

**LOCATION:** 14 Dollis Avenue, London, N3 1TX  
**REFERENCE:** F/02194/12 **Received:** 07 June 2012  
**WARD:** Finchley Church End **Accepted:** 08 June 2012  
**Final Revisions:** **Expiry:** 03 August 2012

**APPLICANT:** Fusion Residential  
**PROPOSAL:** Demolition of existing dwelling and erection of a detached 2-Storey building with rooms in the roofspace and basement including basement parking and access ramp to provide 6 no. 2 bed flats. Single storey detached poolhouse in rear garden.

**Approve Subject to Unilateral Undertaking**

**RECOMMENDATION I:**

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Education Facilities (excl. libraries) £4,005.00**  
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £590.00**  
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £5,088.00**  
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £484.15**  
Contribution towards the Council's costs in monitoring the obligations of the agreement.

**RECOMMENDATION II:**

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: F/02194/12 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 12 0216-100, 12 0216-2B, 12 0216-3A, 12 0216-4D, 12 0216-5 A, 12 0216-6, an Arboricultural Implication Assessment and Arboricultural Method Statement by Patrick Stileman Ltd, a Tree Survey Report, a Design and Access Statement, Demolition and Sit Waste Management Statement and a Sustainability Checklist.  
Reason: For the avoidance of doubt and in the interests of proper planning.
- 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 Before the development hereby permitted is occupied the parking spaces/garages shown on the hereby approved plans 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.
- 4 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.  
Reason:  
To safeguard the visual amenities of the locality.
- 5 Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.  
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.
- 6 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.  
Reason:  
To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.
- 7 Before the building hereby permitted is occupied the proposed first and second floor kitchen and bathroom windows as shown on drawing 12 0216-2 B in the side elevations facing 12 and 16 Dollis Avenue shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.  
Reason:  
To safeguard the privacy and amenities of occupiers of adjoining residential properties.
- 8 Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.  
Reason:  
To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties.
- 9 A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.  
Reason:  
To ensure a satisfactory appearance to the development.

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

Reason:

To ensure a satisfactory appearance to the development.

- 11 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.

- 12 The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy DM02 of the adopted Local Plan (2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

- 13 Before installation of any air conditioning units, lifts or any other plant or ventilation openings, a scheme for controlling their environmental impact shall be submitted and approved in writing by the Local Planning Authority. The impacts to be controlled include noise and vibration.

Reason:

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

#### **INFORMATIVE(S):**

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
- i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011, Core Strategy (Adopted) 2012 and the Development Management Policies (Adopted) 2012. In particular the following policies are relevant:  
Core Strategy (Adopted) 2012:  
Relevant policies: CS NPPF, CS1, CS5, CS10, CS15.

#### Development Management Policies (Adopted)2012:

Relevant Policies: DM01, DM02, DM03, DM08, DM14 and DM17.

- ii) The proposal is acceptable for the following reason(s): - Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would comply with the Council's policies and guidelines and would not cause unacceptable harm to the area, the existing building or the amenities of any neighbouring property. The proposals are acceptable on highway grounds. The proposed development includes

provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

- 2 If the development is carried out it will be necessary for a crossover to be formed on the footway by the Highway Authority at the applicant's expense and you may obtain an estimate for this work from the Highways Group, Building 4, North London Business Park, London, N11 1NP (telephone 020 8359 3018).
- 3 The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £30,030.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

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

You will be sent a 'Liability Notice' that will provide 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, this is also available from the Planning Portal website.

The Community Infrastructure Levy 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 statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk)

- 4 Any redundant crossovers must be removed and reinstated back to footway construction at the end of the works. Any street furniture, lighting column, road markings or parking bays will be relocated at the applicants expense, under a rechargeable works agreement by the Council's Council's term contractor for Highway Works.

### **RECOMMENDATION III**

That if an agreement has not been completed by 21/12/2012, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application F/02194/12 under delegated powers for the following reason:

1. The development would require a Unilateral Undertaking and no formal undertaking is given to the Council, as a result the proposed development would, by reason of the developer not meeting the identified additional education, health and library facilities, and the associated monitoring costs which would be incurred by the community as a result of the development; contrary to Policies CS10 and CS11 of the Local Plan Core Strategy (Adopted) 2012; and the adopted Supplementary Planning Documents "Contributions to Education", "Contributions to Health Facilities", "Contributions to Libraries" and "Planning Obligations".

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework

### The Mayor's London Plan: July 2011

### Core Strategy (Adopted) 2012

### Development Management Policies (Adopted) 2012

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD).

Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS10, CS15.

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies are used for day-to-day decision making.

Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM14 and DM17.

### Relevant Planning History:

<b>Site Address:</b>	14 Dollis Avenue London N3 1TX
<b>Application Number:</b>	C16371/05
<b>Application Type:</b>	Full Application
<b>Decision:</b>	Refuse
<b>Decision Date:</b>	02/01/2007
<b>Appeal Decision:</b>	Dismissed
<b>Appeal Decision Date:</b>	02/01/2007
<b>Proposal:</b>	<b>Demolition of existing house, garages and ancillary buildings and construction of a 3-storey building (with rooms in roofspace) to provide 9 self-contained flats. Basement parking for 12 cars.</b>
<b>Case Officer:</b>	Karina Sissman

<b>Site Address:</b>	14 Dollis Avenue London N3 1TX
<b>Application Number:</b>	C16371C/07
<b>Application Type:</b>	Full Application
<b>Decision:</b>	Refuse
<b>Decision Date:</b>	15/09/2008
<b>Appeal Decision:</b>	Dismissed
<b>Appeal Decision Date:</b>	15/09/2008

**Proposal:** Demolition of existing house and erection of a three storey building with basement car parking comprising of 5 self-contained flats and construction of swimming pool at end of garden.

**Case Officer:** Karina Sissman

**Site Address:** 14 Dollis Avenue London N3 1TX

**Application Number:** C16371A/06

**Application Type:** Full Application

**Decision:** Refuse

**Decision Date:** 02/01/2007

**Appeal Decision:** Dismissed

**Appeal Decision Date:** 02/01/2007

**Proposal:** Demolition of existing house, garages and ancillary buildings and construction of a three-storey building (with rooms in roofspace) to provide 7no. self-contained flats. Basement parking for 12 cars. (Amended description)

**Case Officer:** Karina Sissman

**Site Address:** 14 Dollis Avenue London N3 1TX

**Application Number:** C16371B/06

**Application Type:** Full Application

**Decision:** Refuse

**Decision Date:** 13/02/2007

**Appeal Decision:** Withdrawn

**Appeal Decision Date:** 13/02/2007

**Proposal:** Demolition of existing house, garages and ancillary buildings and construction of a three-storey building (with rooms in roofspace) to provide 6No. self-contained flats. Basement parking for 12 cars.

**Case Officer:** Karina Sissman

**Site Address:** 14 Dollis Avenue, London, N3 1TX

**Application Number:** F/01970/11

**Application Type:** Full Application

**Decision:** Approve with conditions

**Decision Date:** 13/07/2011

**Appeal Decision:** No Appeal Decision Applies

**Appeal Decision Date:** No Appeal Decision Date exists

**Proposal:** Demolition of existing dwelling and erection of 2no detached dwellings with integral garages, basement accommodation, and rooms in roofspace. Erection of ancillary 2no single storey outbuildings to accommodate private swimming pools. Associated landscape alterations at front and rear garden, and amenity space.

**Case Officer:** David Campbell

**Site Address:** 14 Dollis Avenue, London, N3 1TX

**Application Number:** F/02194/12

**Application Type:** Full Application

**Decision:** Not yet decided

**Decision Date:** Not yet decided

**Appeal Decision:** No Appeal Decision Applies

**Appeal Decision Date:** No Appeal Decision Date exists

**Proposal:** Demolition of existing dwelling and erection of a detached 2-Storey building with rooms in the roofspace and basement including basement parking and access ramp to provide 6 no. 2 bed flats. Single storey detached poolhouse in rear garden.

**Case Officer:** David Campbell

**Site Address:** 14 DOLLIS AVENUE, LONDON, N3 1TX

**Application Number:** F/00793/08

**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 30/07/2008  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of two dwelling houses with internal garages.**  
**Case Officer:** Alissa Fawcett

Consultations and Views Expressed:

Neighbours Consulted: 56                      Replies: 19  
Neighbours Wishing To Speak 2

The objections raised may be summarised as follows:

- Increase in traffic.
- Parking and access.
- Out of character.
- Out of scale.
- Flats have been refused before.
- The street's character is based on large houses.
- Increase pollution following increase in gas heating.
- Reduction in neighbouring property values.
- The size of the building is out of scale.
- Increase in traffic.
- Overdevelopment.
- Disruption during building works.
- Harm to trees.
- Would be harmful when the development at Dukes House is considered.
- Pool house is harmful and would increase activity.
- Increase in noise and disturbance.
- Loss of light.
- Loss of privacy.
- Residential amenity.
- The previous Inspector stated that flats were not characteristic of the road, which under emerging council policy, road which are not characterised by flats should be refused.
- The council has approved two houses on the site therefore consider it appropriate for houses.
- The design, siting, appearance, scale, mass, bulk, height is not appropriate.
- The proposal does not comply with policy.
- This will act as a precedent for future applications.
- The proposals have been misrepresented.

A petition with 35 signatures has also been received.

Date of Site Notice: 21 June 2012

**Two rounds of public consultation were carried out. A second letter of consultation was sent to all original consultees and objectors following receipt**

**of amendments to the originally proposed scheme. The application was deferred from the November West Area Planning Sub-committee to enable an objector to speak.**

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The site contains a large detached house in a residential street in the Finchley Church End ward, outside of any of the borough's conservation areas. The site is bounded by a detached two storey development comprising of nine flats to the north and a two storey detached house to the south. Both of these properties have accommodation in the roof. To the rear, the site is bounded by the rear gardens of properties in Priory Close and Rathgar Close.

### Proposal:

The application seeks consent for the demolition of existing dwelling and erection of a detached 2-Storey building with rooms in the roofspace and basement including basement parking and access ramp to provide 6 no. 2 bed flats and a single storey detached poolhouse in the rear garden.

The application has been amended since first being submitted. The footprint and massing of the building has been reduced, most rear balconies and terraces have been removed and design changes to the rest of the elevations have been made following advice from officers.

The site benefits from an extant planning permission for the construction of two detached houses. A number of other applications have been refused and dismissed at appeal - details of which are contained in the planning history above as an appendix to this report.

### Planning Considerations:

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 main issues are considered to be:

2. Policy Context including NPPF (National Planning Policy Framework)
3. The principle of development;
4. Whether harm would be caused to the character and appearance of the area and street scene;
5. The living conditions of future residents within the development having regard to



- the provision of amenity space;
6. The living conditions of existing & future residents within neighbouring properties having regard to overlooking, privacy and outlook;
  7. Trees & Landscaping;
  8. Parking, Access and Vehicle Movements;
  9. Whether the proposal would result in the community incurring extra educational costs that should be met by the developer;
  10. Whether the proposal would increase pressures on the services provided by libraries incurring additional costs that should be met by the developer;
  11. Whether the proposal would increase the demand for health care facilities incurring extra costs that should be met by the developer.

### Policy Context:

The NPPF has been adopted since the previous application. The relevant sections are as follows:

Paragraph 49 of the NPPF states that “Housing applications should be considered in the context of the presumption in favour of sustainable development”.

The government consider that “there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – ... by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation
- a social role – ... by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment ... ”

In paragraph 21, the government encourages the effective use of land by reusing land that has been previously developed (brownfield land).

Paragraph 56 states “the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

### The Principle of Development

In 2007, an appeal Inspector dealing with an application for a flatted development stated: 'Dollis Avenue is an attractive tree-lined road in a well-established residential area, consisting of mainly of two or sometimes three storey, medium to large size houses in mature gardens. Although there is often no great distance between the houses, the density of the frontage is off set by the depth and size of both front and rear gardens and the vegetation, in particular the trees around them. There are four purpose-built blocks of flats in the road but, given they represent a small proportion of the number of properties in the road, they cannot be said to be characteristic of

Dollis Avenue'.

In 2008, another appeal Inspector dealing with an application for a flatted development stated: 'Making more effective use of land is a key principle of government policy, to which the appellant makes extensive reference, and I have come to the view that ***Dollis Avenue has not reached the point where new apartment development should, as matter of principle, be resisted.***'

The Council's Local Plan which has been adopted states in policy DM01 part i: 'Loss of houses in roads characterised by houses will not normally be appropriate'.

It is considered that although there are more houses than flats on Dollis Road, two of them, Georgian Court and Dukes House are in close proximity to the application site. As such it is not considered that an application on this part of Dollis Avenue could be refused on flats being out of character. The 2008 appeal decision and comments from the Inspector are material planning consideration. The Local Plan policy are considered in line with the 2007 and 2008 appeal Inspectors' comments and as a result it is not considered that the application could be refused on these grounds alone.

Proposed siting, character and appearance:

The proposed footprint would respect the character and pattern of buildings in this part of Dollis Avenue and allow for sufficient gaps in between the site and surrounding buildings. The front building line would align with the neighbouring property 12 Dollis Avenue but would be set further away from the boundary than previous consented houses scheme and will be 3m from the boundary. The block will be 5.6m from the other neighbouring flats at Georgian Court, a greater separation than the approved scheme, and 2.5m further into the garden. It is considered that the bulk and mass of the flatted scheme is comparable to the two house scheme, except without the gap in between.

In light of this increase in bulk, mass and scale, it is considered that the proposed footprint would relate to surrounding dwellings in position and form, whilst also considering that the existing building is of a comparable with to the current proposals. The height of the block would also be the same as the consent house scheme. It is acknowledged that the houses would project into the garden further than the approved houses, it is not considered that this would be harmful to neighbours given the inset of the building from both boundaries. Overall, it is considered that the size, height, mass and appearance of the building would be harmonious with and not over dominate the surrounding scale or adversely affect the character of the locality. The application has been amended since it was first submitted, which reduces the width and projection of the building. There have also been some alterations to the roof which are considered to enhance the scheme at the front of the property.

The pool house is also considered to be acceptable, and is considered to be an improvement from the consented scheme, given that it is further away from the trees and incorporates a green roof.

The proposed design and appearance of the scheme is considered to be acceptable within an area with a wide variety of differing designs.

Amenity of future occupiers:

All proposed units would provide adequate internal space and therefore comply with policy DM02 of the London Plan as well as the Policy 3.5 (table 3.3) of the London Plan July 2011. The stacking of flats/rooms is generally acceptable.

The proposed development also provides sufficient amounts of usable outdoor space for the enjoyment of future occupiers. The current scheme proposes a communal garden to the rear, a pool situated in the rear garden and additional private space in the form of enclosed balconies and terraces which is in line with policy. The communal garden would provide an acceptable quality of outdoor amenity space. A detailed landscaping with details of planting types and heights are to be required by condition.

The proposed intensification of use from 1 unit to six is not expected to result in a detrimental loss of amenity for occupiers of this part of Dollis Avenue or future occupiers of the adjacent neighbouring dwellings.

When assessed against the London Plan's density matrix, the scheme provides 29 units per hectare and 116 habitable rooms per hectare, in an area where 35-65 units per hectare and 150-250 habitable rooms per hectare would be acceptable. The scheme is therefore less dense than the London Plan policies normally recommend and as such there are no objections on the proposed density. It is considered that as there is one property on the property on site at the moment, the scheme could not be refused on the shortfall in the number of units, when compared to the requirements of the density matrix on this occasion.

Amenity of existing/future neighbouring occupiers:

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours' amenity is unlikely to be supported. Good neighborliness is a yardstick against which proposals can be measured.

Local Plan Policy DM01 seeks amongst other things, to ensure adequate outlook for occupiers adjoining new development, and that new residential developments should provide and preserve adequate residential amenity, however the policies, and the preamble in the preceding paragraphs, do not offer any guidance for assessment. It is therefore necessary for a judgement to be made by the decision maker with regard to this issue in each case.

It is considered given the increased distance (compared to the two house scheme) between the proposed building and Georgian Court & 12 Dollis Avenue, that it would not detract from the amenities of adjoining occupiers in terms of the loss of light, outlook or privacy. There are windows on both side elevations but all are to be conditions to be obscure glazes. The intensification of use and associated comings and goings are not considered to warrant refusal for the application.

It is also considered that due to the nature of the design of the balconies, which are inset within the main building, the significant natural screening in neighbouring gardens, and the distances between neighbouring properties there would not be any significant overlooking into neighbouring properties. Other balconies which were considered to give rise to overlooking have been removed from the scheme.

#### Trees & Landscaping:

The trees in this road are an important part of the character of the street and their retention is critical to any development. The trees on the street also offer a relief from the buildings and act as a screen for the buildings.

The site and surrounding sites has a number of trees however, none are protected by Tree Preservation Orders. The proposed scheme has taken account of the trees and be in accordance with standards. whilst some trees will be removed to accommodate the development, other trees are to be retained and enhanced with further planting. Landscaping conditions have been attached to ensure that full details follow the application.

#### Parking, Access and Vehicle Movements:

A total of 8 car parking spaces (including two disabled car parking space) are being provided on a site with a PTAL score of 3. The parking provision is in accordance with the Parking Standards set out in the Local Plan 2012 and there are no highways objections. The access to the site is also considered to be acceptable.

#### The Community Infrastructure Levy Regulations 2010:

The contributions listed in the above recommendation are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

Government Circular 05/05 and the Council's adopted SPD for section 106 related planning obligations is applicable for this site in respect of the following areas:

The education, library services, health facilities & monitoring fee of 5% contributions have been adjusted following the previously approved application which was secured by Section 106 Agreement.

Adopted policy indicates that the Council will seek to enter into planning obligations in conjunction with new developments to secure the provision of community and religious facilities, health and social care facilities and library facilities where a residential development creates a need for school places contributions will be secured for such purposes via planning obligations.

The purpose of planning obligations is to make acceptable development which would otherwise be unacceptable in planning terms. Circular 05/2005 supports the use of planning obligations to secure contributions towards community infrastructure to mitigate the impacts of new development, provided that they are directly related to

the development proposal, the need for them arises from its implementation, and they are related in scale and kind.

Para. B5 of the Circular sets out five policy tests that must be met by the LPA when seeking planning obligations. In addition, Regulation 122 of the Community Infrastructure Levy Regulations, which came into force on 6 April 2010, makes it unlawful for a planning obligation to be taken into account in determining a planning application if it does not meet the three tests set out in Regulation 122. These statutory tests are based upon three of the five policy tests in Circular 5/2005 at paragraph B5 (tests (ii), (iii) and (iv)).

The recovery of costs for the monitoring of planning obligations is set out in Section 8 (para's 8.3 & 8.4) of the Planning Obligations SPD.

#### Education needs generated by the development:

Circular 05/2005 supports the use of planning obligations to secure contributions towards educational facilities, provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind.

The proposal would provide 5 additional residential units that are considered would generate an increased demand for educational facilities in the area. The calculation of additional demand (SPD para's 4.6-4.14), existing facilities and capacity (SPD para's 5.5-5.12), method of calculating the required contribution (SPD para's 3.1-3.15 and 4.1-4.5), and use of the contributions (SPD para's 5.13-5.14) are set out in the Council's SPD "Contributions to Education" adopted in 2008.

It is considered that a financial contribution towards future education facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this.

To accord with policy and the SPD the proposed scheme of 7 residential units (net increase of 2x 3 bedroom units) would require a contribution of £4,005 plus a monitoring fee of 5%.

#### Contributions to library services:

The increase in population resulting from development is expected to place serious pressures on libraries, which are already required to meet all the needs of Barnet's diverse community. Developer contributions are therefore necessary to ensure service provision mitigates the impact of their development activity.

The adopted SPD "Contributions to Library Services" sets out the Council's expectations for developers contributions to the provision and delivery of a comprehensive and efficient library service, with the aim of opening up the world of learning to the whole community using all media to support peoples educational, cultural and information needs. The SPD provides the calculation of additional demand (para's 4.10-4.12), existing facilities and capacity (para's 1.1-1.4 & 2.5), method of calculation (para's 2.4 & 3.1-3.11), and use of funds (para's 5.1-5.7).

It is considered that a financial contribution towards library services is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this. To accord with policy and the SPD the proposed scheme would require a contribution of £590 plus a monitoring fee of 5%.

#### Contributions to Health facilities:

The proposal would provide 5 additional residential units that are considered would generate an increased demand for health facilities in the area. The calculation of additional demand / method of calculating the required contribution (SPD para's 6.1-6.4), existing facilities and capacity (SPD para's 5.7-5.18), and use of the contributions (SPD para's 8.1-8.4) are set out in the Council's SPD "Contributions to Health" adopted in July 2009.

It is considered that a financial contribution towards future health care facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this. To accord with policy and the SPD the proposed scheme would require a contribution of £5,088 and a monitoring fee of 5%.

The education, library services, health facilities & monitoring fee of 5% contributions will be secured by unilateral undertaking.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

The grounds of objection have been addressed below:

- *Increase in traffic* - It is not considered that the council could demonstrate that any increases in traffic would be harmful to Dollis Avenue.
- *Parking and access* - The proposed number of parking spaces and the access to the development is considered to be acceptable. No objections have been raised by the council's Traffic and Development Team.
- *Out of character* - It is not considered that the development is out of character with the area as has been explained above.
- *Out of scale* - It is considered that the development is acceptable in terms of mass, scale and bulk. There are no objections on these grounds.
- *Flats have been refused before* - It is considered for the reasons given in the main report that the application overcomes the previous reasons for refusal and the previous Inspector's comments.
- *The street's character is based on large houses* - There are other examples of flats on Dollis Avenue and as such it is not considered that flats are out of character as a matter of principle.
- *Increase pollution following increase in gas heating* - It is not considered that the increase in pollution following increase in gas heating is a reason to refuse consent.
- *Reduction in neighbouring property values* - This is not a material planning consideration.
- *The size of the building is out of scale* - It is considered that the development is acceptable in terms of mass, scale and bulk. There are no objections on these grounds.

- *Overdevelopment* - It is considered that the proposals are acceptable and do not represent overdevelopment of the site. The scheme fall short of the advice given in the London Plan's density matrix.
- *Disruption during building works* - This is not a material planning consideration.
- *Harm to trees* - It is considered that there will not be harm to the trees on site.
- *Would be harmful when the development at Dukes House is considered* - The application must be considered on its own merits.
- *Pool house is harmful and would increase activity* - It is not considered that the pool house would give rise to significant increases in noise and disturbance and would not be harmful to neighbouring amenity.
- *Increase in noise and disturbance* - It is not considered that the application would give rise to significant increases in noise and disturbance.
- *Loss of light* - It is considered that there will be be no loss of light as a result of the application.
- *Loss of privacy* - It is considered that subject to the conditions on obscure glazing and balcony screens, there will be be no loss of privacy.
- *Residential amenity* - It is considered that the proposed scheme will not cause harm to the amenities of neighbouring properties as has been explained in the main report.
- *The previous Inspector stated that flats were not characteristic of the road, which under emerging council policy, road which are not characterised by flats should be refused* - This has been addressed in the main report. There are other examples of flats in Dollis Avenue.
- *The council has approved two houses on the site therefore consider it appropriate for houses* - This does not mean that the site is inappropriate for any other development.
- *The design, siting, appearance, scale, mass, bulk, height is not appropriate* - These have all been assessed in the main report and found to be acceptable.
- *The proposal does not comply with policy* - The proposal has been assessed in line with policy and is therefore considered to be acceptable.
- *This will act as a precedent for future applications* - Future application will be determined on their own merits.
- *The proposals have been misrepresented* - It is considered that the information submitted is acceptable and as decision can be made on their basis.

#### **4. EQUALITIES AND DIVERSITY ISSUES**

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

#### **5. CONCLUSION**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would comply with the Council's policies and guidelines and would not cause unacceptable harm to the area, the existing building or the amenities of any neighbouring property. The proposals are acceptable on highway grounds. The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the

Community Infrastructure Levy Regulations 2010.

It is considered that the development is acceptable and therefore the application is recommended for **APPROVAL**.



**SITE LOCATION PLAN:** 14 Dollis Avenue, London, N3 1TX

**REFERENCE:** F/02194/12



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