

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

Reference: **18/4638/FUL**

Received: 25th July 2018

Accepted: 30th July 2018

Ward: Mill Hill

Expiry 24th September 2018

Applicant: Mr B Grant

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

Recommendation: Approve subject to conditions

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

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

08/682/Loc01 (Location Plan)

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

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

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

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

EL-201 A (Existing and Proposed Rear Elevation)

EL-202 (Existing and Proposed Side Elevation)

EL-203 A (Proposed Side Sectional Elevation)

Planning Statement

Sustainability Statement

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

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

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

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

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

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

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

September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

5 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

Part 2

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 Prior to occupation of the development, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

11 The level of noise emitted from any extraction and/or ventilation plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

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

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

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

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

- 14 The ground floor premises shall be used for B1(a) only and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

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

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

- 16 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 17 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

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

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

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to

commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf
2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.
3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

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

- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance

applications, problems accessing key council services and most importantly delays in an emergency situation.

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

4 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;

4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;

5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;

6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

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

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

Officer's Assessment

1. Site Description

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

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

2. Site History

Reference: 16/4095/FUL

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

Decision: Refused

Decision Date: 09.09.2016

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

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

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 02.02.2017

Reference: 14/07281/FUL

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

Decision: Refused

Decision Date: 27.02.2015

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

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

Decision: Appeal Dismissed

Decision Date: 16.11.2015

3. Proposal

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

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

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

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

4. Public Consultation

Consultation letters were sent to 116 neighbouring properties.

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

The objections received can be summarised as follows:

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

The letter of comment received can be summarised as follows:

- No objection to the planning at Daws Lane

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS6, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development and whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Provision of adequate accommodation for future occupiers;
- Highways, access and parking; and
- Any other material considerations.

5.3 Assessment of proposals

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

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

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

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

Principle of development

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

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

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

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

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

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

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

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

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

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

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

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

Impact on amenity of neighbouring occupiers

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

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

Provision of adequate accommodation for future occupiers

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

Flat 1 - 2B4P - 74sq.m

Flat 2 - 2B4P - 74sq.m

Flat 3 - 1B2P - 51sq.m

Flat 4 - 1B2P - 63sq.m

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

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

Highways, access and parking

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

Policy DM17 sets out parking standards for residential use which for this type of development would expect between 2 and 5 spaces. The proposal does not provide any off-street parking.

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

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

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

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

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

Other material considerations

Sustainability

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

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

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

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

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

5.4 Response to Public Consultation

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

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

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

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

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring or future occupiers. This application is therefore recommended for approval.

