

Location **4 Granville Road London N12 0HJ**

Reference: **18/3188/FUL** Received: 24th May 2018
Accepted: 29th May 2018

Ward: Woodhouse Expiry 24th July 2018

Applicant: Mrs T Shahidi

Proposal: Demolition of existing building and erection of a two-storey building with rooms in roof space to provide a community hall at ground floor level and 4no self-contained flats on the upper floors. Provision of 4 car parking spaces and cycle storage

Recommendation: Approve subject to conditions

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

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

Site Location Plan; Drawing no. 4122 /01-1; Drawing no. 4122 /01-2; Drawing no. 4122 /01-3; Drawing no. 4122 /01-4; Drawing no. GR/001A dated 02/07/2018; Drawing no. GR/002 dated 28/05/2018; Drawing no. GR/003 dated 29/05/2018; Drawing no. GR/004A dated 09/07/2018; Drawing no. GR/005A dated 02/07/2018; Drawing no. GR/006B dated 16/08/2018; Drawing no. GR/BlockA dated 10/07/2018; Planning Statement by Henry Planning Consultancy and Development; Sustainability Statement by Henry Planning Consultancy and Development; Daylight and Sunlight Report by SPD Ltd dated July 2018 REF: 1809/TP/SUN.

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) 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).

- 6 a) Prior to first occupation of the hereby approved development, a scheme of hard and soft landscaping to the front forecourt area, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft

landscaping, has be submitted to and agreed in writing by the Local Planning Authority.

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

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

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

- 7 Before the development hereby permitted is first occupied, the rear garden shall be subdivided as indicated on the hereby approved Drawing no. GR/004A dated 09/07/2018 and retained as such thereafter.

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

- 8 Before the building hereby permitted is first occupied the proposed window(s) in the ground floor rear elevation facing the communal garden and first floor side window facing no.2 Granville Road, and rearmost side dormer serving the living room of Flat 4 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).

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

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before

the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

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

- 10 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.

- 11 Before the development hereby permitted is first occupied or the use first commences the parking spaces and access to the public highway as shown on Drawing no. GR/004A dated 09/07/2018 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 Policies 6.1, 6.2 and 6.3 of the London Plan (2016), Policy CS9 of Core Strategy (Adopted September 2012) and Policy DM17 of the Development Management Policies DPD (adopted September 2012).

- 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 a) No development shall take place until the implementation of a programme of archaeological evaluation has been secured in accordance with a written scheme which has been submitted by the applicant and approved by the Local Planning Authority in writing and a report on that evaluation has been submitted to the Local Planning Authority.

b) If heritage assets of archaeological interest are identified by the evaluation under a) above, then before development (other than demolition to present ground level) commences the implementation of a programme of archaeological investigation shall be secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.

c) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under b).

d) The development shall not be first occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under b), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To enable archaeological investigation of the site in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD and Policy 7.8 of the London Plan 2016.

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

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies

DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 15 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).

- 16 The community hall use hereby permitted shall not be open to members of the public before 7.30am or after 9.45pm on weekdays or before 9.00am or after 4.30pm on and Saturdays and Sundays.

The building shall be closed and the premises vacated by 10pm on weekdays and 5pm on Saturdays and Sundays.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy 7.15 of the London Plan 2016, Policy DM04 of the Development Management Policies DPD (adopted September 2012), and the Sustainable Design and Construction SPD (adopted October 2016).

- 17 The ground floor of the premises shall be used for community uses and for no other purpose (including any other combined use 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.

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

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

- 19 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.

- 20 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), with the exception of a lift. 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.

- 21 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development, including a technical report have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed using anti-vibration mounts. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

- 22 a) Within 4 months of commencement of the development, the following information relating to the community facility shall be submitted to and approved in writing by the Local Planning Authority:

- i) Details of marketing, including price, of the community space
- ii) Details of fitting out of the community space to include finishes to walls, ceilings and floors, a kitchen, WCs, storage space, provision of all services
- iii) A timetable to secure implementation of the features listed in ii) above.

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

Reason:

To ensure that the development provides a suitable and viable community facility in accordance with Policy DM13 of the Adopted Barnet Development Management Policies 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. 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 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 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 5 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 6 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

- 7 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.
- 8 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.

Officer's Assessment

1. Site Description

The application site is a single storey building that formerly contained a Brethren Hall (community facility). The site is located on the south-western side of Granville Road within the Woodhouse ward.

The existing building is set well within the curtilage of the site, with a large amount of hardstanding at the front of the site.

The building is not listed nor does it lie within a Conservation Area. There are no protected trees on site. The site falls within a site of Special Archaeological Importance.

The appeal site is situated in a mixed-use area of predominantly residential properties on Granville Road. However, it is also close to commercial premises located on Ballards Lane. The former community hall on the site is currently vacant and based on the previous appeal on the site, has been since 2006.

There are residential buildings located to the east and west of the site. At the rear, the site abuts residential garages.

2. Site History

Reference: 14/07842/FUL

Address: 2 & 4 Granville Road, London, N12 0HJ

Decision: Refused (Appeal dismissed)

Decision Date: 12 October 2015

Description: Demolition of existing building and construction of two storey dwelling to provide 7 no. self-contained flats, first floor extension to 2 Granville Road

Reasons for refusal:

Reason 1- The development would result in loss of a community facility and the application is accompanied by insufficient evidence to demonstrate that the site has been appropriately marketed and that there is no demand for a community facility in this location, contrary to policy DM13 of the Adopted Barnet Development Management Policies DPD (2012).

Reason 2- The proposals would provide no amenity space for the first floor units thereby compromising the amenities of the future occupiers of these units contrary to policies DM01 and DM02 of the Adopted Barnet Development Management Policies DPD (2012) and Supplementary Planning Document on Sustainable Design and Construction (2013).

Appeal Reference: APP/N5090/W/16/3146883

Summary of Appeal:

A completed Unilateral Undertaking (UU) has been submitted with the appeal documentation and this overcame the second reason for refusal (insufficient outdoor amenity space provision). However, the application was dismissed due to the loss of community use and lack of justification why it was no longer suitable or viable.

3. Proposal

The applicant seeks planning permission for the demolition of the existing single storey building and erection of a two-storey building with rooms in roof space to provide a community hall at ground floor level and 4no self-contained flats on the upper floors. The proposal also includes the provision of 4 car parking spaces at the front of the site, and cycle storage for both uses located at the rear. A bin store would be located adjacent to the existing side access road.

The proposed building would have a maximum depth of 16m and maximum width of 13.2m. The front building line would staggered to be in line at the boundary with no.2 Granville Road and project closer towards the highway on the other side. At first floor level, the building would project 1.2m beyond the first floor rear recessed elevation of no.2 Granville Road. The outermost rear projection of the proposed building would be 4.7m beyond the boundary with no.2 Granville Road.

The proposed building would have an eaves height of 5.6m and maximum height of 8.7m. The building would feature two front gables and side dormers to both sides.

The proposed units would be comprised as follows:

- Flat 1- 2b4p unit;
- Flat 2- 2b3p unit;
- Flat 3- 1b1p unit;
- Flat 4- 2b3p unit.

Since the original consultation, the depth of the building at first floor has been reduced.

4. Public Consultation

Consultation letters were sent to 218 neighbouring properties.
7 responses have been received, comprising 7 letters of objection.

The objections received can be summarised as follows:

- Insufficient parking for the meeting hall. The application form is incorrect in specifying that there are only 2 parking spaces (there are 12);
- Insufficient parking for proposed residents;
- Additional traffic;
- Level of activity/ usage by community hall;
- Loss of light;
- Loss of privacy;
- Overbearing scale and impact on visual amenity of the road;
- Noise from use/ previous hall limited to two meetings per week;
- Overlooking into garden;
- Concerned about use of private road to the side for access;
- Larger garden should be sought for future occupiers;
- "What about the flock of pigeons staying there for a long time".

A site notice was erected on the 7th June 2018.

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 DPD (2012): Policies CS NPPF, CS1, CS4, CS5, CS7, CS9, CS10, CS15

- Relevant Development Management DPD (2012): Policies DM01, DM02, DM04, DM08, DM13, DM17

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

development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Background

As mentioned above, an application was previously refused on the site under reference 14/07842/FUL for the following development:

"Demolition of existing building and construction of two storey dwelling to provide 7 no. self contained flats, first floor extension to 2 Granville Road"

The application was refused for the following reasons:

Reason 1- The development would result in loss of a community facility and the application is accompanied by insufficient evidence to demonstrate that the site has been appropriately marketed and that there is no demand for a community facility in this location, contrary to policy DM13 of the Adopted Barnet Development Management Policies DPD (2012).

Reason 2- The proposals would provide no amenity space for the first floor units thereby compromising the amenities of the future occupiers of these units contrary to policies DM01 and DM02 of the Adopted Barnet Development Management Policies DPD (2012) and Supplementary Planning Document on Sustainable Design and Construction (2013).

The application was appealed (appeal reference APP/N5090/W/16/3146883) to the Planning Inspector. As part of the appeal, the applicant submitted a completed Unilateral Undertaking (UU) to provide a financial contribution towards local park improvements to offset insufficient amenity space provision. However, the application was dismissed due to the loss of community use and lack of justification why it was no longer suitable or viable.

Paragraphs 6 to 11 of the Appeal decision reads as follows:

"6. A suitable relocation of the community facility, in this case a place of worship, was provided elsewhere in the nearby area when the existing hall was vacated. The appellant

has provided evidence to indicate that the alternative site was provided in 2006 when the occupiers of the existing hall relocated. This is accepted by the Council.

7. However, since that time, the alternative premises have been granted a change of use resulting in the loss of the community facility. The Council argue that as a consequence of this, no replacement facilities for the appeal site presently exist and therefore, the proposal would not comply with Policy DM13. Despite this, I have no substantive evidence before me to indicate one way or the other whether the community use is presently provided for elsewhere. Accordingly, I cannot be confident that suitable alternative community facilities currently exist nearby.

8. With regard to marketing, the evidence before me indicates that the appeal site was marketed from 2009 until it was finally sold in August 2012. Whilst this is some length of time, it would seem that in the early part of this period it was marketed at too high a price. This is a point which is acknowledged by the agent in their letter of 5 June 2015. Once the site was marketed at an appropriate level and for a realistic price it was sold relatively quickly. Accordingly, this would appear to indicate a demand for the premises.

9. The appellant states that commercial sales differ from, and are often more difficult than, residential sales and that a number of factors can have a bearing on marketability and sales. Furthermore, the appellant argues that the comments of a Council officer in 2009 relating to the potential residential use of the site are likely to have influenced the eventual sale of the property.

10. I appreciate that commercial and residential sales markets defer and that this may have had some effect on the sale of the property. However, with regard to the officer comments, the appellant states that these comments made by the officer were matters of 'opinion' and that residential use of the site 'could' be acceptable. Moreover, the comments were made a considerable time ago and circumstances, including policy, have changed significantly. Whilst great emphasis may have been placed on these comments with regard to potential residential use in the revised marketing material, this would have been based on opinion and possibility rather than fact and certainty. There is no substantive evidence before me confirming that residential use would be acceptable. Therefore, I find that the comments would not have unduly influenced the offer made and accepted for the site. Accordingly, I give limited weight to these matters in my decision.

11. Having regard to the above, the proposal would provide the benefit of seven additional dwellings in an established and accessible residential area. However, it would result in the loss of a community use and facility for which no present alternative provision has been identified. Furthermore, a lack of demand for such use has not been demonstrated through an effective marketing strategy for such use. Whilst Policy DM13 requires exceptional circumstances to be demonstrated by either the provision of alternative facilities or a lack of demand, I find that this proposal would not comply with either. The proposal would result in the unacceptable loss of a community facility and the material harm caused as a result would not be outweighed by the benefits of the proposal."

The current application relates solely to the site at no.4 Granville Road and no.2 falls outside the curtilage of the site.

Community Facility

Paragraph 92 of the NPPF stipulates that planning decisions should "plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments". Similarly, Policy 4.8 of the London Plan specifies that decisions should prevent the loss of valued local community assets.

The Council recognise that there is a need for a range of community and religious facilities in Barnet to support the requirements of different ethnic, religious, social and interest groups in the borough. DM13 of the Development Management Policies DPD advocates that new community uses should be located where they are easily accessible to public transport and should have no adverse impact on the free-flow of traffic.

Policy DM13 seeks to protect community facilities and states that:

"Loss of community or educational use will only be acceptable in exceptional circumstances where:

- i. New community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location; or
- ii. There is no demand for continued community or education use, and that the site has been marketed effectively for such use."

The previous application was refused as insufficient information was provided to justify the loss of the community facility. The proposal seeks to retain the community facility and is just a re-provision of existing floorspace which is an unrestricted Class D1 use. No details have been provided with regards to the layout of the community facility as there is not a current service provider. Nonetheless, the proposal would not result in the loss of the facility and in this regard, the scheme has addressed the previous reason for refusal.

Principle of Development and Impact on the character of the area

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

The 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.

The area has a mixed character which includes flats and houses on Granville Road and commercial units on Ballards Lane. The principle of flats is therefore considered to be acceptable.

The proposals would involve the construction of a two-storey building with rooms in the roofspace. The proposals would replicate gable features from neighbouring buildings and maintain an adequate gap within the streetscene to neighbouring buildings. The ridge and eaves heights would sit between the neighbouring buildings (no.10 and no.2 Granville Road). The design and form of the building is similar to the previous proposal on the site; it must be noted that the previous application was not refused on these grounds.

Details of the materials would be secured by an attached condition. In addition, a condition has also been attached requiring a landscaping scheme to the frontage to soften the appearance of the building.

It is considered that the proposals would have an acceptable impact on the character and appearance of the streetscene and general locality.

Impact on the amenities of neighbours

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

The proposed building at no.4 would have a similar depth to the neighbouring building at no.10 Granville Road. Given this and the distance between the buildings it is not considered that the proposals would harm neighbouring amenity in this respect. There is an existing side dormer at no.10 Granville Road which has been confirmed by the owner as serving a staircase. The proposal would include a side dormer to this side which would serve a bedroom and secondary dormer serving a living room; Given the distance, lower siting of the proposed dormers and non-habitable accommodation of the existing dormer to no.10, the arrangement and relationship to this neighbouring building is considered to be acceptable.

Following consultation, the proposal was amended to reduce the depth of the building along the boundary with no.2 Granville Road. The applicant submitted a daylight and sunlight assessment which concluded that the proposed building, as amended, would not result in unacceptable loss of light reaching the nearest neighbouring window (first floor rear window of no. 2 Granville Road). The proposal would also have a similar depth along the common boundary with no.2 Granville Road.

The proposals would look out towards Granville Court to the rear. This building does not have facing windows and has an access terrace on the rear. It is not considered that there would be any harm in terms of the impact on the occupiers of this property.

As noted above, the existing building benefits from a lawful community use; there is no planning history for this building which restricts the hours of use or the nature of use. Although there are no specific details with regards to the proposed community use as there is not an identified service provider at present, the application form specifies that the proposed hours of use are 7am to 11pm on all days. Officers consider that these hours are excessive despite the existing building not having such hours of use restrictions, particularly

given the proximity of neighbouring and future occupiers, and as such would recommend a reduction. Officers have recommended a condition (recommended condition 16) restricting the hours of use, to read as follows:

"The use hereby permitted shall not be open to members of the public before 7.30am or after 9.45pm on weekdays or before 9.00am or after 4.30pm on and Saturdays and Sundays. The building shall be closed and the premises vacated by 10pm on weekdays and 5pm on Saturdays and Sundays."

It is not considered that the proposed use as flats and community facility, subject to recommended conditions, would harm neighbouring amenity through associated noise and disturbance from additional activity.

Amenity of Future Occupiers

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

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

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

- 1 bed unit for 1 occupier at one storey is 39sqm (37sqm with wet room);
- 1 bed unit for 2 occupiers at one storey is 50sqm;
- 2 bed unit for 3 occupiers at one storey is 61sqm;
- 2 bed unit for 4 occupiers at one storey is 70sqm.

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

All new residential units are expected to benefit from good levels of outlook and light to all habitable rooms. The proposal would generally achieve this, although some habitable rooms at roof level would only be served by rooflights. Whilst this is not ideal, the previous application which had a similar layout was not refused on these grounds and it is not considered that the proposal can now be refused on these grounds; nonetheless, these the flats would benefit from be dual aspect and on balance would offer good outlook to occupiers.

With regards to outdoor amenity space, all new residential development is expected to provide suitable and useable outdoor amenity space for future occupiers. The Sustainable Design and Construction SPD stipulates that for flats, 5sqm of outdoor amenity space should be provided per habitable room; where rooms exceed 20sqm in floorspace, they are counted as two habitable rooms. The proposal would provide a modest rear communal garden with an area of 67sqm; based on the number of rooms the provision should be 80sqm therefore

there is a shortfall of 13sqm. The SPD recognises that in some circumstances "the development may make a financial contribution to the nearest appropriate public open space to compensate for the lack of outdoor amenity space" as detailed in the Planning Obligations SPD. This was previously accepted as part of the last application on the site.

The Council's Green Spaces team have noted that based on a shortfall of 13sqm, a contribution of £1,250 which includes planting of a tree, would be made to improvements to the nearest park (Victoria Park). The applicant has agreed to enter into a S106 agreement to secure a contribution towards the cost of improvements at Victoria Park to offset the deficiencies in relation to on-site amenity space provision for the proposed flats.

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

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

Archaeological Impact

The National Planning Policy Framework (Section 16) and the London Plan (2016 Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process.

Paragraph 189 of the NPPF says that applicants should submit desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development. This information should be supplied to inform the planning decision. If planning consent is granted paragraph 199 of the NPPF says that applicants should be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence publicly available.

The planning application site lies in an area of archaeological interest (Archaeological Priority Area) identified for the Local Plan: Finchley.

The archaeological interest is such that it is considered justified to attach a condition, requiring an implementation of a programme of archaeological evaluation to be submitted to the Local Planning Authority prior to commencement. This condition would require a two-stage process of archaeological investigation comprising: first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.

Highways

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

The site lies within a PTAL 4 zone which means that there is good public transport accessibility to and from the site. There is no controlled parking on the road abutting the site.

Policy 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).

In accordance with Policy DM17, this application would need to include off-street parking for 3 to 4 vehicles.

The car parking requirement for residential use is 3 spaces in accordance with Policy DM17 of the London Plan, consideration has been given to the good PTAL. This would leave 1 off-street car parking space for use by community hall a staff and visitors. Highways officers consider that this provision is acceptable and would not result in heightened parking pressures on the local highway network.

In accordance with Policy 6.9 of the London Plan, new development should provide secure, integrated, convenient and accessible cycle parking facilities. Based on table 6.3 of the London Plan, the development would require the provision of a 10 cycle spaces for both uses. Highways officers have requested that 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; this would be conditioned.

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

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 in its majority with the exception of a provision of a lift, and a condition is attached to ensure compliance with these Policies. In accordance with the Housing SPG (2016), "LPAs should seek to ensure that dwellings accessed above or below the entrance storey in buildings of four storeys or less have step-free access. However, in certain specific cases, the provision of a lift where necessary to achieve this aim, may cause practical difficulties, make developments unviable and/or have significant implications for the affordability of service charges for intended residents."

The applicant has demonstrated that the inclusion of a lift in order to comply with this standard will cause practical difficulties, make the development unviable and have significant implications on service charges for the intended residents. The applicant's planning statement specifies:

"The applicant has been advised that to incorporate a lift into the scheme to meet Part M4(2) of the Building Regulations, the cost would be approximately £25k for supply and installation. The servicing contract for a lift would be approximately £2,500 per annum and this would need to be shared by the occupants/owners of the proposed 4 flats. The service charge for a lift would consequently be prohibitively expensive for future residents."

The Mayor's Housing SPG states that "where necessary, for developments of four stories or less, the requirements of Policy 3.8Bc should be applied flexibly to ensure that residential

or mixed use development is deliverable". This would include small-scale infill developments where the depth and width of the plot would restrict the provision of a lift. The Local Planning Authority considers that due to the site constraints and additional costs to future residents, the proposal would be unable to fully meet part M4(2) however this is considered to be acceptable in this case. Therefore, flexibility on the provision of a lift, as set out in the London Plan, has been given in this case.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been 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.

Community Infrastructure Levy

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm (index related) on all 'chargeable development' in Barnet.

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

The proposal has been calculated to be liable for both Barnet CIL and Mayor's CIL for the residential use and for Mayor's CIL only for the community use.

5.4 Response to Public Consultation

It is considered that the planning related objections have been discussed in the report above. With regards to comments relating to pigeons, these are not protected species and therefore it is not considered that the potential impact on these species would warrant refusal of the application.

6. Equality and Diversity Issues

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

7. Conclusion

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

