

MEETING

HENDON AREA PLANNING COMMITTEE

DATE AND TIME

MONDAY 26TH FEBRUARY, 2018

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG

TO: MEMBERS OF HENDON AREA PLANNING COMMITTEE (Quorum 3)

Chairman: Councillor Maureen Braun
Vice Chairman: Councillor Brian Gordon LLB

Councillor Claire Farrier Councillor Hugh Rayner Councillor Gill Sargeant
Councillor Sury Khatri Councillor Agnes Slocombe

Substitute Members

Tom Davey Val Duschinsky Helena Hart
Dr Devra Kay Charlie O-Macauley Mark Shooter
Zakia Zubairi

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions or comments must be submitted by 10AM on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is Wednesday 21st February at 10AM. Requests must be submitted to Abigail Lewis Abigail.Lewis@barnet.gov.uk 020 8359 4369

You are requested to attend the above meeting for which an agenda is attached.

Andrew Charlwood – Head of Governance

Governance Service contact: Abigail Lewis Abigail.Lewis@barnet.gov.uk 020 8359 4369

Media Relations contact: Sue Cocker 020 8359 7039

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ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	MINUTES	5 - 10
2.	ABSENCE OF MEMBERS (IF ANY)	
3.	DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)	
	Mill Hill Ward	
4.	63 The Reddings London NW7 4JN - 17/7512/HSE	11 - 20
5.	141-143 Dollis Road London NW7 1JX - 17/3796/FUL	21 - 58
	Edgware Ward	
6.	185 Edgwarebury Lane Edgware HA8 8QJ - 17/7882/HSE	59 - 70
	West Hendon Ward	
7.	42 Audley Road London NW4 3EY - 17/7626/FUL	71 - 82
	Hendon	
8.	45 - 47 Church Road London NW4 4EB - 17/7350/FUL	83 - 98
9.	97 - 101 Brent Street London NW4 2DY - 17/7303/FUL	99 - 114
10.	Any Item(s) the Chairman decides are urgent	
11.	Report of the Monitoring Officer (If any)	
12.	Addendum (if applicable)	

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Decisions of the Hendon Area Planning Committee

18 January 2018

Members Present:-

AGENDA ITEM 1

Councillor Maureen Braun (Chairman)
Councillor Brian Gordon (Vice-Chairman)

Councillor Claire Farrier
Councillor Sury Khatri

Councillor Hugh Rayner
Councillor Agnes Slocombe

Apologies for Absence

Councillor Gill Sargeant

1. MINUTES

RESOLVED that the minutes of the meeting held on 30 November 2017 be approved as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

Apologies for absence were received from Councillor Sargeant.

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

Councillor Khatri declared a non-pecuniary interest on the agenda item relating to 7 Hollies End London NW7 2RY as the speaker is known to me as we both are Trustees of NW7Hub charity.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

The Committee noted the addendum.

6. FLAT 3 43 SUNNY GARDENS ROAD LONDON NW4 1SL - 17/5349/FUL

The Chairman informed the Committee that the item had been withdrawn.

7. 62 BRENT STREET LONDON NW4 2ES - 17/6080/FUL

The Planning Officer introduced the application which related to 62 Brent Street.

An oral representation was made by the applicant's agent.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to refuse application for the reasons set out in the report.

The votes were recorded as follows:

For - 5
Against - 0
Abstain - 1

The Committee therefore **RESOLVED to REFUSE** the application as per the reasons set out in the report.

8. 2 SHERWOOD ROAD LONDON NW4 1AD - 17/6748/FUL

The Planning Officer introduced the application and addendum, which related to 2 Sherwood Road.

An oral representation in objection to the application was heard from Anthony Bodenstein.

An oral representation was made by the applicant.

Councillor Khari proposed a condition that was unanimously agreed by the committee for privacy screens to be added to the balconies at the rear of the property so as to protect the neighbour's privacy and stop any overlooking.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions.

The votes were recorded as follows:

For - 6
Against - 0
Abstain - 0

The Committee therefore **RESOLVED to APPROVE** the application, subject to the conditions as per the officer's report and addendum, and the additional condition.

9. SITE OF THE FORMER 'WHITE BEAR' PUBLIC HOUSE, 56 THE BURROUGHS LONDON NW4 4AN - 17/7208/FUL

The Planning Officer introduced the application and addendum, which related to the site of the former 'White Bear' Public House.

An oral representation was made the by applicant.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions.

The votes were recorded as follows:

For - 5
Against - 1

Abstain - 0

The Committee therefore **RESOLVED to APPROVE** the application, subject to the conditions as per the officer's report and addendum.

10. LAND AT THE REAR OF PAGE COURT PAGE STREET LONDON NW7 2DY - 17/5683/FUL

The Chairman informed the Committee that the item had been withdrawn.

11. 7 HOLLIES END LONDON NW7 2RY - 17/5741/FUL

The Planning Officer introduced the application and addendum, which related to 7 Hollies End.

Oral representation in objection to the application was heard from Zoe Samuelson.

An oral representation was made by the applicant's agent, Joe Henry.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions.

The votes were recorded as follows:

For - 5

Against - 1

Abstain - 0

The Committee therefore **RESOLVED to APPROVE** the application, subject to the conditions as per the officer's report, addendum and including the corrected condition 7.

12. 104 MILLWAY LONDON NW7 3JJ - 17/6437/S73

The Planning Officer introduced the application and addendum, which related to 104 Millway London.

Oral representations in objection to the application were heard from Simon Rahamim and Maurice Rahamim.

An oral representation was made by Joe Henry the applicant's agent.

The Chairman proposed a condition that was unanimously agreed by the committee for all windows in the side elevation to be glazed with obscure glass and fixed shut so as safeguard the privacy and amenities of occupiers of adjoining residential properties.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions.

The votes were recorded as follows:

Votes were recorded as follows

For - 4

Against - 2
Abstain - 0

The Committee therefore **RESOLVED to APPROVE** the application, subject to the conditions as per the officer's report and addendum and additional condition.

13. 9 EDGWAREBURY LANE EDGWARE HA8 8LH - 17/5781/RCU

The Planning Officer introduced the application and addendum, which related to 9 Edgwarebury Lane.

An oral representation was made by Rupert Goldmeier the applicant representative.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to refuse the application for the reasons on the report.

The votes were recorded as follows:

For - 1
Against - 5
Abstain - 0

As a consequence of the above vote, Councillor Gordon moved a new motion that was duly seconded by Councillor Rayner to approve the application for the following reasons:

- This is a unique establishment that provides an important facility to the local community.
- Its presence within the town centre makes a contribution to the vitality and viability of the town centre and enhances the offer within the centre.
- It meets a community need
- Given existing vacancies within the local centre, retaining an operational use within the town centre should be supported.

Councillor Rayner, moved a motion that was seconded by Councillor Farrier to grant the change of use subject to the imposition of a personal condition on the permission.

The committee unanimously agree for officers to draw up additional conditions relating to the change of use including the following:

- Approved plans condition
- Opening hours condition
- Personal condition so that when the occupier ceases to use the premises, the use as A3 shall cease and revert to the last lawful use of the premises as A1.
- Details of extraction and ventilation
- Details of refuse and recycling
- Details of sound insulation

For - 5
Against - 1
Abstain - 0

The Committee therefore **RESOLVED to APPROVE** the application, subject to a personal condition and other conditions as drawn up by the officers.

14. 35 HILLSIDE GARDENS EDGWARE HA8 8HA - 17/7551/HSE

The Planning Officer introduced the application which related to 35 Hillside Gardens.

An oral representation was made by the applicant, Shimon Fhima.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to refuse application for the reasons set out in the report.

The votes were recorded as follows:

For - 3
Against - 2
Abstain - 1

The Committee therefore **RESOLVED to REFUSE** the application as per the reasons set out in the report.

15. 77 STATION ROAD LONDON NW4 4PH - 17/6893/HSE

The Planning Officer introduced the application and addendum, which related to 77 Station Road.

An oral representation was made by Isaac Raymond the applicant.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to refuse the application for the reasons in the officer's report.

The votes were recorded as follows:

For 2
Against 3
Abstain 1

As a consequence of the above vote, Councillor Slocombe moved a new motion that was seconded by Councillor Farrier to approve the application for the following reasons:

- There is a variety of extension depths in the street.
- The neighbouring property would retain an open outlook due to its street corner location.
- Only a small addition will be made to the existing approved extension.
- There is already a fence along the boundary to which the extension will only make an incremental addition to.
- In the absence of objections, it is considered that the needs of the applicant carry greater weight.

Votes were recorded as follows

For 3
Against 2
Abstain 1

The committee also unanimously agree for officer to draw up appropriate conditions relating to the approval of the application.

The Committee therefore **RESOLVED to APPROVE** the application, subject to the conditions as drawn up by the officers.

16. PLANNING ENFORCEMENT QUARTERLY UPDATE OCTOBER 2017 TO DECEMBER 2017

The committee **RESOLVED to note** the Planning Enforcement Quarterly Update for the period of October 2017 to December 2017.

17. ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 10.00 pm

Location 63 The Reddings London NW7 4JN

Reference: 17/7512/HSE

Received: 27th November 2017

Accepted: 11th December 2017

Ward: Mill Hill

Expiry 5th February 2018

Applicant: Mrs Nicole Yadid

Proposal: Single storey side and rear extension

AGENDA ITEM 4

Recommendation: Refuse

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

- 1 The proposed extensions by reason of their bulk, size and scale result in an incongruous form of development which would fail to appear subordinate, proportionate or sympathetic to the original dwelling house, to the detriment to the character and appearance of the host property and surrounding area. In this regard, the proposal is considered unacceptable and fails to comply with policy DM01 of the Development Management Policies DPD, Policies CS1 and CS5 of the Barnet Core Strategy and the Barnet Adopted Residential Design Guidance SPD (April 2013).

Informative(s):

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

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. In

accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

2 The plans accompanying this application are:

The site location plan and the drawings entitled 1475/1A, 1475/2A, 1475/3C, 1475/4C.

Officer's Assessment

1. Site Description

This site is occupied by a two-storey detached property, and is located at the end of the cul-de-sac on the west side of The Reddings in Mill Hill ward. The area is predominantly residential and characterised by a mixture of detached and semi-detached properties subject to alteration by way of rear extension. The site is not within a conservation area and does not contain any listed buildings.

The host dwelling is noted to already benefit from a part single, part two storey side and rear extension together with a loft conversion incorporating side and rear dormer windows. As a result, although splayed away, the host dwelling extends beyond the rear building line of its neighbour to the east at no.61 and has a comparable size. The neighbour to the west at no.65 is a semi-detached property, also noted to be extended to the rear. Properties along this part of the Reddings are set at a ground level such that they step up in relation to each other, with the host site sitting higher than no.61 and lower than no.65.

An application for a single-storey side and rear extension to the host dwelling was refused in November 2017 (17/5837/HSE), and the present application differs only in respect of reduced depth of the rearward projection, 3.5 metres instead of 4 metres. This change is not considered to overcome the previous reason for refusal, being the failure to appear subordinate, proportionate or sympathetic to the existing dwelling house, to the detriment to the character and appearance of the host property and surrounding area.

2. Site History

Reference: 17/5837/HSE

Address: 63 The Reddings, London, NW7 4JN

Decision: Refused

Decision Date: 21 November 2017

Description: Single storey side and rear extension

Reason: The proposed extensions by reason of their bulk, size and scale result in an incongruous form of development which would fail to appear subordinate, proportionate or sympathetic to the existing dwelling house, to the detriment to the character and appearance of the host property and surrounding area. In this regard, the proposal is considered unacceptable and fails to comply with policy DM01 of the Development Management Policies DPD, Policies CS1 and CS5 of the Barnet Core Strategy and the Barnet Adopted Residential Design Guidance SPD (April 2013).

Reference: TPP/0506/17

Address: 63 The Reddings, London, NW7 4JN

Decision: Trees: Approved subject to Conditions

Decision Date: 11 September 2017

Description: 1 x Oak (applicant's ref. T3) - Lift to 3m, Reduce longest lateral branch growing towards the house at 63 The Reddings and the longest lateral branch growing over the garden of 61 The Reddings by no more than 2m, remove dead wood/defects and balance the crown - with no more than 30% of the total leaf-bearing branch structure being removed as part of these combined treatments. Standing in Group G3 of Tree Preservation Order

Reference: 17/5676/PNH

Address: 63 The Reddings, London, NW7 4JN

Decision: Prior Approval Required and Refused

Decision Date: 8 September 2017

Description: Single storey rear extension with a proposed depth of 8 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: H/01710/08

Address: 63 The Reddings, London, NW7 4JN

Decision: Approved subject to conditions

Decision Date: 18 August 2008

Description: Part single, part two storey side and rear extension together with a loft conversion incorporating side and rear dormer windows.

3. Proposal

The application seeks permission to erect a single storey side and rear extension. The proposal would adjoin an existing two-storey rear extension and single-storey side extension.

The proposed addition to the rear would project a depth of 3.5 metres; measure 9 metres in width and with a flat roof with a maximum height of 3 metres.

The proposed side extension would project 1.6 metres in width from the side elevation, an addition of 0.2 metres to the width of the existing side projection. The depth of the side extension would be 3.5 metres, uniform with the rear projection. The side projection would be set away from the common boundary with no.183 by 1.3 metres at its closets point.

4. Consultation

4.1 Public consultation

Consultation letters were sent to 5 neighbouring properties.

1 representations was received within the statutory consultation period.

The representation can be summarised as follows:-

- Soil excavated for the extension must be removed
- Trees should be planted at the back of garden for neighbour privacy

4.2 Committee call-in

Councillor John Hart called the item in to Committee. The stated planning reason for call-in given is that the proposed development would not harm the character and appearance of the property and the streetscene.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

The Council's approach to extensions as set out in Policy DM01 is to minimise their 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

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

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:

- 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 to the character and appearance of the existing building, the street scene and the wider locality

Any scheme for this 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 the development plan policies including DM01, and CS05 of the Barnet Local Plan (2012) and policies 7.4 and 7.6 of the London Plan (2016).

The host dwelling already benefits from a two-storey rear extension and single-storey side extension, with consent granted under H/01710/08 dated 23.06.2008. These works were noted to have been carried out at site visit. It is noted that the in-situ two-storey extension projects to a depth 3.6 metres from the original rear wall. The side extension projects a total depth of 7.55 metres with a width of 3.05 metres from the original side wall.

The proposed side and rear extension would therefore adjoin this existing two-storey rear extension and single-storey side extension. The proposed addition to the rear would project a depth of 3.5 metres, measure 9 metres in width and with a flat roof with a maximum height of 3 metres.

The proposed side extension would project 1.6 metres in width from the side elevation, an addition of 0.2 metres width from the existing. The depth of the side extension would be 3.5 metres, uniform with the rear projection.

At paragraph 14.3, the adopted Residential Design Guide SPD (2016) states that "there is a limit to how much most houses can be extended. The cumulative effect of extensions and their impact on the appearance of an area should also be taken into account. This means that proposed additions, which meet all the guidelines included in this SPD, may still be considered unacceptable and be refused planning permission."

At paragraph 14.8, the SPD clarifies that it is the original building which is of concern when assessing extensions to dwellinghouses. It states that "proposed extensions should be consistent with the form, scale and architectural style of the original building, particularly where it is a period or suburban property." In terms of scale, the guidance reiterates that "the extension should normally be subordinate to the original house" and that "the extension should respect the original building and should not be overly-dominant." It is not considered that, when taken together with the previous extensions, the proposal would not accord with the original form and scale of the host dwelling and the total enlargement would not comprise a subordinate extension.

The adopted SPD (2016) states that a rear extension is usually acceptable at a depth of 4 metres for a detached property. In this case, the property has previously been extended and the addition would amount to a total projection of 7.1 metres from the original rear wall. This is near double the acceptable depth of the SPD guidance and adds considerably to the bulk and scale of the original dwellinghouse. It is noted that the original dwellinghouse had a depth of approximately 8.8 metres and as such the proposal would nearly double the original depth of the dwellinghouse, such that it is not considered to be proportionate to its original scale and form. When viewed from the surrounding garden area, the proposed projection to a depth of 4 metres from the extended wall and a height of 3 metres would appear as a bulky and prominent addition. Therefore it is considered that the cumulative effect of extensions to the host dwelling with the proposed would amount to detriment to the character and appearance of the original house.

To the north of the host site, no.65 The Reddings benefits from a consented single-storey rear extension to a maximum depth of 3.5 metres, (W16074A/07 dated 28/11/2007). A canopy was noted adjoining the extension at no.65, however this does not benefit from planning permission and has been reported to Enforcement. This depth of the canopy does not form a material consideration for this application. To the south, no.61 benefits from a consented single-storey rear extension projecting an approximate depth of 2.5 metres (W10616B/00 dated 12.01.2001). The application Planning Statement raises these as material considerations to the application however it is noted that these were already assessed within the previous application and subsequent decision to refuse. As with the previous report, the extensions are noted to benefit from planning consent and comprise proportionate additions which comply with the local development plan policy and respect the scale, form and proportions of the original dwellinghouse concerned, whereas the present proposal seeks to extend from the in-situ extension to a depth that is beyond the depth considered acceptable in the adopted SPD.

Also raised is the rear extension 3 Abbey View, London, NW7 4PB under ref. 16/5281/HSE. It is noted that this property is not located in the same street as the host dwelling, and in fact sits in a different context of area character and appearance, noting the substantially larger dwellings and plots as well as significant screening provided by trees. Whilst there may be instances where larger extensions are acceptable, it is considered that on balance the proposed addition to the host site would be detrimental to the character and appearance of the original building and its surrounding context.

For the reasons discussed above, the proposal is considered to be at odds with the objectives of the relevant planning policy DM01, failing to relate appropriately to the sites context and to respect the character of the area. In addition the proposal is considered to be contrary to the guidance contained in the adopted SPD, the Residential Design Guide (2016) in terms of depth of the rear extension.

Impact on the living conditions of neighbouring residents

Any scheme for this site should address 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.

It is not considered that the proposal would lead to harm to the amenity of neighbouring occupiers. This is as a result of the siting of the host property, noting that it is a detached property set away from neighbouring sites. The host property is both set back from and angled away from the property at no.65, which also sits at a higher ground level to the host. The relationship to no.61 is such that the proposal would not be considered to give rise to a detrimental impact on amenity, being set away from the flank wall by approximately 3 metres towards the back of the two properties.

The proposal is considered to comply with Policy DM01 in this respect.

5.4 Response to Public Consultation

The public consultation response comprised one letter or representation. This raised the following points:-

- Soil excavated for the extension must be removed

Matters relating to the construction period are not a planning consideration.

-Trees should be planted at the back of garden for neighbour privacy

In context of the nature and scale of this proposal, this does not constitute a material planning consideration.

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 the proposed development would have an unacceptable impact on the character and appearance of the application site, the street scene and the locality. This application is therefore recommended for refusal.

8. Without prejudice -- Conditions in the event that an appeal will be allowed

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

The site location plan and the drawings entitled 1475/1A, 1475/2A, 1475/3C, 1475/4C.

Other plans accompanying this application: Planning 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. The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

4. The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

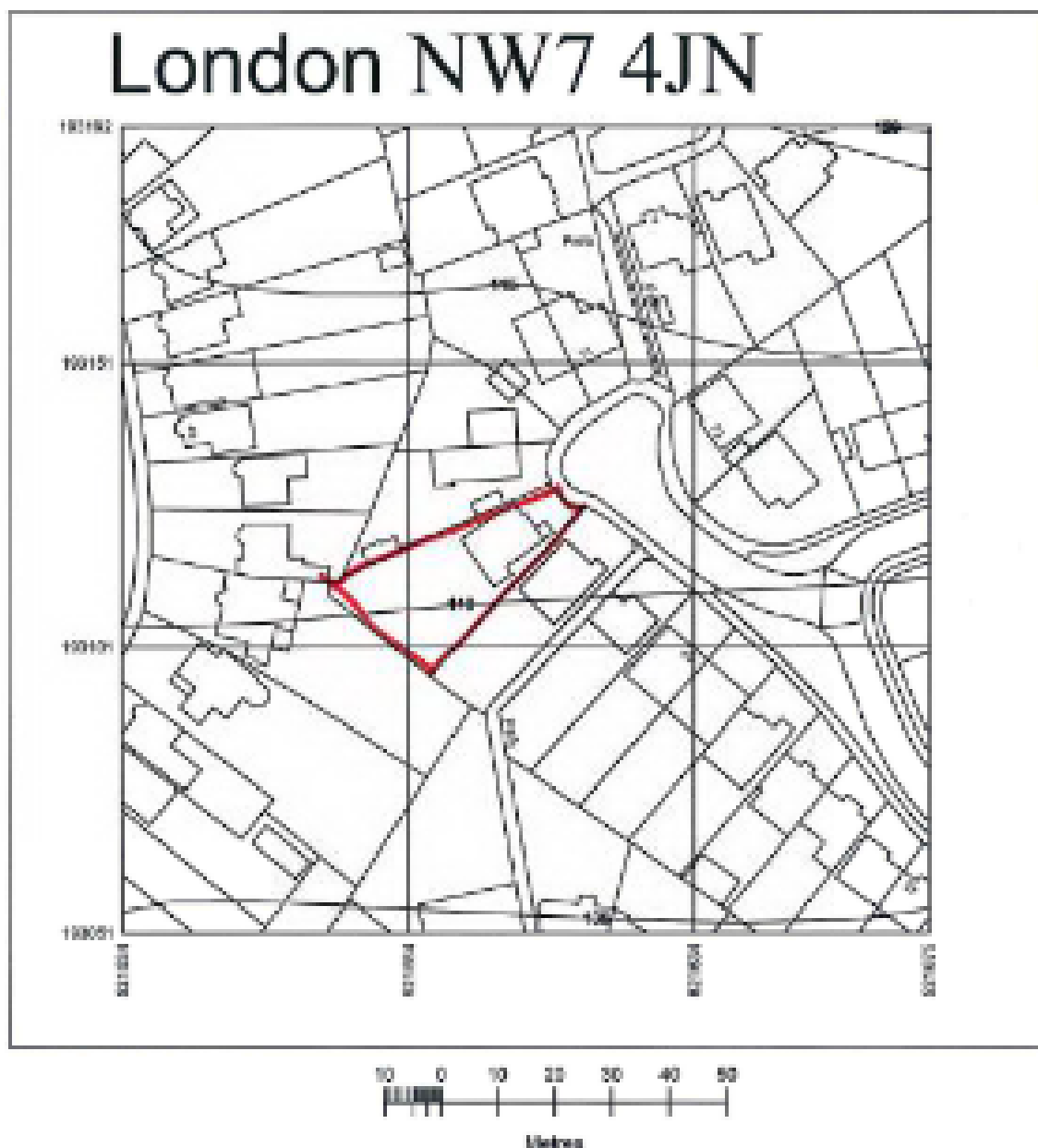
Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

SITE PLAN

SCALE 1:1250

63 The Reddings,

London NW7 4JN



Location **141-143 Dollis Road London NW7 1JX**

Reference: **17/3796/FUL**

Received: 14th June 2017

Accepted: 20th June 2017

Ward: Mill Hill

Expiry 19th September 2017

Applicant: PGMI Finchley Ltd

Proposal: Partial demolition, alterations and additions to the existing building at No. 143 Dollis Road to comprise a three buildings including to provide a three storey building comprising 138sqm of A1 retail use at ground floor level, 214sqm of office use at first floor level and 1no. self-contained flat arranged over the first and second floor levels. Demolition of remaining buildings on site and the erection of a three storey building comprising of 14 no. self-contained flats and the erection of 8no. two storey houses (total of 23 residential units). Associated amenity space, hard and soft landscaping, refuse/recycling storage and provision of 21 no. parking spaces and secure cycle storage. (AMENDED PLANS AND ADDITIONAL INFORMATION)

AGENDA ITEM 5

RECOMMENDATION I:

(i) Approve following completion of a Section 106 legal agreement and the conditions listed below; and

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

RECOMMENDATION II:

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

1. The Council's legal and professional costs of preparing the Agreement and any other enabling agreements.
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.
3. Provision of seven flats as shared ownership housing, to be provided for sale through a registered social landlord acceptable to the Council with an initial offering of a 25% share to prospective buyers.
4. Provision of a review of development viability for the approved development (including residential and non-residential units) on the sale of 80% of the residential units at the site (or two years after the date of the permission, whichever occurs first), with a proportion of any "superprofit" over the 20% nominal viability level to be paid to the Council for the sole purpose of contributing towards off-site affordable housing. The proportion of any superprofit to be paid to Council will be 80%.

5. Provision of a minimum of one car parking space for use by a "car club" and accessible to members of the car club both within and outside the development. Unless any allocation of spaces to particular units are otherwise agreed in the submission of a car parking plan under the conditions of the permission, all remaining spaces shall be available to be shared within the development
6. Provision of monitoring costs for a travel plan.
7. Meeting the costs of providing appropriate play space improvements within the locality of the site - £2834.
8. Meeting the costs of providing appropriate amenity space improvements within the locality of the site - £5450.
9. Provision of Skills, Employment, Enterprise and Training appropriate to the site, with the alternative of making a commuted financial contribution of £47,306 to cover the costs of providing for these obligations off-site.
10. Meeting the Council's costs of monitoring the planning obligation - £3500.

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

P0 - 000
P1 100 rev. PK
P1 101 rev. PL
P1 102 rev. PL
P1 103 rev. PI
P2 101 rev. PH
P2 102 rev. PH
P2 103 rev. PH
P3 101 rev. PC
P3 102 rev. PB
P3 103 rev. PC
P3 104 rev. PB
P3 201 rev. PB
P3 202 rev. PC
P3 203 rev. PB
P3 301 rev. PH
P3 302 rev. PH
P3 303 rev. PH
P3 304 rev. PH

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 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 April 2013) and 5.21 of the London Plan 2015.

- 4 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
 - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
 - vii. noise mitigation measures for all plant and processors;
 - viii. details of contractors compound and car parking arrangements;
 - ix. Details of interim car parking management arrangements for the duration of construction;
 - x. Details of a community liaison contact for the duration of all works associated with the development.

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

- 5 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. 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 measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2016.

- 6 a) Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority. The report shall include an assessment of construction dust impacts. The assessment shall have regard to the most recent air quality predictions and monitoring results from the Authority's Review and Assessment process, the London Air Quality Network and London Atmospheric Emissions Inventory. 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) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development. c) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 3.2, 5.3 and 7.14 of the London Plan 2011.

- 7 The level of noise emitted from any plant used in association with the development 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.

- 8 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).

- 9 a) No demolition or construction shall take place at Building C within the development until details of mitigation measures to show how the development will be constructed / adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the A1 and office use at Building C as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

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

- 10 (i) Unless first approved in writing by the local planning authority, no Non-Road Mobile Machinery (NRMM) shall be brought onto or used at the site in connection with the development unless it complies with the standards set out in the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), and all NRMM of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the SPG, or any subsequent guidance that replaces it.

(ii) The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>.

Reasons: In the interests of good air quality with regard to London Plan policies 5.3 and 7.14

- 11 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these

fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 12 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall commence on site until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority.

b) All tree felling and pruning works shall be carried out in full accordance with the approved specifications under this condition and in accordance with British Standard 3998 (Recommendation for Tree Works).

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 13 a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage, telecommunications and installation of electric vehicle charging points including electricity supply cables) in relation to trees on and adjacent to 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 details approved under this condition.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015).

- 14 a) No site works or works in connection with the development hereby approved shall be commenced until a biodiversity strategy, to include details of a wildlife survey of the site including existing buildings, and of the mitigation measures to be implemented for any protected wildlife species identified in the survey together with details of any mitigation measures including the timing of development works and special techniques, has been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 15 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species (to include wildlife-friendly varieties), planting heights, densities and positions of soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.
- 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.

- 16 a) Before the development hereby permitted is first occupied, a scheme detailing play equipment and outdoor furniture to be installed in the communal amenity space shown on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure that the development represents high quality design and to accord with Policy CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013), the Planning Obligations SPD (adopted April 2013) and Policy 3.6 of the London Plan 2016.

- 17 The development hereby approved shall not commence until a surface water drainage strategy for the site based on the principles of Sustainable Drainage Systems (SUDS) has been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented prior to first occupation and maintained as such for the lifetime of the development.

Reason: To ensure that the development manages surface water in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-statutory Technical Standards for Sustainable Drainage Systems).

18 a) No development other than demolition works shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:

(i) A Refuse and Recycling Collection Strategy, which shall include 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) The appearance and siting of 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 storage containers where applicable; and

(iii) Plans showing points of collection for refuse and recycling.

The refuse and recycling facilities shall be fully implemented in accordance with the approved details before the development is first occupied and after first occupation, the approved collection arrangements shall be also be fully implemented. Both the facilities and arrangements shall be retained as such thereafter.

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

19 a) No construction works at mews houses 1-5 and at any other buildings in the development where green roofs are required in order to meet the sustainable drainage requirements in the relevant condition in this permission, until details of the proposed green roofs have been submitted to and approved in writing by the Local Planning Authority.

b) The green roofs shall then be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. If any part of the approved green roof shall be removed, die, become severely damaged or diseased , it shall be replaced in accordance with the details approved by this condition unless other details have first been submitted to and approved in writing by the Local Planning Authority.

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

20 a) No development shall take place until details of the levels of the approved buildings, vehicle access and footpaths in relation to the adjoining land and buildings 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 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.

- 21 Prior to the first occupation of any building within the development, the buildings they shall be constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority, showing that the development will incorporate carbon dioxide emission reduction measures and on-site renewable energy provision that taken together will achieve an improvement of not less than 20% 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 for the lifetime of the development.

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.

- 22 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.

- 23 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces, which shall include bricks consistent with those described in the application, fenestration including exterior doors, roof cladding, rainwater goods and hard surfaces for outside areas in the approved scheme, 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.

- 24 a) No development other than demolition works shall take place until details of the appearance, materials and opening mechanism for electronically controlled access gates and appearance and materials for boundary treatment 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 shall then be retained as such.

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 and Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD.

- 25 No development other than demolition shall take place until details of turning space and parking spaces have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the first occupation of the development, and shall retained for the lifetime of the development.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2016.

- 26 a) No development other than demolition works shall take place until details of the locations, design, appearance, materials of secure cycle stores in accordance with London Plan cycle parking standards have been submitted to and approved in writing by the Local Planning Authority. The approved details for each building or dwellinghouse shall be provided in accordance with the approved details and thereafter shall used for no purpose other than for the parking of cycles associated with the development.

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 the Core Strategy DPD and Policy DM17 of Development Management Policies DPD.

- 27 a) No development other than demolition work shall take place until details have been submitted to and approved in writing that show that all units within the development shall 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 no less than 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations.
b) The development shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.

Reason: To ensure the development meets the needs of its future occupiers in accordance with Policy DM03 of the Development Management Policies DPD (adopted September 2012) and Policies 3.5 and 3.8 of the London Plan 2016 and the Mayors Housing SPG.

- 28 The development shall not be occupied until disabled parking spaces have been provided and clearly marked with a British Standard disabled symbol where appropriate in accordance with details that have first been shall be submitted to and approved in writing by the Local Planning Authority. The disabled parking spaces shall then permanently retained for the use of disabled persons and their vehicles and for no other purpose.

Reason: To ensure and promote easier access for disabled persons within the development in accordance with London Borough of Barnet's Local Plan Policy CS9 of the Core Strategy DPD and Policy DM17 of the Development Management Policies DPD.

- 29 The development shall not be occupied until 20% active and 20% passive parking spaces have been installed with electric vehicle charging points in accordance with details that have first been shall be submitted to and approved in writing by the Local Planning Authority. The approved spaces shall be permanently retained and maintained thereafter.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan.

- 30 a) Buildings A and C shall not be occupied until details of the electronically controlled access to these building has been submitted to and approved in writing by the Local Planning Authority and the approved details have implemented.

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 and advice in the Mayor's Housing SPG.

- 31 a) No gate shall be installed on the secondary access adjacent to House 1 until the following details have been submitted to and approved in writing by the Local Planning Authority:

(i) Means of management of security access for both residents and any non-resident member of the Car Club; and

(ii) Means of management and maintenance of the access lane to Abercorn Road, including any necessary legal provisions to allow rights to pass over the lane.

b) The provision of an access gate in this location shall then be implemented in accordance with the approved details and retained as such.

Reason: 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 and Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD.

- 32 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the office unit in Building C in the development may not be changed to residential use other than with express planning permission first being obtained from the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring occupiers and the general locality, and to retain an element of employment use at the site, in accordance with policies DM01 and DM14 of the Development Management Policies DPD (adopted September 2012).

- 33 Other than where identified as such on the approved drawings for the two mews houses closest to the Dollis Road site frontage, roofs of the approved buildings shall be used only in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 34 (i) Before Building A is first occupied, all balconies shall be fitted with obscure glazed screening up to the minimum balustrade height required to comply with Building Regulations, and shall be permanently retained as such thereafter.

(ii) Before the 'mews houses' located at the northern end of the site (Houses 1, 2 and 3) are first occupied, the rear-facing first floor windows on the north-east elevation shall be fitted with obscure glazing and shall be permanently fixed shut with only a fanlight opening, and shall be retained as such thereafter.

(iii) All windows serving any bathrooms, en-suite and / or w/c within the development shall be fitted with obscure glazing prior to the first occupation of the dwelling or non-residential unit of which they form a part, and shall be permanently fixed shut with only a fanlight opening, and shall be retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers at the development and of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 35 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed in any elevation of the 'mews' Houses 1 - 8.

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).

- 36 a) No additional privacy screens shall be installed unless details have first been submitted to and approved in writing by the Local Planning Authority.

b) Any additional privacy screens so approved shall be installed only in accordance with the details approved under this condition and retained as such thereafter.

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

37 a) No external lighting shall be installed and used until details of the appearance and luminance of the proposed lighting has been submitted to and approved in writing by the Local Planning Authority.

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

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

38 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A - H of Part 1 and Classes A, B, D, E and F of Part 2 of Schedule of that Order shall be carried out within the approved development.

Reason: To safeguard the amenities of neighbouring occupiers and the character of the area in accordance with policies DM01 and DM06 of the Development Management Policies DPD (adopted September 2012).

39 RECOMMENDATION III

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

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

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The following measures have been developed to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of this site. For a complete explanation of certified products please refer to the Secured by Design guidance documents which can be found on the website www.securedbydesign.com.

Public Realm

- Routes for pedestrians, cyclist and vehicles should be open, direct and not segregated from one another.
- Public footpaths should not run to the rear of, and provide access to gardens, rear yards or dwellings.
- Communal areas, such as playgrounds, seating or drying areas should be designed to allow supervision from nearby dwellings with safe routes for users to come and go.
- Windowless gable end walls adjacent to spaces for which the public have access should be avoided, as this prevents natural surveillance.

Boundaries / Gates

- Side and rear boundaries should be 2.1m in height (minimum), be positioned where possible at the front of the building line (if a recess is necessary, then not to exceed 600mm) and designed to avoid climbing aids. This can be achieved in a variety of different ways, i.e. close board, panel, etc. but if a trellis topping is to be used, this should be diamond style trellis.
- Fencing between rear gardens should be 1.8m in height (minimum) and designed to avoid climbing aids.
- Chain link style fencing is not an acceptable option.
- Side gates should provide vision, be positioned where possible at the front of the building line, (if a recess is necessary, then not to exceed 600mm) 2.1m in height (minimum) and designed to avoid climbing aids, particularly around the hinges and locking mechanism.

Doors / Windows

- Recessed doorways should not exceed 600mm.
- Communal doorsets should be certificated to either PAS 24:2012, LPS 1175 Issue 7:2010 Security Rating 2 or STS 202 Issue 3:2011 Burglary Rating 2.
- Communal doorsets should incorporate an automatic closing mechanism, automatic deadlock, with internal thumb turn, knob or handle - external entry should be restricted by key, key code, key fob, proximity reader or combination thereof.
- All easily accessible doorsets, including front, back, French, patio and balcony doors, should be certificated to either PAS 24:2012, LPS 1175 Issue 7:2010 Security Rating 2, STS 201 Issue 4:2012, STS 202 Issue 3:2011 Burglary Rating 2, or LPS 2081 Issue 1:2014 Security Rating B. Due to crime problems associated with letter

plate apertures, such as arson, hate crime, lock manipulation and 'fishing', Secured by Design strongly recommends, where possible, mail delivery via a secure external letter box or delivery 'through the wall' into a secure area of the building.

- All sliding and bi-fold doorsets not designated as the primary access/egress route should meet the same physical attributes as above.

- A door chain or opening limiter and internal letterbox shield should be fitted to all individual dwelling front doors.

- A door viewer should be fitted at a height of between 1200mm to 1500mm from the bottom of all front doors (not required with adjacent unobscured glazing).

- All easily accessible windows should be certificated to either PAS 24:2012, LPS 1175 Issue 7:2010 Security Rating 1, STS 204 Issue 3:2012, or LPS 2081 Issue 1 Security Rating A.

- All easily accessible windows should have key operated locks. Where windows are required under Building Regulations to act as a fire escape route, the opening window must not have key operated locks.

- Windows that form an integral part of the doorframe should be shown to be part of the manufacturer's certificated range of doorsets. Alternatively where windows are manufactured separately from the doorframes, they should be certificated to either PAS 24:2012, LPS 1175 Issue 7:2010 Security Rating 1, STS 204 Issue 3:2012 or LPS 2081 Issue 1:2014. In such cases the window should be securely fixed to the doorset in accordance with the manufacturer's requirements.

- All glazing in and adjacent to communal, front, back and doors and ground floor windows and windows that are easily accessible above ground floor level, should incorporate one pane of laminated glass meeting the requirements of BS EN 356:2000 class P1A.

- Communal entrance doors should have vandal resistant audio, visual access control panels, with electronic lock release - tradesperson release buttons are not permitted. Electronic access control proximity 'keys' and readers should be security encrypted to protect against unauthorised copying.

- Secure external mailboxes to serve each property should be fixed to the external face of the building.

Balconies / Terraces

- Enclosures to balconies at all levels should be designed to exclude handholds and to eliminate the opportunity for climbing up, down or across between balconies.

- Drainpipes/soil pipes that provide access to flat roofs or balconies will require metal shrouds to prevent climbing (regardless of whether they are PVCu or not). Unless constructed to be finished flush with the building or wall, again to inhibit climbing.

Parking

- Car parking areas should be close to the properties they serve, with good natural surveillance from regularly habitable rooms of adjacent properties, i.e. living rooms and kitchens.

- Basement parking facilities should have secure, controlled access, incorporating full height gates or barriers, accessed via key, key code, key fob, proximity reader or combination thereof. Electronic access control proximity 'keys' and readers should be security encrypted to protect against unauthorised copying.

Refuse / Cycle Storage

- Bin storage areas should be enclosed and incorporate a self-closing mechanism and slam-shut BS 8621 lock with internal thumb turn.
- Cycle storage areas should, ideally be enclosed and built into the fabric of the building is visibly permeable, incorporating a self-closing mechanism and slam-shut BS 8621 lock with internal thumb turn.
- Where this is not possible, it should be sited in a secure communal area, with good natural surveillance from regularly habitable rooms of adjacent properties, i.e. living rooms and kitchens.

External Lighting / Alarm Systems, etc

- All street lighting for both adopted highways and footpaths, private estate roads, footpaths and car parks, should comply with BS 5489.
- The overall uniformity of light is expected to achieve 40% and should never fall below 25%. The colour rendering qualities should achieve 60 (minimum) on the Colour Rendition Index - certification will be required.
- External lighting should be switched using a photoelectric cell (dusk to dawn) with a manual override.
- Utility meters should, where possible, be sited outside the front of the dwelling - alternatively they should be sited on the ground floor, between access-controlled doors (air lock system).
- A 13amp non-switched fuse spur, suitable for an alarm system, should be provided
- if a full alarm system is provided, it should comply with:
 - i. BS EN 50131 & PD6662 (wired system)
 - ii. BS 6799 (wire free system)

If complete systems are installed and a police response is required, reference should be made to the ACPO Security Systems Policy, a copy of which can be obtained from the SBD website - www.securedbydesign.co.uk

- 3 All trees, shrubs and herbaceous plants to be planted must adhere to basic biosecurity measures to prevent accidental release of pest and diseases and must follow the guidelines below.

"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth, Obama nungara flatworm and Chalara of Ash. All material to be planted must have been held in quarantine."

- 4 The development should discharge surface water runoff as high up the discharge hierarchy as possible. Where it is not possible to achieve the first hierarchy, discharge through the ground, applicants must demonstrate in sequence why the subsequent discharge destination was selected. Proposals to dispose of surface water into a sewer, highway drain, surface water body or another drainage system must be accompanied by evidence of the system having spare capacity downstream and acceptance of the surface water by the appropriate authority(ies).

The surface water drainage strategy shall use SuDS to manage peak surface water runoff rates in accordance with S2 and S3 of the Non-statutory Technical Standards

for Sustainable Drainage Systems. SuDS shall be used to provide volume control in accordance with S4, S5 and S6.

The surface water drainage strategy for the site must be accompanied by evidence of an Adopting Authority accepting responsibility for the safe operation and maintenance of SuDS within the development, including responsibility that sufficient funds have been set aside and / or can be raised to cover operation and maintenance costs throughout the lifespan of the development.

5 The submitted Construction Method Statement shall include in addition to the Highways Officer's requirements, the following additional minimum details:

- Site hoarding
- Wheel washing
- Dust suppression methods and equipment 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 that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999. Proof within the contractor's specification that all NRMM will be registered on the local government website
- Confirmation whether a mobile crusher will be used on site and if so, a copy of The permit and indented dates of operation.
- For major developments only: provide a copy of an asbestos survey for smaller developments confirmation that a 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.
- That bonfires are not permitted on site.

6 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.

Officer's Assessment

Officer's Assessment

1. Site Description

The application site comprises three main areas, which together make up a site area of approximately 0.3 hectare, as follows:

(i) 143 Dollis Road is a three storey building comprising a retail unit at ground level with walk up access to the first floor at the rear along with a small service area and a single-storey storage shed. It forms part of a Local Shopping Frontage as identified in the Development Management Policies DPD.

(ii) 141 Dollis Road comprises land and buildings in the north-eastern part of the site to the rear of 143, along with an access road from Dollis Road between numbers 139 and 141. The access also serves 139A Dollis Road, a residential building to the rear of 139.

Buildings within this part of the site include:

- a part single, part two-storey office and workshop directly to the rear of 139A Dollis Road;
- a single storey workshop towards the northern end of the site;
- a series of storage sheds at the rear of Building 2, abutting the northern boundary with 22A Abercorn Road;
- a long flat-roofed single storey building that abuts the boundary with 2 and 3 Abercorn Close along the western side of this part of the site; and
- a block of garages to the rear of 143 Dollis Road.

Until relatively recently, another building closed the now-existing gap between the last two listed above, completing a linear arrangement of buildings in this area. This has been demolished, and it appears that some or all of the demolition material may remain on the adjacent north-western part of the site.

(iii) Land to the rear of 2 - 20 Bittacy Hill forms the north-western part of the site. This area is currently overgrown some trees growing on and adjacent to the site boundaries and what appears to be demolition rubble on part of this area. While the existing trees do not appear to be of any great arboricultural value, as a group those along the boundaries with the Abercorn Close properties make a contribution to the character and amenities of the area.

In addition to the neighbouring properties in Abercorn Road and Abercorn Close, noted above, this part of the site shares a boundary with 1-8 Mallow Mead, to the east.

The properties adjoining the site as a whole are, in a clockwise direction starting from the site frontage at 143 Dollis Road:

- 2-20 Bittacy Hill, a three storey building that includes a parade of shops that are within the Local Shopping Frontage and above that, maisonettes with walk-up access from a shared first floor access terrace to the rear;
- 22 Bittacy Hill and its associated carparking at the rear of the property, which is to the north of the north-western part of the application site;
- the rear gardens at 4-5 Abercorn Close;
- 3 Abercorn Close, which shares its side and rear boundaries with the site;

- 2 Abercorn Close,
- 22A Abercorn Road ('The Albany'); and
- 1 - 8 Mallow Mead.

To the front of the site, the Local Shopping Frontage also includes 137-143 Dollis Road as well as 2-20 Bittacy Hill, and other properties around Holders Hill Circus. 137 Dollis Road is a BP service station located to the east of the main access, and is separated from the access road by 139 Dollis Road.

To the rear, there is a minor secondary access currently existing between the site and Abercorn Road. Viewed north from the site, 24 Abercorn Road and 1 and 2 Abercorn Close are to the left (north-west), and 22 and 22A Abercorn Road to the right (south-east of the shared lane). It appears not to have been used for some time in association with the application property, and currently provides the sole access to the bungalow at 22A Abercorn Road, also known as 'The Albany' and referred to as such in this report. A key recent change to the application in the amended plans now being considered access from the adjacent lane has now been entirely removed in the revised proposal.

The site is not located in a conservation area and there are no listed buildings within the site or in the immediate locality. Trees within and on the boundaries of the site are not protected by way of a Tree Preservation Order.

2. Relevant Site History

141 Dollis Road was subject to two 'prior approval' applications made late in 2015 for changes of use from B class to office (Class B1) to residential use. These were:

- 15/07216/PNO - Change of use from office (Class B1) to residential (Class C3) to provide 10 residential units.
- 15/07218/PNP - Change of use from storage (Class B8) to residential (Class C3) to provide 7 residential units.

The decisions in both cases were that Prior Approval was required, and both were refused on 19 January 2016.

Another application in 2015 related to 143 Dollis Hill only, but was withdrawn before it was determined. This was:

- 15/07722/FUL - Demolition of the existing building and the erection of a four storey building consisting of retail use at ground floor level and 6 no. residential units on the floors above.

This was followed in 2016 by a full planning application which covered the whole of the current application site:

16/5328/FUL: Partial demolition of existing building at No. 143 Dollis Road with alterations and additions to provide a four storey building comprising of 140sqm of A1 retail use at ground floor, 45sqm of B1 office space at first floor and 4no. self-contained flats at first, second and third floor levels. Demolition of remaining buildings on site and the erection of a three storey building comprising of 16no. self-contained flats and erection of 8no. two storey houses (total of 28 residential units). Associated amenity space, hard and soft

landscaping, refuse/recycling storage and provision of 10no. cycle spaces and 23no. parking spaces.

The application was refused on 20 March 2017 for the following reasons:

1 By reason of the siting and proximity of Buildings A and B to surrounding residential properties, the footprint of Building A and the height, design, size, scale and massing of buildings A and C, the proposal would result in a cramped overdevelopment of the site that is uncharacteristic of this setting and its surroundings, would be incongruous in and harmful to the character and appearance of the streetscene and would be unacceptably overbearing for a residents of the surrounding properties. As such, the proposal would be contrary to Policies CS NPPF, CS4 and CS5 of the Local Plan Core Strategy (adopted September 2012), DM01 of the Local Plan Development Management Policies DPD (adopted September 2012), 7.4 and 7.6 of the London Plan (2016) and to advice in the Residential Design Guidance SPD (adopted October 2016).

2 The siting of buildings in the proposed development in close to proximity to flats and their external access at 2 - 20 Bittacy Hill and to 2 - 5 Abercorn Close and to their gardens would result in overlooking and an unacceptable loss of privacy to neighbours, such that the development contrary to Policies CS1 and CS5 of the Core Strategy, DM01 of the Development Management Policy DPD, 7.6 of the London Plan, and advice in the Residential Design Guidance SPD 2016 and Sustainable Design and Construction SPD 2016.

3 The external amenity space standards in the development are below the relevant minimum standards. The gardens for ground floor units at Building A more overshadowed than might otherwise be the case in a more acceptable scheme, and the other amenities of the development do not balance out this substandard feature, and the proposal is therefore contrary to Policies As such, the proposal would be contrary to Policies CS4 of the Local Plan Core Strategy (adopted September 2012), DM01 of the Local Plan Development Management Policies DPD (adopted September 2012) and 7.6(f) of the London Plan (2016) as well as to advice in the Mayor of London's Housing SPG and the London Borough of Barnet's Sustainable Design and Construction SPD.

4 No affordable housing, either as part of the application or by way of a financial contribution towards off-site affordable housing, has been secured by way of a completed section 106 planning obligation. The application is therefore contrary to Policies 3.12 and 3.13 of the London Plan 2016, CS4 of the Local Plan Core Strategy (adopted September 2012), DM08 and DM10 of the Local Plan Development Management Policies DPD (adopted September 2012), and the Council's Affordable Housing SPD.

5 Insufficient cycle storage would be provided, and in addition in order to make the Car Club workable it would be necessary to make provision for this in a section 106 agreement, which has also not been provided in this application. The proposal is therefore contrary to Policies 6.9 of the London Plan, DM17 of the Development Management Policies DPD, and to advice in the London Borough of Barnet's Sustainable Design and Construction and Planning Obligations SPDs.

Two recent applications for part of the site comprising Unit 1 at 141-143 Dollis Road were also made during the last 14 months, but both were withdrawn prior to their being determined:

16/5357/FUL: Demolition of existing building and erection of a demountable tent to facilitate a car wash.

17/0147/FUL: Demolition of existing building and erection of a demountable tent to facilitate a car wash.

3. Proposal

The application proposal is for the demolition of all buildings at 141 Dollis Road and the partial demolition, alterations and additions to the existing building at No. 143 Dollis Road and the addition of new buildings to provide 23 residential units together with retail and office floorspace.

As noted above, recent amendments have removed any access to and from Abercorn Road. The number of residential units has also decreased through the course of the application, and additional Class B1 office space has been provided within the building to the front of the site by utilising space that would have been used for a residential unit in the earlier iterations of the proposal. This is Building C as referred to in the application and in this report.

The proposed new-build components would be as follows:

Building A would be a new three storey apartment building located within the north-western part of the site as described in Section 1 above, which would provide 14 flats. Two of these would be studio units, with 8no. 1-bedroom and 4no. 2-bedroom flats. The building's flank walls would face south-east, towards the site entrance and 139A Dollis Road, while north-west to face 22 Bittacy Hill. Three of the four ground floor flats in this part of the site are would be accessible to Building Regulations part M4(3) standard. The ground floor units would all have their own gardens ranging between 62 and 163 sq.m. in area, and the first and second floor flats would have balconies varying between 5 and 15 sq.m. in area. A small communal garden / play area would also be provided.

Building group B would consist of two separate terraces to provide a total of 8no. "mews" houses within the north-eastern part of the site. They would be arranged in two groups that would be separated by a vehicle turning head. Houses 1 - 3 would comprise a staggered group with front elevations facing to the south east (towards the site entrance) and rear elevations facing 22A Abercorn Road. Private rear gardens would be provided, and in the case of Houses 1 and 3 these would extend down the sides of the houses. For House 1, this results in land that would have provided pedestrian and cycle access to Abercorn Road now being incorporated into the enlarged garden for this property. Houses 4 - 8 would be a staggered terrace of five facing north-west - House 4 would be oriented towards the rear of the garden at 3 Abercorn Close and Houses 5 - 8 towards Building A and the adjacent car parking area. Rear (south-east) elevations of all five houses would be towards the terraced properties at Mallow Mead and adjacent private amenity space. Houses 4 and 5 would have shallow rear gardens, while Houses 6, 7 and 8 would be built to the site boundary, replicating the footprint to the existing part single-, part two-storey building currently in this part of the site. Amenity space for these three dwellings would be provided by roof-top terraces accessed by covered stairs at the rear of each dwelling, adjacent to the boundary to an area of amenity space at Mallow Mead. The privacy of neighbouring occupiers at that property would be protected by the higher rear walls of these dwellings, which would extend to approximately 2m above the level of the roof terraces to ensure that there would be no overlooking to the rear.

The existing building at the front of the site, as noted above is Building C in the proposals. It would be partially demolished and extended, with alterations to provide a three storey mixed-use building comprising an extended A1 retail unit at ground floor level of 120sq.m., 143 sq.m. of Class B1 office space at first and second floor levels, and a 1-bedroom flat with a small balcony, also at second floor level. The proposals for this building have been considerably reduced and altered during the course of the application, from four to three stories which, along with the increased office space to provided, also results in a reduction from four to one flat within the building and from 26 to 23 units with the overall redevelopment of the site.

The development would also provide 21 parking spaces, including three disabled spaces and one space to be reserved for use by a car club. Free membership is proposed for the initial occupiers at the site for the first three years of operation.

Vehicle access to the site would be provided by the existing access from Dollis Hill. The secondary access to and from Abercorn Road has now been deleted in the amended proposals now being considered. This represents a key change from both the refused scheme, where this was identified as a secondary vehicle access to the site, and from the proposals as initially proposed in this application, which would have retained this as a pedestrian and cycle access. While in this proposal there has been some confusion over the use of this access, its removal from the scheme addresses one of a number of neighbour objections to the scheme.

The application seeks to address the reasons for refusal in the 2016 application, and in order to achieve them the following key changes have also been made in this application:

- Building A has been reduced in height, area and separation has increased from its closest neighbour, 2-20 Bittacy Hill;
- Houses 1-3 within Building Group B have been reduced in size and reoriented in relation to the neighbouring properties, and Houses 4, 5 and 6 have been repositioned to form a terrace of five dwellings (including Houses 7 and 8).
- Seven shared ownership units would be provided as part of the proposals, along with a review mechanism that would allow for further off-site contributions to affordable housing if profitability exceeds an agreed benchmark.

4. Public Consultation

Consultation letters were sent to 320 neighbouring properties on 22nd June 2017. During the course of the application, residents were notified of amendments and reconsulted twice, on 16th August 2017 and 1st February 2018. There have been representations from 46 neighbouring occupiers and other interested parties, with 43 of these objecting to the proposal and three in support.

Issues raised by objections are as follows:

- The change of character for our neighbourhood.
- Over development.
- Added traffic congestion and higher air pollution levels.
- Access onto a very busy roundabout will be hazardous.
- Impacts on pedestrian and traffic safety.
- Noise.

- Insufficient space to provide car parking and cycle storage as well as flats and retail space.
- Increased car parked on Abercorn Road will result.
- Loss of privacy and residential amenity.
- There is no demand for additional flats and retail space in this location.
- A very similar application has previously been rejected.
- The proposal to use the narrow alleyway between the site and Abercorn Road as an access road is not workable.

Comments in favour are summarised as follows:

- Local shops will be more viable with the increased customer base brought by the development.
- These issues are considered below, in Section 5 of this report.

Consultee responses

The Environmental Health Officer has recommended conditions to control noise impacts and ensure that on site contamination is properly addressed, in the event that planning permission is granted.

Tree Officer: No objection. Detailed advice is included in 5.3 below.

London Fire and Emergency: Satisfied with the proposals with regard to fire-fighting access.

Lead Local Flood Authority: A detailed drainage strategy has not been provided, and conditions to cover this requirement is recommended in the event that planning permission is granted.

Highways: No objections. Comments are set out in detail in 5.3 below.

Metropolitan Police: Advice given on Secured by Design and measures that can be taken in the detailed design of proposals to ensure the security of future occupiers.

5. Planning Considerations

5.1 Policy Context

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.

National Planning Policy Framework and National Planning Practice Guidance

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

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

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as such.

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

Barnet's Local Plan (2012)

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

Policy 3.3 - Increasing Housing Supply

Policy 3.4 - Optimising Housing Potential

Policy 3.5 - Quality and Design of Housing Developments

Policy 3.8 - Housing Choice

Policy 3.9 - Mixed and Balanced Communities

Policy 5.1 - Climate change mitigation

Policy 5.2 - Minimising carbon dioxide emissions

Policy 5.3 - Sustainable design and construction

Policy 5.7 - Renewable energy

Policy 5.10 - Urban greening

Policy 5.11 - Green roofs and development site environs

Policy 5.13 - Sustainable drainage

Policy 5.14 - Water quality and wastewater infrastructure

Policy 5.15 - Water use and supplies

Policy 6.9 - Cycling

Policy 6.10 - Walking

Policy 6.13 - Parking

Policy 7.1 - Lifetime neighbourhoods

Policy 7.2 - An Inclusive Environment

Policy 7.3 - Designing Out Crime

Policy 7.4 - Local Character

Policy 7.5 - Public Realm

Policy 7.6 - Architecture

Policy 7.18 - Protecting open space and addressing deficiency

Policy 7.19 - Biodiversity and access to nature

Policy 8.1 - Implementation

Policy 8.2 - Planning Obligations

Policy 8.3 - Community Infrastructure Levy

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 National Planning Policy Framework - Presumption in favour of sustainable development
- CS1 Barnet's place shaping strategy - the Three Strands approach
- CS3 Distribution of growth in meeting housing aspirations
- CS4 Providing quality homes and housing choice in Barnet
- CS5 Protecting and enhancing Barnet's character to create high quality places
- CS8 Promoting a strong and prosperous Barnet
- CS9 Proving safe, effective and efficient travel
- CS11 Improving health and well-being in Barnet
- CS12 Making Barnet a safer place
- CS13 Ensuring the efficient use of natural resources
- CS14 Dealing with our waste
- CS15 Delivering the Core Strategy

- Relevant Development Management Policies:

- DM01 Protecting Barnet's character and amenity
- DM02 Development standards
- DM03 Accessibility and inclusive design
- DM04 Environmental considerations for development
- DM06 Barnet's heritage and conservation
- DM07 Protection of housing in Barnet
- DM08 Ensuring a variety of sizes of new homes to meet housing need
- DM10 Affordable housing contributions
- DM12 Maintaining our local centres and parades
- DM14 New and existing employment space
- DM16 Biodiversity
- DM17 Travel impact and parking standards

The Council's approach to all development as set out in Policy DM01 is to minimise impact on the local environment and to ensure that 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, amongst other things, privacy amenity and outlook for adjoining occupiers.

Mayor of London's Supplementary Planning Guidance

- Mayor of London's Housing SPG
- Mayor of London's Affordable Housing Viability SPG
- Shaping Neighbourhoods: Play and Informal Recreation SPD

London Borough of Barnet Supplementary Planning Documents

Skills, Employment, Enterprise and Training SPD (adopted October 2014)

- This SPD sets out mechanisms and benchmarks for ensuring that development positively contributes to Barnet's economy. It provides a Skills, Employment, Enterprise and Training framework (SEET) which is intended to ensure that development provide new job opportunities through construction and / or end use, and that it provides for mitigation where proposals would result in the loss of employment space through appropriate non-financial and financial means.

Planning Obligations SPD (adopted April 2013)

- Sets out parameters for providing section 106 planning obligations through both non-financial and financial means.

Residential Design Guidance SPD (adopted October 2016)

- Sets out information to assist in the design of new residential development. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- In respect of amenity, development should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

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.

Affordable Housing SPD

- Provides detailed guidance that supplements policies on affordable housing provision in the adopted Local Plan.

Other relevant planning documents

London Borough of Barnet Characterisation Study (2011)

- This provides a valuable analysis of urban and suburban typologies with detailed descriptions of the main residential types within the Borough.

5.2 Main issues for consideration

The application seeks to overcome the reasons for refusal of the 2016 planning application, ref. 16/5328/FUL. Key issues for consideration therefore relate first to the five reasons for refusal, and secondly to other key issues that may have arisen due to the differences in the refused and proposed schemes, as follows:

(i) The issues in the five reasons for refusal:

- Harm to the character and appearance of the existing building, the street scene and the wider locality;
- Harm to the living conditions and amenities of neighbouring residents;
- The standard of accommodation for future occupiers;
- Whether the provision of affordable housing at the site is satisfactory;
- Provision of cycle storage.

(ii) Other key issues:

- Whether redevelopment of the site is acceptable in principle.
- Impact on the highways network.
- Impacts on protected wildlife.
- Impacts on trees.
- Building sustainability and site drainage.
- Community Infrastructure Levy and Section 106 provisions in the scheme.

5.3 Assessment of proposals

Whether the proposals have overcome the objections in the previously refused application

Reason 1

Key points from the first reason for refusal relate to

- (i) relationships between the proposed buildings and their proximity to neighbouring residential properties (Buildings A and B), and
- (ii) height, design, size, scale and massing of Buildings A and C.

In combination, it was considered that the proposal would have resulted in a cramped overdevelopment of the site that is uncharacteristic of this location. It was also considered that the proposals would have been unacceptably overbearing for residents at the surrounding properties.

The density of the site when developed with 25 units would be approximately 83 units per hectare, as against 92 units per hectare in the refused proposal. This site has a Public Transport Accessibility Level of 2 and has characteristics of an urban area as defined in the London Plan and Residential Design Guidance SPD density matrix, although the surrounding properties on three sides are suburban in character. Density ratings for smaller units in the density matrix are up to 95 units per hectare for suburban sites and up to 170 units for urban areas. The development in the previous application was, therefore, within the upper limit for suburban areas although close to the upper indicative limit, and the reduction in unit numbers in this proposal brings the development well within the density ranges considered appropriate in suburban locations.

The appropriateness of development on a site is however not based on density alone, and siting, layout, quality of accommodation and amenity also key factors to be taken into consideration. The reduced footprint has been achieved by reducing the width of the building from approximately 10m to 9m across the main parts of the building, with corresponding reductions from 13m to 12m for the two stairwells on the north-west side of the building, facing the rear of the adjacent Bittacy Hill properties. Changing the roof form from pitched to flat reduces the height from approximately 11.25m to 10m, albeit that the

eaves in the refused proposal would have been a little lower. In addition, the more linear and rectangular plan form in the refused application has been redesigned to provide two main elements with an offset of 1.0m between them. Along with the reduced width, this would result in an increased separation distance from the rear of 2-20 Bittacy Hill. Although this increase for the northern element of the building is marginal (about 300mm), the southern part is set an additional metre from this neighbouring building.

Changes for the mews houses include, for Houses 1, 2 and 3 (the northernmost houses) reductions in footprint and a reorientation to improve their relationships with the neighbouring properties. With regards to the relationship of the proposed dwellings to 22A Abercorn Road ('The Albany'), as existing there is a low storage building abutting the shared boundary at present while the main building in this part of the site is the existing workshop, set approximately 7.5m from the south-western facing elevation of this neighbouring dwelling. The two-storey high flank wall for the closest dwelling in the refused proposal would have decreased this separation to approximately 3.5m, which given the two-storey height of the flank wall proposed was clearly unacceptable. For properties at 1-4 Mallow Mead, separation to a flank wall in the current proposal would be about 13.5m, and while in the refused proposal the to the rear facing walls of the three houses was at a slightly greater distance, the facing walls would have been devoid of windows and the objection in the refused scheme related largely to the visual impacts of the featureless walls. In this proposal, the greater variation in built forms facing Mallow Mead is considered to result in a more acceptable relationship than in the refused scheme.

Building C has also been reduced in height, by the removal of the pitched roof and, in the amended drawing submitted during the course of the application, by a further reduction from four to three stories. This represents a reduction in height from 14.5m in the refused proposal to 10.3m in the amended drawing now being considered. The existing building height is approximately 9.3m. While the refused proposals was considered to be unsympathetic to and disproportionately tall in the streetscape of buildings to either side at Bittacy Hill and Dollis Road, the reduced scale in this proposal is considered to result in an acceptable relationship with the surroundings.

Overall, while the changes from the refused scheme are nuanced and in the case of Building A, relatively small, the reduced bulk that has resulted from reduced building width and height, would result in a much less imposing building than in the refused scheme. Relationships with 22 Bittacy Hill to the north, as well as to numbers 2-20 where spacing between the buildings has been increased are therefore considerably improved in comparison with the refused proposal. Changes for Houses 1, 2 and 3 are also considered to result in improved relationships with the neighbouring properties, and Building C relates much more appropriately in scale to those to either side of it on the street frontage. On balance, it is considered that this part of the reason for refusal has been sufficiently addressed, such that the objections in the refusal are no longer sustained.

Reason 2

Proximity to 2 - 20 Bittacy Hill and 2 - 5 Abercorn Close and their gardens was considered to result in unacceptable overlooking and loss of privacy to neighbouring occupiers. Separation from the rear facing windows at flats at 12-20 Bittacy Hill has increased to a minimum of 16m. It is noted however that new balconies have been introduced on this side of Block A, and this would only be acceptable with the use of frosted glass or other screening to minimise any overlooking from these balconies. This requirement is set out in one of the recommended conditions.

With regard to Building Group B, in the refused scheme the northern-most dwelling would have faced 2 Abercorn Close with a first-floor window-to-window distance of 17m. This would have been under the minimum acceptable separation as set out in the Council's adopted Residential Design Guidance SPD. Reorienting a group of three houses in this part of the site eliminates this overlooking and also removes the overlooking into the rear garden at number 3. Houses 1-3 results in their rear elevations facing this property, the separation distances would range from approximately 7m to 10m to the neighbouring bungalow at 'The Albany'. While this is under the distance noted from the SPD above, it is an improvement both on the separation from the existing workshop and the refused scheme, and would be further mitigated by permanent frosting of the rear-facing first-floor bedroom window in each of three dwellings to a minimum level of 1.7m above finished floor level.

As in the refused scheme, three of the 'mews' houses would have terraces at roof level. However, any overlooking to neighbouring properties outside the development would be avoided as direct views from them would be to the flank wall of Building A, adjacent car parking and amenity space beyond that. It is now noted that the high walls at the rear of these roof terraces, towards Mallow Mead, are to an amenity space. Given that they will be to the north-west of this space and on the line of the wall of an existing workshop / office building at the site, this is considered to be an acceptable relationship.

Subject to conditions as recommended in this report, it is considered that the redesigned scheme results in an acceptable balance between providing acceptable standard of accommodation for future residents while protecting the amenities of existing occupiers, and it is considered that the incremental improvements in the scheme as compared to the refused application is sufficient to be able to lift the objections.

Reason 3

The external amenity space standards in the development vary considerably through the development. Reorientation of the houses at the northern end of the site results in larger gardens for some, although those closer to the middle of the site are smaller than in the previous scheme. Gardens for the ground floor flats in Building A are generous in size although as noted in the previous application they will be overshadowed for much of the day. However, all units have, at minimum, a 5 sq.m. balcony, and some are larger. Most of the 'mews' house have areas of amenity space that comply with the Council's SPG minimum requirements; in the case of Houses 6, 7 and 8 these are in the form of roof terraces. As noted above, impacts on neighbours from terraces at this level have been considered and are acceptable. Progress has been made with ensuring that the development will make a financial contribution towards off-site amenity provision. The Council's Green Spaces Co-ordinator advises that the sum for this is £2834 for off-site play space, while the shortfall in amenity space of 80 sq.m. across the development generates a requirement for an off-site payment of £5450. Subject to this being provided through a section 106 agreement, it is considered that the third reason for refusal will be adequately addressed.

Reason 4: Provision of affordable housing

London Plan Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought when negotiating on individual private residential and mixed use schemes. It suggests that negotiations on sites should take account of their individual circumstances including development viability. This approach is reflected in Policies CS4 of the Core Strategy and DM10 of the Development Management Policies DPD, with the latter policy

setting a target of 40% affordable housing on sites of 10 units of more or covering 0.4 hectares or more (to be calculated in terms of habitable rooms or floorspace).

The application provided a detailed viability assessment which makes a case that the development would not be viable with the provision of affordable housing. An independent review of the applicant's assessment was carried out on the Council's behalf, although agreement was not reached on the viability issue. However, the application has offered eight shared ownership units as on-site affordable housing comprising flats in Buildings A and C. This comprises 25% of the net saleable floor area of the development and while this is welcomed, it falls some way short of minimum 40% proviso required in Policy DM10. In line with the London Affordable Housing Viability SPG published in August 2017, it is considered that this proportion of shared ownership units can be accepted provided that the section 106 agreement to secure the units also provides a review clause. The review would require a post-development review of viability, to ensure that if the profitability of the scheme is sufficiently improved on the level projected in the viability assessment then an additional financial contribution towards provision off-site housing would be secured, with the ceiling amount to be the value equivalent to the policy compliant level of provision.

The Council's Housing Enabling Team has requested that the shared ownership units be offered to prospective buyers with an initial 25% share and this has been agreed to by the applicant and their prospective partner RSL.

For the above reasons, it is considered that the completion of a section 106 agreement would overcome the fourth reason for refusal of the 2016 application.

Reason 5: Lack of cycle storage and provision for Car Club membership

The Highways Officer has advised that for this scheme, a minimum of 35 secure cycle spaces are required for the residential component of the scheme to meet London Plan standards. Additional cycle storage will be required for the use of employees in the office and retail units. As only 21 are proposed, additional cycle storage is therefore required. Additional cycle storage could be provided on the south-eastern side of Block A, adjacent to the access road, and it is also noted that space that would have been used for the access path to Abercorn Road is also available for other uses within the amended layout now being considered. While this land is shown in the amended plans as part of the garden for Mews House 1, it is considered that an additional sensitively design could be provided within this space without adversely impacting on the occupiers of existing and proposed dwellings (this space is currently occupied by one of the smaller employment buildings, which would be demolished as part of the scheme). The recommended condition requires further details to be submitted and approved to show complying levels of cycle storage, prior to the commencement of the development.

The fifth reason for refusal in the 2016 decision also related to lack of provision for Car Club membership. This would need to be provided within a section 106 agreement. The recommendation for approval is subject to this being achieved, but provided that this is done, the fifth reason for refusal of the 2016 application would therefore be overcome.

Whether there are any other issues which are materially different from those considered when the 2016 application was assessed.

- Whether the redevelopment of the site is acceptable in principle

The applicant's Planning Statement describes the north-western part of the site as former rear garden land at 2 - 20 Bittacy Hill. As such, this part of the site is not brownfield land, but may be developed subject to being of a character appropriate to the area. The remainder of the site is more properly described as brownfield land. For this area, Policy DM14 in the Development Management DPD protects B Class uses unless it can be demonstrated that it is no longer required for business purposes. The application has set out a case that the site is not suitable for business purposes but no evidence that marketing of the site was carried out, in accordance with LBB policy DM14, has been submitted. While the previous application was not refused on grounds of loss of employment space, this issue has therefore been further assessed during the course of this application.

As amended, the application would result in the following changes to the non-residential floorspace at the site:

- A1 unit - an additional 39 sq.m. would be provided;
- B1 use - there would be a net loss of 34 sq.m., including new provision in Building C;
- B2 use - 554 sq.m. would be lost.

The loss of B1 floorspace is relatively minor, and balanced to some extent by the additional retail floor space, which would help to reinforce the viability of the local shopping centre within which Building C is located. The loss of B2 floorspace is not supported by Policy DM14, although it is noted that employment densities for office floorspace are higher than would be achieved in the Class B2 floorspace that would be lost, so that the loss of employment there would be significantly less than would be the case if employment was even across all of the B1 / B2 space being lost. On balance, the loss of employment land would be justified only if appropriate mitigation for training and employment is provided, either on site or by way of a commuted sum for off-site provision, is made. In this case, the following provision should be made, either on-site during construction or off-site as a commuted sum:

- o One Apprenticeship Placement for one year (or commuted sum equivalent at £22,000);
- o Progression into Employment programme (or commuted sum equivalent at £10,680).

Recommendation II(9) above provides for this on- or off-site provision to be included in the section 106 obligation that would be required if the application is to be supported. Taking into account that the site is surrounded by residential development on all sides and that if redeveloped for employment purposes it is likely that a significant loss of residential amenity could result from increased noise and potentially heavy vehicle traffic, it is considered that the provision of B1 office space in this revised proposal and the mitigation outlined above would be sufficient in this case to justify the loss of the bulk of this site for employment uses. No objection is therefore raised on this issue.

Impact on the highways network

The proposed development provides 21 parking spaces, which includes one on-site space for a new Car Club and three disabled spaces. As required in the London Plan, 20% of the spaces will have active electric vehicle charging points and a further 20% will have passive provision. A draft Travel Plan has also been provided, and while not a requirement for a development of this size it can be used to manage the car club offer and in addition can be applied to the increased office space now proposed within the development in the scheme as amended.

Based on the site's accessibility level, PTAL 2, the Council's Highways officer has advised that between 12 and 29 car parking spaces would need to be provided to fully comply with the Council's Parking standards. The provision of 21 spaces is therefore considered to be acceptable in Highways terms. The inclusion of a car club bay and Travel Plan would assist in mitigating any likely overspill onto the public highway.

Several neighbour letters raise issues regarding traffic congestion, impacts on pedestrian and traffic safety and limited parking. The Highways Officer's has not objected to the proposal with regards to these issues. As noted in regards to the fifth reason for refusal additional cycle storage would be secured through the recommended condition, and Car Club provision would need to be provided for in a section 106 agreement, as noted in Recommendation II. This mechanism would also secure the Travel Plan for the site. A condition is also recommended to provide for refuse and recycling storage at the development, along with a refuse collection plan to ensure that where necessary, refuse bins are moved to a central collection point on collection days.

Residents' concerns regarding construction impacts will be provided for through an appropriate condition requiring a Demolition and Construction Management Plan. It is noted that residents' concerns about the potential for overspill car parking in Abercorn Road are addressed by the removal of a direct access between the site and Abercorn Road in the revised proposals now under consideration.

Impacts on protected wildlife

It is noted that the existing buildings are disused and that while some are in a good standard of repair, others are less so. Some of these may be attractive as bat roosts and / or hibernation sites. The north-western part of the site remains as rough open ground and could be attractive for a range of ground-dwelling species. National level Planning Practice Guidance advises that Local Planning Authorities should require ecological surveys where there is a reasonable likelihood of a protected species being present and affected by development. As there is potential of wildlife within the site, a condition requiring a pre-development survey to identify any requirements for protection and mitigation, along with an ecology strategy to improve biodiversity at the site is included in the recommendations in this report. An objection provided in response to the latest consultation has suggested additional boundary planting to mitigate loss of wildlife habitat, and this can be provided through the recommended conditions.

Impacts on trees

The tree survey provided with the application advised that all but one of the trees within the site would be removed. Trees adjacent to boundaries within neighbouring sites would remain, and will need to be protected during construction to ensure that impacts on root systems from excavation and ground compaction are avoided and / or mitigated. This is provided for by the recommended conditions.

As already noted, some adjustments to the layout of shared amenity space will be required to provide the balance of cycle storage and this will also be required for the provision of with refuse and recycling stores, and if this presents an opportunity for retention of further trees of reasonable quality then this should be taken.

Building sustainability and site drainage

The sustainability statement submitted for the scheme set out intentions for building sustainability within the scheme. In order to secure meaningful provision, conditions require further details of on-site renewable energy provision and biodiversity improvements, and require water saving devices to ensure that the development is water efficient.

The Council as Lead Local Flood Authority (LLFA) has requested the provision of a detailed drainage strategy, and this is also covered by the recommended conditions.

Community Infrastructure Levy and Section 106 provisions in the scheme

The development is liable to the Community Infrastructure Levy (CIL), which has been calculated at £56,805 payment under the Mayoral CIL and £219,105 payment under the London Borough of Barnet CIL (prior to indexation).

In addition, the section 106 provisions for the scheme would secure the following in-kind and financial contributions as part of the development:

- (i) Provision of eight flats as identified on Plan numbers (to be advised) as shared ownership housing, to be provided for sale through a registered social landlord acceptable to the Council with an initial offering of a 25% share to prospective buyers.
- (ii) Provision of a review of development viability for the approved development (including residential and non-residential units), with a proportion of any "superprofit" over the 20% nominal viability level to be paid to the Council for the purpose of contributing towards off-site affordable housing.
- (iii) Provision of a minimum of one car parking space for use by a "car club" and accessible to members of the car club both within and outside the development.
- (iv) Provision of monitoring costs for a travel plan.
- (v) Meeting the costs of providing appropriate play space improvements within the locality of the site - £2834.
- (vi) Meeting the costs of providing appropriate amenity space improvements within the locality of the site - £5450.
- (vii) Costs for any off-site provision of meeting SEET obligations - £47,306.
- (viii) Meeting the Council's costs of monitoring the planning obligation - £3000.

5.4 Response to Public Consultation

The issues noted in the letters of objection are discussed above. On balance, it is considered that the amendments in this proposal as compared to the refused scheme and the requirements set out in recommended section 106 clauses and conditions are sufficient to address these concerns. The support of some neighbouring businesses is noted, and the viability of local shops would be improved by the additional customer base that would result from the development.

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, the proposed development is considered to have sufficiently addressed the reasons for refusal of the 2016 application, subject to the recommended conditions and to a section 106 agreement covering the matter set out in Recommendation 1.



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Location 185 Edgwarebury Lane Edgware HA8 8QJ

Reference: 17/7882/HSE

Received: 13th December 2017

Accepted: 15th December 2017

Ward: Edgware

Expiry 9th February 2018

Applicant: Ms Danielle Ovardia

Proposal: Single storey rear extension

AGENDA ITEM 6

Recommendation: Refuse

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

- 1 The proposed extension by reason of its bulk, size and scale result in an incongruous form of development which would fail to appear subordinate, proportionate or sympathetic to the original dwelling house, to the detriment to the character and appearance of the host property and surrounding area. In this regard, the proposal is considered unacceptable and fails to comply with policy DM01 of the Development Management Policies DPD, Policies CS1 and CS5 of the Barnet Core Strategy and the Barnet Adopted Residential Design Guidance SPD (April 2013).
- 2 The proposed single storey rear extension by reason of its siting, size, rearward projection and relationship with the neighbouring property, would result in visually obtrusive form of development detrimental to the visual amenities of neighbouring occupants at no.183 Edgwarebury Lane. This is contrary to policy CS5 of the Local Plan Core Strategy (Adopted September 2012), policy DM01 of the Local Plan Development Management Policies DPD (2012) and the Residential Design Guide SPD (Adopted October 2016).

Informative(s):

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

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

- 2 The plans accompanying this application are:

The site location plan

Proposed site location plan (received 6/2/18)

Drawing DM/3344/2.1 Existing First floor plan (excluding Proposed first floor plan, amended as below)

Drawing DM3344/2.2 Proposed first floor plan (Received 8/2/2018)

Drawing DM/3344/3 Existing and proposed roof plans and rear elevation

Drawing DM/3344/4.1 Existing and proposed Side elevations

Drawing DM/3344/5 Existing and Proposed Section and Front elevations

Officer's Assessment

1. Site Description

This site is occupied by a two-storey detached property, and is located on the west side of Edgwarebury Lane in Edgware. The area is predominantly residential and characterised by detached properties in a suburban setting. The site is not within a conservation area and does not contain any listed buildings.

The host dwelling is noted to already benefit from a two storey side extension and part single, part two storey rear extension, with consent ref W16123A/08 dated 28 April 2008.

In terms of ground level, properties along Edgware Lane are noted step up in relation to each other towards the north, with the host site sitting higher than no.183 and lower than no.189. Neighbours to both sides are noted to benefit from proportionate and subordinate rear extensions.

2. Site History

2.1 Host site

Reference: 17/7968/PNH

Address: 185 Edgwarebury Lane, Edgware, HA8 8QJ

Decision: Prior Approval Required and Refused

Decision Date: 22 December 2017

Description: Single storey rear extension with a proposed depth of 8 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reasons for refusal: Proposed single storey rear extension would extend beyond a side wall and would be over half the width of the original house. The proposals would therefore not be lawful under Class A, A.1 (j).

2) The application does not contain a block plan showing the existing extensions that benefits the host property as required.

Reference: 17/7669/PNH

Address: 185 Edgwarebury Lane, Edgware, HA8 8QJ

Decision: Prior Approval Required and Refused

Decision Date: 8 December 2017

Description: Single storey rear extension with a proposed depth of 8 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reasons for refusal: 1) The proposed single storey rear extension would extend beyond an extended side wall at first floor and would be over half the width of the original house, therefore forming a side and rear extension. The proposals would therefore not be lawful under Class A, A.1 (j).

2) The application does not contain a site location plan showing the proposed development in relation to the adjoining properties.

Reference: W16123A/08

Address: 185 Edgwarebury Lane, Edgware, HA8 8QJ

Decision: Approved subject to conditions

Decision Date: 28 April 2008

Description: Amendment to planning permission reference W16123/07 dated 16-01-08 for two storey side extension and part single, part two storey rear extension (amendment to include increase in size of extensions).

Reference: W16123/07

Address: 185 Edgwarebury Lane, Edgware, HA8 8QJ

Decision: Approved subject to conditions

Decision Date: 16 January 2008

Description: Two storey side extension. Part single, part two storey rear extension.

2.2 No.183 Edgwarebury Lane Site History

Reference: W12274C/04

Address: 183 Edgwarebury Lane, Edgware, HA8 8QJ

Decision: Approved subject to conditions

Decision Date: 08 February 2005

Description: Formation of side and rear dormer windows to facilitate loft conversion.

Reference: W12274B/02

Address: 183 Edgwarebury Lane, Edgware, HA8 8QJ

Decision: Approved subject to conditions

Decision Date: 25 April 2002

Description: Single storey rear extension.

Reference: W12274A/01

Address: 183 Edgwarebury Lane, Edgware, HA8 8QJ

Decision: Approved subject to conditions

Decision Date: 6 September 2001

Description: Two storey side extension and single storey front and rear extension.

Officer note: Two storey side extension and single storey front and rear extensions appear to be built out. The single storey rear measures approximately 3.5 metres from the original rear wall at this dwelling.

Reference: W12274/00

Address: 183 Edgwarebury Lane, Edgware, HA8 8QJ

Decision: Refused

Decision Date: 26 September 2000

Description: Demolition of side extension and construction of two-storey side and single-storey front and rear extensions.

2.3 No.189 Edgwarebury Lane Site History

Reference: H/01707/09

Address: 189 Edgwarebury Lane, Edgware, HA8 8QJ

Decision: Approved subject to conditions

Decision Date: 23 December 2009

Description: Ground floor side and rear extension. First floor side and rear extension. Alterations to roof including extension to ridge line and rear dormer windows.

Officer note: this permission was not implemented.

Reference: H/00498/08

Address: 189 Edgwarebury Lane, Edgware, HA8 8QJ

Decision: Refused

Decision Date: 22 May 2008

Description: Two storey side and rear extension, and loft conversion involving raising height of roof with rear dormer and side roof lights.

3. Proposal

The application seeks permission to erect a single storey rear extension. The proposal would adjoin an existing two storey side extension and part single, part two storey rear extension.

Revised plans were submitted by the applicant that reduced the width of the proposal.

The revised proposal would extend from the extended wall by a depth of 4 metres and a width of 4.8 metres. The proposed addition would stand to an eaves height of 2.7 metres and a maximum height of 3 metres. The proposal would be sited towards the common boundary with no.183 Edgwarebury Lane.

4. Consultation

Public consultation

Consultation letters were sent to 2 neighbouring properties.

2 representations were received within the statutory consultation period, comprising 2 objections.

The representations can be summarised as follows:-

- Concern proposal will affect the light coming into both neighbouring properties
- Host dwelling has already had a rear and wrap around done
- The proposed extra 4m on the back of the infill does not follow any planning guideline.
- The scale of the extension in terms of depth and height will have a material impact on light in a neighbouring property kitchen and rear sitting room.
- The path of the sun will also mean that later in the day there will be shading issues which will also impact the level of light further to the sitting room and the kitchen.
- Light impact exacerbated as host property is set higher than neighbouring property

Committee call-in

Councillor Brian Gordon called the item in to Committee. The stated planning reason for call-in was that in the view of the Councillor that the proposed development would be compliant with the relevant adopted Local Plan policies and Supplementary Planning Document: Residential Planning Guidance and would not generate harm to residential amenity.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Draft Mayor's London Plan

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

The Council's approach to extensions as set out in Policy DM01 is to minimise their 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

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

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:

- 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.

Context of the site and surroundings

Neighbouring properties to either side are noted to benefit from rear extensions which are considered proportionate and subordinate. There is no established pattern of large rear extensions along this part of Edgwarebury Lane.

The neighbour to the north at no.189 is a detached property and noted to benefit from a rear conservatory. This neighbour is built up to the common boundary with the host dwelling.

The neighbouring detached property to the south, no.183, is noted to be previously extended with a two storey side extension and single storey front and rear extension (ref W12274A/01 dated 03.08.2001). An additional consent was later granted for a single storey rear extension (ref W12274B/02 dated 25.04.2002), although aerial photography and LPA maps indicate the total ground floor extension as built projects around 3.5 metres in depth from the original rear wall. This neighbouring property also benefits from side and rear dormer windows (ref W12274C/04 dated 08.02.2005). This extension differs in that it extends from the original rear wall and therefore the impact of its bulk and siting would be considered acceptable, whereas the present proposal seeks to extend from the in-situ extension and beyond the depth ordinarily considered acceptable. Other additions to this property are to the side and to the front and, with benefit of planning consent, have been assessed as acceptable in impact to the character and appearance of property.

Impact to the character and appearance of the existing building, the street scene and the wider locality

Any scheme for this 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 the development plan policies including DM01, and CS05 of the Barnet Local Plan (2012) and policies 7.4 and 7.6 of the London Plan (2016).

The host dwelling is noted to already benefit from a two storey side extension and part single, part two storey rear extension, with consent ref W16123A/08 dated 28 April 2008. The in-situ extension projects a maximum depth of 3.5 metres from the original rear wall by a width of 4.8 metres, sited towards the common boundary with its southern neighbour at no.183.

This application seeks permission for a rear extension which would adjoin the in-situ two storey side extension and part single, part two storey rear extension. The proposed addition to the rear would project a further depth of 4 metres, measure 4.8 metres in width and with a flat roof to an eaves 2.7 and have a maximum height of 3 metres. Therefore the total depth of the projection at ground floor would be 7.5 metres from the original rear wall.

At paragraph 14.3, the adopted Residential Design Guide SPD (2016) states that "there is a limit to how much most houses can be extended. The cumulative effect of extensions and their impact on the appearance of an area should also be taken into account. This means that proposed additions, which meet all the guidelines included in this SPD, may still be considered unacceptable and be refused planning permission."

At paragraph 14.8, the SPD clarifies that it is the original building which is the basis of assessment with regard to extension of dwellinghouses. It states that "proposed extensions should be consistent with the form, scale and architectural style of the original building, particularly where it is a period or suburban property." In terms of scale, the guidance reiterates that "the extension should normally be subordinate to the original house" and that "the extension should respect the original building and should not be overly-dominant." The adopted SPD further states that a rear extension is usually acceptable at a depth of 4 metres for a detached property.

In this case, the property has previously been extended and the addition would amount to a total projection of 7.5 metres from the original rear wall. The proposed projection is near double the acceptable depth of the SPD guidance. The original dwelling had a depth of approximately 8 metres, whereas with the addition of the proposal the ground floor depth would amount to a maximum of 15.5 metres, which is not considered to be subordinate or proportionate to the original size and scale of the host dwelling. In terms of bulk, the proposed addition of a 4 metre addition to the extended rear wall, at a height of 3 metres fails would appear prominent when viewed from the surrounding rear garden areas and it is considered unsympathetic to the layout of the original dwellinghouse.

The property was originally sited forward of its southern neighbour at no.183 and the proposed extension would have a cumulative projection approximately 6 metres beyond the rear-most wall at this neighbouring property. Therefore it is considered that the cumulative effect of extensions to the host dwelling as a result of the proposal would be incongruous with character and appearance of the original house and the surrounding area. It is considered that, when taken together with the previous extensions, a projection to this depth would not accord with the original form and scale of the host dwelling.

For the reasons discussed above, the proposal is considered to be at odds with the objectives of the relevant planning policy DM01, failing to relate appropriately to the sites

context and to respect the character of the area. In addition the proposal is considered to be contrary to the guidance contained in the adopted SPD, the Residential Design Guide (2016) in terms of depth of the rear extension.

Impact on the living conditions of neighbouring residents

Any scheme for this site should address 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.

In terms of ground level, properties along Edgware Lane are noted to step up in relation to each other towards the north, with the host site sitting higher than no.183 and lower than no.189.

In respect of no.189, the revised proposal has reduced the width to such an extent that there would be no added bulk near the common boundary with these neighbours. It is therefore not considered that the proposal would give rise to any harmful amenity impact in terms of loss of light to windows of habitable rooms, nor increased sense of overbearing or enclosure to these neighbouring occupiers.

The proposal would project 4 metres from the extended rear wall of the host dwelling, resulting in an exposed flank wall depth of 5 metres, sited approximately 1.5 metres from the common boundary with no.183. This would maintain the separation distance of some 2.6 metres between the established flank walls of the dwellings, consequently this would not be considered to lead to unacceptable loss of light to habitable rooms there. Whilst the proposed 4 metre exposed flank depth would appear to be technically acceptable in terms of the Residential Design Guide 2016, it is noted that this assumes the relationship is between unextended properties. It is therefore considered that the added bulk of the proposed would be unacceptable in terms of its impact to the visual amenities of neighbouring occupiers at no.189. It is further noted that this property sits at a lower ground level than the host dwelling. It is considered the proposal would appear overbearing when viewed from the neighbouring garden and would contribute to reduced outlook to windows of habitable rooms there.

It is considered that the revised proposal would lead to harm to the amenity of neighbouring occupiers at no.183. The proposal is not considered to have adequate regard to all neighbouring occupiers and to not comply with Policy DM01 in this respect.

5.4 Response to Public Consultation

The public consultation response comprised two objections. It is noted that the proposal has been revised, with the scale of the proposal reduced during the life of the application and the comments were received before the plans were amended.

The objections raised the following points:-

- Host dwelling has already had a rear and wrap around done

Officer comment: The history of the site and the relationship of the proposal to previous additions have been considered in the main body of the report. The property is noted to be previously extended by way of a two storey side extension and part single, part two storey rear extension.

- The proposed extra 4m on the back of the infill does not follow any planning guideline.

Officer comment: The proposal has been assessed against the relevant local development plan policy in the main body of the report. The usual permitted depth for a rear extension is

4 metres from the original rear wall for a detached property, however it is noted that the property is previously extended and so the total depth from the rear wall exceeds this guidance.

- Concern proposal will affect the light coming into both neighbouring properties. The scale of the extension in terms of depth and height will have a material impact on light in a neighbouring property kitchen and rear sitting room. The path of the sun will also mean that later in the day there will be shading issues which will also impact the level of light further to the sitting room and the kitchen. Light impact exacerbated as host property is set higher than neighbouring property

Officer comment: Impact on the amenity of neighbouring occupiers has been considered in the main body of the report. It is noted that the proposal has been revised, with the scale of the proposal reduced during the life of the application and the comments were received before the plans were amended.

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 the proposed development would have an unacceptable impact on the character and appearance of the application site, the surrounding garden areas and the locality. In addition, there would be an adverse impact on the visual amenity of neighbouring occupiers at no.183 Edgwarebury Lane. This application is therefore recommended for refusal.

8. Without prejudice -- Conditions in the event that an appeal will be allowed

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

The site location plan

Proposed site location plan (received 6/2/18)

Drawing DM/3344/2.1 Existing First floor plan (excluding Proposed first floor plan, amended as below)

Drawing DM3344/2.2 Proposed first floor plan (Received 8/2/2018)

Drawing DM/3344/3 Existing and proposed roof plans and rear elevation

Drawing DM/3344/4.1 Existing and proposed Side elevations

Drawing DM/3344/5 Existing and Proposed Section and Front elevations

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. The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

4. The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

SITE LOCATION PLAN
AREA 2 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 519144, 193253



Supplied by Streetwise Maps Ltd
www.streetwise.net

Location **42 Audley Road London NW4 3EY**

Reference: **17/7626/FUL**

Received: 1st December 2017

Accepted: 4th December 2017

Ward: West Hendon

Expiry 29th January 2018

Applicant: Mr Chris Milla

Proposal: Conversion of dwelling into 3no self-contained flats. Associated amenity space, refuse and recycling store, cycle storage

AGENDA ITEM 7

Recommendation: Approve subject to s106

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

RECOMMENDATION 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. Highways (traffic order) £2,000.00
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.

Monitoring of the Agreement £100.00

Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Planning Performance and Business Development Manager/Head of Development Management approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Head of Development Management or Head of Strategic Planning:

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

Planning Statement by Buro One Architects
Site plan drwg no. 201745.P.001 Rev 0
Existing site plan drwg no. 201745.P.002 Rev 0
Proposed site plan drwg no. 201745.P.003 Rev 0
Existing floor plans drwg no. 201745.P.1101 Rev 0
Proposed floor plan drwg no. 201745.P.1102
Existing and proposed section A-A drwg no. 201745.P.201 Rev A
Existing elevations drwg no. 201745.P.301 Rev 0
Proposed elevations drwg no. 201745.P.302 Rev 0

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) 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).

4 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.

5 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

6 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.

7 a) Before the development hereby permitted is first occupied, the amenity area(s) shall be sub divided as shown on drawing 201745.P.003 rev 0.

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

8 a) Before the development hereby permitted is first occupied, the refuse and recycling storage shown on drawing 201745.P.003 rev 0 shall be provided on site.

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

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

9 a) Before the development hereby permitted is first occupied, the cycle storage shown on drawing 201745.P.003 rev 0 shall be provided on site for the use of all occupiers

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

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

10 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).

RECOMMENDATION III:

0 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 22/04/2016, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

Informative(s):

1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. 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 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 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.

Officer's Assessment

Officer's Assessment

1. Site Description

The application site forms a two storey semi-detached 7bed 12 person single family dwelling on the east side of Audley Road close to the junction with Elliott Road. The property has been previously extended at the rear by way of a single storey rear extension approx. 3m in rear depth on the common boundary with adjoining no 40 Audley Road and a rear and side dormer. The property is not locally/statutorily listed nor is it located within a conservation area.

A number of properties have been converted into flats within Audley Road, including 2, 11, 12, 17, 22, 26, 37, 38, 39, 45, 51, 57, 60, 79, 81, 88, 90, 91 and others. On this basis, it is considered that the street is of mixed character.

There is an out building in the rear garden as existing.

2. Site History

Reference: 17/4770/FUL

Address: 42 Audley Road London NW4 3EY

Decision: Approved subject to conditions

Date: 04.09.2017

Description: Conversion of existing 2no. self-contained flats into single family dwelling

Reference: 17/7101/192

Address: 42 Audley Road London NW4 3EY

Decision: Lawful

Date: 17.11.2017

Description: Single storey rear extension. Roof extension involving 1no. dormer window to rear elevation, 1no. side dormer window to existing rear projection and 2no. rooflights to front roofslope.

It should be noted that planning permission was granted in September 2017 for the deconversion of the existing property from two self-contained units into a single dwelling house. This permission was implemented immediately with respect to the removal of the bathroom and kitchen facilities of one of the flats to result in the formation of a single dwelling house. Once these facilities were removed, the applicant was entitled to apply for a Certificate of Lawfulness for extensions to the roof which have been initiated.

3. Proposal

The development seeks to convert the extended 7bed 12 person single family dwelling into 3 self-contained flats. The proposed conversion of the property would deliver the following units.

- o A 3no.bed 4no.person self-contained unit over 1no. storey (78sqm) min (74sqm) at the ground floor.
- o A 1no.bed 2no.person self-contained unit over 1 storey (54sqm) min. (50sqm) at the first floor level
- o A 1no.bed 2no.person self-contained unit over 1 storey (56.2sqm) min. (50sqm) at the loft level.

4. Public Consultation

Consultation letters were sent to 57 neighbouring properties.

6 representations have been received in objection to the development on the following grounds:

- Increased traffic and parking congestion
- Increased refuse congestion at the front resulting in vermin infestation and uncleanness
- Demise of the character of the area as a result of increased occupancy and trips generated
- The existing rear outbuilding results in a loss of visual amenity and light

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS13, CS14
- Relevant Development Management Policies: DM01, DM02, 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:

- i. The principle of flats in this location;
- ii. The Impact on the character and appearance of the wider streetscene and locality;
- iii. Whether the proposal provides satisfactory living accommodation for future occupiers;
- iv. The impact on the amenities of neighbouring occupiers;
- v. Parking and highways;
- vi. Refuse and recycling storage;

5.3 Assessment of proposals

Principle of conversion into flats

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.

Within Paragraph 2.8.1 of the Development Management Document which is a material consideration in the determination of this application, the Council state the following: "The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flatted accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate."

Policy DM01 of Barnet's Local Plan Development Management Policies DPD 2012 (LP) states that proposals should be based on an understanding of local characteristics. Criterion h of the same policy states that the conversion of dwellings into flats in roads "characterised by houses" will not normally be appropriate.

Planning records reveal that planning consent was approved to convert from two self-contained flats into a single family dwelling under ref 17/4770/FUL on the 4th September 2017 and integrated a single storey rear extension, roof extension involving a dormer window to the rear elevation, a side dormer window to the existing rear projection and two rooflights to front roofslope under a lawful development ref 17/7101/192 on the 17th

November 2017. The ground floor element provided an extension to the kitchen/dining and living space whilst the dormer provided an addition double bedroom with ensuite, bathroom and a games room.

The proposal seeks to subdivide the existing property to serve 3no. self-contained flats, providing accommodation for 8 bedspaces which is less than the 12 bedspaces possible within the deconverted dwelling house (although it was not occupied as such). The unit at ground level would serve a 3no.bed 4no.person self-contained unit, whilst the first floor and loft level would respectively serve a 1no.bed 2no. person self-contained units.

It is noted that this form of flatted development is both characteristic and dominant on Audley Road as shown on the list earlier in the report. The existing adjacent conversions therefore constitute sufficient material consideration to support the proposed conversion. The conversion of the property is not considered to directly conflict with the character of the area and the way in which it functions.

Impact on the character and appearance of the wider streetscene and locality.

Policy DM01 states that the conversion of dwellings into flats in roads characterised by houses will not normally be appropriate. The supporting text to this policy provides the main reason for this aspect of DM01, and notes that 'the conversion of existing dwellings into flats can have a cumulative effect that is damaging to the quality of the environment and detracts from the character of established residential areas'. The main purpose of the policy is to avoid the cumulative effects of flat conversions on the character and amenity of established residential areas.

The storage of 4no. refuse bins would be located in the front forecourt on the common boundary with no 44 Audley Road. The no. of bins relative to the available area at the front would not adversely compromise the visual amenity of the wider street scene in this instance.

The development is therefore satisfactory on character and appearance grounds.

Whether the proposal provides a satisfactory living environment for future occupiers :

Floor Area :

The following units are proposed:

GF flat 3no.bed 4no.person unit over 1no. storey (78sqm) min (74sqm)

FF flat 1no.bed 2no.person unit over 1 storey (54sqm) min. (50sqm)

LF flat 1no.bed 2no.person unit over 1 storey (56.2sqm) min. (50sqm)

All flats would marginally exceed above the minimum unit size requirements set out in the Technical Housing Standards 2015, London Plan (2016) and Barnet's policies and Sustainable Design SPD (Oct 2016) and therefore would provide an acceptable level of accommodation for the intended occupancy levels.

Table 2.2: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m² and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All rooms would meet the above standards.

The Technical Housing Standards 2015 recommend a minimum floor to ceiling height of 2.3m for at least 75% of the floor area per unit. The scheme would adhere to above minimum requirement in this instance as per the Technical Housing Standards 2015.

Built-in storage is a requirement as per the Technical Housing Standards 2015. A provision of 2.0sqm for the ground floor flat and 1.5sqm for the first floor and loft flat is respectively required. Although this has not been identified on submitted plans, it is noted that there is capacity for sufficient storage space per unit without the compromise of living conditions for future occupiers.

The Residential Design Guidance SPD (October 2016) requires that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. There is an overlap between the ground and first floor flat with the living room over and above the ground floor bedrooms. An alternative layout is impractical within a three flat basis. Nevertheless 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 and therefore subject to a condition.

Nonetheless, it is considered that each unit will have adequate levels of glazing to provide appropriate levels of light, ventilation and outlook whilst maintaining privacy.

In terms of amenity, submitted plans reflect the provision of private amenity space approx. 25sqm for the purposes of the ground floor flat and communal shared space approx. 23sqm for the first floor and loft floor flat, which would be accessible by way of an existing intervening footpath and gate at the side of the property adjacent to no 44 Audley Road.

The Barnet's SPD Sustainable Design and Construction requires a minimum of 5sqm of amenity space per habitable room for flats. The provision of private amenity space approx. 25sqm for the purposes of the ground floor flat and communal shared space approx. 23sqm for the first floor and loft floor flat would therefore meet the minimum requirement and provide suitable outdoor amenity space relative to the intended occupancy level across the site. The provision for outdoor amenity space relative to the intended occupancy level per unit is therefore acceptable in this regard.

Impact on the amenities of neighbours

The existing occupancy level is a 7no.bed 12no.person single family dwelling. The intended unit at ground level would serve a 3no.bed 4no.person self-contained unit, whilst the first floor and loft level would respectively serve a 1no.bed 2no.persons self-contained units. Overall the conversion would serve 5no.beds and accommodate a reduced max. capacity of 8no.persons between 3no. units and therefore serve a lesser capacity by 4no. persons compared to the existing situation. Given site circumstances which include the established residential use of the site and local area, the conversion is not considered to result in an intensity of use that would be harmful to the neighbouring residential occupiers by way of noise and disturbance and comings and goings.

Impact on the amenities of traffic and parking

The PTAL score of 2 suggests an area characterised by poor level accessibility and connectivity with bus and train public transport modes available within the PTAL calculation area (960m). The development is located in the WH3 controlled parking zone which restricts non-resident parking Mon-Fri between 10-11am.

Unlike adjacent neighbouring properties, there is no drop kerb at the property, and therefore on-site parking provision in the front forecourt on the hardstanding is not facilitated in this instance. No parking provision is proposed and no overspill or existing parking stress details

have been proposed therefore future residents should be exempt from applying for a parking permits. The Local Planning Authority (LPA) would therefore seek to amend the traffic order to address the parking concern by way of a section 106 legal agreement.

The proposal would not generate a significant negative impact on the performance and safety of the surrounding highway network or its users and therefore acceptable in this instance.

Cycle parking

The London Plan 2016 recommends the provision of 2 cycle spaces per residential unit with the exception of studios and 1 bedroom units. The scheme provides an area at the rear for the secure storage of 6 bicycles and therefore exceeds the minimum requirements as per the London plan standards.

Refuse and recycling storage

Refuse stores have been provided within a suitable proximity of the entrances to the development for the use by future residents, the bin stores are also a reasonable proximity from the public highway and can be easily accessed by refuse operatives. The development is therefore acceptable in this instance.

Accessibility and Sustainability

A condition has been attached to ensure the integration of water saving and efficiency measures insofar as a maximum of 105 litres of water consumption per person per day to comply with Policy 5.15 of the London Plan (2016) and a reduction of CO2 emissions over Part L of the 2013 Building Regulations in accordance with the requirements of Policy 5.2 of the London Plan (2016) and the 2016 Housing SPG's requirements.

5.4 Response to Public Consultation

- Increased refuse congestion at the front resulting in vermin infestation and uncleanliness

The above concern is not material planning consideration

- The existing rear outbuilding results in a loss of visual amenity and light

No external alterations arise from this application and as a result, this concern is not material to the planning 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 scheme is recommended for approval subject to a section 106 legal agreement to facilitate the removal of parking permits through a change to the Traffic Order and the imposition of planning conditions.



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

Reference: **17/7350/FUL**

Received: 20th November 2017

Accepted: 24th November 2017

Ward: Hendon

Expiry 19th January 2018

Applicant: Mr M Rahman

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

Proposal:

AGENDA ITEM 8

Recommendation:

Approve following legal agreement and the conditions listed below

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

Recommendation II

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

1. The Council's legal and professional costs of preparing the Agreement and any other enabling agreements.
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.
3. Highways (traffic order) £2,000.00
"A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development."
4. Monitoring fee £100.00

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

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

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

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

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

- 3 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

- 5 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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

- 6 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 7 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
 - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;

- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.

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

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

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

- 9 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

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

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

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

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

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

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

- 13 a) Before the development hereby permitted is first occupied, details of balcony screening to be installed shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

- 14 a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the proposed retail units at ground floor level. as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and 7.15 of the London Plan 2015.

- 15 Before the building hereby permitted is first occupied the proposed window(s) in the east elevation facing 49 Church Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 16 The premises shall be used for A1 (retail) and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

RECOMMENDATION III

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

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

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications.

These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £__ payment under Mayoral CIL.

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

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

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

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

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

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

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you

are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

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

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

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

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

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

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

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

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

Officer's Assessment

Officer's Assessment

1. Site Description

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

2. Site History

Reference: H/01439/14

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

Decision: Refuse

Decision Date: 28.05.2014

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

Appeal : Dismissed

Appeal Decision Date: 28.01.2015

Reason(s)

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

Reference: 15/02515/FUL

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

Decision: Refuse

Decision Date: 17.06.2015

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

Reason(s)

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

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

Reference: 17/2382/FUL

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

Decision: Withdrawn

Decision Date: 21.06.2017

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

3. Proposal

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

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

4. Public Consultation

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

The objections received can be summarised as follows:

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

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Draft London Plan 2017

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents and future occupiers.

5.3 Assessment of proposals

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

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

Whether the principle of the development is acceptable.

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

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

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

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

Whether the proposal will harm the established character of the area

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

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

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

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

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

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

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

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

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

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

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

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

Whether the proposal will provide sufficient amenity for future residential occupiers

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

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

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

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

Also, taking into consideration the following factors:

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

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

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

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

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

Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, a condition will be attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed with a heat recovery system; therefore the development will be required to achieve more than 6% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy

The applicant has confirmed that all units will have 100% of their water supplied through a water meter and units will incorporate water saving and efficiency measures that comply

with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day. A condition is attached to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

5.4 Response to Public Consultation

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

6. Equality and Diversity Issues

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

7. Conclusion

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



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

Reference: **17/7303/FUL**

Received: 17th November 2017

Accepted: 17th November 2017

Ward: Hendon

Expiry 16th February 2018

Applicant: Brookacre Estates Limited

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

AGENDA ITEM 9

Recommendation: Refuse

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

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

Informative(s):

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

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

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

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

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking were set at a rate of £0 per sq m.

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

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail.

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

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

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of any appeal being allowed, please contact us: cil@barnet.gov.uk.

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

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

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

3 The following plans were included with this submission:

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

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

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

Officer's Assessment

1. Site Description

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

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

2. Site History

Reference: 17/1372/FUL

Decision: Refused

Decision Date: 27 July 2017

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

Reasons for Refusal:

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

Reference: W14459B/07

Decision: Approved subject to conditions

Decision Date: 28 November 2007

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

Reference: W14459A/06

Decision: Approved subject to conditions

Decision Date: 8 December 2006

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

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

Reference: W14459/06

Decision: Withdrawn

Decision Date: 27 July 2006

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

3. Proposal

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

4. Public Consultation

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

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

The objections received can be summarised as follows:

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

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Principle of redevelopment / land use

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

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

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

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

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

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

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

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

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

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

Character and appearance

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

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

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

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

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

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

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

Impact on the amenities of neighbours

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

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

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

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

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

Amenity of future occupiers

The proposed works would result in the creation of 310sqm of retail space and 10 self-contained flats. Policy DM01 of the Development Management Policies 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

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

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m² and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling. Each of the proposed dwellings meets this standard.

Section 8.4 of Barnet's Local Plan SPD: residential design guidance states: "in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides reasonable level of privacy". In addition to this, section 2.4 of the SPD for sustainable design and construction states that "the impact of development on the availability of daylight / sunlight and privacy to the occupants of existing buildings and the occupants of new development is strongly influenced by design and contributes significantly to the quality of life. The amount of daylight available in buildings enhances people's quality of life and reduces energy use. The Mayor's Housing SPG standard 5.5.2 recommends that development should preferably have direct sunlight in living areas and kitchen dining spaces and all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Overheating should be considered when designing for sunlight".

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

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

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

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). A condition would have been attached to ensure compliance with these Policies had the application been recommended for approval.

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

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

Highways

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

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

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

Residential Parking:

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

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

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

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

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

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

This equates to a range of parking provision of 6 to 13 spaces to meet Policy DM17. The maximum parking provision would be more appropriate in an area with the lowest Public Transport Accessibility Level (PTAL) for the site. The site has PTAL rating of 2 which would require a parking provision of 13. no parking spaces to accord with the Council's Parking Standards. Therefore, the parking provision of 3. no parking spaces falls short by 10 parking spaces.

Census Data Assessment:

The consultants under took assessment of the 2011 census data for Hendon which suggested that average car ownership for Hendon Ward is 67%. Therefore applying this to the proposed residential development the parking provision would need to be at least 7. no parking spaces.

Parking Beat Survey:

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

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

The survey results indicated a 79% parking stress.

However, considering that only 2. no parking spaces (non-blue badge) are proposed and 6. no of the 10. no self-contained flats are considered as family units (2/3-bed), there would be a requirement for at least 1. no parking space to be provided per family sized unit to comply with the DM17. As the site is just outside and on the edge of the existing CPZ, there is likely to be competing demand for the available parking due to the residents within the CPZ opting to avoid purchasing parking permits and seeking to park just outside the CPZ. Any significant overspill parking resulting from the development outside of the CPZ cannot be managed.

Retail Use:

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

310m² of A1 Retail use is proposed on the ground floor. For a site with PTAL rating of 2 the following parking is required:

- Food Retail: 1.no parking space would need to be provided for 35m2 GIA. This equates to 9.no parking spaces.
- Non-Food Retail: 1.no parking space would need to be provided for 20m2 GIA. This equates to 16.no parking spaces.

Cycle Parking:

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

Refuse Arrangements:

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

Conclusion:

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

Residential parking provision:

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

Retail parking provision:

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

5.4 Response to Public Consultation

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

6. Equality and Diversity Issues

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

7. Conclusion

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

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

