

Location **45 - 47 Church Road London NW4 4EB**

Reference: **17/7350/FUL**

Received: 20th November 2017

Accepted: 24th November 2017

Ward: Hendon

Expiry 19th January 2018

Applicant: Mr M Rahman

Proposal: Demolition of 2no existing buildings and erection of a 3 storey building to facilitate 6no. self-contained units with A1 Retail units at ground floor including, loading bay, refuse and recycle store and cycle store

Recommendation:

Approve following legal agreement and the conditions listed below

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

Recommendation II

The applicant and any other person having a requisite interest in the site be invited to enter into a Section 106 agreement to secure the following:

1. 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. Highways (traffic order) £2,000.00
"A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development."
4. Monitoring fee £100.00

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

P/900 (Location Plan), P/901/A (Proposed and Existing Overlaid Site Block Plan), P/902 (Existing Elevations), P/903 (Proposed Plans), P/904 (Proposed Elevations), P/905 (Proposed Elevations), P/906 (Proposed Ground Floor Plan), P/907 (Proposed First Floor Plan), P/908 (Proposed Loft & Roof Plan), P/909/A (Proposed Section Across C/I Front Gable Bay), P/910/A (Proposed Section Across C/I Set Back @ Welbeck Road), P/911/A (Proposed section Across C/I Side Gable Bay @ Welbeck Road), P/912/A (Proposed Elevations), P/913/A (Proposed Axo View at Corner Junction), P/914/A (Proposed Flank Wall Details), P/915 (Comparative Flank Wall Details), 006 Rev A01 (Proposed layout large car tracking manoeuvres), CIV17314/TR001/A01 (Highways Statement prepared by Waterman Infrastructure & Environment Limited dated 17 March 2016), Planning, Design & Access Statement prepared by Magenta Planning dated March 2017 .

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the

safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

6 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.

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

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;

- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. 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.

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

- 8 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

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

- 9 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.

- 10 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the elevation facing No 238 East Barnet Road.

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).

- 11 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.

- 12 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.

- 13 a) Before the development hereby permitted is first occupied, details of balcony screening 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).

- 14 a) No development 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 from the proposed retail units at ground floor level. as measured within habitable rooms of the development shall be no higher than 35dB(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.

- 15 Before the building hereby permitted is first occupied the proposed window(s) in the east elevation facing 49 Church 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 2013).

- 16 The premises shall be used for A1 (retail) and for no other purpose (including any other purpose in Class A 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.

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 12 December 2017, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason:

The proposed development does not include a formal undertaking to meet the requirements set out in Recommendation 1. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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. Your planning application has been assessed at this time as liable for a £__ payment under Mayoral CIL.

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

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

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 Church Road is Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction traffic
- 4 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

Officer's Assessment

Officer's Assessment

1. Site Description

The application site is located on the corner of Church Road with Ravenshurst Avenue in the Hendon ward. The property forms part of a parade of units comprising commercial at ground floor and residential above. Ravenshurst Avenue is characterised by mainly terraced housing but, towards its junction with the shopping area, it is influenced by the varied extensions that have taken place to the rear of the properties fronting Church Road including the introduction of dormer extensions within the roof slope of the three storey terraced block of properties located on the opposite corner (49- 57 Church Road) to the application site.

2. Site History

Reference: H/01439/14

Address: 45-47 Church Road, London, NW4 4EB

Decision: Refuse

Decision Date: 28.05.2014

Description: Erection of part 3 storey, part 4 storey building to facilitate 8no. self-contained units with A1 Retail unit at ground floor including, loading bay, bin storage and bicycle areas, following demolition of existing buildings.

Appeal : Dismissed

Appeal Decision Date: 28.01.2015

Reason(s)

1. The proposal by virtue of its scale, design and siting on a prominent corner location within the street would result in an excessively bulky form of development that would fail to reflect the character and appearance of the surrounding area.
2. The proposed building by reason of its forward and rearward projection, height and proximity to the neighbouring building would result in a significant loss of amenity to the neighbouring residential occupiers at 43 Church Road by way of a loss of outlook and sense of enclosure.
3. The proposed development is recommended for refusal by reason of insufficient parking and detrimental impact on road safety. The applicant has failed to adequately justify the contention that no parking is appropriate for this location, including no parking for the disabled users and its design is safe.

Reference: 15/02515/FUL

Address: 45-47 Church Road, London, NW4 4EB

Decision: Refuse

Decision Date: 17.06.2015

Description: Erection of part 3 storey, part 4 storey building to facilitate 8no. self-contained units with A1 Retail units at ground floor including, loading bay, bin storage and bicycle areas, following demolition of existing buildings. Car free development.

Reason(s)

1. The proposed building by reason of its forward projection, height and proximity to the neighbouring building would result in an overbearing and obtrusive form of development that would lead to a significant loss of amenity to the neighbouring residential occupiers at 43 Church Road by way of a loss of outlook and sense of enclosure.

2. The proposal by reason of its scale, height and siting on a prominent corner location within the street would result in an excessively bulky form of development that would fail to reflect the character and appearance of the surrounding area.

Reference: 17/2382/FUL

Address: Ash Stores DIY 45 Church Road London NW4 4EB

Decision: Withdrawn

Decision Date: 21.06.2017

Description: Demolition of 2no existing buildings. Erection of a part single, part three-storey building including (A1 class) 1no retail unit at ground floor level and 8no self-contained flats at ground, second and third floor levels with provision for cycle and refuse and recycling storage.

3. Proposal

The application relates to the demolition of 2no existing buildings and erection of a 3 storey building to facilitate 6no. self-contained units with A1 Retail units at ground floor including, loading bay, refuse and recycle store and cycle store.

The proposal includes reprovision of 2 A1 retail units measuring approx. 63 sqm and 135sqm respectively.

4. Public Consultation

Consultation letters were sent to 145 neighbouring properties. 5 responses have been received, comprising 5 letters of objection, 0 letters of support and 0 letters of comment.

The objections received can be summarised as follows:

- overdevelopment of the area
- out of character with the area
- the demolition of the buildings will affect the structural integrity of the adjoining buildings, - impact on business and occupiers of flats above neighbouring shop
- lack of parking and refuse provision.

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.

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.
- Relevant Development Management Policies: DM01, DM02.

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 April 2013)

- 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 and future occupiers.

5.3 Assessment of proposals

Planning permission has previously been refused at the site for the erection of part 3 storey, part 4 storey building to facilitate 8no. self-contained units with A1 Retail unit at ground floor including, loading bay, bin storage and bicycle areas, following demolition of existing buildings.

This was subsequently dismissed at appeal for both character and appearance grounds and due to the impact on the neighbouring property no.43 Church Road. A revised application scheme was refused and the current proposal has been revised to take account the reasons for refusals.

Whether the principle of the development is acceptable.

The site is located within a designated town centre. The existing retail units have become vacant and have remained so for several years. The proposed development would facilitate the restoration of retail floorspace in two separate modern units. The application would result in a reduction of approximately 62sq.m from the current units floorspace. The loss of retail would not generally be supported, however, the creation of two new retail units would make a positive contribution to the vitality and viability of the centre and would deliver a tangible benefit in planning policy terms. The provision of residential floorspace above the retail would create a sustainable use in the town centre and as a result, the proposed development is considered to be acceptable.

Whether the provision of flats would harm the character of the locality and neighbouring amenity

The principle of providing additional residential accommodation in this location is not considered in itself to be unacceptable. The National Planning Policy Framework, indicates that the character of an area is made up of much more than its physical appearance, but includes how it functions and contributes to local identity and sense of place. Taking account of such considerations, the proposal to provide additional accommodation would not be contrary to this objective. The property is sited in an area with a mixed character comprising of both commercial and residential units. The property itself already has residential flats above the commercial units at ground floor level.

The proposed development would retain two A1 units on the ground floor.

Whether the proposal will harm the established character of the area

CS policy CS5 and Development Management Policies 2012 (DMP) policy DM01 aim to protect Barnet's character and amenity with developments expected to create places and buildings of high quality design. Development is required to respect its context, demonstrate high levels of environmental awareness and be based on an understanding of local characteristics and appearance. These policies are in line with paragraph 56 of the National Planning Policy Framework 2012 (the Framework) that attaches great importance to the design of the built environment with good design expected to contribute positively to making places better for people.

In regards to the character and appearance of the proposal in relation to the surrounding context the inspector noted:

In this case the development would be sited up to the back edge of the pavement along both its road frontages where, together with its height, scale and mass would result in a large and bulky building that would be unduly intrusive and excessive within this clearly defined corner location. Also, because of the siting and size of the three/four storey building, it would appear significantly more prominent and dominating in both street scenes than Golderton and

Thornbury (houses opposite); the terrace of properties at 49-57 Church Road and the other taller buildings to which I have been referred.

The proposal has revised following the appeal decision and the refused appeal. The current proposal would be three storey with a pitched roof, although it would be slightly higher than no. 45 Church Road, it would be same height as No 49. The proposed pitch roof with the reduction in height and the scaling back of the upper floors makes the proposed development more acceptable as it has addressed the concerns raised in the previous schemes. The reduced bulk of the development would ensure it would not be out of character and not overly dominant when viewed from the streetscene.

Whether the proposal will harm the amenities of neighbouring residential occupiers.

In regards to the impact on the neighbouring amenities the inspector noted:

In order to align all of the storeys with the back edge of the Church Road pavement, the upper floors of the proposed building would project about 5.5 m past the two first floor windows in the front elevation of the residential unit at 43 Church Road. As a result, the nearest window serving this flat would have views across to a large expanse of brick wall. I appreciate that buildings hereabouts are set forward and back from one another but, in this instance, the combined proximity, height and depth of this flank elevation would create a dominating and oppressive outlook for occupiers of No 43.

The proposed development has been amended, and the proposal has been scaled back from 4 storeys to three storeys and it would not be for the full depth of the site as previously proposed. The proposal would project forward of the front building line of no. 43 by approx. 3.5m but would be set off the shared boundary by approx. 0.5m. The proposed projection is not considered to be detrimental to the occupiers of No. 43 as the adjoining window at No 43 serves a non-habitable room. In addition, it is not considered therefore that the proposed development would result in harm to occupiers of No.43 when viewed from the front facing windows of 43 Church Road which is 3m away from the shared boundary as would the previous schemes which had proposed a forward projection of 5.5m.

The rear of the building has been amended and would not extend for the full depth of the site. It would project approx. 2.8m at the upper levels from the existing rear building line of No 43. It is not considered that the proposed rearward projection would impact upon the amenities of the occupiers of No 43.

The applicant submitted a sunlight and Daylight assessment which shows that the proposed development would not result in loss of to No 43 when assessed against BRE standards.

No 49 is separated from the proposed development by Ravenshurt Avenue, due to the distance between the two properties, it is not considered therefore that the proposed development would have a detrimental impact upon this neighbouring property.

Whether the proposal will provide sufficient amenity for future residential occupiers

The proposal is for a mix of one bedroom and studio units. The London Plan indicates that the minimum floor standards are 37m² for a studio 1 person unit and 50m² for a 1 bed 2 person unit. The proposed flats will accord with the London Plan space standard in respect of internal floor standards.

The proposed development comprising of 4 x 1 bed 2person flats and 2 x 1 bed studio flat would require 50 sqm of amenity space. A small amount of external amenity space will be provided by way of external terraces to the property and in addition a communal roof terrace measuring approx. 70sqm would be provided on the flat roof of the ground floor. Given the generous provision and its town centre location and the current situation with none of the residential flats along this part of the parade benefitting from on-site amenity space it is considered that there would be sufficient amenity space for future occupiers.

Whether the proposal will result in harm to traffic and parking to the surrounding area

The Highways Authority comments states that "there are existing 2 x 1-bedroom dwellings and a 4bedroom unit provided on site with no off street parking provision. Previously a planning application on 45-47 Church Road was referred to the Planning Inspector. The appeal reference was APP/N5090/A/14/2227082. The planning inspector identified one of the key issues as Highway safety as a result of the absence of any onsite parking.

Also, taking into consideration the following factors:

- o The site is located within a town centre location close to local amenities;
- o The site has access to good public transport with bus stops within the walking distance of the site.

The Public Transport Accessibility Level (PTAL) for the site is 2 which is considered as a poor rating. Therefore to ensure that there is not detrimental impact on the public highway therefore a S106 Agreement would need to be secured to exempt the occupants of the new development from purchasing parking permits.

To implement the necessary change to the Traffic Management Order a contribution of £2,000 will be required".

Highways recommendation is for approval subject to S106 Agreement to secure £2,000 contribution to exempt the purchase of parking permits by the new occupants of the development and the subject to conditions and informatives.

The agent has shown a willingness to enter into a Unilateral Undertaking legal agreement to amend the traffic order to prevent future occupiers from buying residential car parking permits to prevent overspill and over demand for residential parking in the surrounding streets. This is welcomed by the Local Planning Authority.

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, 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 with a heat recovery system; therefore the development will be required to achieve more than 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

The applicant has confirmed that all units will have 100% of their water supplied through a water meter and units will incorporate 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. A condition is attached 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

All planning related matters are considered to be covered in the above appraisal.

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.

