

**Location**                    **97 - 101 Brent Street London NW4 2DY**

**Reference:**                **17/7303/FUL**                    Received: 17th November 2017  
Accepted: 17th November 2017

Ward:                        Hendon                                Expiry 16th February 2018

Applicant:                Brookacre Estates Limited

Proposal:                    Demolition of existing building. Erection of a four-storey building with retail unit at ground floor level. 10no residential units on upper floors. Undercroft parking, cycle storage, refuse and recycling storage

**Recommendation:** Refuse

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

- 1     The proposed development by reason of its size, siting, height, design would result in an incongruous form of development that would be unduly bulky, visually obtrusive and would appear at odds with the established streetscene and would result in the overdevelopment of the site which would be inappropriate and out of context with the prevailing character of the area, contrary to policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (Adopted October 2016)
- 2     Insufficient residential car parking is provided onsite which would be likely to lead to increased kerbside parking to the detriment of free flow of traffic and highway and pedestrian safety contrary to policies DM01 and DM17 of the Barnet Development Management Policies Document (Adopted September 2012).

**Informative(s):**

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. The LPA has discussed the proposal with the applicant/agent where necessary during the application process. Unfortunately the scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

- 2 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments.

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 were set at a rate of £0 per sq m.

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

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is 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.

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

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; 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 any appeal being allowed, please contact us: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

## Relief or Exemption from CIL

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

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

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

Please visit [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil) for further details on exemption and relief.

3 The following plans were included with this submission:

- Existing Elevation - Brent Street (110)
- Existing Elevation - Foster Street (111)
- Existing Elevation - Short Street (112)
- Existing Section AA (113)
- Existing Ground Floor Plan (100)
- Existing First Floor Plan (101)
- Existing Ground Floor Plan (102)
- Location Plan (001)
- Existing Site Plan (002)
- Proposed Site Plan (003 Rev. A)
- Proposed Roof Plan (204 Rev. A)
- Proposed Elevation - Brent Street (210 Rev. A)
- Proposed Elevation - Foster Street (211 Rev. A)
- Proposed Elevation - Short Street (212 Rev. B)
- Proposed Section AA (213 Rev. A)
- Proposed Section BB (214 Rev. A)

- Proposed Ground Floor Plan (700 Rev. B)
- Proposed First Floor Plan (701 Rev. A)
- Proposed Second Floor Plan (702 Rev. A)
- Proposed Third Floor Plan (703 Rev. A)
- Transport Statement (Brookacre Estates Ltd - October 2017)
- Flood Risk Assessment (gta Civils March 2017)
- Sustainability Statement (PMC - November 2017)
- Arboricultural Report (David Clarke Chartered Landscape Architect and Consultant Arboriculturist Limited - November 2017)

The above were received on 17.11.2017 expect for 700, 701, 702 and 703 which were received on 17.01.2018

## **Officer's Assessment**

### **1. Site Description**

The application site relates to three two-storey units located at the end of a row of terraced properties at the junction with Foster Street. The units fall within the primary shopping frontage of Brent Street with each of them being used as commercial premises at ground floor and residential on the first floor. On the opposite side of Foster Street is a two storey terrace of properties with a matching façade and hipped roof form to the application site. Opposite the site is the Sentinel Shopping Centre. The adjoining property at nos. 93-95 Brent Street is a three storey property with Retail at grade and residential above. Aside from the Sentinel Shopping Centre, and the multi-storey flats to the rear of the site, the majority of buildings surrounding the application site are mixed-use, with retail at grade and residential above. The site backs onto Short Street, an access road to support the properties along Brent Street.

The application site is not located within a conservation area, is not listed and does not have TPOs located within its curtilage. However, the site is located within the designated 'primary shopping frontage' of Brent Street Town Centre.

### **2. Site History**

Reference: 17/1372/FUL

Decision: Refused

Decision Date: 27 July 2017

Description: Demolition of existing building. Erection of part four-storey, part five-storey building with retail unit at ground floor level. 10 residential units on upper floors. Undercroft parking, cycle storage, refuse and recycling storage.

Reasons for Refusal:

1. The proposed development by reason of its size, siting, height, design would result in an incongruous form of development that would be unduly bulky, visually obtrusive and would appear at odds with the established streetscene and would result in the overdevelopment of the site which would be inappropriate and out of context with the prevailing character of the area, contrary to policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (Adopted October 2016).
2. Insufficient residential car parking is provided onsite which would be likely to lead to increased kerbside parking to the detriment of free flow of traffic and highway and pedestrian safety contrary to policies DM01 and DM17 of the Barnet Development Management Policies Document (Adopted September 2012).

Reference: W14459B/07

Decision: Approved subject to conditions

Decision Date: 28 November 2007

Description: Demolition of existing building and erection of a four storey building (ground and three upper floors). The ground floor to comprise a retail unit. First, second and third floors as eight self-contained flats.

Reference: W14459A/06

Decision: Approved subject to conditions

Decision Date: 8 December 2006

Description: Demolition of existing buildings and erection of a four-storey building (ground and three upper floors - top floor within the roof space) together with a basement car park.

The ground floor to comprise a retail unit, the first and second floors as offices, and the third floor as three self-contained flats.

Reference: W14459/06

Decision: Withdrawn

Decision Date: 27 July 2006

Description: Demolition of existing buildings and erection of a four-storey building (ground and three upper floors - top floor within the roof space) together with a basement car park. The ground floor to comprise a retail unit, the first and second floors as offices, and the third floor as three self-contained flats.

### **3. Proposal**

- Demolition of existing two-storey buildings;
- Erection of a four-storey building with a single retail unit at ground floor level and 10.no residential units on upper floors. The 10.no residential units would comprise of 4x 1-bed, 3x 2-bed and 3x 3-bed;
- Associated undercroft parking, cycle storage, refuse and recycling storage.

### **4. Public Consultation**

This application has been called in at the request of Cllr Mark Shooter due to the location of the site and the wider regeneration efforts within Brent Street Town Centre. This is the same application, albeit with the removal of the fifth story residential unit and adjustment to the height of the retail frontage that was refused by the Hendon Area Planning Committee on 27/07/2017. The previous application was also called into committee by Cllr Mark Shooter but was subsequently refused on Design and Highways grounds. The Local Planning Authority share Cllr Shooter's desire to explore opportunities for regeneration along Brent Street, but consider opportunities for regeneration should not be at any cost. Any proposal should be designed to enhance the visual character and appearance of its setting and through its associated infrastructure such as parking provision, ensure an acceptable impact on neighbouring occupiers and street infrastructure. This is fundamentally the same proposal as that previously refused by the Hendon Area Planning Committee and consequently the reasons for refusal on design and highways grounds still remain. Indeed, the proposed development is still deemed to result in a poor and discordant design and given there is no additional on-site parking provision, is still considered to have an unacceptable impact on the adjacent road network. The wider regeneration benefits of the proposed scheme were considered at the Hendon Area Planning Committee, but were not deemed to outweigh the proposal's poor design and harmful impact on the adjacent road network. Officers would welcome the redevelopment of this application site and understand the wider benefits to the regeneration of Brent Street that improved retail at grade and new residential accommodation above could provide. Indeed, should the applicant propose a building design which is appropriate and on-site parking provision which ensures that the impact on the adjacent road network is acceptable, then there would be broad support for the application site's redevelopment. However, as aforementioned, regeneration should not come at any cost and development, particularly at prominent locations such as the application site, should aim to raise the standards of design not simply provide a functional use. It is considered that a more appropriate design is possible at the application site, one which can secure all of the potential benefits of regeneration. Consequently, given the previous reasons for refusal have not been addressed and considering the desire to see regeneration along Brent Street, a revised design and internal layout is encouraged to better respond to the opportunities and constraints of the application site.

Consultation letters were sent to 462 neighbouring properties. 2 responses have been received, comprising 2 letters of objection.

The objections received can be summarised as follows:

- Apart from the removal of the 4th floor, the proposal would appear to be identical to that of their previous application 17/1372/Ful which was refused back in March 2017.
- Drawings of the 1st, 2nd and 3rd floors do not show the true extent of the rear of the adjoining property 93-95 Brent Street, which they did show within their previous application.
- The bulk of the rear extension, especially at 1st, 2nd and 3rd floor levels, will significantly reduce the amount of daylight and sunlight that presently enters through the windows into the bedrooms of the existing apartments within 93-95 Brent Street.
- The outlook from some of the bedrooms within 93-95 Brent Street, at 1st, 2nd and 3rd floor levels, will just be the blank wall of the proposed rear extension of 97-101 Brent Street.
- The proposed terraces shown at 1st, 2nd and 3rd floor levels would provide a platform from which the occupants could look through the bedroom windows of 93-95 Brent Street.
- As the ground floor plan is identical to that of their previous application, we support the Council's previous objection with regards to there being insufficient residential car parking on site. This will inevitably lead to an increase in kerbside parking especially to the rear of our property as well as other properties within the area.
- The application still does not address the parking issues.
- The transport report is optimistic. There will still be pressure on parking due to other recent residential developments on Brent Street (nos. 91, 93 and 95), as well as commercial business premises that use surrounding streets for parking for business owners and customers.
- There are already acute parking problems that can be witnessed during any weekday.
- There will be a loss of parking on Foster Street due to entrance-exit for the building as well as access for refuse collection. This will lead to the loss of two parking bays on Foster Street adding to parking pressure.
- The narrow footpath would be a pressure point for fire brigade access and resident evacuation especially if parking is not restricted in the vicinity of the entrance.
- The building itself is imposing and will bring a high front elevation which detracts from the sister properties 103 to 109 Brent Street which have just a ground and first-floor elevation with slate roofs.

## **5. Planning Considerations**

### **5.1 Policy Context**

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 2016

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

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

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

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS6, CS14.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM11, DM17.

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

#### Supplementary Planning Documents

##### Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of redevelopment and land use;
- Whether harm would be caused to the character and appearance of the existing property, the street scene and the wider locality;
- Whether harm would be caused to the amenity of neighbouring residents.
- Whether the proposal will provide sufficient amenity for future occupiers.
- Whether harm would be caused to parking and traffic in the surrounding area.

## **5.3 Assessment of proposals**

### **Principle of redevelopment / land use**

A review of the site's planning history shows that 2.no permissions were granted in December 2006 and July 2007 under applications W14459A/06 and W14459B/07:

W14459A/06 was approved for the demolition of existing buildings and erection of a four-storey building (ground and three upper floors - top floor within the roof space) together with



a basement car park. The ground floor was to comprise of a retail unit, the first and second floors offices, and the third floor as 3.no self-contained flats.

W14459B/07 was approved for the demolition of existing building and erection of a four storey building (ground and three upper floors). The ground floor was to comprise of a retail unit, with 8.no self-contained flats located over the first, second and third floors.

The key differences between these earlier schemes and the current proposal are as follows:

- Increase in the number of residential units from 8.no in 2007 to the proposed 10.no units.
- The 2006 and 2007 applications did not see the building occupy the full depth of the site. The current proposal occupies the full depth of the site along Foster Street. The earlier applications provided a space between the building and Short Street to facilitate parking.
- The 2007 application provided 6.no off-street parking spaces for 8.no residential units. The proposed development provides 3.no parking spaces for 10.no residential units.

The most recent application on site was submitted in 2017. Planning application reference: 17/1372/FUL was submitted for the demolition of the existing building, the erection of a part four-storey, part five-storey building with retail unit at ground floor level and 10.no residential units on upper floors. The application also included 3.no on-site parking spaces and cycle and refuse and recycling storage. This application was refused on design and highways grounds. The application was not refused on the principle of redevelopment, or the mixed-use of retail at ground floor level and residential above. As the proposed application is exactly the same as the previous development, albeit the proposed has removed the discordant fifth-storey residential unit and increased the height of the retail frontage, it is considered that the principle of a retail / residential mix at the application site would be acceptable.

Given the application site's location within the designated primary shopping frontage within Brent Street Town Centre, it is deemed that a retail use at grade is acceptable and the amalgamation of the 3.no existing retail units to provide one larger retail unit would not require a sequential test.

It is worth noting that the principle of 10.no residential units at the application site is an increase to the 8.no previously approved in 2007 (ref: W14459B/07) and would only be acceptable subject to design, amenity and highways considerations.

In summary, a mixed use development is considered acceptable at the application site subject to design, amenity and highways considerations. A retail / residential mix is considered to be an appropriate town centre use and would comply with Policy DM11.

### **Character and appearance**

Policy DM01 of Barnet's Development Management Policies (2012) states development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. As aforementioned, aside from the removal of a fifth storey residential unit and an increase in the height of the retail frontage, this application is exactly the same as the previous application (ref: 17/1372/FUL) which was refused on design and highways grounds. The wording of the design related reason for refusal states:

The proposed development by reason of its size, siting, height, design would result in an incongruous form of development that would be unduly bulky, visually obtrusive and would appear at odds with the established streetscene and would result in the overdevelopment of the site which would be inappropriate and out of context with the prevailing character of the area.

As the proposed design from ground floor to fourth storey level is exactly the same (aside from an increase to the retail frontage) as the previously refused application, employing the same discordant facing materials, fenestration arrangement, roof form and visual bulk, it is not deemed to sufficiently address or overcome the previous reason for refusal. The proposed design is still an incongruous form of development, unduly bulky, visually obtrusive and at odds with the established streetscene. The design fails to understand and respond to the significant concerns raised previously by both Officers and the Planning Committee, concerns which ultimately led to the wording of the design related reason for refusal. The fifth storey was not the only design related concern and therefore its removal does not address or overcome the aforementioned reason for refusal. The Officer's report references the excessive depth of the building, the incongruous nature of the design within the streetscene, the poor fenestration arrangement and how the proposed design appears 'jarring and would not replicate any design features of the established parade'. Therefore, simply removing the fifth storey as an attempt to overcome the previous concerns raised does not go anywhere near far enough in addressing the multi-faceted nature of the design-related reasons for refusal.

The proposal will sit hard against the boundary line with Foster Street and will extend up four floors. The proposal by virtue of its building line and the overall height would appear overbearing when viewed from Foster Street. It should be noted that the earlier approvals in 2006 and 2007 did not extend the full depth of the site as is now proposed and provided a set in at third floor level from the elevation on Foster Street thereby reducing the perceived bulk of the building. The proposed does little to break-up the scale of the visual bulk when viewed along Foster Street, with the building instead proposing a confused mix of part zinc cladding, part facing brick, part protruding balconies, part recessed balconies. The flat roof form further exacerbates the bulky and overbearing architectural form of the building. This is a design which appears more focused on maximising internal space than demonstrating a level visual sensitivity to, or alignment with adjacent architectural forms and features. Indeed, the proposed design make little effort to appropriately assimilate within the streetscene, with fenestration arrangements discordant with the adjoining property at nos. 93-95, the zinc cladding to the roof a facing material completely alien within Brent Street and the gable end roof form contradictory to the hipped roof of the two-storey building on the other side of Foster Street (nos. 103-111). The design is confused, convoluted and of a significantly poor quality which would detract from the visual appearance of Brent Street. For clarity, below are the reasons why the proposed design is considered to be unacceptable:

- Scale and bulk of the full width, full depth design would appear overbearing and unduly bulky, particularly when viewed in relation to Foster Street;
- The roof form fails to respect the hipped roof form of nos. 103-111 and the visual balance this provides as part of an end terrace property;
- The fenestration design, arrangement and associated floor to ceiling heights fail to appropriately respond to nos. 93-95 resulting in a confused, discordant and poor visual appearance within the streetscene of Brent Street;
- The zinc cladding as a facing material would appear alien within the streetscene of Brent Street and exacerbate the visual incongruousness of the proposed design in relation to adjacent properties;

- The design of the flank elevation is a mis-match of design detailing, facing materials and scales. The fenestration arrangement is inconsistent and the balcony placement and design adds to the visual bulk and discordance of the building.
- The scale, bulk, design detailing, siting and facing materials proposed have little relevance within the streetscene and would appear completely at odds with the predominant architectural form along Brent Street.
- The design would appear bulky and overbearing from the rear.

In summary, the proposed design is considered to be of a significantly poor quality, which fails to adequately address the previous reasons for refusal as recommended by the Hendon Area Planning Committee in 2017. The removal of a fifth storey residential unit does not address the multi-faceted design-based reasons for refusal. As aforementioned, Officers would support regeneration opportunities along Brent Street but subject to an appropriate design. The proposed design fails on a very basic level to address the streetscape and architectural forms of adjoining / adjacent buildings along Brent Street, or provide a design that would enhance the visual appearance of Brent Street. The proposed development if approved would represent a missed opportunity to improve the visual appearance of the application site and wider streetscene, and would establish a very low set of design principles to inform future development. Regeneration along Brent Street will be supported where possible, but regeneration should not come at the cost of poor design. The resubmission has made little effort to understand or address previous reasons for refusal and is consequently recommended for refusal in the strongest terms.

### **Impact on the amenities of neighbours**

As the previous design which is fundamentally the same as the proposed in terms of depth, width and window placement was considered acceptable on amenity grounds, it would be deemed unreasonable to raise objection to the proposed on amenity grounds. Indeed, the proposed development has a reduced height given the removal of the fifth storey and therefore has not increased the dimensions of the building over and above what was previously deemed acceptable on amenity grounds.

Notwithstanding the above, it is not considered that the proposed development would result in significant harm to the residential amenity of neighbouring occupiers by way of a loss of outlook, daylight / sunlight and privacy, or create an unacceptable level of overbearing or enclosure. Barnet's SPD Residential Design Guidance indicates that a distance of 10.5m should be maintained between habitable room windows and neighbouring gardens and 21m between facing habitable room windows. The proposal complies with this guidance. There are no side windows serving habitable windows that face onto, or enable opportunities for overlooking into nos.95 Brent Street.

The proposed development will follow the stepped footprint of the neighbouring unit and as such the proposal will be set further off the boundary as it projects deeper into the site. By virtue of the depth of the development and distances maintained to the nearest residential units at no.95 Brent Street, it is not considered that the proposal will result in a significantly harmful sense of overbearing.

It is expected that the development would result in an increase in the level of site activity. However, given the site's town centre location, it is considered that the proposed increase would be acceptable subject to highways considerations. Mitigation measures could be conditioned to ensure any associated noise is appropriately managed.

In summary, it is not considered that the proposed development would result in significant harm to the residential amenity of neighbouring occupiers. As aforementioned, the previous development which had the same width, depth and window placement as the proposed and was larger in scale was not refused on amenity grounds. Based on the above no objection is raised on amenity grounds.

### **Amenity of future occupiers**

The proposed works would result in the creation of 310sqm of retail space and 10 self-contained flats. 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 London Plan (2016) and section 2.1 of the Sustainable Design and Construction SPD (2016) set out the minimum gross internal area (gia) space requirements for residential units. Following a review of the internal floor plans, all units are deemed to meet the minimum internal space standards. Furthermore, Table 2.2: Internal layout and design requirements of Barnet's Sustainable Design and Construction SPD (Oct 2016) states that bedrooms should meet the following requirements. All proposed single and double bedrooms meet these standards.

- Single bedroom: minimum area should be 7.5 m<sup>2</sup> and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m<sup>2</sup> and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

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. Each of the proposed dwellings meets this standard.

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".

Following a review of the internal floor plans it is clear that some of the units are single aspect north facing. However, the same units and internal floorplan were deemed acceptable as part of the previous submission and therefore no objection is made. It is deemed that each unit will benefit from sufficient daylight, although the lack of direct sunlight into some units is regrettable and is a symptom of site constraints and potential overdevelopment.

Amenity space is limited to terraces at the upper floor levels. Notwithstanding that the terraces are deemed to be unacceptable in character terms, they are considered to provide adequate external amenity provision. In addition, given the town centre location of the flats and the fact adjacent flatted developments do not benefit from private outdoor amenity

space, it is not considered that this would warrant a reason for refusal that could be upheld at appeal.

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 would have been attached to ensure compliance with these Policies had the application been recommended for approval.

In respect of sustainability considerations around carbon reduction, water consumption, sound insulation etc., these would have been conditioned had the application been recommended for approval.

In summary, it is considered that on balance an adequate level of amenity has been provided for future occupiers. While there is some concern regarding the number of single aspect north facing units, as this was not given as a reason for refusal on the previous proposal, it would be unreasonable to raise objection given the internal layouts and window placement have not fundamentally changed.

## **Highways**

The proposed development provides the 3.no on-site parking spaces to serve 10.no residential flats. This is the same on-site parking provision as the previously refused application (ref: 17/1372/FUL) which was refused on highways grounds. The applicant has provided a revised transport assessment which shows that there is capacity on adjacent roads to accommodate the increased highways related demands on the site. It should be noted that the transport assessment submitted as part of the previously refused application also claimed that there was capacity on adjacent roads to accommodate the proposed ground floor retail use and 10.no self-contained flats. The Local Authority's Highways Department has reviewed the documentation submitted and still considers the development to be unacceptable on highways grounds. It is considered that the detail provided does not address or overcome the previous reason for refusal. Nevertheless, below is a highways assessment based on the revised information submitted:

- 3.no on-site parking spaces (incl. 1.no blue badge space) accessed via Short Street;
- No parking spaces are provided for the retail use;
- No Electrical Vehicle Charging Points are provided in accordance with The London Plan (2016) Parking Standards.

It should be noted that the site is located outside the existing Control Parking Zone (CPZ) and on the edge of the CPZ. Payment parking is in operation in the vicinity of the proposed development site on Brent Street, from Monday to Saturday 9am to 5.30pm

### **Residential Parking:**

The assessment of parking provision for a residential development is based on Public Transport Accessibility Levels (PTAL) Score. For higher PTAL of say 5/6 a parking requirement at the lower end of the council's parking policy range would be considered acceptable. However, for a PTAL Score at the lower end (say of 1 or 2) parking provision at the higher end of the council's parking policy range would be required. The PTAL Score for the site is calculated as 2 which is a poor accessibility. Barnet's Local Plan Development Management Policies approved in September 2012 sets out Parking Standards as follows for the residential use:

For 2 and 3 bedroom units - 1.5 to 1.0 parking spaces per unit  
For 1 bedroom units - 1.0 to less than 1 parking space per unit

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

4x1b = a range of (0.0 - 1.0) = 0.00 - 4.0 parking spaces required

3x2b = a range of (1.0 - 1.5) = 3.00 - 4.5 parking spaces required

3x3b = a range of (1.0 - 1.5) = 3.00 - 4.5 parking spaces required

This equates to a range of parking provision of 6 to 13 spaces to meet Policy DM17. The maximum parking provision would be more appropriate in an area with the lowest Public Transport Accessibility Level (PTAL) for the site. The site has PTAL rating of 2 which would require a parking provision of 13.00 parking spaces to accord with the Council's Parking Standards. Therefore, the parking provision of 3.00 parking spaces falls short by 10 parking spaces.

#### Census Data Assessment:

The consultants undertook assessment of the 2011 census data for Hendon which suggested that average car ownership for Hendon Ward is 67%. Therefore applying this to the proposed residential development the parking provision would need to be at least 7.00 parking spaces.

#### Parking Beat Survey:

As part of the transport assessment a Parking Beat Survey was undertaken to ascertain the parking pressure on roads in the vicinity of the development. As part of the previously refused application (Ref: 17/1372/FUL) it was recommended that an additional parking survey was required to assess the parking availability during the early evenings when there is likely to be competing demand for parking between residential and commercial uses.

A further survey was undertaken between 18:00 and 21:00 on the 26th (Tuesday) and 27th (Wednesday) September 2017 in accordance with Lambeth Methodology.

The survey results indicated a 79% parking stress.

However, considering that only 2.00 parking spaces (non-blue badge) are proposed and 6.00 of the 10.00 self-contained flats are considered as family units (2/3-bed), there would be a requirement for at least 1.00 parking space to be provided per family sized unit to comply with the DM17. As the site is just outside and on the edge of the existing CPZ, there is likely to be competing demand for the available parking due to the residents within the CPZ opting to avoid purchasing parking permits and seeking to park just outside the CPZ. Any significant overspill parking resulting from the development outside of the CPZ cannot be managed.

#### Retail Use:

The retail parking provision would need to accord with The London Plan (2016) Parking Standards as follows:

310m<sup>2</sup> of A1 Retail use is proposed on the ground floor. For a site with PTAL rating of 2 the following parking is required:

- Food Retail: 1.no parking space would need to be provided for 35m<sup>2</sup> GIA. This equates to 9.no parking spaces.
- Non-Food Retail: 1.no parking space would need to be provided for 20m<sup>2</sup> GIA. This equates to 16.no parking spaces.

#### Cycle Parking:

20.no cycle parking spaces are being proposed for the new development. Cycle parking would have been conditioned had the application been recommended for approval.

#### Refuse Arrangements:

The proposed refuse storage is proposed on the ground floor facing onto Foster Street. Refuse and recycling storage is required to comply with Barnet's Waste and Recycling Strategy (2017). This would have been conditioned had the application been recommended for approval.

#### Conclusion:

In summary, it is deemed that the provision of 3.no parking spaces is unacceptable on highways grounds and would lead to increased kerbside parking to the detriment of free flow of traffic and highway and pedestrian safety. The previous highways based reason for refusal has not be adequately addressed or overcome.

#### Residential parking provision:

Notwithstanding the information submitted, the proposal for the residential use falls significantly short on parking provision, particularly as the majority of units proposed are 2/3 bedroom units and would require parking provision of at least 1.no parking space per unit to comply with DM17. Therefore, the residential parking provision does not accord with the DM17 and is deemed unacceptable on highways grounds.

#### Retail parking provision:

On balance the retail proposal without parking provision is acceptable on highway grounds given the town centre location.

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

The public comments received are acknowledged and where they refer to a material planning consideration have been addressed within the assessment above.

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

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

### **7. Conclusion**

The proposed design is considered to result in significant harm to the character and appearance of the application site, wider streetscene and Brent Street Town Centre. Furthermore, it is considered that the proposed on-site parking provision would fall short of

DM17 requirements and would consequently result in a harmful increase in kerbside parking to the detriment of free flow of traffic and highway and pedestrian safety. Therefore, the application is recommended for refusal.

