

MEETING

HENDON AREA PLANNING COMMITTEE

DATE AND TIME

THURSDAY 29TH NOVEMBER, 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

Vice Chairman: Councillor Elliott Simberg

Councillors

Councillor Gill Sargeant

Councillor Nizza Fluss

Councillor Helene Richman

Councillor Golnar Bokaei

Councillor Ammar Naqvi

Substitute Members

Councillor Val Duschinsky

Councillor Mark Shooter

Councillor Lachhya Gurung

Councillor Charlie O-Macauley

Councillor Zakia Zubairi

Councillor Linda Freedman

Councillor Alex Prager

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

Andrew Charlwood – Head of Governance

Governance Services contact: Abigail Lewis Abigail.lewis@barnet.gov.uk 020 8359 4369

Media Relations Contact: Gareth Greene 020 8359 7039

ASSURANCE GROUP

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ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	MINUTES	5 - 8
2.	ABSENCE OF MEMBERS (IF ANY)	
3.	DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)	
4.	Addendum (if applicable)	
5.	Report of the Monitoring Officer (If any)	
	Mill Hill Ward	
6.	113 Daws Lane London NW7 4SJ - 18/5349/FUL	9 - 28
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11.	31 Langley Park London NW7 2AA - 18/5479/FUL	95 - 112
12.	80 The Fairway London NW7 3HP - 18/5817/RCU	113 - 124
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13.	126 Colindale Avenue London NW9 5HD - 18/5153/S73	125 - 146
14.	Any Item(s) the Chairman decides are urgent	

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Decisions of the Hendon Area Planning Committee

16 October 2018

Members Present:-

AGENDA ITEM 1

Councillor Brian Gordon (Chairman)

Councillor Gill Sargeant
Councillor Bokaei
Councillor Fluss

Councillor Ammar Naqvi
Councillor Helene Richman

Apologies for Absence

Councillor Simberg

1. MINUTES

RESOLVED that the minutes of the meeting held on 3 September 2018 be approved as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

Councillor Elliott Simberg sent his apologies and was substituted by Councillor Lachhya Gurung.

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

Councillor Brian Gordon declared an interest under item 6 – as the agent is known to the Chairman as a member of the Conservative Party.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

The Committee noted the addendum.

6. LAND AT THE RECTORY RECTORY LANE EDGWARE HA8 7LG (EDGWARE)

The planning officer introduced the report and addendum which related to “Land at The Rectory”, Rectory Lane Edgware.

An oral representation was made for the applicant by the agent.

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 the conditions and the

securing of planning obligations under an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 in the report and addendum.

Votes were recorded as follows:

For - 5
Against - 0
Abstain – 2

The Committee therefore **RESOLVED to APPROVE** the application subject to the conditions and Section 106 Agreement as per the officer's report and addendum.

The planning officer introduced the report and addendum which related to "Land at The Rectory", Rectory Lane Edgware.

An oral representation was made for the applicant by the agent.

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 the conditions and the securing of planning obligations under an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 in the report and addendum.

Votes were recorded as follows:

For - 5
Against - 0
Abstain – 2

The Committee therefore **RESOLVED to APPROVE** the application subject to the conditions and Section 106 Agreement as per the officer's report and addendum.

7. **247 EDGWAREBURY LANE EDGWARE HA8 8QL (EDGWARE)**

The planning officer introduced the report which related to 247 Edgwarebury Lane.

An oral representation was made for the applicant by the agent.

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

Votes were recorded as follows:

For - 1
Against - 5
Abstain - 1

As a consequence of the vote the Councillor Richman moved a motion that was seconded by Councillor Bokaei to approve the application for the reasons below and subject to the condition as found in the report page 57-58.

- It is consistent with the majority of the properties in the areas and thus in keeping

- It is not considered overbearing in the context of the area.

Votes were recorded as follows:

For - 5
Against - 1
Abstain - 1

The Committee therefore **RESOLVED to APPROVE** the application subject to conditions on page 57-58 of the officer's report.

8. 366 WATFORD WAY LONDON NW4 4XA (HENDON)

The planning officer introduced the report which related to 366 Watford Way London.

An oral representation in objection was made by Dr Jeannette Antonian.

An oral representation was made for the applicant by the agent.

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 addendum.

Votes were recorded as follows:

For - 4
Against - 3
Abstain - 0

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

9. LAND TO THE REAR OF 27 TO 29 DAWS LANE LONDON NW7 4SD (MILL HILL)

The planning officer introduced the report and addendum which related to Land to the rear of 27 to 29 Daws Lane London.

An oral representation was made for the applicant by the agent.

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 addendum.

Votes were recorded as follows:

For - 5
Against - 2
Abstain - 0

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

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

None.

The meeting finished at 9.15 pm

Location 113 Daws Lane London NW7 4SJ

Reference: 18/5349/FUL

Received: 31st August 2018

Accepted: 20th September 2018

Ward: Mill Hill

Expiry 15th November 2018

Applicant: Mr Ivo Costa

Proposal: Erection of a pair of two storey semi-detached dwelling houses providing 2 single family dwellings including rooms in roof space following demolition of existing bungalow. Alterations to front hardstanding to provide 2 car parking spaces. Addition of associated refuse and cycle store (amended description)

AGENDA ITEM 6

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:

Proposed Front and Rear Elevations Drawing No 06
Proposed Ground and First Floor Drawing No 04 Rev A
Proposed Site Plan Drawing No 01
Proposed Side Elevation Drawing No 06 Rev A
Proposed Loft and Roof Plan Drawing No 05 Rev A
Sustainability statement
Received 16 November 2018

Existing Elevations Drawing No 03
Existing Ground, Loft and Roof Plans Drawing No 02
Received 20 September 2018

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 shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

- 5 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).

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

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).

- 7 a) 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.

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

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

9 Before the building hereby permitted is first occupied the proposed window(s) in the first floor side elevation facing 111 Daws Lane and 115 Daws Lane shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

10 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.

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

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

- 12 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).

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

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

- 14 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.

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

- 16 Before the development hereby permitted is first occupied turning space and parking spaces shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and that

area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2016.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. 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 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 5 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

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

Please Note: A maximum width of a crossover allowed from a public highway is 4.8 metres.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 6 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance towards any damage to the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic related to the proposed development. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.

Officer's Assessment

1. Site Description

The application site is located at 113 Daws Lane, Barnet which is a single storey detached bungalow. The property is a single family dwelling with a front garden and private amenity space to the rear. The property features a front dormer window. The site is located a short distance away from the junction with Hammers Lane and opposite Mill Hill Park.

The surrounding area can be classified as a two-storey semi-detached and single storey detached residential properties with front gardens, and private amenity space to the rear. In the section of Daws Lane contained between the junctions of Hammers Lane and Marion Road are properties of uniquely different designs, types and sizes which have all largely been extended to some degree.

The application site is not located within a conservation area, nor is it within close proximity to any listed buildings or sites of archaeological importance.

2. Site History

Reference: W01732F

Address: 113 Daws Lane London NW7

Decision: Approved subject to conditions

Decision Date: 12.11.1998

Description: Dormer window to front elevation, glazed roof to part of existing single storey rear extension, raised planter and extended vehicular access.

Reference: W01732

Address: 113 Daws Lane London NW7

Decision: Refused

Decision Date: 29.07.1968

Description: single storey extension.

Reference: W01732A

Address: 113 Daws Lane London NW7

Decision: Approved subject to conditions

Decision Date: 01.10.1968

Description: single storey extension.

Reference: W01732B

Address: 113 Daws Lane London NW7

Decision: Refused

Decision Date: 26.01.1972

Description: car port in advance of building line

Reference: W01732D

Address: 113 Daws Lane London NW7

Decision: Refused

Decision Date: 19.12.1973

Description: addition to and conversion of front room for use as a garage and single-storey rear extension

Reference: W01732E

Address: 113 Daws Lane London NW7
Decision: Approved subject to conditions
Decision Date: 13.08.1975
Description: Single-storey rear extension.

3. Proposal

The proposal involves demolition of the existing single storey bungalow on site. A pair of two storey semi-detached dwelling houses providing 2 single family dwellings are proposed. The buildings are two storey with rooms in the roof space served by a rear dormer and front rooflights.

The dwellings are designed with gable roof ends. The dwellings would have a ridge height of 9.4 metres with chimney features to each end with an additional height of 1 metre. The eaves height is 6.1 metres. The width of each dwelling is 5.4 metres resulting in a total width of the pair of semi-detached dwellings being 10.9 metres. The dwellings are to be sited with a 0.8 metre separation to each boundary creating an access way to the rear gardens.

The dwellings have double bay window features in the front elevation with attractive fenestration details. Two rooflights are proposed to each roofslope in the front elevation.

To the rear, the dwellings have a two storey rear outrigger which extends along the shared boundary. The dwellings have a total depth of 12.1 metres along the outside flank wall and each outrigger has an additional depth of 3.2 metres. The outriggers are designed with a pitched roof with a total height at the ridge of 8 metres and a height to the eaves of 5.3. Each outrigger has a width of 4.1 metres. The outriggers are set in approximately 1.2 metres from the primary side flank wall. Part of the ground floor includes a single storey side projection from the flank wall of the rear outrigger. The ground floor element has a pitched roof of 3.4 metres and eaves height of 2.7 metres. This element is proposed with a glazed roof. The ground floor side projection is set in 0.2 metres from the flank wall. In the side elevation, this element is 3.5 metres in depth.

At roof level, each dwelling has a rear dormer of 4.8 metres in width and 2.8 metres in height. Each dormer is set in approximately 0.4 metres from the side flank wall.

Each dwelling has 4 bedrooms. The ground floor is an open plan living and dining space with bedrooms to the first and second floors. The first floor has 3 bedrooms and a fourth bedroom is included in the loft floor.

Two car parking spaces are accommodated in the front hardstanding. One parking space will be assigned for each house. The bins are shown to be accommodated within the front hardstanding and a space for a cycle store is shown within the rear garden of each dwelling. The rear gardens are approximately 100m² each.

The plans have been amended on discussion with the case officer. The amendments made include reductions to the roof level accommodation to remove the 'L' shape dormer over the rear outrigger, reduction to the depth of the ground floor and reductions to the width of the properties to create separation to each boundary and a side passage to the garden.

4. Public Consultation

Consultation letters were sent to 71 neighbouring properties.

5 responses have been received, comprising 5 letters of objection. One of the objections received was made on behalf of the Mill Hill Preservation Society.

The objections received can be summarised as follows:

- Overdevelopment of the site
- Design to have first and second floor roof development to the boundary leaving an 'overhang' for a passageway. This will be too bulky. The building line to the front of the existing bungalow is to be brought forward.
- The planning statement states there will be 2 car parking spaces but it is difficult to see how this will be accommodated with bins. There are parking difficulties on Daws Lane already.
- No mention has been made of refuse.
- The roof plan does not match the side elevation where it appears to show there are three different roof levels of dormer windows. This looks ugly and does not conform to the standards of other houses.
- Loss of garden leads to drainage issues
- Extension past the building line will result in a loss of garden
- Development will lead to other nearby properties being overlooked and lose light
- Bedrooms in the first floor have no windows or access to natural light

A site notice was posted on the 27th September 2018

The scheme was re-consulted following changes to the plans and description.

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, CS5.
- Relevant Development Management Policies: DM01, DM02, DM08, DM17.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposed dwellings will provide a satisfactory living accommodation for future occupants;
- Impacts on Highway
- Refuse and Recycling
- Sustainability

5.3 Assessment of proposals

- Principle of development;

The National Planning Policy Framework (NPPF) encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed provided that it is not of high environmental value.

Policy 3.4 of The London Plan (2016 MALP) promotes the optimisation of housing output within different types of location. Policy 3.8 of The London Plan also encourages the Council to provide a range of housing choices in order to take account of the various different groups who require different types of housing. Consideration will also be given to the accessibility of the site to services and amenities.

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

The application site currently features a single storey bungalow. The proposal would involve the demolition of the existing bungalow and the erection of a pair of semi-detached dwellings. The area surrounding the application site is residential. Daws lane is characterised by a mix of two storey terrace properties and single bungalows. Due to its width and depth the proposed site is considered large enough to accommodate a pair of semi-detached properties. The existing dwelling is not listed and is not of architectural merit to warrant its retention. For these reasons the proposal to demolish the existing bungalow, and construct a pair of semi-detached dwellings; resulting in one additional dwelling at the site, is considered acceptable in principle. Furthermore, the neighbouring property at 115 Daws Lane has recently been granted permission to convert the existing detached property into a pair of semi-detached houses (18/2034/FUL).

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

The application site currently features a single storey bungalow. The existing dwelling is not listed and is not of architectural merit to warrant its retention. The single storey bungalow appears as an anomaly in the street at present and its loss would not harm the character or appearance of the street.

The proposal would involve the demolition of the existing bungalow and the erection of a pair of semi-detached dwellings. The design of the pair of semi-detached dwellings appears in keeping with the scale of other semi-detached pairs within the street.

Due to its width and depth the proposed site is considered large enough to accommodate a pair of semi-detached properties. The width of the site is approximately 13 metres. This is similar to the width of the frontages across 109-111 and 105-107; being two other semi-detached pairs of houses along the street.

The proposal includes double bay windows which project from the principal front elevation. The new building maintains the front building line set by the neighbouring properties and the bay windows project no further in depth than the bay windows of 111 Daws Lane.

Parking is to be accommodated in the front garden. This would involve the loss of a low wall in the existing property. It is not uncommon for properties along Daws Lane to have hardstandings across the width of the frontage. A condition will be recommended for hard and soft landscaping to consider options for landscaping within the front garden to soften the appearance of the parking in the front.

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

The existing dwellinghouse on the application site is a single storey bungalow with a smaller footprint than the neighbouring properties. The proposal will result in a pair of two storey

semi-detached dwellings of increased height and depth. However the design of the dwellings has taken into account the relationship of the neighbouring properties.

To the west of the site is 111 Daws Lane. This is a semi-detached property which is set in from the boundary with the application site. Along the flank wall facing 111 Daws Lane, the property has a depth of approximately 12 metres, before the outrigger which is set in 1.3 metres and further depth of 3.5 metres. There is a distance between the flank walls of each property of 1.8 metres. At ground floor, the proposed dwelling will extend past the recessed ground floor of the neighbouring property by 3.6 metres but will have a ground floor depth of no more than the neighbouring property. 111 Daws Lane has a planning permission for a further 3 metre ground floor extension which has not been implemented. The ground floor depth of the proposal was reduced to maintain the same depth as the neighbouring property, although it is possible the neighbouring property will extend further in the future. At ground floor, the depth and height of the extension would have an acceptable impact. At first floor, the proposal is to line up with the first floor elevations of 111 Daws Lane, resulting in no increased extension past the properties first floor windows. In this regard the built form of the proposal is considered to have an acceptable impact to 111 Daws Lane.

The neighbouring property at 111 Daws Lane benefits from a number of planning permissions including for a two storey side extension adjacent to the application site. On benefit of a site visit, this permission does not appear to be implemented. The existing layout of 111 Daws Lane has two windows in the recessed rear elevation adjacent to 113 Daws Lane. At ground floor, this window serves a reception room and at first floor this window serves a bedroom. At ground floor, there is an extension past this window of approximately 3.5 metres. This extension is of single storey and there is a separation between the window and the flank wall. There is no extension past these windows at first floor and therefore this window is not considered to be adversely impacted as a result of the development.

To the east side of the application site is 115 Daws Lane. This is a detached property on the corner with Hammers Lane which has been extended to the side and rear. The property faces Daws Lane. At ground floor the proposed dwellings will have an initial depth adjacent to the boundary with 115 Daws Lane which would be in line with the rear elevation of the neighbouring property. There is an additional projection past the neighbours ground floor elevation of 3.1 metres. At first floor, the dwelling is proposed to have a recessed first floor rear wall approximately in line with the first floor rear wall of 115. The additional projection at first floor is owing to the rear outrigger which is set away 2 metres from the boundary with 115. It is noted 115 has a side flank wall set in from its boundary. The projection of the proposed dwelling past 115 at first floor would be approximately 6.8 metres. Residential Design Guidance for two storey extensions states 'two storey rear extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable. This is because they can be too bulky and dominant, and have a detrimental effect on the amenities of neighbours'. Applying this guidance, the proposal would comply as there is a setback from the boundary of 2 metres. The neighbouring property is also set away from the boundary allowing for distance between the rear facing window. The design of the outrigger is with a pitched roof so the flank wall will be 5.3 metres in height. While it is acknowledged this will be a noticeable projection past 115, the design of the property mirrors others in the street with similar scale outriggers.

Number 115 has windows in the side elevation facing the application site. Plans for the internal layout of 115 Daws Lane indicate the side facing windows at ground floor serve a hall, bathroom and kitchen. At first floor, the window serves a stairwell. With the exception of the kitchen window, these windows are not habitable room windows. The kitchen window at ground floor currently faces the ground floor of the existing property. As a result of the

proposal, this window will face a two storey side elevation of the new dwelling. The impacts to this window are not considered to be of significant harm to the neighbouring occupier given there are other unaffected windows which serve the living space attached to the kitchen. Furthermore, the proposed development has been designed to maintain separation from the boundary and the neighbours flank wall, thus reducing the impacts on this window.

It is not considered there would be harmful overlooking to any adjoining neighbours. There are two side windows proposed to each flank wall at first floor. One window serves a bathroom and will be conditioned to be obscurely glazed. The other window serves a bedroom. These are secondary bedroom windows and can be conditioned to be obscurely glazed. This is particularly necessary for the window facing 115 Daws Lane given the projection this window would have past 115 Daws Lane. There is one ground floor side window facing each neighbouring property. Due to the height of the window and screening between the properties, it is not considered there would be an overlooking issue for neighbouring occupiers. The rear facing windows and rear dormer are not considered to result in any harmful overlooking. The depth of the first floor and location of windows are designed to mirror the same relationship as is found on neighbouring properties and would not be at a depth, size or orientation that would afford future occupiers any significant views into neighbouring properties.

At the rear of the site the garden adjoins the side flank wall of 1 Hammers Lane. There are no windows observed in this flank wall and the buildings are sufficient distance from this garden that this neighbouring occupier is not considered to be affected.

The intensification of the site from one to two single family dwellings is not considered to cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of noise and disturbance from people coming and going from the application site and occupying the application site. The number of habitable rooms per hectare will be comparable with other properties in the area. The site is considered suitable for 2 single family dwellings and the level of activity expected for two single families is not considered to be materially harmful in the residential street. The proposal still maintains similar size gardens for each dwelling as are found in the area and the proposal exceeds internal and external standards for the level of occupation.

Due to its size, height and position, the proposed dwellinghouse is not considered to cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of a loss of daylight/sunlight or a loss of outlook and nor would it have an overbearing impact on these properties.

- Whether the proposed dwellings will provide a satisfactory living accommodation for future occupants;

The proposed layout shows the living room, kitchen and dining to the ground floor with bedrooms and bathrooms to the first and second floor. The proposed dwellings are each 4 bedroom units.

Floor Area:

The London Plan (2016) and Barnet's policies and Sustainable Design SPD (Oct 2016) set out the minimum GIA requirements for residential properties. For a house of 4 bedrooms, 7 people, the London Plan sets a minimum internal amenity area of 108m². The dwellings have a GIA of approximately 174m². It is considered that the proposed dwellings both exceed the minimum standard would meet the above standards.

Table 2.2: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m² and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All proposed bedrooms are considered to meet the above standards. Each dwelling has been assessed as having three double bedrooms and 1 single bedroom providing for a family of 7 occupants each. The plans have been updated to reflect the occupancy of each of the bedrooms.

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 that bedrooms and living rooms/kitchens should have a reasonable outlook with clear glazed windows.

Initial plans did show bedrooms in the first floor with no apparent windows. The amended plans show all rooms have windows. The dwellings have dual aspect outlook and the dwellings overall will receive a good amount of light and have opportunities for outlook.

Amenity Space:

Section 2.3 of the Sustainable Design and Construction SPD (2016) states 70m² of outdoor private amenity space should be provided for houses with up to 6 no habitable rooms. The property benefits from a large rear garden and even following the construction of the houses, the site plan indicates there will be over 100m² of garden space for each dwelling. A condition will be suggested ensuring the details of all boundary treatments and subdivision of the garden is provided for final approval. However the garden can be easily divided between the two houses to provide secure and private rear garden spaces for each.

Overall, the design of each dwelling provides a satisfactory level of accommodation and internal amenity for future occupants.

- Impacts on Highway

Highways have reviewed the proposal and provided advice and an assessment of the parking provision and any likely impacts on the operation of the Highways network. 'The proposal is for the demolition of the existing bungalow and the construction of 2x 4bed semi-detached family dwellings, with the provision of 2x off-street car parking spaces for use by future occupants of the dwellings.

The site lies within a PTAL 1b zone, which means that there is poor public transport accessibility to and from the proposed site. The car parking provision required for the proposed is 4 off-street car parking spaces in accordance with requirements set out on Policy DM17 of the Barnet Local Plan, which means that there is an under provision of 2x off-street car parking spaces.

On balance, taking into consideration the following;

- o The site is in a town centre location
- o The site is close to local amenities

The proposed is not expected to have a significantly detrimental impact on the surrounding public highway and is therefore acceptable on highways grounds.

The current vehicular access to the parking area on the forecourt of the property must be widened to ensure that both vehicles are able to independently access and egress the parking spaces. An application must be made to the Crossovers Team of the Highways Department to that effect.

Cycle parking and cycle storage facilities should be provided in accordance with the London Borough of Barnet's Local Plan, in the interests of promoting cycling as a mode of transport.'

Given the comments by the Highways team, there is no objection to the proposal and the parking provided.

It is recommended a parking plan condition is included to require the final details of the layout of parking spaces.

Cycle spaces have been identified in the rear garden of each dwelling and a condition will be included requiring the final details of these cycle spaces. Although the plan has an indicative location for cycle spaces, the final location of the cycle enclosure can be agreed in the conditions application. This will ensure the enclosure and materials are acceptable and the siting of the enclosure is functional and protects the amenities of neighboring and future occupiers.

- Refuse and Recycling

The site plan and ground floor plan show refuse will be stored in the front garden. No details have been provided of the bin enclosure. This will be conditioned and the detail can be provided to ensure the final location, materials and size of the refuse store is appropriate for the host property and functional.

-Sustainability

The applicant has confirmed the scheme is capable of meeting the targets for sustainable construction. Conditions will be included to this effect.

5.4 Response to Public Consultation

The concerns raised around impacts on neighbouring properties and character, design and scale have been discussed in the assessment. An assessment of highways impacts and parking provision has also been provided.

Several comments were received concerned that the design to have the first and second floor roof development to the boundary leaves an 'overhang' for a passageway. It is not clear from the plans where this concern has come from. Through amendments, an alleyway down the side of each property has been incorporated but there is no 'overhang' element above ground floor.

A comment was received that the roof plan does not match the side elevation where it appears to show there are three different roof levels of dormer windows. This was due to the drawing of the side elevation which originally showed a dormer extension over the rear outrigger (now removed) and shows the pitched roof of the outrigger. For clarity, there is only one rear dormer to the roofslope for each dwelling.

A comment was received that bedrooms in the first floor have no windows or access to natural light. This has been resolved through amendments.

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.



Location **47 Finchley Lane London NW4 1BY**

Reference: **18/4419/FUL**

Received: 17th July 2018

Accepted: 27th July 2018

Ward: Hendon

Expiry 21st September 2018

Applicant: Even Hotel Management Ltd

Proposal: Demolition of the existing house and workshop and erection of a two storey building plus basement and rooms in roof space comprising of 5no self contained flats. Associated refuse and recycling, cycle store, amenity space and associated on site parking

AGENDA ITEM 7

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:

001 - Site Location Plan

110 Rev E - Proposed Site Plan

111 Rev C - Plan to show Comparisons between Existing and Proposed Footprints

210 Rev C - Proposed Floor Plans

410 Rev C - Proposed Elevations

411 Rev D - Street Elevations

910 Rev D - 3D Views

Design and Access 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 shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 6 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 April 2013) and Policies 5.13 and 5.14 of the London Plan 2015.

- 7 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. 110 Rev E shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

- 8 a) 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) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.
- b) The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

- 10 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.

- 11 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.

- 12 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).

- 13 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 184/278 Agreement of the Highways Act, for works affecting public highway including creation of new 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.

- 14 a) Notwithstanding the details submitted with the application and otherwise hereby approved, before the development hereby permitted is first occupied, 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 October 2016).

- 15 The building shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety on the public highway and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The 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 an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

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

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

- 4 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance towards any damage to the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic related to the proposed development. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 5 Refuse collection points should be located within 10 metres of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.

Officer's Assessment

1. Site Description

The application site comprises a triangular shaped plot of land, located on the northern side of Finchley Lane and bounded by Tenterden Grove to the north.

The site lies on the outside of the north-eastern edge of the Brent Street Town Centre. The existing property is not listed and the site does not lie within a conservation area.

There are purpose built blocks of flats to the east (Natalie Court) and to the north (Raymead and Winsford Court). Opposite the site, on the south side of Finchley Lane, is Hendon Baptist Church and Nancy Reuben Primary School.

2. Site History

Reference: 17/4134/FUL

Address: 47 Finchley Lane

Decision: Refused and dismissed at appeal.

Decision Date: Refused 01.11.2017. Appeal dismissed 26.06.2018.

Demolition of the existing house and workshop and erection of a two storey building plus basement and rooms in roof space comprising of 5no self contained flats. Associated refuse and recycling, cycle store, amenity space and associated on site parking (AMENDED PLANS)

Reasons for refusal:

1. The proposed development would by virtue of its size, height, bulk and massing would constitute an overdevelopment of the site harmful to the character and appearance of the surrounding streetscene. As such, the proposed development would be contrary to policy DM01 of the Adopted Local Plan Development Management Policies DPD (2012) and policy CS1 and CS NPPF of the Local Plan Core Strategy (2012).

2. The proposed development would by virtue of its footprint, siting, layout and density would result in an overly cramped form of development with substandard internal and external amenity space detrimental to the amenity of future occupiers of the proposed development. As such, the proposed development would be contrary to policy DM01 of the Adopted Local Plan Development Management Policies DPD (2012) and policy CS1 and CS NPPF of the Local Plan Core Strategy (2012).

Reference: 17/1174/FUL

Address: 47 Finchley Lane

Decision: Refused

Decision Date: 27.4.2017

Demolition of the existing house and workshop and erection of three storey building plus basement to provide 8no self-contained flats. Associated refuse and recycling, cycle store, amenity space and parking

3. Proposal

Demolition of the existing house and workshop and erection of a two storey building plus basement and rooms in roof space comprising of 5no self contained flats. Associated refuse and recycling, cycle store, amenity space and associated on site parking

The proposed external materials are a red brick, painted render and slate roof. Balconies will have glass balustrade balconies.

4 no. off street parking spaces would be provided, accessed from Tenterden Grove.

The current application follows refused application reference 17/4134/FUL, which was also dismissed at appeal.

The current application differs from the refused application reference 17/4134/FUL in the following ways:

- Reduced overall building footprint
- Circulation core rationalised allowing Western wing to be set in from west end of site in by 1.5m
- Western wing of building reduced in width by 0.5m, setting it back from Finchley Lane boundary by the same distance.
- Eastern wing of building rotated away from Tenterden Grove boundary
- Increased setback from Finchley Lane and Tenterden Grove boundaries
- Additional landscaping and relief to boundaries
- Pedestrian access from Tenterden Grove is removed, and the lightwells serving the basement accommodation reduced in area which enables significantly more soft landscape area along the Tenterden Grove elevation.
- In removing the rear access, steps are now incorporated between the parking spaces to provide pedestrian access down to Finchley Lane.
- More traditional appearance through increased use of brick and reduced glazing
- Rationalisation of balcony and window positions to give a more coherent, symmetrical design appearance.

4. Public Consultation

Consultation letters were sent to 168 neighbouring properties.

Amended drawings were received on 27th September 2018 and neighbours were re-consulted on 09.10.18 for 14 days.

8 responses have been received, comprising 7 letters of objection and 1 letter of support.

The objections received can be summarised as follows:

- Size, bulk, mass and height is too large for the proposed site;
- Out of keeping with the other buildings in the area;
- Overdevelopment of the site;
- Increase in traffic;
- Inadequate parking provision
- Highway Safety issues
- Loss of residential amenity
- Loss of visual amenity
- Balconies too large
- No geological report submitted, basement should not be allowed, impact on the water table.

The letter of support received can be summarised as follows:

- About time this site was developed, it's a real eye sore, we are in need of some new quality housing, so I support this redevelopment.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. 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. It is a material consideration in planning decisions. Similar material considerations are the Government's planning policy for traveller sites, and its planning policy for waste as well as Written Ministerial Statements where relevant to planning decisions.

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.

Draft London Plan 2017

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, CS9.
- Relevant Development Management Policies: DM01, DM02, DM03, 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 for flats;
- The appeal decision relating to refused application 17/4134/FUL
- 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;
- Whether adequate accommodation is provided for future occupiers;
- Highways and parking provision.

5.3 Assessment of proposals

Principle of development for flats

In assessing whether flats are appropriate in this location, Barnet policy DM01 of the Development Management Policies document states that consideration should be given to the character of the road and where proposals involve the loss of houses in roads characterised by houses, this will not normally be appropriate.

From conducting a site visit and a desk-based analysis, it is evident that along this stretch of Finchley Lane, there is a mixture of single family units, flat conversions and new flatted developments. Planning Officers are therefore of the opinion that the loss of a single family dwelling can be accepted in this instance and the principle of redeveloping the site for flats is considered appropriate.

The location of the site on the edge of the Brent Street Town Centre designation is considered to hold further favourable weight in terms of the appropriateness of flats. However, while the principle may be considered acceptable, the overall acceptance of any scheme on this site will be dependent on all other matters being considered acceptable.

The proposed development would provide a mix of dwelling types, comprising 1 x 1 bedroom studio unit, 2 x 2 bedroom units and 2 x 3 bedroom units. The proposed mix of dwellings is considered to be appropriate and does not raise any specific concerns.

The appeal decision relating to refused application 17/4134/FUL

Application 17/4134/FUL was refused by the Local Planning Authority on 1st November 2017. The applicant then appealed to the Planning Inspectorate. The appeal was dismissed on 26th June 2018.

The Inspector's Decision forms a material planning consideration for the current application.

In summary, the Inspector found the development proposed by refused application 17/4134/FUL to be acceptable in all respects other than impact on Character and appearance of the area.

Key extracts from the Planning Inspector's Report are as follows:

Character and Appearance

Paragraph 4 - "The existing area contains a number of two and three storey buildings including a nearby parade of shops, Hendon Baptist church, 48-50 Finchley Road, Edwardian housing and more modern apartments. The appeal site sits amongst these. In particular I appreciate that the site is at a point where there is a transition between the residential areas and the edge of Brent Street Town Centre. The new flats would be contained within a building that would be part three storey and part four storey. It would sit amongst the existing buildings. The plans indicate that the ridge height of the building would be broadly in line with the eaves of the nearby building known as Raymead. The ridge height would be above the eaves of Winsford Court and the overall height of the adjacent Natalie Court apartments"

Paragraph 5 - "The building would have a substantial bulk and mass. I appreciate the ridge height would be comparable to some nearby buildings and that the eaves height would be consistent with nearby buildings and it would be below Hendon Baptist Church. Nevertheless the form and appearance of the new building would be derived from the footprint. It would have a duality in its appearance linked by a lower element. There would be very limited distinction between the front and back of the building. There would not be a clear focal point to the front elevation with a large circulation area and large areas of glazing dominating. Whilst I accept that appropriate materials could be used and there are examples of dormer windows in the area the detailing compounds the lack of coherence in design with a large balconies and windows with differing proportions."

Paragraph 6 - "The site is irregular in shape tapering away to the west where Tenterton Grove meets Finchley Lane. Along Tenterton Grove the building would be located close to the site boundary. I appreciate that along Finchley Road there would be some landscaping in front of the building and in the west corner of the site and that the building would be positioned within the deepest part of the site. However, this would be minimal and moving west the building would be closer to the site boundary. Overall, the shape and resultant constraints of the site mean that there would be no setting or relief to the new building within the street scene."

Paragraph 7 - "The appellant submits that there are taller buildings in the area. However, even taking this into account, the predominant scale of the street scene is a suburban one. I agree with my colleague who comments in the previous decision '...the site has a close relationship with the two and three storey buildings surrounding it on three sides...' Therefore, overall, I consider that the new building would represent a stark contrast to the existing buildings. It would appear overly prominent rather than providing and transition and

therefore appear incongruous in the street scene. In particular when approaching the junction the building would be particularly prominent. This would be compounded by the lack of setting."

Paragraph 8 - "I therefore conclude that the provision of the apartment building would have a harmful effect on the character and appearance of the area. It would be in conflict with policies DM01 of the Development Management Policies DPD (DMP) and CS1 of the Core Strategy (CS) which amongst other things seek a high standard of design which respect local character and the established pattern of development."

Planning balance and Conclusion

Paragraph 13 - "I have found that the scheme would not harm the living conditions of future occupiers. However, this does not outweigh my findings on character and appearance and the conflict with the development plan in this regard."

Paragraph 14 - "For the above reasons and having regard to all other matters raised including the fact that the scheme was recommended for approval by Council's officers I conclude that the appeal should be dismissed."

In order for the proposal to be considered acceptable the applicant is required to have addressed the Inspector's concerns in respect of Character and appearance.

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

Compared to the refused and dismissed 17/4134/FUL scheme, the current scheme application has been amended as follows:

- Reduced overall building footprint
- Circulation core rationalised allowing Western wing to be set in from west end of site in by 1.5m
- Western wing of building reduced in width by 0.5m, setting it back from Finchley Lane boundary by the same distance.
- Eastern wing of building rotated away from Tenterden Grove boundary
- Increased setback from Finchley Lane and Tenterden Grove boundaries
- Additional landscaping and relief to boundaries
- Pedestrian access from Tenterden Grove is removed, and the lightwells serving the basement accommodation reduced in area which enables significantly more soft landscape area along the Tenterden Grove elevation.
- In removing the rear access, steps are now incorporated between the parking spaces to provide pedestrian access down to Finchley Lane.
- More traditional appearance through increased use of brick and reduced glazing
- Rationalisation of balcony and window positions to give a more coherent, symmetrical design appearance.

Barnet policy DM01 expects that development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

When assessing the context of the street, Finchley Lane consists of a variety of densities and property styles, with the middle and eastern end of the street being of a lower density, comprising mainly of large two-storey detached and semi-detached properties. Whereas,

the western end of the street consists of a higher density and commercial premises, with the beginning of the boundary of the Brent Street Town Centre.

The application site has an unusual form which is wider at the eastern end and becomes narrower and awkward in shape towards the western tip. At present, the building is sited on the wider end of the plot and has a fairly long, narrow footprint with a central two-storey element and is set back within the plot from the public footpath. Due to the topography of the whole site, the western end of the site is built up with a large retaining brick wall, with a further timber fence on top to provide privacy of the garden.

The current scheme proposes two gable ended block linked by a central circulation core. Accommodation is spread over 4 floors including both at basement level and within roof space.

Both blocks are dual pitched with a north south orientation, the front and rear gables facing towards Finchley Lane and Tenderden Grove respectively, with the primary aspect to the south onto Finchley Lane.

In order to address the concerns of the Local Planning Authority (LPA) and Planning Inspector in respect of the 17/4134/FUL scheme, a number of changes have been made as listed above.

The overall footprint of the building has been reduced and the Eastern wing has been rotated away from Tenderden Grove. It is considered that the reduction in footprint and rotation of the eastern wing, along with the introduction of additional boundary planting serves to provide satisfactory setback and relief to the boundaries of the site as viewed in the streetscene. As such, it is considered that the proposed development would no longer appear cramped within the site, overcoming the second reason for refusal of 17/4134/FUL and the Appeal Inspector's concerns in this respect.

The design of the building is now more traditional in appearance through use of more brick and less glazing. Rationalisation of balconies and windows now also results in a more coherent, symmetrical appearance.

The Appeal Inspector was critical of the 17/4134/FUL scheme stating that there would be very limited distinction between the front and back of the building and would not be a clear focal point to the front elevation with a large circulation area and large areas of glazing dominating.

It is considered that the removal of the rear entrance, reduction in the area of the circulation core and changes in terms of design and materials has resulted in proposed building with a single entrance and focal point fronting Finchley Lane. The reduction in amount of glazing and more symmetrical arrangement of windows and balconies would give the building a more traditional appearance, reducing its prominence and providing a suitable transition between the surrounding residential areas and the edge of Brent Street Town Centre.

Access into the building is from Finchley Lane.

Car parking is located to the western side of the building with access off Tenderden Grove. 4 no. spaces are proposed.

Lightwells are provided to the northern and southern sides of the building providing natural light and ventilation to basement accommodation. A combination of the lightwells and

suitable soft landscape also create defensible space to the ground floor accommodation which front onto both Finchley Lane and Tenterden Grove.

Dormers are included to the western elevation serving the top floor apartment located within the roof space of both blocks.

Balconies are proposed on the north, south and west elevations. All balustrades to balconies and around lightwells are to be glass.

In summary, it is considered that the scheme proposed by the current application has overcome the previous concerns of the Local Planning Authority and Planning Inspector and would not cause harm to the character and appearance of the existing site, streetscene and wider locality and is therefore acceptable in this respect.

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

The main amenity impacts to be assessed are to the adjacent building (Natalie Court) to the east and the residential blocks of Raymead and Winsford Court to the north. In terms of Natalie Court, there are 2 dormer windows which face onto the application site. The east elevation of the proposed development has no windows.

Ground and first floor balconies are proposed to the south and north elevations of the proposed development, however, subject to suitable privacy screening, it is not considered that these will result in cause harm to the living conditions of the occupants of Natalie Court to the east.

Both Raymead and Winsford Court are sited approximately 25 metres from the proposed development. Barnet's Residential Design Guidance SPD (2016) states in relation to privacy and outlook, that in new residential developments, there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking. The separation distances between the proposed development and the existing buildings to the north would meet this standard and as such Planning Officers do not consider that overlooking would be a significant issue in this instance.

The letters of representation also raise the concern of the potential overshadowing created from the proposed development. However, Planning Officers would consider that given the distance between the sites, it is unlikely that the proposed development would result in unacceptable impacts of loss of light or overshadowing.

Whether adequate accommodation is provided for future occupiers

The proposal consists of the following units:

Flat 1 - 2b4p (over 2 storeys)	86sq.m
Flat 2 - 3b6p (over 2 storeys)	122sq.m
Flat 3 - Studio (over 1 storey)	43sq.m
Flat 4 - 2b3p (over 1 storey)	61sq.m
Flat 5 - 3b5p (over 2 storeys)	102sq.m

All of the units would exceed the minimum London Plan space standards.

Two flats (units 1 and 2) are located partly within the basement but are arranged as a duplex unit with the accommodation at basement level being bedrooms. The overall quality of accommodation would therefore not be harmed.

Each of the proposed flats have been provided with a form of private amenity space. Barnet's Sustainable Design and Construction SPD states that for flats, 5sq.m of external amenity space should be provided per habitable room.

The private amenity space provision for each flat would be:

- Flat 1 - 18 sq m
- Flat 2 - 10 sq m
- Flat 3 - 5 sq m
- Flat 4 - 13 sq m
- Flat 5 - 18 sq m.

Whilst the private amenity space provision would fall short of 5 sqm per habitable room, each unit would benefit from a balcony or terrace area and the overall level of amenity space is considered to acceptable.

In summary, it is considered that the proposed development would provide suitable living conditions for future occupiers of the proposed dwellings.

Highways and parking provision

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

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

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

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

- 1 x 1b = a range of (0.0 - 1.0) = 0.0 - 1.0 parking spaces required
- 2 x 2b = a range of (1.0 - 1.5) = 2.0 - 3.0 parking spaces required
- 2 x 3b = a range of (1.0 - 1.5) = 2.0 - 3.0 parking spaces required

This equates to a range of parking provision of between 4 to 7 parking spaces to meet the Barnet Local Plan parking standards contained in Policy DM17.

4 parking spaces are being provided, accessed from Tenterden Grove which is considered to be acceptable.

A cycle store is proposed at lower ground floor level. 9 no. cycle spaces are required in accordance with the London Plan Cycle Parking Standards and a suitable planning condition will be attached to any planning permission in order to secure these.

The Council's Highways department has no objection to the proposal subject to conditions.

Sustainability

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

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 6% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy

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

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

5.4 Response to Public Consultation

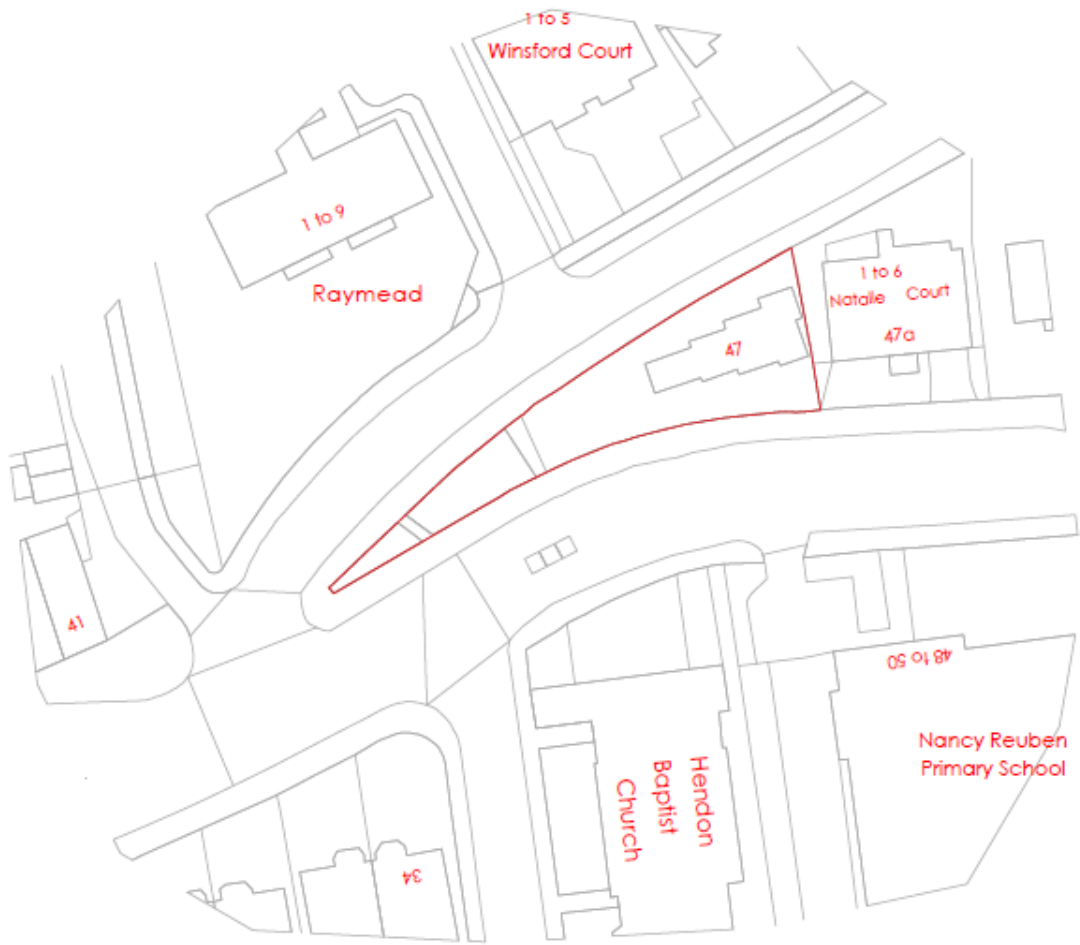
The issues raised within the letters of representations have been addressed throughout the report.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set out 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 proposed amended scheme has addressed the concerns of the Local Planning Authority and Planning Inspector in relation to the refused / dismissed scheme and the proposal is now considered acceptable in terms of effect on the character and appearance of the site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers and the quality of the living accommodation is satisfactory. This application is therefore recommended for approval subject to conditions.



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Location **Spectrum House Hillview Gardens London NW4 2JR**

Reference: **18/5909/S73**

Received: 3rd October 2018

Accepted: 4th October 2018

Ward: Hendon

Expiry 3rd January 2019

Applicant: Crocus Field Ltd

Proposal:

Variation of condition 2 (plan numbers) pursuant to appeal decision APP/N5090/W/17/3181840 dated 15/01/18 (planning reference 17/2261/FUL) for, 'Demolition of existing buildings and redevelopment of the site to provide a part three-storey part two-storey residential building with basement parking area to provide 33 flats and associated private and communal amenity space. Provision of 40 car parking spaces.' Variation to include; Reconfiguration of apartment layout with associated alterations windows and balconies; Changes to main entrance; Alterations to the basement layout including increase in parking spaces from 40 to 43 and changes to access ramp, car holding area and pavement crossover; Provision of UKPN building network operators house facing Hillview Gardens; Installation of gates to replace car park shutter; Relocation of refuse/recycling storage; Staircase overrun added; Increase in height of the building

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 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.

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

0614_X_GA(XX)01_XX PL1 (Proposed - Block Plan)

0614_X_GA(BA)01_XX PL1 (Proposed Basement Floor Plan)

0614_X_GA(00)01_XX PL4 (Proposed Ground Floor Plan)

0614_X_GA(01)01_XX PL4 (Proposed First Floor Plan)
0614_X_GA(02)01-XX PL4 (Proposed Second Floor Plan)
0614_X_GA(RF)01_XX PL2 (Proposed Roof Plan)

0614_X_GE(EA)01_XX C (Proposed East (Front) Elevation)
0614_X_GE(EA)01_XX D (Proposed East (Front) Elevation (Colour))
0614_X_GE(EA)01_XX PL3 (Proposed Street Elevation (East))
0614_X_GE(EA-WE)01_XX PL4 (Proposed East & West Elevation)
0614_X_GE(NO-SO)01_XX PL3 (Proposed North & South Elevation)

0614_X_GS(BB-CC)01_XX PL1 (Proposed Section B-B and C-C)
0614_X_GS(DD)01_XX PL2 (Proposed Section DD)

Accommodation Schedule Rev H (dated 06.11.18)
Planning Change Schedule from application 17/2261/FUL
Planning Statement, Henry Planning (received 03.10.2018)
Arboricultural and Planning Integration Report, GHA trees arboricultural consultancy (dated 27.10.18)
Tree Protection Plan Rev A (dated Oct 2018)

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).

- 3 A scheme of hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is occupied. 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. 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.

- 4 The building shall not be occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority. 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).

- 5 Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority. The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

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

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

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

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

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 7 No development shall take place until a risk-based land contamination assessment to determine the nature and extent of any contamination on the site has been carried out, in accordance with a methodology that has first been submitted to and approved

in writing by the local planning authority. Should any unacceptable risks be found, a remedial scheme and verification plan shall be submitted to and approved in writing by the local planning authority. The remedial scheme shall be implemented as approved before development begins.

If, during the course of development, any contamination is found which has not previously been identified, additional measures to address it shall be submitted to and approved in writing by the local planning authority and the additional measures shall be carried out as approved.

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.

- 8 The development hereby approved shall not commence (other than demolition works) until a surface water drainage strategy for the site has been submitted to and approved in writing by the local planning authority. All planning applications relating to major development - developments of 10 dwellings or more; or equivalent nonresidential or mixed development - must use Sustainable Drainage Systems (SUDS) for the management of surface water runoff, unless demonstrated to be inappropriate.

Reason: To ensure that the development manages surface water in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-statutory Technical Standards for Sustainable Drainage Systems).

- 9 Before the development hereby permitted is occupied the car parking and cycle parking facilities shown on the approved plans shall be provided and shall not be used for any purpose other than parking of vehicles/cycles 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.

- 10 Before the building hereby permitted is first occupied details of the vehicular access has been submitted to the highway authority for approval and shall only be constructed in accordance with the approved details.

Reason: To ensure that the access is satisfactory in terms of highway safety and 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 Before the development hereby permitted is occupied details of the Electric Vehicle Charging Points with 20% active and 20% passive shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the Electric Vehicular Charging provision is in accordance with the London Plan requirements.

- 12 the proposed first floor windows in the west elevation facing the rear gardens of Albert Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2016).

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

- 14 The flats hereby permitted 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.

- 15 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 36.7% 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 (2016) 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 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 the proposed 3 flats (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.

- 17 a) Prior to occupation, 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 October 2016).

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

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

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

Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

- 19 a) No development (other than demolition works) shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to 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 details approved under this condition.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016).

- 20 a) No site works or development (other than site clearance and demolition) shall commence on site until a detailed pruning specification has been submitted to and approved in writing by the Local Planning Authority.
- b) All tree felling and pruning works shall be carried out in full accordance with the approved specifications under this condition 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.

- 21 The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition 18 shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

Reason: To safeguard the health of existing trees which represent an important amenity feature during the lifetime of 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 DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. 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 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.
- 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 2017. Proof within the contractor's specification that all NRMM will be registered on the local government website
- 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 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.

- 5 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/>

- 6 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 30dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

Noise Levels - For information

Please supply the following information for all extraction units (including air conditioning, refrigeration):

1. The proposed hours of use of the equipment.
 2. The sound pressure levels of the ventilation/ extraction system to be installed in decibels dB(A) at a specified distance from the equipment.
 3. Details of where the equipment will be placed i.e. within or outside of the building, marked on to a scale map.
 4. Details of silencers to be fitted, and other sound insulation measures to reduce any noise impacts on neighbours including their noise reduction in dB(A).
 5. Distance away from noise
- 7 The development should discharge surface water runoff as high up the discharge hierarchy as possible. Where it is not possible to achieve the first hierarchy, discharge through the ground, applicants must demonstrate in sequence why the subsequent discharge destination was selected. Proposals to dispose of surface water into a sewer, highway drain, surface water body or another drainage system must be accompanied by evidence of the system having spare capacity downstream and acceptance of the surface water by the appropriate authority(ies).
- 8 The surface water drainage strategy shall use SuDS to manage peak surface water runoff rates in accordance with S2 and S3 of the Non-statutory Technical Standards for Sustainable Drainage Systems. SuDS shall be used to provide volume control in accordance with S4, S5 and S6 of the Non-statutory Technical Standards for Sustainable Drainage Systems.
- 9 The surface water drainage strategy for the site must be accompanied by evidence of an Adopting Authority accepting responsibility for the safe operation and maintenance of SuDS within the development. The Adopting Authority must demonstrate that sufficient funds have been set aside and / or sufficient funds can be raised to cover operation and maintenance costs throughout the lifespan of the development. The Adopting Authority shall be responsible for satisfying themselves

of the suitability of the adopted SuDS prior to adoption, and shall keep records of operation and maintenance activities, for possible inspection by the Council.

- 10 In case if any modification is proposed or required to the existing access off the public highway then it will be subject to a detailed investigation by the Environment, Planning & Regeneration Directorate. This may involve relocation of any existing street furniture and would need to be done by the Highway Authority at the applicant's expense. Estimate for this and any associated work on public highway may be obtained from the Environment Development and Regulatory Services, Barnet House, 1255 High Road, London N20 0EJ.
- 11 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 12 Any details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.
- 13 The costs of any associated works on the public highway, including reinstatement works, will be borne by the applicants and will require the Applicant to enter into a rechargeable agreement or a 278 Agreement under the Highways Act 1980.
- 14 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

Officer's Assessment

1. Site Description

The application site comprises of part two and part three storey commercial buildings located on the western side of Hillview Gardens, within the ward of Hendon.

The buildings on site follow a broad 'T' shape footprint. Along the front of the site, there is a two- storey, brick-built building which occupies the majority of the width of the site and its current lawful use is as an office. The central element has a hipped pitched roof with flat-roof wings on either side. There is a small landscaped area between the front of the building and the public highway. Within the rear corner of the site, there is another office building of part two and part three storeys in height which sits on the immediate side and rear boundaries. Centrally at the rear of the site, there is a large warehouse building which has several stepped pitched roof elements, but has a similar height of the adjacent three storey office building and runs along the rear boundary with the garden of Albert Road.

All of the buildings on site are currently unoccupied. There is an existing vehicular access to the southern part of the site which runs between the existing buildings and no. 92 Hillview Gardens.

The area is characterised by two storey buildings, predominately residential houses, with flats at Vincent Court, Whiteways and college (Schaeller House) to the north.

2. Site History

Reference: 17/6496/FUL

Address: Spectrum House, Hillview Gardens, London, NW4 2JR

Decision: Approved subject to conditions

Decision Date: 13.12.2017

Description: Demolition of existing buildings and redevelopment of the site to provide a part three-storey, part two-storey residential building with basement parking area to provide 32 flats and associated private and communal amenity space. Provision of 40 car parking spaces.

Reference: 17/2261/FUL

Address: Spectrum House, Hillview Gardens, London, NW4 2JR

Decision: refused

Decision Date: 07.08.2017

Description: Demolition of existing buildings and redevelopment of the site to provide a part three-storey part two-storey residential building with basement parking area to provide 33 flats and associated private and communal amenity space. Provision of 40 car parking spaces

Appeal Reference: APP/N5090/W/17/3181840

Appeal Decision: Allowed

Appeal Decision Date: 21.03.2018

Reference: 15/03198/FUL

Address: Spectrum House, Hillview Gardens, London, NW4 2JR

Decision: Approved following legal agreement

Decision Date: 1 March 2016

Description: Demolition of existing buildings and redevelopment of the site to provide a new three storey residential building with basement parking area to provide 27 flats and associated private amenity space

Reference: H/01429/14

Address: Spectrum House, Hillview Gardens, London, NW4 2JR

Decision: Prior Approval Required and Approved

Decision Date: 1 May 2014

Description: Change of use of buildings A and B from B1 office to C3 residential

Reference: H/05989/13

Address: Spectrum House, Hillview Gardens, London, NW4 2JR

Decision: Prior Approval Required and Refused

Decision Date: 11 February 2014

Description: Change of use from B1 office to C3 residential (23units)

3. Proposal

The application seeks permission to vary condition 2 (Plan Numbers) pursuant to appeal decision APP/N5090/W/17/3181840 dated 15/01/18 (planning reference 17/2261/FUL for 'Demolition of existing buildings and redevelopment of the site to provide a part three-storey part two-storey residential building with basement parking area to provide 33 flats and associated private and communal amenity space. Provision of 40 car parking spaces.'

The proposed amendments from 17/2261/FUL are:

- Amendments to the overall building footprint and mass;
- Amended mix of 33 units - 11 x 1bd, 18 x 2bd and 4 x 3bd;
- Increase in parking spaces from 40 to 43;
- Reconfiguration of basement layout;
- Alterations to design and detail of the proposed access ramp;
- The holding area for the cars before going into the basement had been redesigned to ensure the tree on the footpath is not disturbed. The existing commercial cross over to be retained and used;
- Main entrance location changed to align with the revised internal apartment configuration shown on plan;
- Discussions with UKPN (UK Power Networks) have resulted in siting an indicative UKPN building network operators house facing Hillview Gardens.;
- Carpark gates shown to replace the previously proposed roller shutter. This is a health and safety requirement due to the space requiring a sufficient air exchange to the basement carpark space;
- As a result of the carpark reconfiguration the pavement crossover position has been amended;
- Relocation of refuse and recycling storage;
- Second stair core from first and second floors has been removed and a fire engineering solution obtained;
- Balconies reconfigured to align with apartment layout amendments;
- Proposed building is slightly higher as a result of further detailed development and investigation into the floor to ceiling heights required along with the services and structural zones requested by the consultant engineers - actual height of the roof floor is shown on the elevations and is similar in height to the 27 flat extant consent (ref: 15/03198/FUL, granted planning permission 29/2/2016), as well as the height of the existing buildings;
- The staircase overrun has been added to allow safe maintenance access to the roof;
- The position of the windows and balconies have been amended to reflect updated floor plans and apartment layouts;

During the course of the application, the following amendments were made to the proposal:

- Alterations to the layout of Flat G01 to illustrate as 1B1P;
- Reduction in rear footprint of units G07, F07 and S06 to improve outlook and light levels for units G06, F06 and S05;
- Reduction in front footprint of units G10, F12 and S10 to reduce built footprint from front boundary and provide more setting for the proposed development;
- Removal of balcony in unit F03 nearest the rear boundary;
- Submission of tree report and tree protection plan;
- Correction of north and south elevations and section DD to amend errors;
- Alterations to privacy screens at second floor level.

4. Public Consultation

Consultation letters were sent to 476 neighbouring properties.
6 responses have been received, comprising 6 letters of objection.

The objections received can be summarised as follows:

- Noise and dust generated by the demolition of the buildings;
- The new proposal comprises the quality of living far more than the approved proposal.
- Overlooking;
- Uncomfortable proximity to the western boundary
- Enlarged windows and arrangement of living rooms to the rear increase opportunity for overlooking and additional noise.

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, CS3, CS4, CS5, CS8, CS9, CS13, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM10, DM14, DM17

Supplementary Planning Documents

Affordable Housing SPD (Adopted 2007)

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 redevelopment;
- Affordable housing provision;
- 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 issues;
- Any other material considerations.

5.3 Assessment of proposals

The original application reference 17/2261/FUL was refused on 19.08.2017 following a decision by the Hendon Area Planning Committee on the reason that the proposed 'size, scale, bulk and massing including its proximity to the rear boundary with Albert Road and overall intensification of the site would give rise to an overdevelopment of the site, harmful to the visual amenities of the site and surroundings and also the residential amenity of adjoining occupiers in Albert Road and Hillview Gardens.'

The decision was subsequently appealed by the applicant, which was overturned by The Planning Inspectorate and granted planning permission. An application for costs was also granted against the Council.

Principle of development and loss of employment floorspace

The principle of the loss of employment space has been previously established through the previous planning applications. Prior Approval was originally granted in 2014 for the conversion to 23 residential units. The following application in 2015 demonstrated that the property had been marketed since 2008 and due to the site's location within a residential area; it is considered less attractive for commercial occupants. The Planning Authority was satisfied that active marketing had been undertaken and that there were a number of factors which would restrict the potential for future employment on this site. As such, the loss of employment was considered acceptable.

Affordable housing provision

In accordance with Barnet policy DM10, new housing developments are required to provide 40% of affordable housing on site. Only in exceptional circumstances will a reduction in affordable housing be accepted. Where a reduction is sought, the Planning Authority will seek that a viability report is submitted to justify the reduction and that the report is independently assessed.

The previous planning applications had established through an independent review that the scheme was unviable and was unable to provide any contribution towards affordable housing. The proposed development is not considered to be materially different from the scheme granted permission on appeal and therefore, the conclusions of the previous permission are considered to remain valid.

Impact on the character and appearance of the existing site, streetscene and surrounding area

At present, the site consists of a two-storey building across the front of the site, with a three-storey building and a large warehouse sited at the rear. The area surrounding the application site mostly comprises of two-storey residential properties.

Layout

The layout of the proposed revised scheme is still broadly similar to the previous appeal scheme. The scheme now proposes a more uniform and simplified layout with the previous stepped projections across all elevations now reduced.

In comparison to the scheme approved at appeal, the proposal is approximately 1.8m wider, with the building being evenly extended by 0.9m on either side of the proposed frontage building.

The proposed proportion of built form to open space/landscaping is still considered to be acceptable and provides a suitable visual buffer.

The proposed front building line would be staggered between that of 92-94 Hillview Gardens and Whiteways and is still considered to provide an appropriate transition within the streetscene.

Scale and massing

The proposal consists of a part two and part three storey building, with the third storey stepped back at the front and rear elevations. Whilst the predominate character of the area is two storeys, the site sits at a lower level compared to the surrounding adjacent sites, and allows for provision of a three-storey building which sits at a lower level than the adjacent properties on Hillview Gardens. The properties at the rear on Albert Road also are at a significantly higher level than the site.

Within the appeal decision notice, the Inspector commented, *"unlike the existing 3-storey office/warehouse building, the rear wing of the development would be off-set from the rear boundary of the site...Whilst I accept that the rear return would be marginally closer to the rear boundary than the approved scheme, the submitted drawings as well as those submitted at the appeal stage, demonstrate that there would be a noticeable reduction in the bulk and mass of built development of the site."*

The Inspector continues; *"It is unlikely the position of the building relative to its rear boundary or its mass would be perceptible in public views of the site. Although there would be some increase in bulk and mass of the existing frontage building when viewed from Hillview Gardens, this would not be significant and certainly not materially different to the approved scheme. The building line along the western flank of Hillview Gardens would be largely respected and there I am satisfied that the size of the building and its proximity to the rear boundary would not have a harmful effect on the character and appearance of the area."*

In terms of overdevelopment, the Inspector considered that *"there would be sufficient space to the front of the building to provide landscaping across the Hillview Gardens frontage. Outdoor amenity space would be provided to the front and rear of the building...There is no suggestion that any local standards would be breached in these areas."* The Inspector considered that the increased density would not be inappropriate. In conclusion, the Inspector stated on the matter of character and appearance, that *"I therefore find no compelling evidence to suggest the development would amount to overdevelopment."*

The proposed frontage building is marginally larger in terms of width and height. The proposal is approximately 1.8m wider and 0.7m taller than the scheme approved at appeal stage. However, in the context of the previous approval, the increase is not considered to be materially significant in terms of its impact on the character and appearance of the site or streetscene. Within the submitted streetscene drawing, the proposed would be still comparable to the adjacent properties with sufficient setting between adjacent buildings also.

At the rear, the proposed ground and first floors remain unaltered in terms of the distances to Albert Road properties. At second floor level, the rear elevation and privacy screens are now proposed closer than previously approved, however, taking into account the existing building and it will still represent a noticeable improvement in terms of bulk and massing. There would be approximately a 5m separation between the rear privacy screens and the rear boundary with Albert Road.

Overall, the proposed amendments to the scale, massing and bulk are not considered to be significantly harmful on the character and appearance of the area.

External appearance

The proposal consists of a flat roof building with brickwork on the ground and first floors, with metal cladding on the second floor. As the predominant material on site will be brick, this is considered to suitably allow the proposal to integrate successfully within the streetscene.

On this issue, the Inspector commented; *"Whilst it would have a contemporary appearance, it would be more reflective of its surroundings than the approved scheme (2015)."*

Impact on neighbouring residential amenity

The privacy of existing developments should be protected and gardens and windows to habitable rooms should not be significantly overlooked. Design solutions through layout of habitable rooms, window placement and building orientation should be used to address privacy and overlooking issues. Barnet policy DM01 advises that schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission.

The Inspector commented, *"I have already noted those unsightly buildings to the rear of the site that are to be demolished are highly visible from the rears of houses in Albert Road and extend across the majority of the site's width. I concur with the Council that their loss would most likely be welcomed by neighbouring occupiers. The proposed building would be located further from the rear boundary and given the recessive nature of the top storey it would be lower in height particularly when viewed from close to the shared boundary. The width of the building would also be significantly less than the existing structures thus providing some properties with a more open outlook than is currently the case. On that basis alone and notwithstanding the approved scheme, I have some difficulty understanding how the Council came to view that the development would cause unacceptable harm to the amenities of neighbouring occupier."*

The scheme at ground and first floor levels remains unchanged in terms of layout, bulk and mass and therefore, there is no new impact on the amenity of Albert Road residents. Whilst elements of the second floor rear elevation are now projecting closer by approximately 1.5m to 2m to the shared boundary, the improved relationship between existing and proposed is still maintained. There is approximately 5m separation between both second floor terraces and the rear boundary with Albert Road. The proposed second floor rear balconies would be enclosed by 1.8m privacy screens to prevent any overlooking opportunities.

In relation to the adjacent properties, given that the scale of the proposal would be only marginally taller in height and the central rear projection being set away from the side boundaries by at least 10m, it is not considered that the proposal would have a harmful impact in terms of loss of light, outlook or overbearing on 92-94 Hillview Gardens, Whiteways or Schaeffer House.

The proposed access to the basement parking is located at the existing access point. In comparison to the commercial use of the access and potential of the associated vehicle movements, the proposed residential use and associated movements are considered to be a lesser impact. The Inspector commented that *"there would be a tangible benefit in the removal of an unrestricted commercial use which if reinstated could generate significant levels of noise and disturbance to local residents."*

Overall, the proposed amendments are not considered to result in any new levels of significant harm to the residential amenity of neighbouring occupiers.

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. Table 3.3 within Policy 3.5 of the London Plan 2016 provides minimum space standards for new dwellings.

Having reviewed the submitted plan, each of the proposed flats would comply or exceed the minimum space requirements. While the majority of the units would only benefit from single-aspect outlooks, Officers are satisfied that each of the units would receive adequate levels of outlook, daylight and sunlight.

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. The Sustainable Design and Construction SPD advises that 5m² should be provide per habitable room for flats. Each flat would benefit from either individual private terraces or balconies, providing a total of 490.8sqm of private outdoor amenity space. In addition to this, there are large communal garden areas measuring approximately 465sqm. Overall, this cumulative provision provides for significant outdoor amenity space for all future occupiers.

Highways issues

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

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

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

The previous schemes had a provision of 40 parking spaces contained within the basement level. This application seeks amendments to the basement level which results in an increase of 3 spaces, providing a total provision of 43 parking spaces. The Council's Traffic and Development service has commented that the revised parking provision is in accordance with policy DM17.

62 cycle parking spaces are proposed and sited within the basement. The London Plan requires 1 space per studio/1 bedroom unit and 2 spaces for all other units. Based on the units proposed, a total of 62 spaces would be required. The proposal would meet this requirement.

The gradient for the ramped access to the car park is proposed as 1:8 with transition to 1:16 at the bottom of the footway within the car park area and 1:20 at the front of the footway with a passing place. The Highways Officer has confirmed that this meets highway requirements.

20% of Active and 20% of passive Electrical Vehicular Charging Points have to be provided in accordance with the London Plan requirements.

The refuse and recycling bins for the scheme is proposed along the southern boundary and adjacent to the vehicular access point. These stores would be located within 10m of the public highway. The location of the stores is similar to the store approved as part of reference: 15/03198/FUL

Any other material considerations

Trees

There are no trees within the site, however, there are three street trees located on the public footpath along Hillview Gardens. The applicant has submitted a tree report and tree protection plan which illustrate that the proposed building and basement is situated outside of the RPA's of all the street trees.

The Council's Arboricultural Officer has commented that the proposal would not have a detrimental impact on the existing street trees. Conditions will be imposed to ensure their protection throughout the duration of the development.

Sustainability

The Sustainability report submitted concludes that the dwellings will achieve a 36.7% reduction in emissions over what is required by building regulations.

The proposal would meet Part M4(2) of the Building Regulations for 90% of the development and Part M4(3) for 10% of the development, in accordance with the London Plan requirements.

5.4 Response to Public Consultation

Noise and dust generated by the demolition of the buildings - The applicant will be required to submit a Demolition and Construction Management and Logistics Plans to be approved by the Council which sets out measures to reduce/ mitigate any adverse construction impacts. However, impacts from adverse noise or dust are controlled under separate legislation and by the Council's Environmental Health service.

The new proposal comprises the quality of living far more than the approved proposal - It is not considered that this scheme significantly harms the neighbouring residential amenity or introduces new impacts.

Overlooking - There are only two windows at ground and first floor level which face towards the neighbouring boundary. Due to the lower ground level of the site, the single ground floor window would be below the garden fence and the first floor window will require to have obscured glazing. The closest balcony at first floor level is now located approximately 11m from the rear boundary. The second floor rear balconies would be enclosed by 1.8m high privacy screen to prevent overlooking opportunities.

Uncomfortable proximity to the western boundary - The layout of the scheme is broadly similar to the proposal which was granted permission at appeal by The Planning Inspectorate. There is an increase at second floor level but this is not considered to be significant.

Enlarged windows and arrangement of living rooms to the rear increase opportunity for overlooking and additional noise - All the units at the rear of the site have their

bedrooms nearest to the shared boundary. The only exception to this is unit S04 on the second floor which has its living room accessing onto a rear terrace which would be enclosed. All other windows would face away from the rear boundary and are not considered to have harmful levels of overlooking.

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.



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Location **61 Albert Road London NW4 2SH**

Reference: **18/5637/RCU**

Received: 19th September 2018

Accepted: 19th September 2018

Ward: Hendon

Expiry 14th November 2018

Applicant: Mr G Doherty

Proposal: Conversion of house into ground floor 1 bedroom flat and upper floors as a 4 person HMO (retrospective application)

AGENDA ITEM 9

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 (received 19/09/2018)

Drawing No.01 (received 19/09/2018)

099-02 Rev A (received 19/09/2018)

099-03-Rev A (received 19/09/2018)

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 The maximum number of occupants permitted within the HMO hereby approved is 4.

Reason: To ensure that the proposed development does not prejudice the character and residential amenity of the surrounding area in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 3 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse

bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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).

- 4 The proposed room labelled "Study" serving the ground floor flat hereby approved shall be used for this, or other ancillary purposes, and shall not be used as bedroom or primary living accommodation.

Reason:- In the interests of providing suitable living accommodation for occupants of the unit.

- 5 The premises shall be used for Class C4 (HMO) 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.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

Officer's Assessment

1. Site Description

The application site relates to a property known as 61 Albert Road, in the Hendon ward of the borough. The site contains a terraced dwelling, on the southern side of Albert Road, close to the junction with Alexandra Road. The immediate area consists largely of terraced properties. The property is served by a small garden area to the front with a largely garden to the rear.

The dwelling is currently in use as a ground floor flat with an HMO use on the upper floors. This use is unlawful as detailed within the report below. Prior to the subdivision, the property was in use as a single dwelling house.

2. Site History

Site address: 61 Albert Road, London, NW4 2SH

Application Number: 15/02596/FUL

Decision: Refused

Decision Date: 27/03/2015

Proposal: Retention of conversion of a house into 2no self-contained flats.

Site address: 61 Albert Road, London, NW4 2SH

Application Number: ENF/00924/14/H

Decision: Notice Issued

Decision Date: 11.05.2015.

Proposal: Without planning permission the conversion of the property into two self-contained flats.

Appeal Dismissed: 01/12/2015

Site address: 61 Albert Road, London, NW4 2SH

Application Number: ENF/01054/14/H

Decision: No Further Action (lawful)

Decision Date: 10.10.2014

Proposal: HMO.

Site address: 61 Albert Road, London, NW4 2SH

Application Number: 18/3296/FUL

Decision: No decision made.

Decision Date: N/A.

Proposal: Conversion of house into 1 x 1-bedroom flat and 1 x 2-bedroom maisonette at upper floor levels (part retrospective)

3. Proposal

The applicant seeks retrospective consent to retain the ground floor as a 1 bedroom flat. The first floor would be used as a House of Multiple Occupation (HMO) for 4 persons. The HMO bedrooms are located on the first and second floor. The ground floor flat would be served by the rear garden area. No parking spaces are provided.

4. Public Consultation

Consultation letters were sent to 81 properties, 3 replies were received. The comments received can be summarised as follows;

- Concern about parking and the strain on public disturbance;
- Concern about the potential for additional noise disturbance and the transient nature of such uses;
- There seems a high percentage of HMO's in the area;
- HMO uses are solely about maximising profit at the expense of the provision of medium sized units;
- The units do not appear to meet minimum space standards and will result in excessive over crowding along the road.

It is noted that the application has been called in to the Hendon Area Planning Committee by Councillor Fluss, for the reasons being over-development of the site, over-crowding and lack of parking.

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. 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. It is a material consideration in planning decisions. Similar material considerations are the Government's planning policy for traveller sites, and its planning policy for waste as well as Written Ministerial Statements where relevant to planning decisions.

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.

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, DM09.

Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

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 redevelopment;
- 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 issues;
- Any other material considerations, third party representations.

Principle of redevelopment

As detailed above there is recent history at the site. The property was originally converted unlawfully into flats. An enforcement notice was issued to convert the property back to its previous state as a single dwelling and this was upheld at appeal. The appeal however concluded that the principle of flats was acceptable. Notwithstanding this, the provision of private (external) amenity space for the first floor flat was not considered acceptable.

An undecided application has been submitted to convert the property to 1 x 1-bedroom flat and 1 x 2-bedroom maisonette at upper floor levels (18/3296/FUL).

The current proposal seeks permission to use the ground floor as a 1 bedroom flat and convert the upper flat into a HMO. As discussed above the Inspector at appeal accepted the general principle of flats at this location and this followed no objection from the council on this aspect of the appeal scheme. Previous applications on the road support the general principle of conversion and the development would not result in the loss of a dwellinghouse on a road characterised by single family dwellings.

The retention of the HMO at the upper floors is therefore the new aspect of the scheme which requires consideration.

Policy DM09 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016) sets out that proposals for new HMOs will be encouraged provided that they meet an identified need, are easily accessible by public transport, cycling and walking and meet the relevant housing standards for HMO.

Core strategy policy CS4 aims to maximise housing choice by providing a range of sizes and types of accommodation that can meet aspirations and increase access to affordable and decent new homes. Barnet's growing and increasingly diverse population has a range of needs that requires a variety of sizes of accommodation. HMO's are recognised as an important source of low cost, private sector housing for students, those on low incomes and those seeking temporary accommodation.

As of 29th May 2016, the London Borough of Barnet's Planning Authority executed a borough-wide Article 4 Direction making it a mandatory requirement to obtain planning permission anywhere within Barnet to convert a dwelling house (Use Class C3) to a small HMO (Use Class C4) where between 3 and 6 unrelated people share basic amenities (e.g. such as a kitchen or bathroom).

As discussed above the council are content that the upper floor has operated for a period in excess of 4 years and before the article 4 direction was put in place. Notwithstanding this, the applicant has provided a letter from a local Estate Agent (Jayson Russel) which points to a demand for low cost housing in the area, including HMO's and that demand currently outstrips supply. The character of the area includes multiple unit properties and flat conversions and the proposed development would therefore not be out of character.

As part of the application submission, tenancy agreements and an affidavit from the landlord of the property outlining that the bedrooms on the first and second floor of the unit have been rented out separately for a period in excess of four years, with occupiers having access to the kitchen and the bathroom. The council are content that the applicant has provided enough information to demonstrate that the flat has been rented to separate people with no connection over a 4 year period.

Policy DM09 also requires that the site is within walking distance of a number of bus routes and is also a short walk (5 minutes) from Hendon Town Centre with its associated facilities and services, and 10 minutes from Middlesex University. The location of the site makes it suitable for a HMO and officers are of the view the upper floor has been in effective HMO use for some time. In light of this the proposed ground floor flat and HMO at upper floor level are considered in principle acceptable and that an identified demand exists for HMO's in the area.

In comparison with the previous planning applications to convert the properties into flats, the Development Plan is silent on a requirement to provide external amenity space for an HMO. On this basis, the proposed development would be acceptable in policy terms and would be acceptable.

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

The proposal does not propose any alterations by way of external changes or extensions. The changes would be solely internal and as such, no harm would be caused to the established appearance of the street scene through allowing the conversion to a Flat/HMO.

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

With regards to the HMO, whilst a maximum of 4 people, consisting of occupants forming different households may generate additional activity, such as the general coming and going of people and their visitors, the increase in activity likely from the proposal would not impact neighbouring properties to a detrimental level. These noise levels and levels of general disturbance are not likely to increase from increased occupancy to any great degree due to the relatively low number of people occupying the property in relation to bedroom space. The occupants of the HMO have no access to the private amenity space which may be an avenue for disturbance; however the level of activity would be similar to what could be generated by a single family dwellinghouse.

Furthermore, due to the existence of other flats and HMO's in the surrounding area, which would contribute to increased activity levels, it is not considered that the proposed use would have significant harm on neighbouring amenities. Submitted documentation suggests this level of occupancy has existed for some time and there is no record of significant disturbance in connection with the site.

Provision of adequate accommodation for future occupiers

The council has previously raised no concern with regards to the level of amenity provided by the ground floor flat. The bedroom meets the space standards, and the proposed study, too small for a bedroom, could be conditioned to remain as such. The occupants have access to a good sized rear amenity area, which will be a beneficial characteristic of the unit.

In the case of a 1no. room letting, the minimum floor area excluding kitchen for 1no. person is 8.50m² and 12.50m² for 2no. persons as per the Council's Adopted Standards for HMO Guidance. All rooms exceed the minimum space standard and a separate kitchen area is provided.

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. A condition will be attached to limit the number of occupants to 4.no persons as outlined within this application, in order to ensure the space standards remain suitable for the number of occupants proposed.

Highways issues

No parking is provided. Under the refused application H/05407/14, the council concluded that the demand for a 3 bedroom and 1 bedroom flat would be marginally greater than the reverting back to a 4 bed house. With the general low car ownership among HMO occupants and no car parking space standards, the level of need for on street parking would likely reduce with this proposal. There is therefore no objection, owing to the lack of parking provision.

Suitable refuse, recycling and cycle parking provision could be agreed by condition.

5.4 Response to Public Consultation

It is considered the issues on parking, noise disturbance, space standards and the general principle have been addressed in the evaluation.

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

In light of the above appraisal it is considered the general principle of the proposal at this location is acceptable. The details of the proposed scheme raise no concern and there is general accordance with the Development Plan, it is therefore recommended for approval subject to conditions.



Location **16 Sevington Road London NW4 3SB**

Reference: **18/5641/FUL**

Received: 19th September 2018

Accepted: 19th September 2018

Ward: West Hendon

Expiry 14th November 2018

Applicant: Hussaini

Proposal: Conversion of existing dwelling into 7 bed HMO (House in multiple occupancy)

AGENDA ITEM 10

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:

- P01, P02 A, P03 C, P04, P05, Design and Access 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 The development shall be implemented in accordance with the approved layout and proposed occupancy of max no.13 persons and maintained as such thereafter.

Reason: To safeguard the amenities of neighbouring occupiers and the general locality in accordance with policies DM01 of the Development Management Policies DPD (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 a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.

b) The details approved by 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 that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2015.

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

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).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated

with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The application site is a two-storey semi-detached single-family dwelling on the southern side of Sevington Road within the ward of West Hendon. The property has been extended under planning ref H/03266/12 by way of roof extension involving hip to gable, rear dormer window, 2no. rooflight to front to facilitate a loft conversion, conversion of the garage to a habitable room and extension to rear of property under planning application ref H/03268/12.

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 along Sevington Road. Sturgess Park is located east of the application site. Middlesex University London is located approximately 0.8 miles north of the application site.

The application site is located within the West 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: H/03268/12

Address: 16 Sevington Road, London, NW4 3SB

Decision: Approved subject to conditions

Decision Date: 31 October 2012

Description: Conversion of garage into habitable space including alterations to roof and fenestration. Alterations to rear conservatory including internal alterations, alterations to roof and fenestration.

Reference: H/03266/12

Address: 16 Sevington Road, London, NW4 3SB

Decision: Lawful

Decision Date: 21 September 2012

Description: Roof extension including hip to gable end with a rear dormer window and 2no. roof lights to front roofslope to facilitate a loft conversion.

3. Proposal

This application seeks planning permission for the conversion of existing 6no. bed 10no. person single family dwelling into 7no. bed 13no. person HMO (House in multiple occupancy).

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.

No external changes are proposed.

4. Consultation

Neighbour Notification

Consultation letters were sent to 74 neighbouring properties. 6no. objections have been received regarding the proposed development, and the comments have been summarised below:

- Concerns regarding proposal resulting in 5 self-contained flats below minimum policy requirements and subsequently substandard level of accommodation.
- Concern regarding lack of information on refuse, particularly the location of such refuse and potential impact on off street parking.
- Concerns regarding the increase comings and goings.
- Concerns regarding potential impact on parking stress caused by proposal.
- Concerns regarding potential of 7 gas and electric metres installed along the side of the property, harming the character of the surrounding area.
- Concerns regarding stacking and potential noise and disturbance to future and neighbouring occupiers with lack of sound insulation.

Two member of the public have shown their support on the applciaiton however have not left any comments to be addressed.

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.

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'.

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.
- A Design and Access Statement highlighting the need for an Intensive HMO in this location.

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 West 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 3 which is good notwithstanding this it is noted that the application site is located on a main road in proximity to the following:

- Brent Cross Tube Station (1 mile)
- Hendon Central Station (0.5mile)
- Hendon Thameslink Railway Station (0.4mile)
- Several bus stops along Hendon Way within a 10 minute walk.

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. As aforementioned, the application site is surrounded on Sevington Road by single family dwellings, self-contained flats and HMOs. 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 Sevington 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.

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 Sevington Road 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 Sevington Road 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

No external changes are proposed. 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 5no. bed 9no. person single family dwelling to a 7no. bed 13no. person HMO therefore an uplift of 4no. 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 4no. 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.

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 13no. persons at its max. capacity. According to these standards, the 7no.bed HMO would accommodate 13no. persons at its max. capacity therefore provide an uplift of 4no. 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 13.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 only a minor overlap between the second floor kitchen and HMO 05, however considering that it is only a partial overlap and the size of HMO 05 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.

Cycle Parking

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 7no. cycle spaces. A condition will be attached to ensure that the applicant can provide the required car parking and cycling provision in accordance 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 74 neighbouring properties. 6no. objections have been received regarding the proposed development, and the comments have been summarised below:

- Concerns regarding proposal resulting in 5 self-contained flats below minimum policy requirements and subsequently substandard level of accommodation; the application proposed 7 HMO flats that will share kitchen facilities and the application has been assessed as such. In this instance the proposed HMOs all meet the minimum space requirements for houses of multiple occupancy.
- Concern regarding lack of information on refuse, particularly the location of such refuse and potential impact on off street parking; a condition will be attached requiring

information to be provided on the number and location of refuse prior to occupation for the development to ensure that the proposed location is acceptable on highway and planning grounds.

- Concerns regarding the increase comings and goings; this has been assessed within the main section of the report.
- Concerns regarding potential impact on parking stress caused by proposal; this has been assessed within the main section of the report.
- Concerns regarding potential of 7 gas and electric metres installed along the side of the property, harming the character of the surrounding area; this is not a planning consideration, however considering that the proposal is for a shared house of multiple occupancy, it is unlikely that such a situation would arise with most tenancies of this kind sharing the same utility services.
- Concerns regarding stacking and potential noise and disturbance to future and neighbouring occupiers with lack of sound insulation; stacking has been addressed within the main section of the report. A condition will be attached to ensure that the proposed development meets the sound and insulation required by building control.

Two member of the public have shown their support on the applciaiton however have not left any comments to be addressed.

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.



Location **31 Langley Park London NW7 2AA**

Reference: **18/5479/FUL**

Received: 7th September 2018

Accepted: 10th September 2018

Ward: Hale

Expiry 5th November 2018

Applicant: Hendon Christian Housing Association

Proposal: Demolition of existing property and erection of 2 storey property including lower ground floor and roof level accommodation to accommodate 4no self-contained flats. Associated parking, refuse and recycling

AGENDA ITEM 11

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. Amendment to the Traffic Management Order (£2,000)

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:

- VM/4757/3591, 619/SK/19 B, 619/SK/14 B, 619/SK/16 B, 619/SK/15 B, 619/SK/18 B, 619/SK/17 B.

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 shall match those used in the approved plans.

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 The flat roof proposed of the lower ground floor 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).

5 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 contractors 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 polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

6 Before the development hereby permitted is occupied 3 car parking spaces as indicated on drawing No. 619/SK/14 Rev. A, submitted with the planning application including the access to the parking spaces 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.

7 Before the development hereby permitted is occupied, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards. 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.

8 a) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise dust, noise and vibration pollution.

For major sites, the Statement shall be informed by the findings of the Assessment of the Air Quality Impact of construction.

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted

September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2011).

9 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.

10 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.

11 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.

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 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or

other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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).

RECOMMENDATION III:

1 That if an agreement has not been completed by 30/01/2019 unless otherwise agreed in writing, the Service Director - Planning and Building Control should REFUSE the application 18/5479/FUL under delegated powers for the following reason:

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The submitted Construction Method Statement shall include as a minimum details of:
 - o Site hoarding
 - o Wheel washing
 - o Dust suppression methods and kit to be used
 - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.

- o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
 - o For smaller developments -confirmation that an asbestos survey has been carried out.
- 3 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 N111NP
- 4 The applicant is advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.
- The applicant is advised that photographic survey shall be undertaken of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.
- To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section - Development and Regulatory Services, London Borough of Barnet, Barnet House, 1255 High Road, Whetstone N20 0EJ
- 5 Any details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.
- 6 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then

the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.

- 7 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

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

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

- 8 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 9 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.

- 10 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.
- 11 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.

Officer's Assessment

1. Site Description

The application site comprises of a rectangular plot of land approximately 673sqm currently occupied by a two-storey detached dwelling, no.31 Langley Park, currently in use as a 6 person House of Multiple Occupancy.

The site is located on the south of side of Langley Park within the ward of West Hendon.

The area is predominantly residential in character comprising of single dwellings, purpose built flatted development and converted properties.

The site is not in a conservation area and does not contain any listed buildings.

2. Site History

A previous planning application for the demolition of existing property and erection of 2 storey property including lower ground floor and roof level accommodation to accommodate 4no self-contained flats. Associated parking, refuse and recycling (18/1290/FUL) was withdrawn in May 2018.

3. Proposal

The application relates to the demolition of No.31 Langley Park. The proposal will result in the erection of one two-storey building including excavation and creation of a lower ground floor level and mansard roof with rooms in the roof space to provide 4no self-contained flats.

The new building measures approximately 10.3 metres in height. The width of the dwelling is 11.6 metres. The maximum depth of the building is approximately 15.6 metres.

There are 2 rooflights proposed in the front elevation. The south elevation includes two rooflights. The south-east elevation features three rooflights. The Northwest elevation features two roof lights. rear dormer measures 3.9 metres in width, 1.9 metres in height 2.3 metres in depth

There is communal access down the side of the property with access steps leading down below ground level to the rear garden

Four self contained units will be created comprised of one to each level from lower ground floor, ground floor, first floor and second floor.

The units are as follows:

Unit 1 (lower ground floor): 2 bed, 4 person flat: 81.5m² GIA

Unit 2 (ground floor): 3 bed, 5 person flat: 91.5m² GIA

Unit 3 (first floor): 3 bed, 5 person flat: 91 m² GIA

Unit 4 (second floor): 1 bed, 1 person flat : 39m² GIA

The development involves the provision of 3 parking spaces, amenity space, cycle storage and refuse and recycling storage as well as associated alterations to hard and soft landscaping.

4. Public Consultation

Consultation letters were sent to 92 neighbouring properties.
17 responses have been received, comprising 17 letters of objection.

The objections received can be summarised as follows:

Road is congested as existing with no turning circle - increased traffic, further parking problems, worsen problems for existing residents as well as problems with construction traffic.

Inadequate parking provision and access.

Out of character with the street. Building and materials are inappropriate.

Loss of amenity - loss of view, overlooking and loss of privacy.

Increased noise and disturbance.

Highways: No objection with conditions

Environmental Health: No objection with conditions

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

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, CS5.
- Relevant Development Management Policies: DM01, DM02, DM08, DM17.

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- 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

Principle of development

In assessing whether flats are appropriate in this location, policy DM01 of Barnet's Development Management Policies states that consideration should be given to the character of the road and where proposals involve the loss of houses in roads characterised by single dwelling houses, this will not normally be appropriate.

When assessing the context of the street, 31 Langley Park is a suburban residential area, consisting of mainly two-storey detached and semi-detached houses. However, it is noted from research, 10 properties along this road (No. 2, 3, 4, 5, 8, 10, 14, 18, 19, 22 and 33) are currently occupied as self-contained flats.

Taking into account the street context with the presence of flatted developments and flat conversions, officers consider that the proposed development would not conflict with the aims of Development Management policy DM01 and the principle is acceptable in this instance.

Barnet's approach is to optimise housing density in order to achieve appropriate development. This is set within the context of the Sustainable Residential Quality Density Matrix in Table 3.2 of the London Plan. This matrix sets out appropriate density ranges for suburban, urban and central locations which reflect the setting of site in terms of its location, existing building form and massing and public transport accessibility level (PTAL). The Planning Authority considers that the site can be classed as having a suburban setting and has a PTAL level of 4. The proposed development would have a density of 208 habitable

rooms per hectare and 59 units per hectare within the density levels for this suburban context as set out within the London Plan.

The proposed development would provide a mix of housing types, consisting of 1 x 2 bedroom flat, 2 x 3 bedroom flats and 1 x 1 bedroom flat. The mix of dwelling types and sizes including the provision of two family size units is considered to be appropriate.

Impact on character and appearance

Policy DM01 states that development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

When analysing the street character and pattern, the street is mixed in character with various examples of detached and semi-detached properties of different styles and external materials. There is a strong prevalent building line which runs down both sides of the street with almost every property having an area of hardstanding to the front to accommodate off-street parking.

The proposal involves the demolition of the existing building and creation of a new building which has been designed to appear consistent with and to reflect the neighbouring properties and one entrance door is proposed. The proposed height will be comparable to the existing eaves and ridge height of the property and will respect the established building heights of the adjacent properties. It is considered that the proposal maintains an adequate amount of spacing between the building and the common boundary to ensure the proposal appears to sit comfortably within the site and maintains the detached nature of the building. Furthermore the proposed property seeks to mimic the design of surrounding properties and the existing property with gabled roof features to both the front and rear in order to maintain the an element of the existing character of the application site and surrounding properties.

At the rear the proposed footprint is deeper than that which is currently in situ and again, the footprint is comparable to the neighbouring properties. Due to the level drop to the rear, the building will be proportionately larger. Nevertheless, its combination of hipped roofs and crown roofs would complement the character of properties in Langley Park. The fenestration is sensitively designed. The rear parts of the development have been amended since the original set of plans submitted with the application and it is considered that the design of the development is now acceptable.

Impact on the amenities of neighbours

Privacy is an important design issue and the positioning of homes, including their windows and balconies, should be carefully considered to ensure that adequate privacy is maintained. In particular, habitable rooms and areas of private gardens close to dwellings should not be excessively overlooked by windows or elevated amenity areas such as balconies/terraces. Screening can reduce overlooking in these instances. Privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed).

The main amenity impacts to be assessed are to the adjacent properties to the north west (no.33) and to the south east (no.29). On the side elevation of no.33, there are five windows, four serving bathrooms to the ground floor and first floor flats and one serving the stairwell. The two at first floor level are proposed to be obscure glazed. To no.29 there are six

proposed window serving living rooms and kitchens with one proposed on the lower ground floor flat and second floor flat and two to each of the ground and first floor flats. The majority of windows proposed on the side elevation adjacent to no.33 of the scheme would therefore be unlikely to cause any detrimental overlooking issues given that these will serve bathrooms and a stairwell. In regard to the windows facing No.29, the proposed windows at lower ground floor and ground floor would not result in any privacy issues considering the levels and boundary treatment adjacent to the neighbouring property. In regard to first and second floor, the first-floor window would overlook to some extent the flank elevation of No.29, however given the limited fenestration to no.29, at first floor level and proposed set back of the proposed building form the boundary this is considered acceptable. In regard to the second-floor fenestration adjacent to no.29, given the height of the window and differing levels, the proposed view from the windows would be that of no.29's roof slope and thus is not considered to result in any privacy issues.

The proposal will extend beyond the rear building line of both neighbouring properties. At lower ground floor level by approximately 2.42metres, however given that this is at lower ground floor level the proposed protrusions would be acceptable, particularly when considering a minimum set back of 1.4 metres from no.33 boundary and 2.4 metres from no.29 boundary. The upper three floors will protrude approximately 0.3 metres backs the rear wall of the neighbouring properties with the aforementioned setbacks from the neighbouring occupier's boundaries. Considering the minimal protrusion and setbacks proposed the building line is considered acceptable and would not result in any unacceptable levels of harm to the amenity of neighbouring occupier's in accordance with Policy DM01 of the Development Management Polices DPD.

Amenity of future occupiers

Section 8.4 of Barnet's Local Plan SPD: residential design guidance states: "in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides reasonable level of privacy". In addition to this, section 2.4 of the SPD for sustainable design and construction states that "the impact of development on the availability of daylight / sunlight and privacy to the occupants of existing buildings and the occupants of new development is strongly influenced by design and contributes significantly to the quality of life. The amount of daylight available in buildings enhances people's quality of life and reduces energy use. The Mayor's Housing SPG standard 5.5.2 recommends that development should preferably have direct sunlight in living areas and kitchen dining spaces and all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Overheating should be considered when designing for sunlight".

Four self contained units will be created comprised of one to each level from lower ground floor, ground floor, first floor and second floor.

The units are as follows:

Unit 1 (lower ground floor): 2 bed, 4 person flat: 81.5m² GIA

Unit 2 (ground floor): 3 bed, 5 person flat: 91.5m² GIA

Unit 3 (first floor): 3 bed, 5 person flat: 91 m² GIA

Unit 4 (second floor): 1 bed, 1 person flat : 39m² GIA

Table 3.3 of the London Plan (2016 MALP) and Barnet's policies and table 2.1 of Barnet's Sustainable Design SPD (Oct 2016) set out the minimum residential space standard requirements for new residential units. The required GIA for units is as follows:

- 3 bedroom unit for 5 persons on one floor requires 86sqm
- 2 bedroom 4 person on one floor requires 70sqm.
- 1 bedroom unit 1 person requires 39sqm.

The proposed dwelling meets and exceeds the min. GIA requirements.

Lighting

Barnet Councils Sustainable Design and Construction SPD under section 2.4 'Daylight, Privacy (minimum distance), Outlook and Light Pollution' highlights the need for development proposals to ensure that the availability of daylight/sunlight for new developments is adequate and contributes significantly to the quality of life of future occupiers.

Within the design principles section, the SPD highlights that all glazing to habitable rooms should normally not be less than 20% of the internal floor area of the room. Except for the glazing to the lower ground floor second bedroom closest to the front elevation of the property all other rooms are considered to meet the requirements of the Sustainable Design and Construction SPD. Concerns regarding this bedroom were raised and amendments were requested to narrow the outrigger element of the property in order to allow for a larger window facilitating light to this bedroom, amendments were received reducing the width of the outrigger by approximately 0.4 metres. The proposed fenestration facilitating light to the bedroom is still considered marginally less than usually acceptable, however considering that the proposal will result in the creation of two family sized units and all the units meet and exceed the required space standards, that the public benefit with the provision of family sized housing outweighs the minor concerns regarding the glazing of the second bedroom to the lower ground floor. As such, on balance the proposed development is considered to provide acceptable lighting to the proposed units.

Floor to Ceiling Height

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling, although a floor to ceiling height of 2.5 metres is preferred.

The proposed dwelling meets and exceeds the requirement

Amenity Space

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. The Sustainable design and construction SPD advises that 5m² should be provide per habitable room for flats requiring an overall outdoor amenity space required of 70m². The lower ground floor flat would benefit from a private external terrace whilst the remaining three flats would benefit from the use of a large communal garden with an approximate size of 330m², significantly over the minimum required. Although this will be in the form of one large communal garden, it is considered the proposed outdoor amenity space, given its proposed size and design would be acceptable and provide sufficient amenity space for all future occupiers.

Overall, it is considered that the proposals would not harm the visual or residential amenities of future residents or neighbouring occupiers.

Refuse and Recycling

A condition shall be attached to satisfy the number of bins, storage and collection point and details of enclosures and screened facilities for refuse storage. The bin storage area should be located within 10 metres of the public highway. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements.

Traffic 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.

The development will need between 3 and 5.5 parking spaces to meet the parking standards as set out in the Barnet local plan development management policy DM17 approved in September 2012. 3 parking spaces are proposed which is in accordance the DM17 Policy considering the PTAL rating of 4. A contribution of £2000 will be secured however to amend the Traffic Management Order (TMO) to ensure that the proposed development does have a permit exemption, and thus future occupier would not be able to obtain parking permits for the street to minimise any additional parking stress on street.

Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). A condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the London Plan requires that the proposal is designed to achieve a 10% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy.

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

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

5.4 Response to Public Consultation

Out of character with the street; concerns regarding the character of the development are discussed within the main assessment of proposals section.

Loss of amenity - loss of view, overlooking and loss of privacy; concerns regarding impact on amenity have been addressed within the main assessment of proposals section of the report.

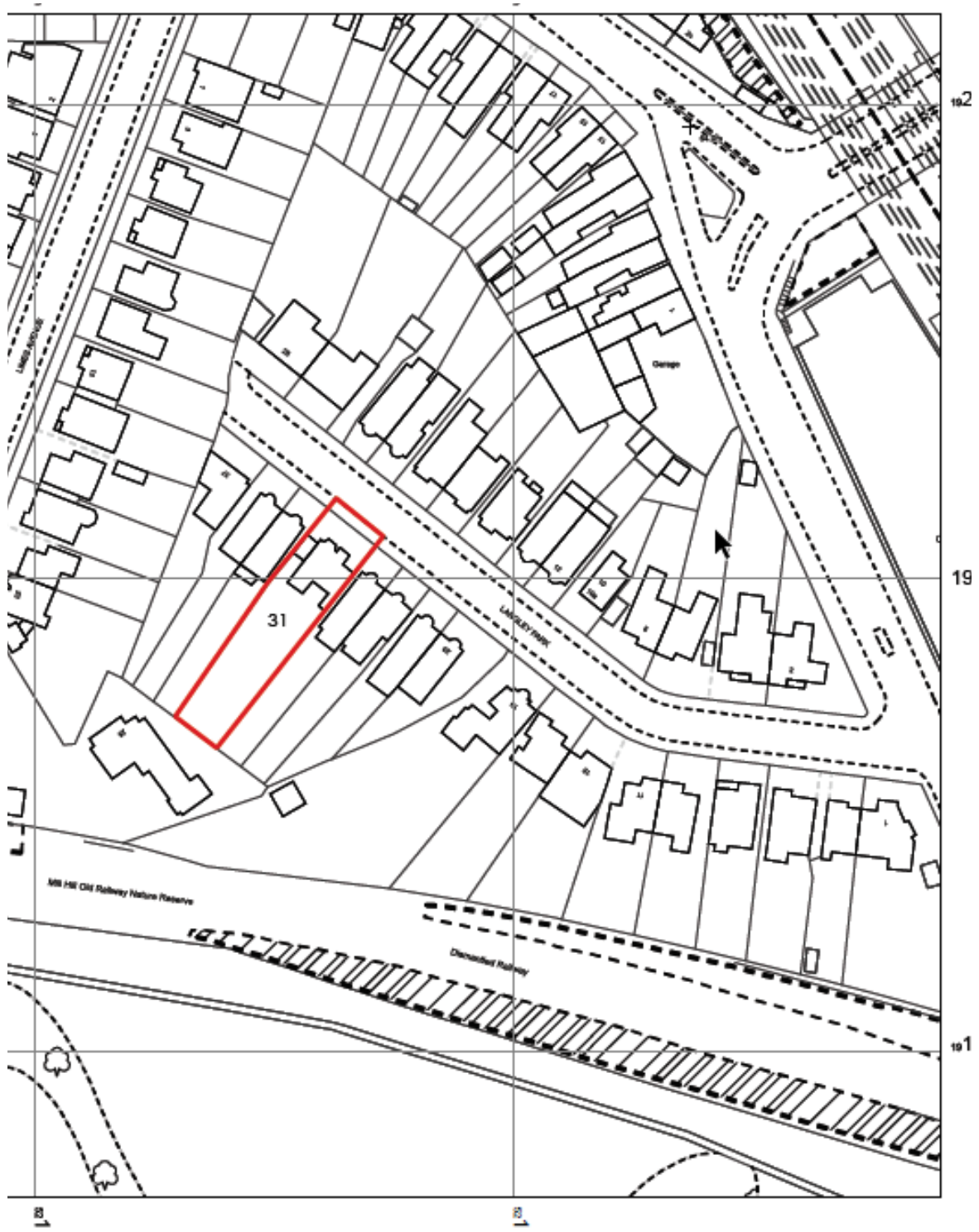
Increased noise and disturbance; Given the nature of the existing site as 6 households under a HMO, although the development will result in an increase in the number of persons on the site, the number of households will reduce to 4. It is considered that given the reduction in households, the context of the street with existing flatted development, the overall noise and disturbance generate by the proposal would not be of such harm that would be unacceptable.

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



Location **80 The Fairway London NW7 3HP**

Reference: **18/5817/RCU**

Received: 28th September 2018

Accepted: 1st October 2018

Ward: Hale

Expiry 26th November 2018

Applicant: Mr & Mrs Mohsen & Maryam Sabaei

Proposal: Roof extension involving hip to gable end, 2 no rear dormer windows and 3 no rooflights to the front elevation to facilitate the creation of 1 no self-contained studio flat. Associated refuse/recycling store (Retrospective Application)

AGENDA ITEM 12

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:

- 301, 302, 303, 304, 305 and Site Location Plan.

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).

Informative(s):

1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist

applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The host site comprises of a two storey hip roof semi-detached property. The site is located to the south of The Fairway, in Hale ward, which is predominantly residential in character. The host property is laid out as two maisonettes with front and side main entrances and has not been previously extended.

The site is not within a conservation area and does not contain any statutory listed buildings.

The majority of the properties along The Fairway are laid out as maisonettes with a mixture of both hip and gable-end roof designs. Sympathetic and proportionate rear dormer windows are in evidence along the street.

2. Site History

Reference: 16/2732/FUL

Address: 80 The Fairway, London, NW7 3HP

Decision: Refused

Decision Date: 6 July 2016

Description: Loft conversion involving hip to gable end, 2 no rear dormer windows and 3 no rooflights to the front elevation to facilitate the creation of 1 no self-contained residential dwelling. New ramp access to front entrance, and provisions for car parking and refuse

Reference: 16/4589/FUL

Address: 80 The Fairway, London, NW7 3HP

Decision: Refused

Decision Date: 16 September 2016

Description: Loft conversion involving hip to gable end, 2 no rear dormer windows and 3 no rooflights to the front elevation to facilitate the creation of 1 no self-contained studio flat. New ramp access to front entrance, and provisions for car parking and refuse

Reference: 17/3572/FUL

Address: 80 The Fairway, London, NW7 3HP

Decision: Withdrawn

Decision Date: 2 August 2017

Description: Part single part two storey rear extension (AMENDED)

Reference: 17/6775/FUL

Address: 80 The Fairway, London, NW7 3HP

Decision: Approved subject to conditions

Decision Date: 12 December 2017

Description: Roof extension involving hip to gable, 2no rear dormer window, 3no. rooflights to front elevation to facilitate a loft conversion

Reference: H/00971/08

Address: 80 The Fairway, London, NW7 3HP

Decision: Approved subject to conditions

Decision Date: 12 August 2008

Description: Loft conversion including side and rear dormer windows.

3. Proposal

Planning permission is sought for the following;

- Hip to gable extension to measure a depth of 4.45 metres along the ridge line, a height of 3.8 metres, the flank wall measuring 8.8 metres in width.
- 2no rear dormer windows to space a width of 2.3 metres of the enlarged roof, having a depth of 2.57 and height of 1.85 metres.
- 3no. rooflights measuring 0.9 metres by 0.9 metres to the front elevation.
- Creation of a 1 bedroom 1 person self-contained unit with a floor area of 37.83m²

4. Public Consultation

Consultation letters were sent to 77 neighbouring properties.

32 responses have been received comprised of 14 letters of objection and 18 letters of support.

The letter of objection can be summarised as follows;

- Concern regarding impact on parking stress along street and potential health and safety issues regarding children of nearby school.
- Concerns regarding increased noise and disturbance.
- Concern regarding design of roof, in particular colour of tiles contrary to prevailing character of street.
- Concerns regarding privacy issues posed by dormer windows.
- Concerns regarding rubbish on the green.
- Concerns regarding the impact on the architectural style and design of the Fairway and greater architectural details of intrinsic and historic value to the wider London area.

The letters of support can be summarised as follows;

- Provides affordable housing in difficult expensive London housing market.
- The roof tiles with weather over time
- National Planning Policy Framework (2018) supports the application.
- Noise issues within property are not a problem, new roof prevents issues in winter.

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 Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of flats is acceptable
- Whether the proposal would be a visually obtrusive form of development which would detract from the character and appearance of the street scene
- Whether harm would be caused to the living conditions of neighbouring and future residents
- Whether the proposals would have an acceptable impact on highway and pedestrian safety
- Whether there is a sufficient level of amenity for future occupiers
- Whether the development would be sustainable

5.3 Assessment of proposals

'The application has also been subject of a previous approval under a householder application reference 17/6775/FUL for Roof extension involving hip to gable, 2no rear dormer window, 3no. rooflights to front elevation to facilitate a loft conversion which was approved on the 12th December 2018. The roof extension proposed under this retrospective application is identical to the formerly approved scheme.'

This application is a retrospective application for the roof extension and conversion into one self contained flat.

Principle of Flats

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

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

Within Chapter 2 of the Core Strategy, which is a material consideration in the determination of this application, the Council state the following:

"The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flat accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate."

Policy DM01 states that conversion of dwellings into flats on roads characterised by houses will not normally be appropriate. It further states that the loss of houses in roads characterised by houses is not appropriate.

In the above context, it is noted that the application site at 80 The Fairway, currently contains a end of terrace dwelling which is split into two maisonettes. As aforementioned within the site description the fairway hosts a variety of different property types, however the majority are laid out as maisonettes. The principle of a self-contained unit was established under the previous refusal reference 16/4859/FUL.

The majority of the properties along The Fairway are laid out as maisonettes with a mixture of both hip and gable-end roof designs. Sympathetic and proportionate rear dormer windows are in evidence along the street.

On the basis of the above, it is considered that the principle of establishing flats on the application site would be supportable, as the street is not predominantly characterised by single family dwellings.

Impact on the character of the area

Any scheme for this site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of the development plan policies including DM01 and CS05 of the Barnet Local Plan (2012) and policies 7.4 and 7.6 of the London Plan (2016).

The existing roof extension has facilitated a conversion of the loft space to accommodate the self-contained unit. The design of the roofs to properties along The Fairway vary between being hip and gable and therefore the principle of a gable-end roof is considered to have an acceptable impact on the character of the existing building and surrounding street scene.

Similarly, dormer roofs to the rear are considered to be an acceptable feature in the area. It is noted that planning permission has been historically granted for dormers to the rear and side of the host site (ref. H/00971/08 dated 12 August 2008). Similarly, Nos 54-56 The Fairway have in-situ rear dormers with planning consent (ref. W14590A/07 dated 26 February 2007), as well as at no.120 (ref. H/03991/11 dated 21 November 2011).

Paragraph 14.33 of the adopted Residential Design Guide SPD (2016) sets out the design considerations for dormer roof extensions that are ordinarily acceptable in Barnet. The proposed dormers are considered to be sympathetic and subordinate additions to the roof slope, sitting at half the depth and half the width. The dormers are aligned with the windows immediately below and there would be adequate roof slope above and below. The existing built roof extension has incorporated red clay tiles, which are brighter than the neighbouring properties existing roofs. However, clay tiles over time will weather and will result in a much darker appearance, as seen with surrounding properties who have not benefited from roof alterations/. As such officers consider the roof tiles to be acceptable.

The three rooflights on the front elevation are considered acceptable and will not have a detrimental impact on the character of the dwelling or area.

The roof extension is considered to be in broad conformity with the adopted SPD and to have an acceptable impact on the character and appearance of the existing building and its surrounding context.

Impact on the amenities of neighbours

It is imperative that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

The rear dormers are not considered to give rise to an unacceptable impact on the amenity of neighbouring occupiers at no.74, the attached property to the west. Given that the host property is sited 6 metres forward of the non-attached neighbours to the east no. 82 and 84 (distance approximate from rear wall to rear wall), any impact from overlooking as a result

of the proposed dormers would be very limited. The impact on amenities of neighbouring occupiers is therefore considered to be acceptable.

Given their modest size and their siting, no adverse amenity impact is considered to arise from the rooflights to the front elevation.

The development has resulted in the creation of one self-contained flat. Policy DM01 of the Development Management Policies 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 flat is modest and accommodates 1 person with limited intensification of the site from its creation. Officers do not consider that as such the proposed flat would materially alter the character of the existing property, nor surrounding area and as such the proposal would be in accordance with the Development Plan.

On balance, the development is not considered not to harm the amenities of neighbouring properties.

Impact on the future occupiers

Section 8.4 of Barnet's Local Plan SPD: residential design guidance states: "in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides reasonable level of privacy". In addition to this, section 2.4 of the SPD for sustainable design and construction states that "the impact of development on the availability of daylight / sunlight and privacy to the occupants of existing buildings and the occupants of new development is strongly influenced by design and contributes significantly to the quality of life. The amount of daylight available in buildings enhances people's quality of life and reduces energy use. The Mayor's Housing SPG standard 5.5.2 recommends that development should preferably have direct sunlight in living areas and kitchen dining spaces and all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Overheating should be considered when designing for sunlight".

The self-contained flat would be sized as follows;

Flat 1	Ground floor 1b1p	37.83sqm
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Table 3.3 of the London Plan (2016 MALP) and Barnet's policies and table 2.1 of Barnet's Sustainable Design SPD (Oct 2016) set out the minimum residential space standard requirements for new residential units. The required GIA for units is as follows:

- 1 bedroom unit for 1 persons on one floors requires 39sqm or 37sqm if a shower room is proposed.

All of the proposed flats meet and exceed the min. GIA requirements.

Floor to Ceiling Height

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling, although a floor to ceiling height of 2.5 metres is preferred.

All of the proposed flats meet this requirement.

The proposed internal stacking is considered appropriate and acceptable, helping to ensure a minimum of noise disturbance between the units. Sound insulation between units 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 the relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels; this will be secured by way of condition.

Amenity Space

Section 2.3 of the Sustainable Design and Construction SPD (2016) requires for flats a minimum of 5m² of outdoor amenity space per habitable room. In the case of the proposed a minimum of 5m² should be provided. In this instance, the proposed flat does not include any provision of outdoor amenity space. However, officers consider that given the close proximity of Stoneyfields Park (0.3 miles) that lack of provision in outdoor amenity space is acceptable.

Overall, it is considered that the proposals would not harm the visual or residential amenities of future residents or neighbouring occupiers.

Refuse and Recycling

A condition shall be attached to satisfy the number of bins, storage and collection point and details of enclosures and screened facilities for refuse storage. The bin storage area should be located within 10 metres of the public highway. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements.

Traffic and Parking

The site is located within a PTAL rating of 0 (with 0 being low and 6 being high) indicating poor public links to public transport.

Policy DM17 sets out the parking requirements for new developments. In accordance with policy DM17, 1 bedroom units require 0- 1 parking spaces. The application does not provide any parking spaces however the council's internal Traffic and Highways team have assessed the application and consider that the surrounding streets would be able to support the parking of one additional vehicle and therefore consider the proposal acceptable on highway grounds, in accordance with Policy DM17 of the Development Management Policies DPD.

Accessibility and Sustainability

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

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 6% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPD's requirements and a condition will be attached to ensure compliance with these Policies.

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

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

5.4 Response to Public Consultation

Consultation letters were sent to 77 neighbouring properties.

32 responses have been received comprised of 14 letters of objection and 18 letters of support.

The letter of objection can be summarised as follows;

- Concern regarding impact on parking stress along street and potential health and safety issues regarding children of nearby school; officers do not consider that potential of one additional vehicle by the studio flat would be acceptable on highway grounds and do not consider the proposal to result in any additional risk to the health and safety of school children.
- Concerns regarding increased noise and disturbance; this has been assessed within the main part of the report.
- Concern regarding design of roof, in particular colour of tiles contrary to prevailing character of street; this has been discussed within the main part of the report.
- Concerns regarding privacy issues posed by dormer windows; this has been assessed within the main part of the report.
- Concerns regarding rubbish on the green.; this is not a material planning consideration within this proposal.
- Concerns regarding the impact on the architectural style and design of the Fairway and greater architectural details of intrinsic and historic value to the wider London area; officers have addressed the character and impact of the development within the main part of the report.

The letters of support can be summarised as follows;

- Provides affordable housing in difficult expensive London housing market; comment of support noted.
- The roof tiles with weather over time; comment of support noted and discussed within main part of report.
- National Planning Policy Framework (2018) supports the application; comment of support noted.
- Noise issues within property are not a problem, new roof prevents issues in winter.; comment of support noted.

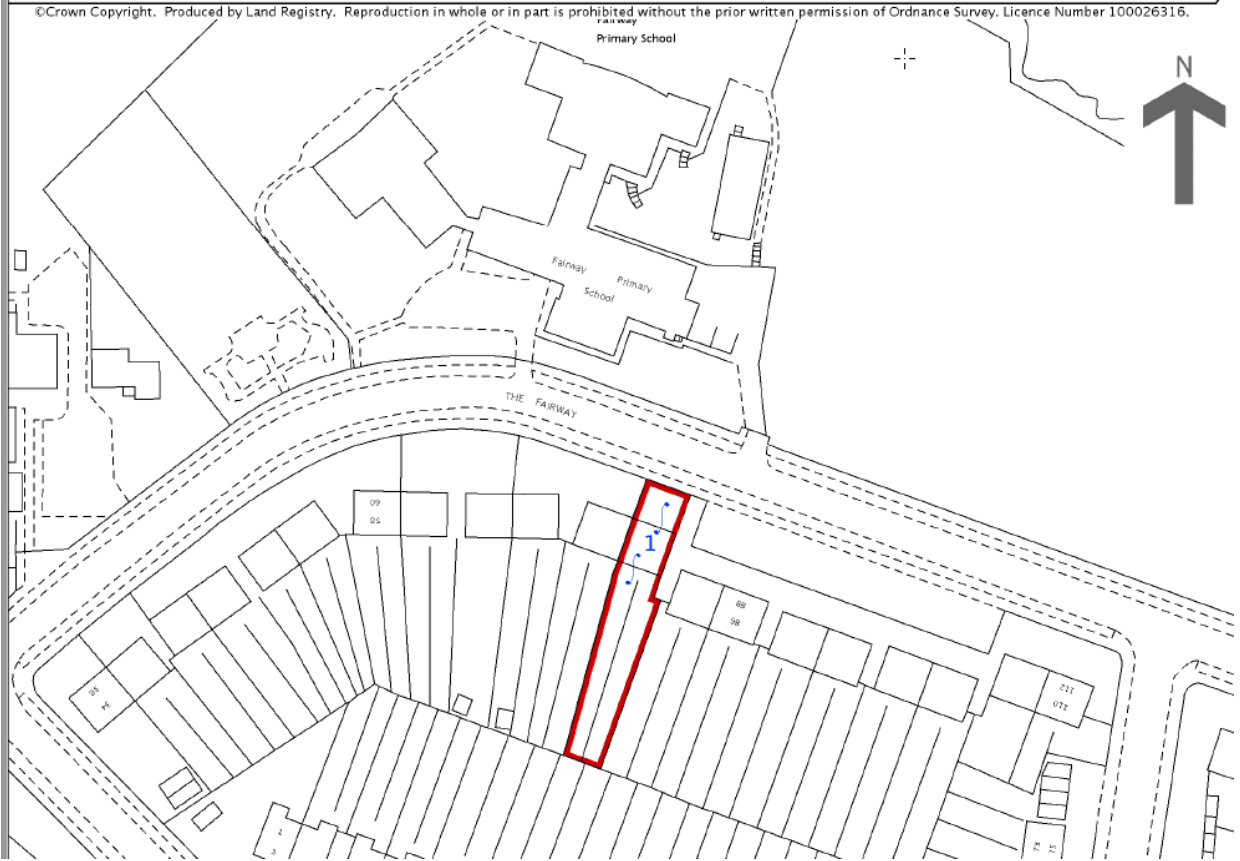
6. Equality and Diversity Issues

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.

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Location **126 Colindale Avenue London NW9 5HD**

Reference: **18/5153/S73**

Received: 21st August 2018

Accepted: 24th August 2018

Ward: Colindale

Expiry 23rd November 2018

Applicant: Colindale Business Centre Ltd C/O Savills

Proposal:

Variation of condition 2 (Plan Numbers) pursuant to planning permission H/05833/14 dated 20/12/2016 for `Demolition of existing business centre and construction of 2 no. two five storey buildings to provide 35 no. residential flats and 566 m2 of commercial floor space (Use Class B1), including basement car park with 44 car spaces and 70 cycle spaces. Provision of associated access, refuse storage, amenity space and landscaping.` Amendments include removal of part of basement car park and relocation of basement plant storage room under Block B and re-arrangement of car parking spaces within the site resulting in a loss of 4 basement parking spaces and addition of 5 ground floor parking spaces. Alterations to create fire escape access from basement to ground floor (amended description).

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. Deed of Variation to legal agreement of approved application reference H/05833/14 to provide for the following:

- The provision within the development of a minimum of 17.5% (by unit number) of homes as affordable housing, providing a minimum of 6 shared ownership residential units.

- The viability of the development shall be re-appraised at an appropriate point in the implementation of the development and, if deemed viable to do so, a financial contribution shall be paid towards the provision of affordable housing in the Borough.

- The applicant will be required to enter into a Local Employment Agreement (LEA) with the Council. The employment agreement would

need to secure the following minimum levels and would also set out specifically how the applicant would deliver these:

- 4 places for progression into employment, less than 6 months;
- 2 places for progression into employment, more than 6 months;
- 5 apprenticeships;

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 This development must be begun within three years from the date of H/05833/14, being the 20th December 2016.

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

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

6539-PL-603 D Site Context Plan - Ground Floor Level
Received 12 October 2018

Design and Access Statement
Received 24 August 2018

6539-PL-605 D Block A Ground and First Floor Plan as proposed
6539-PL-609 B Block B - Ground and First Floor Plan
6539-PL-613 D Elevations as Proposed Block A - NE & NW Sheet 1 of 5

6539-PL-614 E Elevations as Proposed Block A - SW & SE Sheet 2 of 5
6539-PL-615 C Elevations as Proposed Block B - SW &
6539-PL-616 C Elevations as Proposed Block B - NE & SE
6539-PL-617 D Elevations as Proposed Block A & B - SW & NE
6539-PL-619 D SW Elevation with adjacent buildings & Existing buildings indicated

6539-PL-620 B Block A & B Basement plan (As proposed)
6539-PL-621 B Block A & B Section AA (As proposed)

6539-PL-622 B Elevations/ Sections BB & CC Block A

6539-PL-600; 6539-PL-601; 6539-PL-602 Revision B; 6539-PL-603 Revision B; 6539-PL-604 Revision B; 6539-PL-606 Revision C; 6539-PL-607 Revision B; 6539-PL-610 Revision A; 6539-PL-611 Revision A; 6539-PL-618 Revision B;

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).

3 Notwithstanding the details shown on the plans, hereby approved, no development (other than demolition, site clearance and ground works) shall be undertaken unless and until:

(a) details and appropriate samples of the materials to be used for the external surfaces of the buildings and hard surfaced areas shall have been submitted to and approved in writing by the Local Planning Authority; and

(b) a sample panel shall be constructed on site, inspected and approved in writing by the Local Planning Authority.

The Development shall thereafter be implemented in accordance with such details as so approved before the dwellings approved are occupied.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

4 Notwithstanding the details shown on the plans, hereby approved, no development shall commence (other than demolition, site clearance and ground works) unless and until detailed bay studies at an appropriate scale (1:10, 1:20 or 1:50) showing

details of the construction of the below features have been submitted and approved in writing by the Local Planning Authority:

- window reveals
- residential core entrances
- parapets, fascias and brick on edge details
- projecting and recessed balconies
- rainwater goods

The development shall be carried out and constructed in accordance with the detailed bay studies and schedules approved. For the avoidance of doubt, any features shown on these bay studies where they represent specific parts of the development shall be taken to represent all features of that type throughout the development unless otherwise stated.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

5 No development shall commence (other than demolition, site clearance and ground works), unless and until details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of

the site are submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site

6 Development (other than demolition, site clearance and ground works) shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy has been completed.

Reason: The development may lead to sewage flooding; to ensure that capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

7 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).

8 Before the development hereby permitted is occupied, car parking should be provided in accordance with a scheme to be submitted to and approved by the Planning Authority and spaces shall not be used for any purpose other than parking of vehicles in connection with the approved development. The parking layout should include provision of disabled parking spaces for all elements of the 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 Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

9 Prior to the occupation of each phases hereby approved, a Car Parking Management Plan detailing the following shall be submitted to and approved in writing by the Local Planning Authority:

- i. location and layout of car parking spaces,
- ii. The allocation of car parking spaces;
- iii. On site parking controls
- iv. The enforcement of unauthorised parking; and
- v. disabled parking spaces
- vi. Electrical Vehicle Charging Points.

The Car Park Management Plan should include details of the proposed monitoring of EVCP and disabled parking spaces, to inform when additional spaces are required to be brought into operation.

Reason: To ensure that parking is provided and managed in line with the council's standards in the interests of highway and pedestrian safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

10 a) Notwithstanding the details submitted with the application and otherwise hereby approved, the development shall not be occupied until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

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

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

11 Prior to the occupation of the development a Waiver of liability and indemnity agreement in relation to the non-adopted roads in each phase within the development must be signed by the developer and be submitted to and approved in writing by the Local Planning Authority. This is to indemnify the Council against any claims for consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

Reason: To ensure that the access is satisfactory in terms of highway safety development and to protect the amenity of the area and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

12 Before the development commences (except for demolition, site clearance and below ground works) The applicant should submit a scheme showing details of the proposed internal access roads layout for approval, including layout and ramp gradient, details of swept paths and turning movements for Heavy Goods Vehicles and Refuse Collection vehicles entering the site and that Heavy Goods Vehicles can turn around within the internal roads. Although the Council will not consider the proposed internal roads for adoption as public highways, the internal roads submitted details should include specification of carriageway construction to adoptable standards to allow for refuse vehicles to enter the site.

Reason: To ensure the safe form of access to the development to conform to 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.

13 a) 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.

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

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).

15 Notwithstanding the details shown on the plans submitted and otherwise hereby approved none of the buildings of the development hereby permitted shall be occupied until details are submitted to the Local Planning Authority and approved in writing which specify:

(a) the siting and design of all privacy screens that are to be installed as part of the development (including on the shared amenity space on Block A and balconies); and

(b) a schedule of the parts of the development hereby permitted that are to be used for amenity purposes and those which are to be restricted access for maintenance only.

Before the buildings hereby approved are occupied the development shall be implemented in full accordance with the approved details and specifications and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of the future occupiers of the proposed residential dwellings and neighbouring occupiers in accordance with policies DM01 and DM02 of the Barnet Local Plan.

16 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development (other than demolition, site clearance and ground works) shall be commenced until details are submitted to and approved in writing by the Local Planning Authority which specify the details of boundary treatments to be installed within the development. These details shall include materials, type and siting of all boundary treatments. The development shall be implemented in full accordance with the approved details prior to the first occupation of any residential unit and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of the future occupiers of the proposed residential dwellings and in the interests of the appearance of the development, in accordance with policies DM01 and DM02 of the Barnet Local Plan.

17 Notwithstanding the details shown on the plans submitted hereby approved, 10% of the residential units provided shall be easily adaptable for wheelchair use or to 'Wheelchair Homes' standards. A plan showing the location and layout of such units

shall be submitted to and approved in writing by the Local Planning Authority prior to any development (other than demolition, site clearance and ground works) being commenced. The wheelchair units shall thereafter be constructed as such.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8 and 7.2 of the London Plan and policy DM02 of the Barnet Local Plan.

18 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 on other days unless previously approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

19 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.

20 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.

Reason: To ensure a satisfactory appearance to the development.

21 Upon their first occupation, the commercial units on the ground and first floor of Block A hereby approved as shown shall be occupied for uses falling within Class B1 of the Town and Country Planning (Use Classes) Order 1987 and for no other purpose.

Reason: To enable flexibility for the first occupation of the commercial units hereby approved.

22 (a) No development other than demolition 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 Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2015.

23 (a) No development, other than demolition, shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally

generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated; as measured within habitable rooms of the development shall be no higher than 30dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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 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 that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and 7.15 of the London Plan 2015.

24 The level of noise emitted from the plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property. If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

25 Before the building hereby permitted is first occupied the proposed window(s) in the elevation facing No. 124 Colindale Avenue shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

RECOMMENDATION III:

1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 20.03.19 unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason(s):

1. The development fails to provide affordable housing contributions or a contribution to Skills and Employment. The proposal would therefore not address the impacts of the development, contrary to policies DM10 and DM14 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. 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 For any alterations to the vehicle access from the public highway, the applicant must submit an application under Section 184 of the Highways Act (1980) for the proposed new vehicular access and alterations to the existing vehicular access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, including reinstatement of redundant vehicle access, will be borne by the applicant. The applicant is advised that Transport for London will be consulted regarding the impact on the bus stop in the vicinity of the proposed vehicle access.
To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section - Environment, Planning and Regeneration Directorate, London Borough of Barnet, North London Business Park (NLBP) Building 4, Oakleigh Road South, London N11 1NP
- 3 For construction works adjacent to the public highways, the applicant must contact the Council on 0208 359 2000 for any necessary Highways Licenses
- 4 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.
- 5 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

- 6 Thames Water would recommend that petrol/oil interceptors be fitted in all parking/washing/repair facilities. Failure to enforce the effective use of petrol/oil interceptors could result in oil-polluted discharges entering local watercourses.

Officer's Assessment

1. Site Description

The application site comprises the Colindale Business Centre situated at 126 Colindale Avenue. The site measures approximately 0.2857 ha.

The Colindale Business Centre comprises a two-storey building, comprising a total floor area of 1,698 sqm of floor space. The commercial space is in multiple occupation. Recently planning consent has been granted for a change of use of part of the accommodation to residential use (through the prior approval process). It is accessed from Colindale Avenue by pedestrians and vehicles. There are currently 44 car parking spaces on the site.

To the north of the site is Colindale Avenue and two storey residential properties. To the east of the site is the former British Library Archive site, which has recently been developed to provide a residential led, mixed use development. South of the site is also residential development and to the west is Brent Works, a new residential development arranged over 3 blocks of 3 and 4 storeys.

The site benefits from a good level of public transport accessibility (PTAL 4) reflecting its proximity to the underground station and local bus routes.

Permission was granted under reference H/05833/14 dated 20/12/16 for 'Demolition of existing business centre and construction of 2 no two five storey buildings to provide 35 no. residential flats and 566m2 of commercial floor space (use Class B1), including basement car park with 44 car spaces and 70 cycle spaces. Provision of associated access, refuse storage, amenity space and landscaping.' This application seeks to vary this permission.

2. Site History

Reference: H/00567/14

Address: 126 Colindale Avenue, London, NW9 5HD

Decision: Prior Approval Required and Approved

Decision Date: 2 April 2014

Description: Change of use (1st floor of units 3 and 4) from B1 office to C3 residential (4 Units).

Reference: H/02976/14

Address: Unit 1 & 2, Colindale Business Centre 126 Colindale Avenue, London, NW9 5HD

Decision: Prior Approval Required and Approved

Decision Date: 30 July 2014

Description: Change of use of first floor from B1 office to C3 residential (5 Units)

Reference: H/05703/13

Address: 126 Colindale Avenue, London, NW9 5HD

Decision: Withdrawn

Decision Date: 11 December 2015

Description: Demolition of existing business centre and construction of 2no. five storey buildings to provide 36no. residential flats and 1,701 sqm of commercial floor space (Use Class B1), including basement car park with 33 car spaces and 45 cycle spaces. Provision of associated access, refuse storage, amenity space and landscaping.

Reference: H/05833/14

Address: 126 Colindale Avenue, London, NW9 5HD

Decision: Approved following legal agreement

Decision Date: 20 December 2016

Description: Demolition of existing business centre and construction of 2 no. two five storey buildings to provide 35 no. residential flats and 566 m2 of commercial floor space (Use Class B1), including basement car park with 44 car spaces and 70 cycle spaces. Provision of associated access, refuse storage, amenity space and landscaping

Reference: 17/4756/FUL

Address: 126 Colindale Avenue, London, NW9 5HD

Decision: Approved subject to conditions

Decision Date: 3 October 2017

Description: Alterations to the west elevation of the building to include new windows at ground and first floor levels

Reference: 17/6829/PNO

Address: Ground And First Floor Building 1, 126 Colindale Avenue, London

Description: Change of use from Use Class B1 (office) to Use Class C3 (residential) to provide (14 Units)

Decision: Prior Approval Required and Approved

Date: 20.12.2017

Reference: 17/7183/ADV

Address: Unit 2, 126 Colindale Avenue NW9 5HD

Description: Installation of 2no. internally illuminated fascia signs and 2no. internally illuminated projecting sign

Decision: Approved subject to conditions

Date: 04.01.2018

Reference: 18/0933/PNO

Address: Unit 2, 126 Colindale Avenue NW9 5HD

Description: Change of use from Use Class B1 (office) to Use Class C3 (residential) to provide (14 units)

Decision: Prior approval required and refused

Date: 27.03.2018

Reference: 18/2026/PNO

Address: Unit 2, 126 Colindale Avenue NW9 5HD

Description: Change of use from Use Class B1 (office) to Use Class C3 (residential) to provide (14 Units)

Decision: Prior approval required and Approved

Date: 11.05.2018

3. Proposal

This application proposes to vary the plans (condition 2) as approved in H/05833/14 dated 20/12/16 for 'Demolition of existing business centre and construction of 2 no two five storey buildings to provide 35 no. residential flats and 566m2 of commercial floor space (use Class B1), including basement car park with 44 car spaces and 70 cycle spaces. Provision of associated access, refuse storage, amenity space and landscaping.'

The amendments include:

- Removal of part of the basement car park. This results in a loss of 4 residential car parking spaces from the basement.
- Relocation of the basement plant storage and cycle store from under Block B to within basement car park under Block A
- Addition of 2 parking spaces on ground floor of Block A to be allocated for residential parking. These parking spaces are located in the same area as the 6 existing commercial parking bays.
- Addition of 2 residential parking bays outside Block A
- Addition of 1 visitor parking space to extend existing visitor parking bay. This results in 4 rather than 3 visitor parking spaces.

Overall, the total number of car parking spaces will increase from 44 car parking spaces to 45 car parking spaces.

There are 35 residential parking spaces to be provided. The arrangement of parking spaces has been varied but there is no loss of parking spaces as a result of the variation.

There is one additional visitor parking space provided.

There are 6 commercial parking spaces. This is unchanged from the approved scheme.

The proposal has been amended. The original scheme was to remove 4 parking spaces from the basement and provide 2 additional parking spaces at ground floor but would result in a loss of overall parking spaces by 2 spaces. In response to concerns raised by the public about the loss of parking and examination of the opportunities within the site, the applicant has amended the plans to show 3 additional parking spaces at ground floor (for a total of 5 additional spaces at ground floor from the approved scheme). The proposal now results in the overall increase of 1 parking space.

4. Public Consultation

Consultation letters were sent to 687 neighbouring properties.

36 responses have been received. The responses are comprised of 1 letter of support, 2 representations and 32 letters of objection.

The objections can be summarised as

- Access will be using Telegraph Avenue and Guardian Avenue. There is currently a direct access to Colindale Avenue from this site. The development should use the existing access.
- Oppose the approved and proposed application as the development will cause huge problems in the area in terms of traffic, noise, pollution and safety of the elderly and children using Telegraph Avenue and Guardian Avenue, with the additional service/maintenance changes which have not been agreed.
- The proposed pedestrian access to Mornington Close from this development will also create extra noise and provide additional escape route for criminals, drug dealers and anti-social behaviour offenders known in the area.
- New development will block a lot of natural light to existing buildings
- Colindale Avenue is too busy to accommodate another residential building.

The representations are summarised as:

- No objection to the scheme provided each residential flat is allocated a parking space.
- The reduction in parking spaces should come from the allocation for commercial units.

- The delivery of materials and HGV's into the site should be 'school hours' only.
- Traffic needs to be sensitive of young children in the area

A petition was received with 58 signatures.

The petition opposes the development. 'Access to the development at 126 Colindale Avenue will be using Telegraph Avenue and Guardian Avenue. There is currently direct access to Colindale Avenue from this site. We strongly oppose the planning approval and application above as the proposed development will cause huge problems in terms in traffic, noise, pollution and safety of the elderlies and children using Telegraph Avenue and Guardian Avenue. The proposed pedestrian access to Mornington Close from this development will also create extra noise and provide additional escape route for criminals, drug dealers and anti-social behaviour offenders known in the area. We propose that the proposed development to provide their own direct access to Colindale Avenue.'

A site notice was posted 13.09.2018

An advertisement was published on 13.09.2018

Response from Consultees

Highways- no objection.

Environmental Health- no objections to variation. Additional conditions and informative suggested as a result of a change in legislation.

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 (National Planning Policy Framework - Presumption in favour of sustainable development)

CS1 (Barnet's Place Shaping Strategy - Protection, enhancement and consolidated growth - The three strands approach)

CS3 (Distribution of growth in meeting housing aspirations)

CS4 (Providing quality homes and housing choice in Barnet)

CS5 (Protecting and enhancing Barnet's character to create high quality places)

CS6 (Promoting Barnet's Town Centres)

CS8 (Promoting a strong and prosperous Barnet)

CS9 (Providing safe, effective and efficient travel)

CS10 (Enabling inclusive and integrated community facilities and uses)

CS11 (Improving health and well being in Barnet)

CS12 (Making Barnet a safer place)

CS13 (Ensuring the efficient use of natural resources)

CS14 (Dealing with our waste)

CS15 (Delivering the Core Strategy)

- Relevant Development Management Policies: DM01, DM02.

DM01 (Protecting Barnet's character and amenity)

DM02 (Development standards)

DM03 (Accessibility and inclusive design)

DM04 (Environmental considerations for development)

DM08 (Housing Targets)

DM10 (Affordable Housing contributions)

DM011 (Town Centres)

DM14 (Employment Space)

DM15 (Open Space)

DM17 (Travel impact and parking standards)

Colindale Area Action Plan (AAP)

The Council has prepared an Area Action Plan for Colindale which was adopted in March 2010. This provides a planning policy and design framework to guide and inform the development and regeneration of the area up to 2021 in response to the London Plan's Opportunity Area designation.

The AAP contains guidance on sustainable development and identifies a number of key infrastructure improvements needed to support the delivery of growth in Colindale. It identifies four character areas, the 'Corridors of Change', which identify specific development sites and set specific policy objectives to be achieved from redevelopment.

126 Colindale Avenue falls within the Colindale AAP area and is identified as a site for development. The adopted Colindale AAP forms a material consideration, under Section 38(6) of the Planning and Compensation Act 2004, in the determination of any planning applications for sites within the AAP area.

Supplementary Planning Guidance and Documents

A number of local and strategic supplementary planning guidance and documents are material to the determination of the application.

Local Supplementary Planning Documents and Guidance:

Sustainable Design and Construction Supplementary Planning Document (2013)

Residential Design Guidance (2016)

Planning Obligations (April 2013)

Affordable Housing (2010)

Strategic Supplementary Planning Documents and Guidance:

Accessible London: Achieving an Inclusive Environment (2004)

Planning for Equality and Diversity in London (2007)

All London Green Grid (2012)

Sustainable Design and Construction (2014)

Accessible London: Achieving an Inclusive Environment (2014)

5.2 Main issues for consideration

The main issues in the assessment of this application are considered to be:

- Impacts of the variation on highway and pedestrian safety.
- Whether the variations will impact on the character and appearance of the property and wider area.
- Impacts of the variation on neighbouring or future occupiers

5.3 Assessment of proposals

Context

There is extensive history at the site. The site was formally known as the Business Centre. The business centre benefits from a number of permissions to convert the property into residential use. An earlier application (Ref No: H/05833/14) was approved for 'Demolition of existing business centre and construction of 2 no. two five storey buildings to provide 35 no. residential flats and 566 m² of commercial floor space (Use Class B1), including basement car park with 44 car spaces and 70 cycle spaces. Provision of associated access, refuse storage, amenity space and landscaping'

Since the granting of this above permission, the existing building on the site has been converted from office to residential through a number of PNO schemes.

This application is to vary Ref No: H/05833/14. The permission was granted in 2016 and is still valid although not implemented. The proposal is to demolish the existing buildings on the site which were formally the Colindale Business Centre and currently occupied as residential units.

The site history shows later applications have been granted and implemented however the application H/05833/14 is still valid. This application seeks to vary the plans of the approved scheme. The principle of the development is therefore acceptable.

When compared to the aforementioned approved scheme, the proposal currently before the Council varies as follows:

- Removal of part of the basement car park
- Relocation of the basement plant storage and cycle store from under Block B to within basement car park under Block A
- Removal of 4 car parking spaces from basement. Addition of 5 car parking spaces at ground floor to serve residential. The total number of car parking spaces will increase from 44 car parking spaces to 45 car parking spaces.

All other aspects are as already approved.

- Whether the variations will impact on the character and appearance of the property and wider area.

The change to the layout of parking on the ground floor will result in the loss of landscaping internal to the site between the two buildings. The applicant proposes to remove the landscaping in this section in favour for additional parking and low level planting. While the reduction to the landscaping is a loss, the applicant has shown potential for smaller, low level planting around the parking bays instead.

The loss of landscaping has been weighed up against the benefit that the parking bays can provide. The parking bays are needed at ground floor to justify the loss of parking from the basement as a result of decreasing the size of the basement floor area and accommodating a fire escape access.

The fire escape access from the basement to the ground floor will result in some external manifestation. This is not expected to have a detrimental impact on the appearance of the host property as the scale of the fire escape access is minimal and sensitively located so as not to be seen in the street elevation. The only visible manifestation of the sunken stairs leading from the basement will be a set of low handrails. This is located in the corner of the carpark area at the rear of Block A.

- Impacts of the variation on highway and pedestrian safety.

There are changes sought in this variation which alter the approved parking layout.

As described above, 4 residential car parking spaces are removed from the basement. To offset the loss of these residential parking spaces, four additional parking spaces are provided within the site for residential parking. Two of these parks are within the ground floor of Block A with the existing commercial parking spaces. Two other spaces are proposed in front of Block A.

In addition there is one extra visitor parking space to extend existing visitor parking bay. This results in 4 rather than 3 visitor parking spaces.

The existing approved 6 commercial parking spaces are retained.

Overall, the total number of car parking spaces will increase from 44 car parking spaces to 45 car parking spaces.

There are 35 residential parking spaces to be provided. The arrangement of parking spaces has been varied but there is no loss of parking spaces as a result of the variation. There are 35 parking spaces for 35 units. This is the same provision as with the approved scheme which was acceptable.

There are 6 commercial parking spaces. This is unchanged from the approved scheme and there is no additional commercial space proposed which would warrant any additional commercial parking demand.

There is one additional visitor parking space provided.

There are no changes proposed to the access to and from the site. A number of comments have been raised around the access to the site and the safety implications of the vehicle and pedestrian access. The access is proposed from Colindale Avenue through Guardian Avenue and Telegraph Avenue. This access is as approved by the earlier application H/05833/14 and as such is considered acceptable. The scheme results in 1 additional parking space. The alterations to the parking layout is not considered to impact on the overall traffic movements through the site.

- Impacts of the variation on neighbouring or future occupiers

The proposed changes are primarily to the basement layout and parking arrangement.

There is no reduction to the number of residential parking spaces that will be provided. The scheme can still provide 35 parking spaces for 35 residential units. The relocation of parking spaces from the basement to the ground floor is not considered to have a harmful impact on future occupiers. These parking spaces should be allocated for ground floor units for ease of access.

The addition of parking spaces in the site outside Block A are facing the bin store and will not harm any future occupiers. The parks outside Block B are as approved with one additional space. The additional space facing this ground floor unit is not considered to have any increased harm above the existing arrangement.

There will be no change to the number of commercial parking spaces on the site and no change to the extent of commercial floor area for the site from approved. Therefore, there are no impacts on future commercial occupiers.

There is one additional parking space to be allocated for visitor parking. This results in 4 visitor parking bays rather than 3. The increased parking bay is considered to benefit the scheme.

The proposal also seeks to relocate the plant storage room from the basement under Block B to within the basement area. The accompanying planning statement outlines this change and states 'the proposed development will continue to connect to the de-centralised energy network and energy centre located at the former Colindale Hospital site (Pulse). This will enable the development to benefit from exemplary standards of energy efficiency.' There are no impacts expected as a result of moving the plant.

The addition of a fire escape access is to the benefit of future occupiers ensuring the building has safe and functional emergency access. The access is only to be used for emergency access and it is not expected this will impact on any adjacent residential amenities.

- Legal agreement

The legal agreement as part of the original proposal H/05833/14 will need to be varied to include this application. There are no changes to the heads of terms.

5.4 Response to Public Consultation

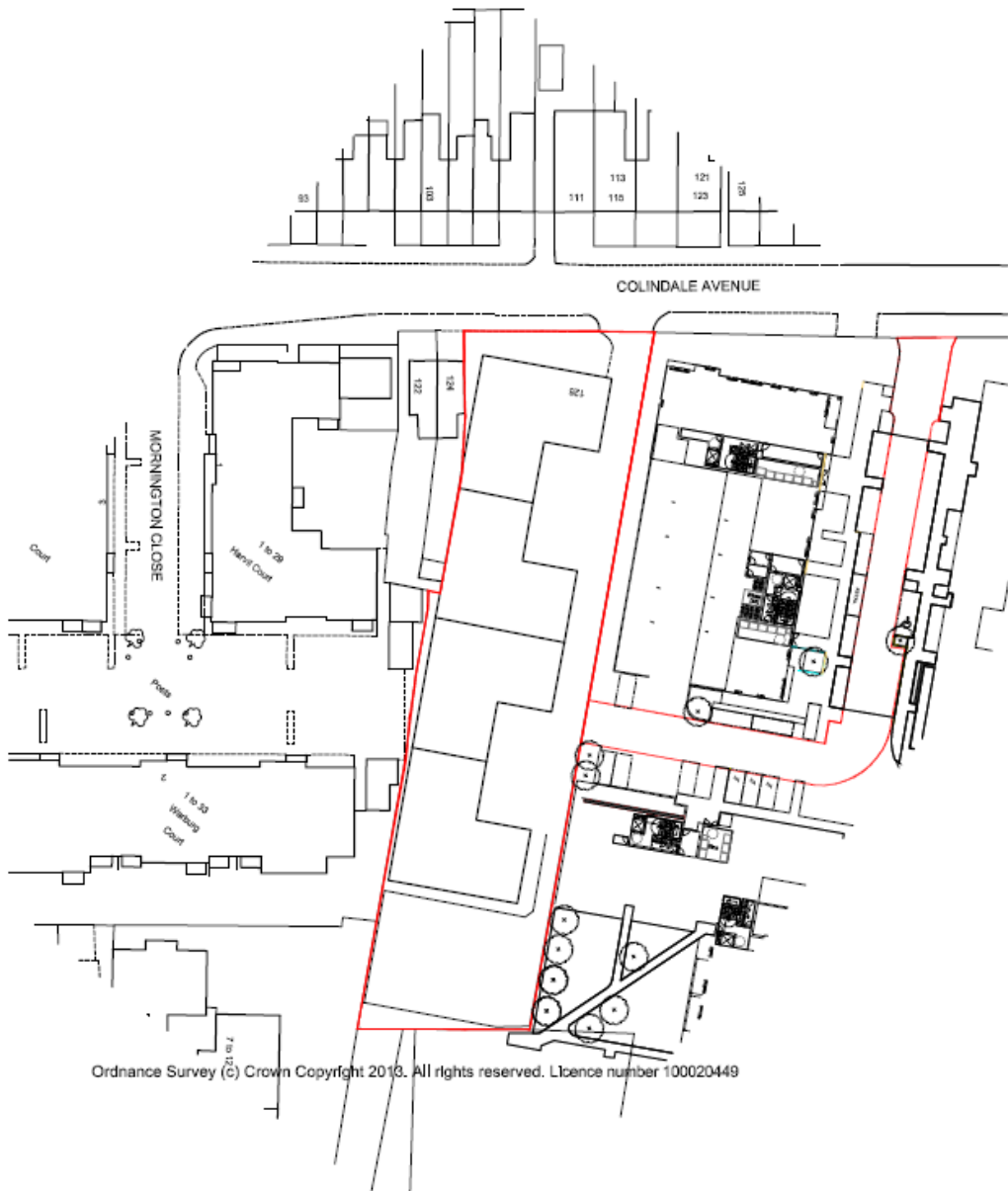
Discussed in main body of report.

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.



LOCATION PLAN 1:1250

0 10 20 30 40 50



Scale in metres.

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