note that the applicant has previously sought pre-application advice under 18/8064/ENQ involving the conversion of the property into 2 no. flats and the use of one of the flats as a House of Multiple Occupation (HMO). The officer note that based on the plans and documents submitted that the applicant failed to identify a need for the property to be used as a HMO. The recommendation officer stated that the general principle of conversion into two units (with no HMO element) can be agreed.

Lawful use of the property as a 5no. bed HMO was later refused in August 2018 under ref: 18/4210/191 due to insufficient evidence submitted to demonstrate that the property was in use as C4 (HMO) for 4no. or more years.

The applicant has provided a range of supporting evidence to demonstrate that the proposed HMO meets an identified need and is suitably located despite its location outside of a town centre. The supporting evidence submitted includes:

- Letter from two Estate Agent highlighting the current demand for HMOs in the area surrounding the application site.
- An email demonstrating the need for an intensive HMO

The applicant notes within the statement provided that a number of properties on Watford Way serve HMO, however the applicant has failed to provide any evidence of this. From conducting a site history of the application site, officers have noted that planning permission was allowed at No. 398 Watford Way, where an appeal for non-determination was allowed against reference 17/0862/FUL for the 'Use of single dwelling house for 4 people as HMO'. Officer also note that a number of properties within Watford Way have had properties converted into self-contained flats including No.627 Watford Way (18/2238/FUL) and No.219 Watford Way (17/7047/FUL).

Indeed, the presence of other HMOs in the area does not necessarily demonstrate an identified need for HMO type accommodation in this location particularly, given HMOs were allowed under permitted development prior to the implementation of an Article 4 in May 2016 and therefore are present across the borough. It is acknowledged that there are institutions which would attract a demand for low cost accommodation within proximal distance to the application site. However, it is considered that the examples provided such as Middlesex University in Hendon could be used as a justification for the suitability of any number of HMO applications within the Hendon Ward.

Therefore, while it is important to demonstrate need which the applicant has to a degree, it is not sufficient alone to substantiate the suitability of the application site for a HMO. Significant weight has been given to the location of the application site which is deemed in addition to the identified need, to be suitable for a HMO. It is noted that the application site has a PTAL rating of 1b which is poor, notwithstanding this it is noted that the application site is located on a main road in proximity to the following:

- Two bus stops (one opposite and one north of the application site)
- Colindale Tube Station (1.1mile)
- Hendon Central Station (1.2mile)
- Hendon Thameslink Railway Station (1.5mile)

- Mill Hill Broadway Railway Station (1.6mile)
- Mill Hill East (1.8mile)

Weight has also been given to the mixed character of the application site and the proximity to the university on foot and the fact that these accessibility parameters were also common to the application at 398 Watford Way. As aforementioned, the application site is surrounded on Watford Way by single family dwellings, self-contained flats, HMOs, guest houses and educational and retail uses. Based on the mixed character of the area surrounding the application site, it is not deemed that the introduction of a HMO would harmfully alter the character of this section of Watford Road.

Therefore, while the application site is not located within a town centre location, it is considered that accessibility is acceptable in broader terms and the character of the area is suitably mixed to justify a HMO at the application site. It is this that has been given the most weight in determining the suitability of the application site for a HMO, with the identified need a collaborating factor. Indeed, the identified need element of the application would not be strong enough alone to justify a HMO had the character of area around the application site not been as mixed and had not been located on a main road in an area where there are a range of passenger transport options. Therefore, limited weight is given to the information.

From the plans submitted the applicant has failed to show off-street parking spaces, and cycling spaces. However, notwithstanding this, during the site visit conducted, officer noted that the front of the property benefits from a paved driveway which could accommodate two cars, while there is sufficient space to the rear to meet the cycling parking spaces.

DM17 states that the council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi-detached houses and flats (4 or more bedrooms)
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom)

Residential development may be acceptable:

- i. with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be demonstrated through a survey that there is sufficient on street parking capacity.
- ii. with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits.

For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.

Given the PTAL rating and the application site's proximity to bus and tube stations, it is considered that 2.no parking spaces within the front forecourt area would be adequate for the site's proposed use. Furthermore, the inclusion of 2.no parking spaces as opposed to 3.no better enables the front of the site to include and accommodate soft landscaping; something much needed along this stretch of Watford Way.

In summary, it is considered that the principle of a HMO at the application site is acceptable given the mixed character of this section of Watford Way and its proximity to key transit routes and modes. The information provided to evidence an identified need has been given less weight than the above, but is sufficient to demonstrate there is a need for low cost accommodation in this location. Furthermore, it is not considered that harm would be caused

to the character of this section of Watford Way and given there is sufficient space for off-street parking, and local amenities and transit stops are within walking distance, it is not expected that the amenity of neighbouring occupiers will be harmed as a result of the proposed HMO use.

Whether harm would be caused to the character and appearance of the existing building, the streetscene and the wider locality

The application also proposes a single storey rear extension to replace the existing part single storey rear extension. The proposed dimensions are included in the proposal section above, but nonetheless the applicant has proposed a depth of 3.80m for the proposed extension and would therefore fail to comply with Section 14 of the Residential Design Guidance SPD (2016) in terms of the recommended depth of 3.50m. However, notwithstanding this, officers are of the opinion that the proposed extension is subordinate in scale when compared to the main dwelling, and would appear and prominent or obtrusive element. It is also noted that the proposal would remove the existing roof terrace to the rear, which would be compliant with council policy. Regarding the design and materials officers have raised no concerns as the design would complement the main dwelling with materials to match the existing.

While No.364 does not have any extensions approved to the rear of their property, officers note that No.368 Watford Way benefits from planning permission for a 'Single storey rear extension. Roof extension involving hip to gable, rear dormer window and 2no rooflights to front elevation to facilitate a loft conversion' (16/4510/HSE). Therefore, it is considered that the proposed single storey rear extension to No.366 would be in keeping with the character of development within the immediate area.

The use of the application site as a HMO and its consequential impacts on the character of the application site and the surrounding area has been addressed in the section above and therefore will not be repeated in this section.

In summary, it is not considered that significant harm would be caused to the appearance and character of the application site or the wider streetscene as a result of the proposed HMO use, or the single storey rear extension. It is therefore deemed acceptable on character grounds.

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

The development would result in an increase of overall capacity from 4no. bed 7no. person single family dwelling to a 7no. bed 9no. person HMO therefore an uplift of 2no. persons across the site above the existing/ original occupancy level. Although the HMO meets the relevant housing standards for a HMO, the level of activity over and above the existing occupancy level resulting from groups of unconnected people, as would be the case with HMOs, would be likely to result in differing patterns of usage and behaviour as compared with residents living as single households who could be expected to share a lifestyle. In particular, there is likely to be more frequent comings and goings of residents and visitors and greater potential for increased noise and disturbance to local residents, the use of the garden and parking on the surrounding road network. However, an uplift of 2no. persons across the site is not expected to demonstrably impact neighbouring residential amenity over and above existing circumstances. Nonetheless, a condition has been attached as a mitigation measure to ensure that sound insulation between units is incorporated in compliance with Requirement E of the Building Regulations 2010.

In regard to the single storey rear extension, it will extend 3.80m along the shared boundary (1.80m high wooden fence). As previously stated, the depth of the extension would be 0.30m more than the recommended guidance for semi-detached properties, however due to the design, and scale of the proposal, along with the existing boundary treatment, it would not appear as the visually obtrusive element to the No.364 no No.368. Due to the location of the application site and the orientation of the sun, officers are content that no loss of light or overshadowing would occur. No loss of outlook from the habitable windows located to the ground floor wall of No.364 nor No.368 would occur. The window opening proposed to the ground floor rear elevation would look upon the private amenity space of No.366.

Officers note that there is an existing first floor balcony at the application site. While it appears that a number of properties including No.368 have balconies to the rear of their properties, the first-floor balcony has been removed as part of the proposal. A condition has been added to ensure that the flat roof of the ground floor rear addition is not used for the purposes of a balcony. This is considered to limit the potential for direct overlooking into the amenity of adjacent nos 364 and 368.

For the reasons above, it is found the proposals will not have a detrimental impact on the residential amenities of neighbouring occupiers.

Whether the proposal provides satisfactory living accommodation for future occupiers

Space Standards:

The Council's HMO Licensing Officer reviewed the plans provided and confirmed that the letting units and rooms are 'ample for a single person let with reference to our standards'.

The minimum standard for a one room letting where the kitchen is a separate room for 1no. person is 8. 50sq.m and 12. 50sq.m 2no. persons. Kitchens for communal use should not be less than 6.0sq.m. The 7no.bed HMO would therefore accommodate 9no. persons at its max. capacity. According to these standards, the 7no.bed HMO would accommodate 9no. persons at its max. capacity therefore provide an uplift of 2no. persons across the site above the original capacity.

The floor layout and room sizes are acceptable and would comply with the relevant HMO licensing standards. Nevertheless, a condition will be attached to limit the number of occupants to 9.no persons as outlined within this application, in order to ensure the space standards remain suitable for the number of occupants proposed.

Light/outlook:

Barnet's Sustainable Design SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and bedrooms and living rooms /kitchens should have a reasonable outlook. It is considered that all of the proposed habitable rooms benefit from sufficient clear glazing and outlook and thereby provide an acceptable standard of amenity for future occupiers.

Room stacking:

The Residential Design Guidance SPD (October 2016) requires that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. There is no overlap between rooms and therefore the stacking would be considered acceptable in this instance 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 condition.

Amenity Space:

Section 2.3 of the Sustainable Design and Construction SPD (2016) states that 'Outdoor amenity space is highly valued and suitable provision will help to protect and improve the living standards of residents as well as contribute to maintaining and enhancing the wider character of the borough'. While there are no minimum amenity space standards for HMOs, the application site provides a private rear amenity area of approx. 260sq.m and on the basis of the min. garden space standard of 40m² for up to four habitable rooms for houses, the intended amenity space provision is deemed acceptable. Officers are content that space provided is sufficient to accommodate future residents.

Parking and Highways

As previously noted, the applicant has failed to annotated parking provision on the plans submitted, however, the front forecourt area of the property would be able to accommodate two relatively small cars. DM17 of the DMP 2013 and The London Plan 2016 states the need for 1no. cycle space per studio and 1no. bedroom unit and 2no. spaces per all other dwellings. A need of 7no. cycle spaces and associated storage would therefore be required. The rear of the property would be able to provide 7.no cycles spaces. A condition will be attached to ensure that the applicant can provide the required car parking and cycling provision. As aforementioned, it is considered that the parking and cycle provision complies with Policy DM17 and section 6.9 of the London Plan (2016).

Refuse and Recycling

Under Policy CS14 it is required that new developments ensure that waste is managed in the most environmentally friendly way that is future proof in order to protect human health and the environment from pests and other environmentally damaging effects. Waste and recycling provisions should therefore be clearly stated at the initial submission stage.

The applicant has failed to demonstrate where refuse and recycling would be stored within the application site. However, it is acknowledged there is scope to the rear and side of the property to store refuse and recycling in an acceptable manner in compliance with the council's policy and guidance. A condition will be attached ensuring that the applicant can provide the necessary refuse and recycling storage.

5.4 Responses to public consultation

Consultation letters were sent to 54 neighbouring properties. Three objections have been received regarding the proposed development, and the comments have been summarised below:

- o Worth noting that this application is closely linked, in fact an extension of ref 18/0289/HSE.

Officers have noted the above planning application, which forms part of the site history of the application site.

- o Unacceptable, very high level of noise:
- o Block my natural light
- o Use of the flat roof means total loss of my privacy both downstairs and upstairs.

Officers have assessed the impact the proposed development would have on residential amenity within the main section of the report.

- o The plans show there to be 8 rooms yet application mentions only 7 bedrooms i.e. potentially 14 tenants.
- o The Bathroom nor the Kitchen on the downstairs floor appear to comply with the minimum requirements for the number of occupants.
- o Based on the submitted plans it looks like the downstairs bathroom would not fit in the cupboard under the stairs.

Revised drawings have been submitted to overcome the above issues. Officers have no concerns regarding revised submitted plans.

- o The proposed extension assumes a flat roof which is extremely likely to be used as a balcony/terrace for drying laundry, sunbathing
- o The flat roof can provide easy unauthorised access to my property.

This has been addressed within the main body of the report. A condition has been attached to ensure that the flat roof of the ground floor rear extension is not used for the purpose of a balcony to safeguard residential amenity of adjacent neighbouring occupiers.

- o There does not seem to be any direct access to the garden other than through one of the bedrooms unless the proposal is for the tenants to walk straight out of the front door and round the house.

The applicant has annotated clearly on the plans, that the tenants of the property, will be able to access the rear garden by using the side access. Officers have no concerns regarding this.

- o No provision has been made for cars.

This has been addressed within the relevant section of the report requiring highways and parking.

- o Refuse provision has not been provided.

Refuse collection has not been annotated on the plans, but this could be dealt with via condition.

- o A new hall of residence should be proposed for Middlesex University.

Officers have assessed the proposed development against the description of development. Each application has to be assessed based on its own merits.

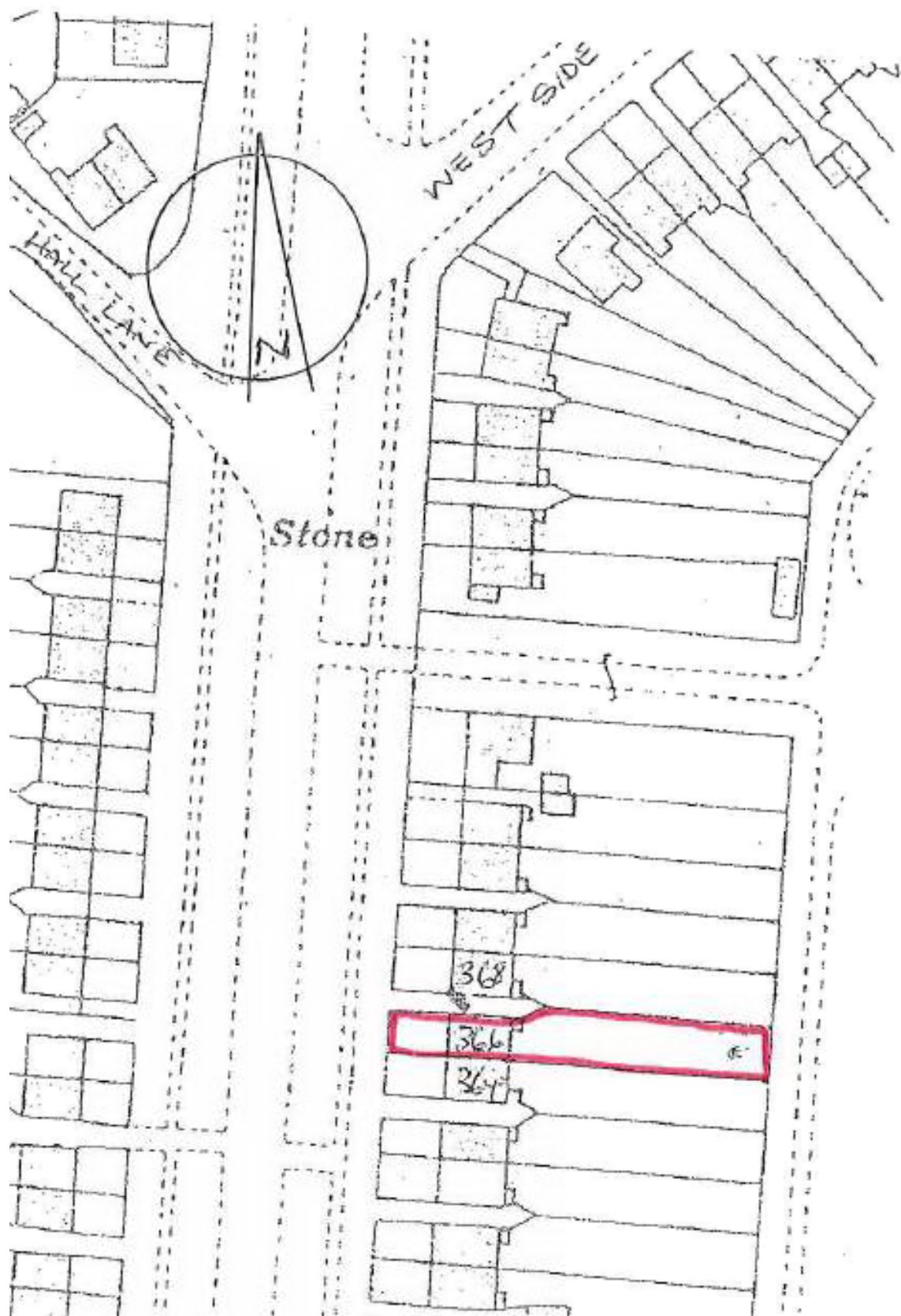
6. Equality and Diversity Issues

The existing development 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.





Appeal Decision

Site visit made on 7 November 2017

by Richard S Jones BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29th November 2017

Appeal Ref: APP/N5090/W/17/3178309
398 Watford Way, Hendon, London NW4 4XE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Pantelis Panteli against the Council of the London Borough of Barnet.
 - The application Ref 17/0862/FUL, is dated 14 February 2017.
 - The development proposed is the conversion of existing building to a HMO.
-

Decision

1. The appeal is allowed and planning permission is granted for the conversion of the existing building to a HMO at 398 Watford Way, Hendon, London, NW4 4XE, in accordance with the terms of the application, Ref 17/0862/FUL, dated 14 February 2017, subject to the conditions set out in the Schedule attached to this decision.

Preliminary Matters

2. The appeal follows the failure of the Council to give notice within the prescribed period of a decision on an application for the conversion of the existing building to a house in multiple accommodation (HMO). The Council has subsequently provided a delegated report that confirms that it would have been recommended for approval, subject to three conditions.
3. At the time of my site visit I was able to observe that the internal works had commenced.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the living conditions of the occupiers of neighbouring residents with particular reference to noise and disturbance; and
 - highway safety.

Reasons

Living conditions

5. The Council confirm that the site is located within an area which contains a number of flats and HMO's. The site itself also faces out onto Watford Way,

which is a busy road formed of three lanes in each direction with associated levels of noise.

6. The existing property comprises a three bedroom, single family, semi-detached dwelling. The proposed conversion to a four person HMO would not therefore result in a significant intensification of the residential use in terms of comings and goings and general noise disturbance. Similarly, I am not convinced that the proposal would significantly increase the level of waste generated from the property to an extent whereby it would cause material harm to any occupants of any neighbouring property.
7. I therefore conclude that the proposal would not result in any material harm to the living conditions of the occupants of any neighbouring dwelling and as such would not conflict with Development Management Policy DMO1, which, amongst other matters, seeks to protect amenity.

Highway safety

8. The existing dwelling benefits from a shared driveway and garaging which would be retained for the proposed use. Although four car parking spaces are proposed, two are shown immediately in front of the house. I'm not convinced that this could be achieved without material harm to the existing front garden area, which, in combination with similar arrangements to the neighbouring properties, provides an attractive setting to this row of housing. However, the plans show the provision of dedicated, secure and covered cycle parking facilities and I note that the site is situated close to a bus stop on the A41 which the Council confirm as having a regular service to Edgware and Central London. Future occupants would therefore have access to sustainable modes of transport and moreover, the site is relatively close to Middlesex University and as such is likely to be attractive to students.
9. In these circumstances, I do not consider that the provision of four car parking spaces is critical and a lesser provision would not be grounds in this particular case to warrant withholding planning permission. I therefore offered the parties opportunity to comment on a condition requiring the precise parking arrangements to be agreed with the Council. The Council has agreed to this. Although the appellant has raised concern that parking conditions are imposed by the council in order to discourage the provision of HMO properties in the area, in my view the condition is necessary to ensure an acceptable level of car parking whilst also protecting as far as possible the front garden area.
10. I do not consider that the proposed arrangements would restrict access by the emergency services. I also note that the Highway Authority has raised no concern regarding the proposed refuse arrangements and I find no reason to take a contrary position.
11. I do not therefore find that the proposal would result in any material harm to highway safety and as such would not conflict with paragraph 32 of the National Planning Policy Framework which states that decisions should take account of whether safe and suitable access to the site can be achieved.

Other matters

12. The appeal relates to a semi-detached dwelling in an established residential area. The proposal would continue the residential use and no external alterations are proposed. Therefore, subject to addressing my concerns

regarding the protection, as far as possible, the front garden area, the proposal would cause no material harm to the character and appearance of the area, so as to conflict with Core Strategy Policies CS4 or CS5 or Development Management Policy DM01. These seek, amongst other things, to protect character by ensuring development meets a high standard of design reflecting local distinctiveness.

13. The Council confirm that the proposed increase in bedrooms would provide a small, but welcome contribution to the Borough's housing targets as set out in Core Strategy Policy CS4. I find no reason to disagree.
14. I have noted the concerns expressed regarding nuisance during the conversion works, but I have no reason to believe that the works proposed are of such a scale where this would be likely or significant.
15. I also have no evidence which would suggest that the proposal would result in any anti-social behaviour or that any existing drainage problems would be materially exacerbated by the appeal proposal.
16. Amended plans have been received in support of the proposal to address concerns raised regarding inaccuracies in previous iterations. These plans show the garage being used for the parking of a car and for bike storage, rather than an additional bedroom.

Conditions

17. I have had regard to the three conditions provided by the Council. In addition to the standard condition that limits the lifespan of the planning permission, I have specified the approved plans for the avoidance of doubt and in the interests of proper planning.
18. A condition relating to the vehicular access is necessary in the interests of highway safety. I am not convinced it is necessary that the condition is pre-commencement and I have therefore amended the trigger for these works to prior to occupation. A condition is also necessary to ensure an acceptable level of car parking.

Conclusion

19. For the reasons given above, and taking into account all other matters raised, I conclude the appeal should be allowed.

Richard S Jones

INSPECTOR

SCHEDULE

CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; WW398/17/FP/01 Rev A and WW398/17/FP/02 Rev B.
- 3) Prior to the occupation of the development the vehicular access shall be completed in accordance with details to be submitted to and approved in writing by the local planning authority. The access arrangement shall be retained thereafter.
- 4) Notwithstanding the details shown on any approved plan, prior to the occupation of the development, the precise car parking arrangements shall be implemented in accordance with details to be submitted to and approved in writing by the local planning authority. The parking provision shall be retained thereafter.

Location Land To The Rear Of 27 To 29 Daws Lane London NW7 4SD

Reference: 18/4638/FUL

Received: 25th July 2018

Accepted: 30th July 2018

AGENDA ITEM 9

Ward: Mill Hill

Expiry 24th September 2018

Applicant: Mr B Grant

Proposal: Demolition of existing building. Erection of three storey building with rooms in roofspace to provide commercial floorspace (Class B1a) at ground floor level and 4no self-contained flats on the upper floors. Associated alterations to existing fenestration including the bricking up of first floor side window to No.25 Daws Lane. Provision of new amenity space, bicycle storage and refuse and recycling storage

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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:

08/682/Loc01 (Location Plan)

GA-100 (Existing Site Block Plan Ground Floor Plan)

GA-101 B (Proposed Site Block Plan Ground and First Floor Plans)

GA-102 B (Proposed Second Floor Plan Roof Plan)

EL-200 (Existing and Proposed Front (street) Elevation)

EL-201 A (Existing and Proposed Rear Elevation)

EL-202 (Existing and Proposed Side Elevation)

EL-203 A (Proposed Side Sectional Elevation)

Planning Statement

Sustainability Statement

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 2016.

- 4 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

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 October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

5 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 5.21 of the London Plan 2016.

6 a) No above ground works following demolition shall take place until a scheme of proposed noise mitigation measures against externally generated traffic noise/mixed

use has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the amenities of occupiers are not prejudiced by traffic noise/mixed use in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.15 of the London Plan 2016.

7 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed using antivibration mounts. 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 development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy CS14 of the Local Plan Core Strategy (adopted September 2012).

8 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

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

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

10 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.

11 The level of noise emitted from any extraction and/or 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 2016.

12 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).

- 13 The use hereby permitted shall not be used before the hours of 07:30 or after 20:00 on any day.

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

- 14 The ground floor premises shall be used for B1(a) only and for no other purpose (including any other purpose in Class B 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.

- 15 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.

- 16 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.

- 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% 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.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 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.

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.

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.

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.

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.

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
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

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 or by telephoning 0208 359 4500.

4 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.

5 The submitted Construction Method Statement shall include as a minimum details of:

- Site hoarding
- Wheel washing
- Dust suppression methods and kit to be used
- Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
- Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- Confirmation that an asbestos survey has been carried out.
- Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.

Officer's Assessment

1. Site Description

The application site is located on the northern side of Daws Lane, within the ward of Mill Hill. The site consists of a two-storey building comprising of 2no. retail units on the ground floor and residential units above. There is a yard area and ancillary buildings to the rear which are reached via an existing access between Nos 25 and 27.

The surrounding area is a mix of commercial and residential properties and is varied in character.

2. Site History

Reference: 16/4095/FUL

Address: 25, 27 and 29 Daws Lane, London, NW7 4SD

Decision: Refused

Decision Date: 09.09.2016

Description: Demolition the existing buildings at 27 and 29 Daws Lane and erection of a three-storey building consisting of a ground floor commercial unit and 4no self-contained flats above at first and second floor level bridging over the access road. Rear of second floor flat to be enlarged at No 25 Daws Lane. Associated works.

Appeal Reference: APP/N5090/W/16/3159880

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 02.02.2017

Reference: 14/07281/FUL

Address: 25 - 29 Daws Lane, London, NW7 4SD

Decision: Refused

Decision Date: 27.02.2015

Description: Demolition of no. 25, 27, and 29 Daws Lane and erection of a new 3-storey building to provide 2no retail units at ground floor level and 8 self-contained units on first and second floor level

Appeal Reference: APP/N5090/W/15/3035983

Decision: Appeal Dismissed

Decision Date: 16.11.2015

3. Proposal

The application seeks permission for the demolition of the existing building at 27-29 Daws Lane and the erection of a three-storey building to provide commercial (Class B1a) floorspace at ground floor level and 4no. self-contained flats on the upper floors. The proposal also includes the provision of new outdoor amenity space, bicycle storage and refuse and recycling storage.

The proposal would incorporate an over-sailing bridge section that would adjoin No.25 at first and second floors above the existing access.

The proposal would also involve the bricking up of the first floor side window of No.25 Daws Lane facing the application site.

The commercial unit on the ground floor would measure 86sq.m. The four residential units on the upper floors would consist of 2 x 1-bed and 2 x 2-bed units.

4. Public Consultation

Consultation letters were sent to 116 neighbouring properties.

7 responses have been received, comprising 6 letters of objection and 1 letter of comment.

The objections received can be summarised as follows:

- No need for further flats
- Overdevelopment of the site
- No off-street parking provision
- Additional flats will bring more vehicles
- Uncertainty over refuse/recycling strategy
- Visual impact of addition bins on the street
- Little private amenity space provided

The letter of comment received can be summarised as follows:

- No objection to the planning at Daws Lane

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 24th July 2018. 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 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.

The London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

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, CS6, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, 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 and 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;
- Provision of adequate accommodation for future occupiers;
- Highways, access and parking; and
- Any other material considerations.

5.3 Assessment of proposals

An application reference 16/4095/FUL was refused by the Council on 09.09.2016 for the demolition the existing buildings at 25, 27 and 29 Daws Lane for the erection of a three-storey building consisting of a ground floor commercial unit and 4no self-contained flats above at first and second floor level bridging over the access road. Rear of second floor flat to be enlarged at No 25 Daws Lane. Associated works. It was refused for the following reason:

The proposed development, by reason of its design, its significant bulk and massing and the number of units proposed would result in a development of an excessive density which would not preserve or enhance local character. It would not respect the appearance, scale, mass, height or pattern of surrounding buildings or spaces and would be detrimental to the character and appearance of the area. The proposal would therefore be contrary to Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (adopted April 2013).

The application was subsequently appealed and dismissed by The Planning Inspectorate in February 2017. The Inspector found that the frontage of the proposal was satisfactory in terms of character and appearance but had raised more significant concerns about the rear of the scheme. Specifically, concerns were raised about the amount and projection of the three storey elements and its large and bulky nature. The Inspector commented that the proposal would be seen as an unduly dominant addition to the row that would overwhelm

the appearance of the group of buildings and stand out as an incongruous and overbearing feature. The proposal would be out of step with the established form and layout of the buildings nearby, to the extent that it would undermine the existing pattern of development and fail to respond to its local context.

Principle of development

This stretch of Daws Lane comprises of a variety of retail and commercial uses including delicatessen, dental surgery, dry-cleaning, car sales yard and residential units.

The principle of a mixed-use building (B1a and C3) was considered within the previous application. While the application was refused on character grounds, no objections were raised to the proposed uses within the proposal.

The proposal provides for a slightly smaller B1 unit than previous proposed, however, is not significantly different to the proposal previously considered. The proposed uses are therefore considered to be acceptable.

Impact on the character and appearance of the site, streetscene and wider locality

Daws Lane is varied in character with two and three storey buildings. The application forms part of a row of buildings.

In terms of the front elevation, the ridge height of the proposed building would match that of No.25, but would be higher than that of the adjoining No.31. In the most recent appeal, the Inspector noted the varying heights and design of the buildings on the north side of Daws Lane. Given that the height difference would not be great, the Inspector did not find that the appeal scheme would stand out on this basis or have an adverse impact on the character of the streetscene. Therefore, on this basis, the overall height of the proposed building is considered to be acceptable.

The proposal is considered to improve upon the frontage of the previous scheme as the first-floor windows are of a similar height and design with arched headers and projecting cills to match those on the adjoining buildings. The second-floor dormers would be relatively modest in size and similar with those constructed within the street.

The proposal is considered to have an acceptable frontage in terms of character and appearance along Daws Lane.

The proposed rear elevation now has a simple appearance which has been informed by neighbouring approved extensions. This is a considerable improvement compared to the previous refused scheme. The Planning Statement also notes that large extensions have now been built at Nos 23 and 25 which were not previously constructed at the time of the previous appeal. Officers have visited the site and confirm that the extensions mentioned are now fully constructed.

The proposed three-storey element would now only cover less than half of the proposed building and appears subservient to the host building. The other half would be completed with a traditional roof pitch. The depth of the rear element would match those of Nos. 23 and 25. It is considered that the proposed design is now much more appropriate in terms of bulk and massing and is considered to satisfactorily address the Inspector's concerns. The proposed appearance of the rear elevation would be similar to the extensions constructed at Nos. 23 and 25 and so is considered appropriate in context of the existing pattern of

development, form and layout. The fenestration layout is considered to match the adjacent properties and suitably helps break up the bulk and massing. The second-floor dormer is now of a more appropriate scale compared to the previous refused scheme.

Overall, the proposed scale, massing, height and design is considered to be acceptable.

Impact on amenity of neighbouring occupiers

The proposed rear building line would align with the rear elevation of No.25 and as such it is not considered to result in any overbearing impact or loss of light on this property. However, there is an existing window on the side elevation of No.25 facing the application site. It is proposed that this window be blocked up. Having checked the floorplans of No.25, this window is noted as being a secondary window within a bedroom. It benefits from another window on the rear elevation. The applicant's submitted planning statement states that the applicant is in ownership of No.25. Noting these matters, it is considered that the loss of this window would not result in significant harm to the occupiers of this flat as the bedroom still benefits from good light and outlook.

The proposal is not considered to raise any other amenity concerns.

Provision of adequate accommodation for future occupiers

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

Flat 1 - 2B4P - 74sq.m

Flat 2 - 2B4P - 74sq.m

Flat 3 - 1B2P - 51sq.m

Flat 4 - 1B2P - 63sq.m

Following a review of the internal floor plans, all the proposed units are deemed to meet the minimum internal space standards. All of the units would be dual aspect and considered to have acceptable levels of outlook and daylight and sunlight.

Barnet's Local Plan expects that sufficient and functional space should be provided for all new homes and flats wherever possible. The Sustainable Design and Construction SPD advises that 5sq.m should be provided per habitable room for flats. The proposal consists of a single communal amenity space area to the rear of the site measuring 55sqm. As all the proposed kitchen, living dining measure over 20sqm, Officers count them as two habitable rooms. The proposal would therefore provide a shortfall of 15sqm in terms of outdoor amenity space. However, the Appeal Inspector in review of refused application reference: 14/07281/FUL, took into account the proximity of Mill Hill Park which as a large area of outdoor public space could be easily accessed by future occupiers. As such, while the proposal does not numerically comply with the SPD standards, the proposed space is still usable and the balancing with the park is considered to provide acceptable living conditions for future occupiers.

Highways, access and parking

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 for residential use which for this type of development would expect between 2 and 5 spaces. The proposal does not provide any off-street parking.

The site is located within a PTAL area of 3 (average) and on the edge of a CPZ where on-street parking is restricted between 11:00 and 12:00. There are also small sections of Daws Lane, directly opposite and adjacent to the site, where no parking is permitted between 08:30 and 18:30, or are restricted to resident parking permits holders only.

As part of the appeal for refused application 14/07281/FUL, the applicant undertook several surveys which indicated that there is scope for on-street parking. The Inspector agreed with the applicant's surveys and dismissed the concerns raised by the Council's Highways Officers. Whilst that appeal scheme was larger in scale (8 units) and provided 4 off-street parking spaces, the overspill parking was not considered to place undue pressure on the availability of on-street parking in the area.

Within the latest scheme, no off-street parking was proposed and account was taken off the above comments from the Appeal Inspector. No objection was raised as part of that application.

Taking into account the above comments and the decision from The Planning Inspectorate, the proposal without off-street parking is not considered to have a detrimental impact on highway and pedestrian safety in Daws Lane.

In terms of refuse and recycling, there are separate commercial and residential stores located internally at ground floor level. These are located within close proximity of the public highway. Concerns have been raised about the visual impact of bins sited on the public footpath and cumulative impact with the adjoining units. However, the proposal provides internal stores where the bins would only be transferred to the highway on collection day. A condition will be imposed to seek the submission of a refuse and recycling strategy so that details of the storage and collection arrangements can be assessed.

Other material considerations

Sustainability

The submitted sustainability statement states that the proposal will achieve a level of not less than 10% in carbon dioxide emissions. This will be condition to ensure that this is undertaken.

A separate condition will be imposed to ensure that the proposal will incorporate water saving and efficiency measures and limit the residential units to a mains water consumption of 105 litres per head per day or less.

In terms of meeting M4(2) requirements for level access, the proposal does not include the provision of a lift. However, no lift was proposed as part of the previous scheme and no

objection was raised to this element. The applicant has stated within the submitted planning statement that to incorporate a lift would cost approximately £25,000 for its installation with a service charge of approximately £2,500 per annum.

Taking into account the scale of development, it is not considered that the proposal would need to provide a lift and even in the event of doing so, would considerably compromise the proposed development.

5.4 Response to Public Consultation

The provision of flats is not considered to be inappropriate in this location and the proposal is considered to satisfactorily overcome the previous reasons for refusal in terms of character and appearance of the site, streetscene and wider locality.

Whilst no parking is proposed within the proposal, it has been previously considered and accepted that there is sufficient capacity within the surrounding streets to satisfactorily accommodate the overspill parking.

Refuse and recycling bins will be located within internally located stores and will only be brought out on collection days. A refuse/recycling strategy is sought via a condition.

While there is a numeric shortfall of outdoor amenity space proposed, consideration has been given to the proximity of Mill Hill Park to the site. In combination of these factors, the proposal is considered to be acceptable in relation to amenity space.

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 or future occupiers. This application is therefore recommended for approval.



This page is intentionally left blank

Appeal Decision

Site visit made on 10 January 2017

by Elaine Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2nd February 2017

Appeal Ref: APP/N5090/W/16/3159880

Rear of 27 to 29 Daws Lane, Mill Hill, London, NW7 4SD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ben Grant, Grant and Boyd Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/4095/FUL, dated 21 June 2016, was refused by notice dated 24 August 2016.
 - The development proposed is a three storey block of B1 ground floor unit and 4 flats at 1st and 2nd floors.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. The appeal site comprises a pair of two storey buildings fronting Daws Lane which include two commercial units at ground floor and flats above. There is a yard area and ancillary buildings to the rear which are reached via an existing access between Nos 25 and 27. The surrounding area is a mix of commercial and residential properties and is varied in character.
4. The proposal would see the demolition of Nos 27 and 29 which would be replaced by a three storey building incorporating an over-sailing bridge section that would adjoin No 25 at first and second floors above the existing access. The proposed building would also be attached to No 31 to the east. It would provide a commercial floorspace on the ground floor and four flats on the upper floors.
5. A previous scheme for the demolition of Nos 25 to 29 and the construction of a new three storey building to provide two retail units and eight flats was dismissed on appeal¹ in 2015. Since then, planning permission has been granted for a three storey rear extension at neighbouring No 25 which has not yet been built. The appellant advises that this was designed to match the existing extension at No 23 which was allowed on appeal² in 2009.

¹ APP/N5090/W/15/3035983

² APP/N5090/A/08/2083640

6. In terms of the front elevation to Daws Lane, the ridge height of the proposed building would match that of No 25, but would be some 0.9 metres higher than that of adjoining No 31. The Council also refers to the resultant differing heights of the parapet eaves level and considers that the roof scape pattern would appear awkward in the street scene.
7. That said, there is some variation in the heights and designs of the buildings on the north side of Daws Lane. Due to its rendered front elevation and architectural details, No 31 relates closely to Nos 33 to 37 further to the east which have a higher eaves and ridge line. Adjoining No 25 and the other properties to the west also have a higher ridge line which the appeal scheme would complement. In this context, and given that the height difference between the proposal and No 31 would not be particularly great, I am not persuaded that the appeal scheme would stand out as a particularly discordant feature on the row or upset the pattern of the roofs there to any great extent.
8. The proposal would include three first floor windows to each half of the building which would retain the appearance of two distinct terraced properties from the front. Although they would not be as tall as the windows on the buildings to either side, and would not replicate their arched headers and projecting cills, the windows would be of a similar width and commensurate positioning on the building. I am also mindful that, as things stand, the appeal building's existing fenestration pattern of five wider, squatter windows does not reflect the traditional architectural style of its neighbours.
9. On this basis, notwithstanding the previous Inspector's findings in relation to the front elevation of that more substantial scheme incorporating No 25, I am satisfied that the proposed first floor windows would provide a generally balanced and sympathetic appearance that would be in-keeping with the existing pattern of first floor windows on the row. Similarly, the proposed second floor dormers would be relatively modest in size and commensurate with those existing (and permitted) at Nos 21 to 25.
10. As such, and since the Council accepts that the building would generally appear as an acceptable and proportionate addition to the street scene, I consider the proposal to be satisfactory in these regards and am not convinced that it would cause any harm to the character or appearance of the Daws Lane frontage.
11. Turning to the rear of the scheme, I note that the building has been reduced in scale in relation to the previous proposal. There are a number of existing extensions to the rear of the properties fronting Daws Lane, including some at three storeys. No 29 already has a two storey rear extension with a pitched hipped roof and No 27 has a single storey flat roof rear addition which extends rearwards to the same extent as that addition at No 29. However, neither project significantly rearwards of the main three storey part of the host properties.
12. Adjoining No 31 has a two storey extension with a flat roof to the rear that drops to single storey with a conservatory style addition above in part. The pitched roof of the main part of No 31 is retained and the extension covers only some of the width of its rear elevation. The existing three storey extension at No 23 although considerable in height, is not to the full width of No 23 at first and second floor levels. The approved extension at No 25 includes a first floor extension to the whole width of the property but the second floor element is set in from the boundary with No 27 with a mansard roof to mirror that at No

23. No 21 on the end of the row also has a three storey rear extension that wraps round the rear of the property, but it is nevertheless relatively narrow and does not cover the entire extent of the rear of that host property.
13. This being so, for the most part these existing and permitted extensions are restricted in width. Those at Nos 23 and 25 also include elements of a traditional pitched roof in their mansard design, and that at No 31 is lower than the host property. Consequently they generally retain some sense of a subservient relationship to the host properties and are appreciated as offshoots that maintain the overall appearance of wings to the main parts of the buildings. As such, they are consistent with the piecemeal and fragmented appearance of the variety of rear additions that exist to the rear of the properties on the north side of Daws Lane.
14. In contrast, the appeal scheme would completely cover the rear of that half of the site currently occupied by No 29 with three storey development. This would extend well beyond the rear building line of No 29. Although it would align with No 31's rear offshoot, it would extend further rearwards than the back walls of the existing and approved extensions at Nos 23 and 25. Since it would be located above the access, the part of the building on that half of the site currently occupied by No 27 would not be as deep. However, it would still project beyond the appeal property's existing rear building line, and although incorporating a rear dormer feature, would also cover the full width of No 27.
15. I appreciate that the deeper part of the building to the rear of No 29 would accommodate the residential use on the upper floors. Even though the bridge section at No 27 would be set back from the full extent of the building at No 29, a good deal of the proposal would still project to a considerable depth into the site at three storeys. The resultant building would be large and bulky. Although the recessed balconies would break up the design of its rear elevation, the various projecting elements and fenestration pattern would do little to detract from the proposal's significant size and substantial massing.
16. I concur with the previous Inspector in the 2009 appeal who found the appearance of the rear of the buildings in Daws Lane to be highly varied with no distinct theme, and accept that the subsequently approved extensions have added to this variety. I also acknowledge that the rear of the appeal site can only be seen from very limited viewpoints. Even so, the proposal would be visible from the rear yard areas and ancillary outbuildings and to some degree from the rear of the nearby properties on the north side of Daws Lane.
17. At the rear, the proposed building would be much bigger than its neighbours and out of proportion with their narrow forms and more modest and traditional layouts. Thus it would be seen as an unduly dominant addition to the row that would overwhelm the appearance of the group of buildings and stand out as an incongruous and overbearing feature. Whilst I appreciate the appellant's view that the scheme would provide a more robust, uniform and cohesive appearance to the appeal site, to my mind this would be directly at odds with the more ad-hoc character and appearance of the immediate area that has developed intermittently over time. As such, the proposal would be out of step with the established form and layout of the buildings nearby, to the extent that it would undermine the existing pattern of development and fail to respond to its local context. That the site is not within a Conservation Area does not alter my view.

18. In terms of density, the parties agree that the proposal would exceed the recommended density in the London Plan's Sustainable Residential Quality Density Matrix. I appreciate that the London Plan seeks to optimise housing potential and does not preclude higher densities if local amenity and character are preserved. I also note that the the density guidelines should not be applied mechanistically. However, this factor adds to my view that the proposal would be an overdevelopment of the site that would be out of character with the area.
19. I therefore conclude on this issue that the proposal would be harmful to the character and appearance of the surrounding area. It would be contrary to Policy CS1 of Barnet's Local Plan Core Strategy Development Plan Document (Core Strategy) which seeks the highest standards of urban design in order to generate development proposals of landmark quality and create an accessible, safe and attractive environment for people who live, work in, or visit Barnet's areas of housing and economic growth. It would also conflict with Core Strategy Policy CS5 which requires development to respect local context and distinctive local character and seeks to create places and buildings of high quality design.
20. It would be at odds with Policy DM1 of Barnet's Local Plan Development Management Policies Development Plan Document which advises that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets (criterion b). Additionally the proposal would fail to support the Council's Residential Design Guidance Supplementary Planning Document which seeks to ensure that the design of new residential development relates to its setting and local character, the proposed density is suited to the site and to the wider context, and the proposal responds positively to reinforcing or improving local character. Furthermore, it would undermine the core planning principle of the National Planning Policy Framework to always seek to secure high quality design.

Other matters

21. The Council raises no objection to the proposal in terms of its impact on the living conditions of nearby occupiers, or the standard of living accommodation that would be provided for future occupiers (subject to the imposition of a condition in relation to sound insulation). The absence of harm in these regards counts neither for, nor against the scheme.
22. The appellant considers that Nos 27 and 29 are in a poor state of repair and the appeal site represents an opportunity for redevelopment. He suggests that the Council is not meeting its annual housing delivery target and thinks the proposal would optimise the use of a brownfield site and provide much needed dwellings (as supported by the London Plan). Although these are benefits of the scheme, its contribution to housing land supply is limited by its relatively limited scale for four dwellings. The appellant also advises that the office element of the scheme could potentially accommodate 10 staff and would create an active frontage to complement the others in the row. Whilst these are further benefits of the proposal, they could equally be achieved by a less substantial scheme or the re-use of the existing ground floor units.
23. Thus, even taken together, these benefits are insufficient to outweigh the harm I have identified in relation to the main issue.

Conclusion

24. For the reasons set out above, I conclude that the appeal should be dismissed.

Elaine Worthington

INSPECTOR

This page is intentionally left blank