

MEETING

FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE

DATE AND TIME

TUESDAY 7TH JANUARY, 2020

AT 6.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE (Quorum 3)

Chairman: Councillor Eva Greenspan
Vice Chairman: Councillor John Marshall MA (Hons)

Councillor Melvin Cohen Councillor Claire Farrier Councillor Danny Rich
Councillor Shimon Ryde Councillor Alan Schneiderman

Substitute Members

Councillor Jennifer Grocock Councillor Anne Hutton Councillor Kath McGuirk
Councillor Alison Moore Councillor Gabriel Rozenberg Councillor Reuben Thompstone
Councillor Peter Zinkin

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

Andrew Charlwood – Head of Governance

Governance Service contact: finchleyandgoldersgreen@barnet.gov.uk Tel 020 8359 2315

ASSURANCE GROUP

Two paper copies of the agenda only will be available at the meeting for members of the public. If needed, attendees are requested to print any specific agenda report(s). Committee Agendas are available here: barnet.moderngov.co.uk/uuCoverPage.aspx?bcr=1

Please note that the below agenda may not reflect the order in which items will be heard at the meeting.

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	5 - 10
2.	Absence of Members (If any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
4.	Report of the Monitoring Officer (If any)	
5.	Addendum (if applicable)	
	Please note that the below agenda may not reflect the order in which items will be heard at the meeting	
	Childs Hill Ward	
6.	130 Granville Road London NW2 2BZ [19/2886/FUL]	11 - 32
	Finchley Church End Ward	
7.	31 - 33 Dollis Avenue London N3 1BY [18/5398/S73]	33 - 50
8.	Land To The Rear Of 31-33 Dollis Avenue Finchley London N3 1TB [18/6635/FUL]	51 - 68
	Golders Green Ward	
9.	14 The Grove London NW11 9SH [19/2118/FUL]	69 - 86
10.	Flat 10 Dolphin Court Woodlands London NW11 9QY - 19/4807/FUL	87 - 94
	West Finchley Ward	
11.	Zero Avondale Avenue London N12 8EP - 19/4358/FUL	95 - 132
	Woodhouse Ward	
12.	Rear Of 21 Torrington Park North Finchley London N12 9TA [19/5635/FUL]	133 - 146
13.	Any item(s) the Chairman decides are urgent	

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Decisions of the Finchley and Golders Green Area Planning Committee

12 November 2019

AGENDA ITEM 1

Members Present:-

Councillor Eva Greenspan (Chairman)
Councillor John Marshall (Vice-Chairman)

Councillor Melvin Cohen
Councillor Claire Farrier
Councillor Danny Rich

Councillor Shimon Ryde
Councillor Alan Schneiderman

1. MINUTES OF LAST MEETING

RESOLVED that the minutes of the meeting held on the 16 October 2019 be approved as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

None.

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

Councillor	Agenda Item	Interest Declared
Clare Farrier	6 - 18/5822/FUL 12-18 High Road, London, N2 9PJ	Non-pecuniary interest in that the Councillor Farrier knows one of the objectors
Danny Rich	6 - 18/5822/FUL 12-18 High Road, London, N2 9PJ	Non-pecuniary as Councillor Rich is a member of the Finchley Society but has not been involved in any discussions with the objector or other members of the society on this application

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

Items contained within the addendum would be dealt with under individual agenda items.

6. MILLERS YARD LONG LANE LONDON N3 2QG [19/3508/FUL]

The planning officer introduced the report and addendum.

Representations were heard from Mike Gee and Thomas O’Neil objecting to the application.

Following discussion of the item, the Chairman moved to vote on the recommendation to approve the application;

The vote was recorded as follows:

FOR	3
AGAINST	4
ABSTAINED	0

It was moved by Councillor Rich and seconded by Councillor Farrier, that the application be **REFUSED** for the reason, that had an appeal not been lodged against the non-determination of the application, the application would have been refused for the following reason:

1. The proposed replacement building would result in an increased intensification in use of the site and associated activities resulting in a detrimental impact on the residential amenity of local neighbouring properties, contrary to Policy CS5 of Barnet's Adopted Core Strategy (2012) and Policy DM01 of the Adopted Development Management policies DPD (2012).

Reasons for decision: The garages to be demolished are currently largely used for storage. Members were concerned that the replacement building would be used as a workshop thereby intensifying the use of the site in closer proximity to residential properties. The proposed building would be closer to the rear gardens of Long Lane and Claverley Grove than the existing building. An increase in workshop space would allow additional activity at the site which would result in more noise disturbance, poorer air quality and increased general disturbance which would be detrimental to the amenities of occupiers of neighbouring properties.

The vote was recorded as follows:

FOR (refusal)	4
AGAINST (refusal)	3
ABSTAINED	0

RESOLVED that the application be REFUSED for the reasons detailed above.

In accordance with Council Procedure Rule 13, Councillor Greenspan and Councillor Marshall requested that their vote against refusal be recorded in the minutes.

7. 12-18 HIGH ROAD, LONDON, N2 9PJ [18/5822/FUL]

The planning officer introduced the report and addendum.

Representations were heard from Mr McGrath and Mary Hogben (on behalf of the Finchley Society) objecting to the application.

Following discussion of the item, the Chairman moved to vote on the recommendation to approve the application subject to the following;

Additional clause in the Section 106 agreement:

Review mechanism in relation to the financial viability of the scheme in the event that the lower ground floor office accommodation is not completed, fitted out and marketed for sale or rent prior to the sale or rent of the final residential unit.

Amended condition 1:

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

Drawing numbers: HR-H-AE01A; HR-H-AE02A; HR-H-AE03A; HR-H-AE04A; HR-H-AE05A; HR-H-AE06A; HR-H-AE07A ; HR-H-AE08A ; HR-H-AE09A; HR-H-AE10A; HR-H-AE11A; HR-H-AG01B; HR-H-AG02A; HR-H-AG03A; HR-H-AG04A; HR-H-AGP00A; HR-H-AGP01B; HR-H-AGP02A; HR-H-AGP03A; HR-H-AGP04A; HR-H-AGP05A
PROJECT REF 19018 DWG NO: 200 REV A

Transport Assessment dated July 2019

Framework Travel Plan dated July 2019

Design and Access Statement-September 2019

Environmental Sustainability Statement by Aecom dated 28.10.2019

Construction Management Plan dated August 2018

Daylight and Sunlight Assessment by GLA Hearn (13 November 2018)

Utilities Assessment

Ventilation Strategy

Drainage Strategy

Waste & Recycling Schedule

Financial Viability Report

Planning Statement

Refuse and Recycling schedule

Air Quality Assessment dated March 2016

Tree Impact Assessment and Method Statement dated July 2018

Planning Statement dated November 2018

Environmental Noise Report (ref: 128187-AC-2v1 dated 13/03/2018”

Amended Condition 23:

Prior to the first occupation of the development hereby approved, evidence shall be submitted to and approved in writing by the Local Planning Authority to show that the development has been constructed incorporating carbon dioxide emission reduction measures in accordance with the Environmental Sustainability Statement by Aecom dated 28.10.2019. The development shall be maintained as such in perpetuity thereafter.

Amended Condition 32:

Before the development hereby permitted commences (Other than for purposes of demolition), full details of the energy measures specified within the Environmental Sustainability Statement by Aecom dated 28.10.2019 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details.

The vote was recorded as follows:

FOR	4
AGAINST	3
ABSTAINED	0

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

8. RADMORE 36 HENDON AVENUE LONDON N3 1UE [19/4125/HSE]

The planning officer introduced the report and addendum.

Representations were heard from Anthony Adler on behalf of the applicant.

Following discussion of the item, the Chairman moved to vote on the recommendation to refuse the application subject to the following;

Amended informative 1:

The plans accompanying this application are:

Site Location Plan; Drawing No. EX-EL00-PA Existing elevations; Drawing No. EX-PL00-PA Existing ground and first floor plans; Drawing No. EX-PL01-PA Existing first floor and roof plans, Drawing No. PR-EL00-PA Rev. S14-2 Proposed elevations; Drawing No. PR-PL00-PA Rev. S6 Proposed ground and first floor plans; Drawing No. PR-PL01-PA Rev. S14-2 Proposed loft and roof plans.

The vote was recorded as follows:

FOR	3
AGAINST	1
ABSTAINED	3

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

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

None.

The meeting finished at 7.30 pm

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Location **130 Granville Road London NW2 2BZ**

Reference: **19/2886/FUL**

Received: 21st May 2019

Accepted: 23rd May 2019

Ward: Childs Hill

Expiry 18th July 2019

Applicant: Highlands Services Ltd

Proposal: Creation of two additional floors to provide 5 no. self-contained residential units, re-configuration of two existing flats at ground floor and first floor, provision of lift shaft, provision of rear and front balconies, provision of cycle storage and refuse and recycling storage for the whole development [AMENDED DESCRIPTION AND AMENDED PLANS]

Recommendation: Approve following legal agreement

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

- 1 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.

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

1064.PA4.001 Site Plan [Uploaded 21 May 2019]

1064.PA4.010 Existing Ground and First Floor Plans [Uploaded 14 June 2019]

1064/PA4.020 Existing Front Elevation [Uploaded 14 June 2019]

1064.PA4.021 Existing Side Elevation [Uploaded 14 June 2019]

1064.PA4.022 Existing Rear Elevation [Uploaded 14 June 2019]

1064.PA4.100 Revision C Proposed Ground & First Floor Plans [Uploaded 13 December 2019]

1064.PA4.101 Revision E Proposed Second & Third Floor Plans [Uploaded 13 December 2019]

1064.PA4.200 Revision B Proposed Front Elevation [Uploaded 13 December 2019]

1064.PA4.201 Revision D Proposed Side Elevation [Uploaded 13 December 2019]

1064.PA4.202 Revision D Proposed South Elevation [Uploaded 18 December 2019]

1064.PA4.203 Revision C Proposed Rear Elevation [Uploaded 13 December 2019]

1064.PA4.300 Proposed Section A-A [Uploaded 13 December 2019]

1064.PA4.301 Revision A Proposed Section B-B [Uploaded 13 December 2019]

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).

- 3
- a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the extension(s) hereby approved have been submitted to and approved in writing by the Local Planning Authority.
 - b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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

- 4
- a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
 - i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
 - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;

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

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

5 a) Before the development hereby permitted is first occupied, details of privacy screens and balustrades to be installed on the balconies hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

b) The screens and balustrades 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 October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

6 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities, including the type of stands, gaps between stands, location and type of cycle store, 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 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).

- 8 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).

- 9 The development shall be implemented in accordance with the details of the proposed finished floor levels, roof level and parapet level as shown on 1064.PA4.200 Revision B Proposed Front Elevation [Uploaded 13 December 2019] as approved under Condition 2 of this consent 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.

- 10 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.

- 11 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.

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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

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

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

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

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

may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

- 3 The submitted Construction Method Statement shall include as a minimum details of:
- o Site hoarding
 - o Wheel washing
 - o Dust suppression methods and kit to be used
 - o 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.
 - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.

- o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
- o For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

- 4 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 5 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

1. Site Description

The application site is located on the east side of Granville Road, in the ward of Childs Hill.

It is not within a conservation and does not contain any statutory or locally listed buildings on site.

There are no trees on site.

To the north is Allmand Court, 136 Granville Road, NW2 2LD, a residential development of 11 flats.

To the south is Teseo House, 124 Granville Road, NW2 2LD, a residential development of 12 flats.

To the east is Child's Park, a public park.

2. Site History

Reference: 17/6866/CON

Address: 130 - 134 Granville Road, London, NW2 2LD

Decision: Approved

Decision date: 11 December 2017

Description: Submission of details of condition 5 (Demolition and Construction Management and Logistics Plan) pursuant to planning permission 17/2084/FUL dated 10/07/17

Reference: 17/6305/S73

Address: 130 Granville Road, London, NW2 2BZ

Decision: Approved subject to conditions

Decision Date: 3 January 2018

Description: Removal of condition 13 (Carbon Dioxide Emission Reduction Measures) of planning permission 17/2084/FUL dated 10/07/2017 for Conversion of existing warehouse building into 11no. self-contained flats including additional internal mezzanine floorspace at first floor level. Associated external alterations involving insertion of new windows and doors.

Reference: 17/4839/CON

Address: 130 Granville Road, London, NW2 2BZ

Decision: Approved

Decision Date: 7 September 2017

Description: Submission of details of condition 3 (Materials) 4 Part 1 only (Desktop Study) 8 (Refuse) pursuant to planning permission 17/2084/FUL dated 10/07/17

Reference: 17/2084/FUL

Address: 130 Granville Road, London, NW2 2BZ

Decision: Approved subject to conditions

Decision Date: 10 July 2017

Description: Conversion of existing warehouse building into 11no. self-contained flats including additional internal mezzanine floorspace at first floor level. Associated external alterations involving insertion of new windows and doors

Reference: 16/7004/FUL

Address: 130 Granville Road, London, NW2 2BZ

Decision: Approved subject to conditions

Decision Date: 23 February 2017

Description: Conversion of existing warehouse building into 12no. self-contained flats including additional internal mezzanine floorspace at first floor level. Associated external alterations involving insertion of new windows and doors

Reference: 16/5080/PNP

Address: 130 Granville Road, London, NW2 2BZ

Decision: Prior Approval Required and Approved

Decision Date: 7 October 2016

Description: Conversion of the existing building of the above named premises from B8 (Warehouse) to C3 (Residential) (12 Units).

Reference: 15/07409/FUL

Address: 130 Granville Road, London, NW2 2BZ

Decision: Refused

Decision Date: 17 June 2016

Description: Demolition of the existing warehouse and the erection of a new four storey building to provide 9 no self-contained flats with associated parking and cycle storage, landscaping, refuse and recycling

3. Proposal

The application site was granted planning consent for the: "Conversion of existing warehouse building into 11no. self-contained flats including additional internal mezzanine floorspace at first floor level. Associated external alterations involving insertion of new windows and doors" under planning reference 17/2084/FUL, decision dated 10 July 2017.

This development has been implemented on site.

This application seeks consent for the creation of two additional floors on top of the existing flat roof of the building, in order to provide a further 5 self-contained residential units.

It also proposes to re-configure two of the existing flats at ground floor and first floor to accommodate the provision of lift to service the ground, first and second floor.

There will also be provision of rear and front balconies on the two additional floors, and the provision of cycle storage and refuse and recycling storage for the whole development.

There have been amendments during the assessment of this planning application.

On the most recent set of amendments, the proposed second floor would be built in line with the existing front main wall of the building, and feature front balconies. When viewed from the front elevation, the second floor would measure the full width of the existing building (13 metres).

The proposed second floor would measure a depth of 18.1 metres along its northern (side) elevation, adjacent to Allmand Court, 136 Granville Road.

The proposed second floor would measure a depth of 16.2 metres along its southern (side) elevation, adjacent to Teseo House, 124 Granville Road.

To the rear, the second floor would extend beyond the rear wall of Teseo House at this level by 3 metres, step in 2.3 metres, project a further 1.9 metres rearwards and then extend a width of 10.7 metres.

The proposed third floor would be set back 1.4 metres from the front main wall, to provide a front balcony. When viewed from the front elevation the third floor would also measure the full width of the existing building (13 metres).

The proposed third floor would measure a depth of 16.7 metres along its northern (side) elevation, adjacent to Allmand Court, 136 Granville Road.

The proposed third floor would measure a depth of 11 metres along its southern (side) elevation, adjacent to Teseo House, 124 Granville Road.

To the rear, the third floor would extend beyond the rear wall of Teseo House at this level by 0.5 metres, step in 4.5 metres and then extend a further 5.6 metres rearwards. The third floor rear projection would be 8.5 metres in width.

The balconies to the rear would extend 1.5 metres in depth.

When viewed from the front elevation, with two additional storeys, the building would be 12 metres in total height.

4. Public Consultation

A site notice was erected 30 May 2019.

Consultation letters were sent to 122 neighbouring properties.
6 responses have been received, comprising 6 letters of objection.

The objections received can be summarised as follows:

- Loss of light
- Loss of privacy
- Blocked views of the park
- Overbearing impact and feeling of enclosure
- A similar application was refused at the same address (application reference 15/07409/FUL)
- Residents subject to construction nuisance from various construction sites in Granville Road (noise, air pollution, invasion of privacy and vibrations)
- Impact on outlook of neighbouring occupiers, particularly the rearwards projection adjacent to the boundary of Teseo House to the south of the application site and result in an increased sense of enclosure and encroachment, and overbearing impact
- Contrary to development plan policy for the abovementioned reasons of objection
- Query the adequacy of daylight/sunlight in the existing flats at ground and first floor.
- The daylight/sunlight report fails to establish whether rear balcony areas of Nos. 136-144 Granville Road would receive adequate light.
- Concerns with parking provision in a road that suffers parking issues

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 revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2016

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

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9
- Relevant Development Management Policies: DM01, DM02, DM17

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 the principle of development is acceptable;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the surrounding area;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the living conditions of future occupiers;
- Whether harm would be caused to highways and parking;
- Any other material planning considerations

5.3 Assessment of proposals

Principle of development:

Planning application reference 17/2084/FUL, decision dated 10 July 2017, granted consent for the conversion of the of existing warehouse building into 11 no. self-contained flats.

This application was granted consent in light of the planning history of the site.

The application site was initially granted prior approval (reference no. 16/5080/PNP, decision dated 07 October 2016) for the conversion of the existing warehouse building into 12 residential units.

Following this prior approval application, a further planning permission (reference 16/7004/FUL, decision dated 23 February 2017) was submitted for the conversion of the property into 12no. self-contained units, with internal and external alterations.

The development approved under planning application reference 17/2084/FUL, decision dated 10 July 2017, has been implemented on site.

The site is therefore in residential use.

Paragraph 118 of the National Planning Policy Framework [NPPF] (2019) states that planning decision should:

"support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers."
[point e]

The NPPF therefore supports upwards extensions of this type, on the proviso that it meets certain material considerations, which will be discussed below.

Impact on character and appearance of the existing building, street scene and surrounding area:

Policy CS5 of Barnet's Core Strategy DPD (2012) states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that [point b]: "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 illustrated on the submitted Proposed Front Elevation (Drawing No. 1064.PA4.200 Revision B), with the addition of two storeys, the building at No. 130 Granville Road would be no greater in height than the adjacent building at Teseo House, 124 Granville Road, NW2 2LD and would be lower in height than the adjacent building at Allmand Court, 136 Granville Road.

When viewed from the public park to the rear (east), the application site would appear consistent with the heights, massing and scale of these neighbouring buildings.

The elevational treatment of the second floor would be constructed in brick to match that of the existing building. The third floor would be constructed zinc cladding, which has been used on the top floor of Allmand Court, 136 Granville Road next door.

For the above reasons it is considered that the proposal would preserve the local character and respect the appearance, scale, mass, height and pattern of surrounding buildings and

street, in accordance with Policy DM01 of Barnet's Development Management Policies Document DPD (2012).

Furthermore, the proposed development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, in accordance with Paragraph 118 of the National Planning Policy Framework [NPPF] (2019).

Impact on amenity of neighbouring occupiers:

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that: Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Impact on occupiers at Teseo House, 124 Granville Road -

The proposed second floor would be constructed in line with the existing front main wall of the building at 130 Granville Road. The proposed third floor would be set back by 1.4 metres from this front wall.

The proposed second and third floor would therefore be set back from the recessed 'lightwell' on the northern (side) elevation of Teseo House adjacent to the boundary. Therefore no harm would be caused to the habitable windows located in this recessed 'lightwell'.

To the rear, the proposed second floor would extend beyond the rear wall of Teseo House by 3 metres. It would step in 2.3 metres and then project a further 1.9 metres in rearwards depth.

Although this application is for a flatted development, as a benchmark, Barnet's Residential Design Guidance SPD (2016) states that the depth of a rear extension normally considered acceptable for terraced properties is 3 metres. The proposed is therefore consistent with this approach.

The window serving the (rear) second floor flat at Teseo House immediately adjacent to the application site is located 1.2 metres away from the party wall. The balcony serving this flat is sited 3.5 metres from the party wall.

At these distances, and at a depth of 3 metres on the immediate boundary, it is not considered that the (revised) second floor projection adjacent to Teseo House would harm neighbouring visual or residential occupiers at the immediately adjacent second floor flat.

The proposed third floor would project a depth of 0.5 metres from the rear wall immediately on the party wall at Teseo House. It is not considered that, at this depth, it would harm the amenity of occupiers of the adjacent (rear) third floor flat at Teseo House.

There are no proposed side windows facing Teseo House.

Impact on occupiers at Allmand Court, 136 Granville Road -

The proposed second floor measures a length of 18.1 metres along its northern (side) elevation, adjacent to Allmand Court, 136 Granville Road.

The proposed third floor measures a length of 16.7 metres along its northern (side) elevation, adjacent to Allmand Court.

There is a recessed 'lightwell' serving Allmand Court on its southern elevation adjacent to the boundary of the application site, which has habitable windows facing one another. There are no side windows in the flank of the proposed second or third floor at 130 Granville Road that would face the direction of these windows.

The proposed windows and Juliette balcony in the northern (side) elevation of the proposed second and third floor at 130 Granville Road would face onto the blank wall of Allmand Court. Therefore no overlooking or loss of privacy would occur.

The proposed second and third floor would project 2.6 metres in depth from the closest adjacent wall at Allmand Court. The proposed second and third floor would be sited at a distance of 2.6 metres from this wall. At this distance it is not considered it would harm the visual or residential amenities of these occupiers.

A condition has been attached to secure details of the privacy screen along the sides of the proposed second and third floor rear balconies. This is to safeguard the privacy of neighbouring occupiers.

Impact on amenity of existing occupiers at 130 Granville Road -

Following the implementation of planning application reference 17/2084/FUL, decision dated 10 July 2017, the building contains 11 self-contained flats as existing.

The proposed additional storeys would be constructed on the flat roof of the existing building.

The proposed second and third floor would not project beyond the rear wall of the ground and first floor nor would it overhang the main front wall.

The additional second floor and third floor may reduce light levels to those existing units at ground and first floor with north-facing windows to a certain extent, however, daylight and sunlight levels to these units are already compromised due to their proximity to the boundary, and the scale and height of the adjacent building at Allmand Court, 136 Granville Road.

For the above reasons it is not considered that an unacceptable level of harm to the visual or residential amenities of the occupiers of the existing ground floor and first floor flats at 130 Granville Road would arise.

The provision of a lift would alter the existing Unit 6 at ground floor and Unit 10 at first floor. However, at 40 sqm, they meet the minimum floorspace standards set out in Table 3.3 of London Plan Policy 3.5 for a 1 bedroom 1 person unit.

Amenity of future occupiers:

Policy DM02 of Barnet's Development Management Policies Document PD (2012) states that where appropriate, development will be expected to demonstrate compliance with the following national and Londonwide standards supported by the guidance set out in the council's suite of Supplementary Planning Documents including minimum floorspace standards as set out in London Plan Policy 3.5 and outdoor amenity space requirements as set out in Barnet's Sustainable Design and Construction SPD (2016).

Officers are satisfied that the proposed units on the second and third floor would meet minimum floorspace standards set out in the London Plan and Barnet's Sustainable Design and Construction SPD (2016).

Officers are satisfied that the rooms meet the minimum room dimensions and areas set out in Table 2.2 of Barnet's Sustainable Design and Construction SPD (2016).

The units would be single aspect, however, none of them would not be north facing. They would also not be exposed to high noise exposure categories or contain three or more bedrooms. Officers are satisfied that the proposed units would have acceptable level of daylight, sunlight, outlook and privacy.

Each unit would be provided with private balconies. Although these balconies would not meet the requirements in full, as set out in Table 2.3 of Barnet's Sustainable Design and Construction SPD (2016), Officers acknowledge there is a public park to the rear of the site. Officers are happy to take a flexible approach on this basis.

Impact on highways and parking:

Policy CS9 of the Barnet Core Strategy DPD (2012) identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure.

Policy DM17 of Barnet's Development Management Policies Document DP (2012) states:

"1. The council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi detached houses and flats (4 or more bedrooms);
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

2. Residential development may be acceptable:

i. with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be demonstrated through a survey that there is sufficient on street parking capacity.

ii. with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ."

The development provides 11 off-street parking spaces. There are 11 existing flats at ground and first floor.

The delegated report for the previously approved planning reference 17/2084/FUL, decision dated 10 July 2017, stated that the parking provision for 11 bedroom units was between 0 and 11 spaces in accordance with the requirements of Policy DM17. This provision was therefore acceptable.

The application site is located within a Controlled Parking Zone (resident permit holders only Monday-Friday 11am-12pm).

Regarding the proposed units in the additional second and third floor, no off-street parking is provided.

The applicant has agreed to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits.

On this basis, the application is considered acceptable on highways and parking grounds.

In regards to cycle parking, Table 6.3 of the Parking Addendum to Chapter 6 of the London Plan, requires that for C3 dwellings, 1 cycle space per studio and 1 bedroom unit should be provided and 2 cycle spaces per all other dwellings should be provided.

There are 11 existing 1 bedroom units at ground floor and first floor. At second and third floor there are 3 x 1 bedroom units and 2 x 2 bedroom units.

This results in a requirements of 18 spaces. 13 cycle parking spaces are proposed at the end of the pedestrian access down the side of the building. Three cycles are to be stored under the communal stairs at ground floor and the two ground floor flats facing the rear to have their cycles in their private gardens.

Environmental health matters:

An environmental health officer has assessed the application and deemed it acceptable subject to conditions.

Return to the National Planning Policy Framework:

When returning to Paragraph 118 of the National Planning Policy Framework [NPPF] (2019), it states that planning decision should:

"support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers."
[point e]

As assessed above, the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene.

It would comply with local planning policy and standards.

Planning Officers see no reason why the development does not maintain safe access and egress for occupiers.

As such, in accordance with Paragraph 118 of the NPPF (2019), the proposed upwards extension is supported in this instance.

5.4 Response to Public Consultation

- Loss of light to neighbouring occupiers

As assessed in report above, in relation to Teseo House, the proposed second floor and first floor is set back from the recessed 'lightwell' in the side (northern) elevation of Teseo House. No harm to light would occur to these windows.

The second floor would project 3 metres from the rear wall of the adjacent flat at Teseo House. The closest rear window at Teseo House is sited 1.2 metres away from the boundary and the balcony is sited 3.5 metres.

The rear facing windows at Teseo House are east facing, and the application site is located north of these windows. As such, no detrimental harm to daylight or sunlight levels would arise to justify a reason for refusal.

The third floor would project 0.5 metres from the rear wall of the adjacent flat at Teseo House. This is considered acceptable.

In relation to Allmand Court, there are no habitable windows facing 130 Granville Road. The proposed second and third floor project a depth of 2.6 metres from the closest adjacent wall of Allmand Court and is sited 2.6 metres from this flank wall. At this distance it is not considered that this would detrimentally impact the daylight and sunlight levels to the closest rear facing window and balcony at Allmand Court. Furthermore, the closest flats at second and third floor at Allmand Court benefit from larger balconies further set away from the boundary.

In relation to the existing flats at ground floor and first floor at 130 Granville Road the additional second floor and third floor may reduce light levels to those existing units with north-facing windows to a certain extent, however, daylight and sunlight levels to these units are already compromised due to their orientation, proximity to the boundary, and the scale and height of the adjacent building at Allmand Court, 136 Granville Road. As such, it would not constitute a reason for refusal in this particular instance.

- Loss of privacy

There are no proposed side windows at 130 Granville Road facing Teseo House.

The proposed side windows at 130 Granville Road facing Allmand Court are looking onto the blank side wall of Allmand Court.

A condition has been attached to this recommendation securing details of privacy screen for the proposed balconies. This is to safeguard the privacy of neighbouring occupiers.

- Blocked views of the park

Loss of views is not a material planning consideration.

However, for the benefit of doubt, all rear facing habitable windows at Teseo House and Allmand Court would continue to benefit from acceptable outlook.

- Overbearing impact and feeling of enclosure

Upon amendments the depth of the second and third floor have been reduced.

Upon amendments the second floor has been reduced to a depth of 3 metres along the boundary adjacent to Teseo House. The closest rear window at Teseo House is sited 1.2 metres away from the boundary and the balcony is sited 3.5 metres. It is not considered at this depth it would appear overbearing or cause an unacceptable sense of enclosure.

The third floor would project 0.5 metres from the rear wall of the adjacent flat at Teseo House. This is considered acceptable.

The proposed second and third floor would not be visible from the rear-facing first floor and ground floor windows at Teseo House.

The proposed second and third floor project a depth of 2.6 metres from the closest adjacent wall of Allmand Court and is sited 2.6 metres from this flank wall. It is not considered it would appear overbearing or create a sense of enclosure from the closest rear windows and balconies at second and third floor.

- A similar application was refused at the same address (application reference 15/07409/FUL)

A planning application was refused at the application site for: "Demolition of the existing warehouse and the erection of a new four storey building to provide 9 no self-contained flats with associated parking and cycle storage, landscaping, refuse and recycling" (reference 15/07409/FUL, decision dated 17 June 2016).

The reasons for refusal read:

"The proposed development by reason of its size, siting, height and massing would have an overbearing impact, detrimental to the outlook from and resulting in loss of light to bedroom windows facing the lightwell at Teseo House, 136- 144 Granville Road, and would be detrimental to the amenities of these occupiers contrary to policies 3.5 and 7.6 of the London Plan (Adopted 2016), policy CS5 of the Barnet Core Strategy (Adopted September 2012), policy DM01 of the Barnet Development Management Policies Document (Adopted September 2012) and Barnet's Supplementary Planning Documents on Residential Design Guidance and Sustainable Design and Construction (2013).

The proposed development by reason of its failure to demonstrate that the site has been marketed and is no longer suitable or viable for employment use, and to provide mitigation for such loss would be contrary to policy DM14 of the Barnet Development Management Policies Document (Adopted September 2012)."

The second reason for refusal has fallen away.

In regards to the first reason for refusal, the concern was with the lightwell at Teseo House.

As abovementioned in this report, the existing building and subsequently proposed second and third floor is set back from this adjacent lightwell. Therefore this reason for refusal no longer stands.

- Residents subject to construction nuisance from various construction sites in Granville Road (noise, air pollution, invasion of privacy and vibrations)

Development of any scale inevitably causes a degree of noise and disturbance during the demolition and construction period, however, this is temporary.

Conditions have been attached to this decision to manage the impact of demolition and construction works, upon the advice of environmental health and highways officers.

- Contrary to development plan policy for the abovementioned reasons of objection

As assessed above, the application is considered to be compliant with development plan policy.

- The daylight/sunlight report fails to establish whether rear balcony areas of Nos. 136-144 Granville Road would receive adequate light.

The proposed second and third floor has been reduced in depth.

The balcony at second floor at Teseo House is set away from the boundary by 3.5 metres. The third floor extends a depth of 0.5 metres adjacent to the boundary of the balcony at Teseo House at third floor.

These distances are considered acceptable.

- Concerns with parking provision in a road that suffers parking issues

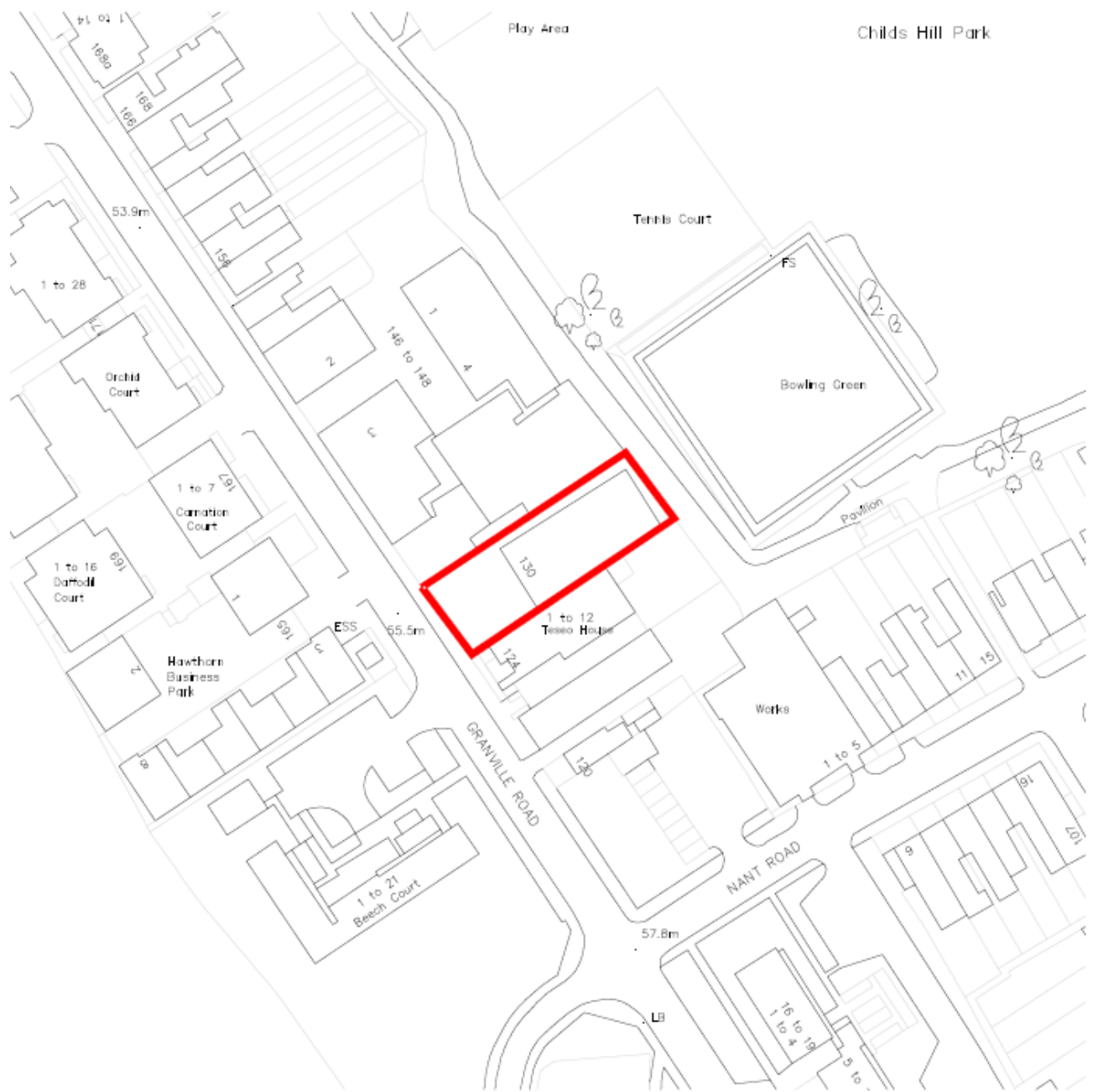
The applicant has agreed to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits, in accordance with the requirements of Policy DM17 of Barnet's Development Management Policies Document DP (2012).

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 surrounding area. The development is not considered to have an adverse impact on the amenities of neighbouring or future occupiers. The application is found acceptable on highways ground subject to a legal agreement restricting future occupiers of the proposed development from obtaining resident parking permits. This application is therefore recommended for approval.



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Location 31 - 33 Dollis Avenue London N3 1BY

Reference: 18/5398/S73

Received: 4th September 2018

Accepted: 12th September 2018

Ward: Finchley Church End

Expiry 7th November 2018

Applicant: Rishin Kotecha

Proposal:

Variation of condition 1 (Approved Plans) and 10 (Parking Spaces) of planning permission 17/0864/FUL dated 12/05/2017 for Demolition of existing buildings and erection of two storey building with basement level and rooms in roofspace to provide 9 no. self-contained flats. Provision of basement parking including 14 no. parking spaces and 18 no. cycle storage spaces. Provision of refuse storage. Creation of landscaping to the front of the site including 3 no. parking spaces. Variation to include amended layout of the hard-landscaping to the front of the site and a change in the location and size of the refuse collection point adjacent to Dollis Avenue.

Recommendation: Approve subject to s106

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

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. Provision of three parking spaces to be allocated to dwellings sited at land to the rear of 31-33 Dollis Avenue and proposed within Barnet planning reference 18/6635/FUL.

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director – Planning and Building Control or Head of Strategic Planning approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director – Planning and Building Control or Head of Strategic Planning:

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

08267-A-L-(00)-0200 (Site Location Plan)
08267-A-L-(00)-0201 P1 (Existing Site Plan)
08267-A-L-(00)-0202 (Existing Elevations)
A1 Landscape Template
08267-A-L-(00)-0204 P8 (Proposed Lower Ground Floor Plan)
08267-A-L-(00)-0205 P10 (Proposed Ground & First Floor Plans)
08267-A-L-(00)-0206 P11 (Proposed Second Floor & Roof Plan)
08267-A-L-(00)-207 P2 (Proposed Sections A-A & C-C)
08267-A-L-(00)-0210 P6 (North West Elevation)
08267-A-L-(20_-X-003 H (SE Elevation (Front)
08267-A-L-(00)-0211 P8 (North East Elevation)
08267-A-L-(00)-0212 P6 (South West Elevation)
2188-58-0R C2 (Roof Cooling Services Layout)

08267-A-L-(SK)-X-236 A (Roof Condenser Street View A)
08267-A-L-(SK)-X-237 A (Roof Condenser Street View B)
08267-A-L-(SK)-X-238 A (Roof Condenser Street View C)
08267-A-L-(SK)-X-239 A (Roof Condenser Street View D)

Tree Protection Plan Rev:1 (dated 09/02/2017)

Accessibility and Lifetime Homes Statement (received 13/02/17)
Arboricultural Report (received 13/02/17)
Construction Method Statement (received 16/02/17)
Daylight/Sunlight Report (13/02/17)
Design Statement (received 13/02/17)
Ecological Report (received 13/02/17)
Energy Statement (received 13/02/17)
Planning Statement (received 13/02/17)
Noise Impact Assessment

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 the original permission (application reference: 17/0864/FUL) dated 24/04/2017.

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

- 3 The development shall be implemented in accordance with the materials details as approved under Barnet reference 17/8099/CON dated 12.02.2018.

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

- 4 The development shall be implemented in accordance with the levels details as approved under Barnet reference 17/8099/CON dated 12.02.2018.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

- 5 The development shall be implemented in accordance with the extraction and ventilation details as approved under Barnet reference 17/8099/CON dated 12.02.2018.

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).

- 6 The proposed development shall be carried out in full accordance with the Demolition and Construction Management and Logistics Plan approved under Barnet reference 17/4603/CON dated 22.08.2017.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 7 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).

- 8 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is first occupied.
- 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 April 2016) and 7.21 of the London Plan 2016.

- 9 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as detailed in the submitted Arboricultural Report (dated 09/02/2017) 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.

Reason: To safeguard the health of existing tree(s) 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 (adopted September 2012) and Policy 7.21 of the London Plan 2016.

- 10 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. 08267-A-L-(00)-0204 P8 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016.

- 11 The development shall be implemented in accordance with the ramp details as approved under Barnet reference 17/8099/CON dated 12.02.2018.

Reason: In the interests of highway safety 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.

- 12 The approved development shall make provision for cycle parking and cycle storage facilities in accordance with London Plan 2016 Cycle Parking Standards. Such spaces shall be permanently retained thereafter.

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

- 13 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).

- 14 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

- 15 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

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

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

- 17 Prior to the first occupation of the 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.

- 18 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.

- 19 a) Prior to occupation of the development, details of the proposed green roof shall have been submitted to and approved in writing by the Local Planning Authority.
- b) The green roof shall 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. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

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 Prior to the erection and installation of photovoltaic panels, details of the size, design and siting of all photovoltaic panels to be installed as part of the development shall be submitted and approved in writing by the Local Planning Authority. Calculations demonstrating the additional carbon emission reductions that would be achieved through the provision of additional panels shall also be submitted. The development shall be carried out and constructed in accordance with the approved details.

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 CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

- 21 a) Before the development hereby permitted is first occupied, details of privacy screens to the terrace on flat 4 and balcony to flat 5 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 2016) and the Sustainable Design and Construction SPD (adopted April 2016).

- 22 Before the building hereby permitted is first occupied the windows serving the study's in Flat 1 and Flat 2 shall be glazed with obscure glass only and shall be permanently fixed shut or provided with only a fanlight opening and shall be permanently retained as such thereafter.

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 2016).

- 23 a) Prior to the installation of the air conditioning units hereby approved, details of all the acoustic enclosures to be installed on the site shall be submitted to the Local Planning Authority and approved in writing.

b) The details approved by 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 enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2016.

- 24 a) Prior to the installation of the air conditioning units to be installed as part of the development, details including a technical report shall 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).

- 25 The level of noise emitted from the all extraction and ventilation equipment 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 2015.

RECOMMENDATION III:

- 1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 29 February 2020, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not provide a commitment to provide the required parking provision in relation to the proposed dwellings at land to the rear of 31-33 Dollis Avenue, contrary to Policy CS9 of the Local Plan Core Strategy 2012 and Policy DM17 of the Adopted Development Management Policies DPD 2012 and the Planning Obligations SPD 2013.

Informative(s):

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure

Levy Regulations (2010), as amended before commencement of the chargeable development.

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

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

3 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

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.

5 In case if a new crossover access is required or any modification is proposed or required to the existing access off the public highway then it will be subject to a detailed investigation by the Crossover Team in Development Regulatory Services. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of any existing street furniture. This would need to be done by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on public highway from DRS, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

6 Removal or relocation of any existing street furniture or alteration to road markings or Controlled Parking Bays would be subject to public consultations and would be done at the applicant's expense, under a rechargeable works agreement, by the Council's term contractor for Highway Works.

7 In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team/Tree Section as part of the crossover application. The outcome of this assessment cannot be prejudged. Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, DRS, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP

- 8 The applicant is advised that any consequential damage to public highway as a result of the construction of the new proposed development will be reinstated under S130 of the Highways Act at the applicant's expense. The applicant is advised to carry out photographic survey of the public highway before commencing any development work in the vicinity of the development.
- 9 The gradient of the vehicular ramp needs to be at 1:10 otherwise the ramp will need to be provided in accordance with the guidelines in IStructE Design recommendations for multi-storey and underground car parks.
- 10 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

Officer's Assessment

1. Site Description

The application site previously consisted of two-detached buildings, located on the north-western side of Dollis Avenue. However, the site is current under construction for the erection of a new two-storey building with basement level and rooms in the roofspace to provide 9no. self-contained flats. Construction of this new building is significantly underway.

The site is located within the ward of Finchley Church End. It does not lie within a conservation area.

2. Site History

Reference: 19/3658/S73

Address: 31 - 33 Dollis Avenue, London, N3 1BY

Decision: Refused

Decision Date: 28.08.2019

Description: Variation of condition 1 (Plan Numbers) pursuant to planning permission 18/4097/S73 dated 20/08/2019 for 'Variation to condition 1 (Plans Numbers) of planning permission 17/0864/FUL dated 24/04/2017 for 'Demolition of existing buildings and erection of two storey building with basement level and rooms in roofspace to provide 9 no. self-contained flats. Provision of basement parking including 14 no. parking spaces and 18 no. cycle storage spaces. Provision of refuse storage. Creation of landscaping to the front of the site including 3 no. parking spaces.' Variation to include installation of 5 x air condition units on the roof with associated screening' Variations to include addition of a Juliette balcony on the front elevation at first floor level, addition of balconies on the rear elevation at second floor level and associated alterations to fenestration.

Reference: 18/4097/S73

Address: 31 - 33 Dollis Avenue, London, N3 1BY

Decision: Approved subject to conditions

Decision Date: 20.08.2018

Description: Variation to condition 1 (Plans Numbers) of planning permission 17/0864/FUL dated 24/04/2017 for 'Demolition of existing buildings and erection of two storey building with basement level and rooms in roofspace to provide 9 no. self-contained flats. Provision of basement parking including 14 no. parking spaces and 18 no. cycle storage spaces. Provision of refuse storage. Creation of landscaping to the front of the site including 3 no. parking spaces.' Variation to include installation of 5 x air condition units on the roof with associated screening

Reference: 17/8099/CON

Address: 33 Dollis Avenue, London, N3 1BY

Decision: Approved

Decision Date: 12.02.2018

Description: Submission of details of condition 3 (Materials), 4 (Levels), 5 (Extraction and Ventilation) and 11 (Access Ramp) pursuant to planning permission 17/6764/S73, dated 24 November 2017

Reference: 17/6764/S73

Address: 33 Dollis Avenue, London, N3 1BY

Decision: Approved subject to conditions

Decision Date: 24.11.2017

Description: Variation of condition 1 (Plans Numbers) pursuant to planning permission 17/0864/FUL dated 24/04/2017 for "Demolition of existing buildings and erection of two storey building with basement level and rooms in roofspace to provide 9 no. self-contained flats. Provision of basement parking including 14 no. parking spaces and 18 no. cycle storage spaces. Provision of refuse storage. Creation of landscaping to the front of the site including 3 no. parking spaces." Variations to include increase of terrace areas for flats 3 and 4 on ground floor, creation of a recessed terrace and extension of balcony on first floor. Introduce design appropriate terraces within the front gable ends at second floor, install a skylight within the front link roof at second floor, and increase footprint on the lower ground floor.

Reference: 17/6277/CON

Address: 33 Dollis Avenue, London, N3 1BY

Decision: Approved

Decision Date: 15 November 2017

Description: Submission of details of conditions 3 (Materials) 4 (Levels) 5 (Extraction and Ventilation) 11 (Access Ramp) pursuant to planning permission 17/0864/FUL dated 14/02/17

Reference: 17/4603/CON

Address: 33 Dollis Avenue, London, N3 1BY

Decision: Approved

Decision Date: 22 August 2017

Description: Submission of details of condition 6 (Demolition and Construction Management and Logistics Plan) pursuant to planning permission 17/0864/FUL dated 14/02/17

Reference: 17/4347/S73

Address: 33 Dollis Avenue, London, N3 1BY

Decision: Approved subject to conditions

Decision Date: 19 September 2017

Description: Variation to condition 1 (Plans) 17/0864/FUL dated 24/04/2017 for "Demolition of existing buildings and erection of two storey building with basement level and rooms in roofspace to provide 9 no. self-contained flats. Provision of basement parking including 14 no. parking spaces and 18 no. cycle storage spaces. Provision of refuse storage. Creation of landscaping to the front of the site including 3 no. parking spaces.". Variation include internal re-arrangement of flats to change the overall number of units from 9no. to 8no. Increase terrace areas for flats 3 and 4 on ground floor, creation of a recessed terrace to flat 6 and extend the balcony to flat 5 on first floor so that it wraps around. Introduce design appropriate terraces within the front gable ends at second floor, and install a skylight within the front link roof at second floor

Reference: 17/0864/FUL

Address: 33 Dollis Avenue, London, N3 1BY

Decision: Approved subject to conditions

Decision Date: 12 May 2017

Description: Demolition of existing buildings and erection of two storey building with basement level and rooms in roofspace to provide 9 no. self-contained flats. Provision of basement parking including 14 no. parking spaces and 18 no. cycle storage spaces. Provision of refuse storage. Creation of landscaping to the front of the site including 3 no. parking spaces.

3. Proposal

The application seeks to vary condition 1 (Plans) of planning permission reference 17/0864/FUL, dated 24/04/2017, for the 'Demolition of existing buildings and erection of two storey building with basement level and rooms in roofspace to provide 9no. self-contained flats. Provision of basement parking including 14no. parking spaces and 18no. cycle storage spaces. Provision of refuse storage. Creation of landscaping to the front of the site including 3no. parking spaces.'

The application seeks the following amendments:

- Relocation of refuse collection point to the front north-east corner of the site;
- Amendment to wording of condition 10 (parking spaces) to include provision of 3no. (three) car parking spaces allocated to the proposal at 'land to the rear of 31-33 Dollis Avenue' submitted under Barnet reference: 18/6635/FUL.

The proposal has been amended during the application to include the following changes:

- Reduction in size of refuse collection point to the same size as originally approved.

4. Public Consultation

Consultation letters were sent to 52 neighbouring properties.
1 response have been received, comprising 1 letter of objection.

The objections received can be summarised as follows:

- Objection to principle of back-land development site
- No application submitted for development of the back garden and should be applied at the same time.

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 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2016

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

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

The London Plan is currently under review. Following examination of the Plan earlier in 2019, the Panel has now published its report, and whilst the Mayor has yet to formally respond, the draft London Plan accompanied by the Panel report is a material consideration in the determination of this application.

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.
- Relevant Development Management Policies: DM01, DM17

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)
Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- 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;
- Highways matters.

5.3 Assessment of proposals

An application was initially approved in May 2017 under Barnet reference 17/0864/FUL for the demolition of the existing buildings at nos. 31-33 Dollis Avenue and the erection of a two-storey building with basement level and rooms in the roofspace to provide 9no. self-contained flats. Since then there have been a number of S73 applications to vary minor details of the approved development.

The only external alterations taking place within this application is the relocation of the refuse collection point from the front south-east corner to the north-east front corner. Initially a larger store of 16sqm was proposed, however, following concerns raised by Officers, the size of the store has been reduced to the size originally approved. The store would be positioned approx. 3.5m away from the boundary with No.35.

It is noted that bin collections would occur once a week. The storage of bins in this location is a temporary solution when they would be moved to this area on collection days. The bins

would be returned to the basement level on the day of collection. It is considered that the visibility of the bins would be relatively localised in extent and given the temporary nature, it is not considered to result in any significant increased harm to the living conditions of the occupiers of No.35 with particular regard to outlook.

Details of the external store are sought via condition but the applicant has verbally stated that it would be fairly small in height and would likely have an element of soft landscaping incorporated to reduce the visual appearance when the bins are positioned in the store.

In terms of the parking provision, the proposal provides for 17 car parking spaces. During the initial assessment it was stated that policy DM17 required a provision of between 9 and 13.5 spaces. The provision of 3no. spaces to be allocated to the rear development site would not adversely compromise the existing development as it would still provide the maximum number of spaces sought by policy. 14 spaces would be available for the approved development and the amendment does not result in any external or internal alterations. In order to secure the provision of three car parking spaces, a legal agreement will need to be completed between both sites to ensure provision in perpetuity.

5.4 Response to Public Consultation

The application has been concurrently considered with planning reference 18/6635/FUL. The assessment of the back-land site is contained within that assessment.

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 and following completion of the legal agreement, 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. The proposal does not materially affect the highways issues previously considered. This application is therefore recommended for approval.



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Location	Land To The Rear Of 31-33 Dollis Avenue Finchley London N3 1TB	AGENDA ITEM 8
Reference:	18/6635/FUL	Received: 5th November 2018 Accepted: 7th November 2018
Ward:	Finchley Church End	Expiry 2nd January 2019
Applicant:	c/o Agent	
Proposal:	Erection of 3no two-storey dwellinghouses with associated amenity space, landscaping, refuse store and cycle store.	

Recommendation: Approve subject to s106

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

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. Contribution of £120,000 towards affordable housing.
Review Mechanism.
4. Monitoring of Legal Agreement £3,600

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director – Planning and Building Control or Head of Strategic Planning approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director – Planning and Building Control or Head of Strategic Planning:

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

3127_DR_0000 B (Location Plan)
3127_DR_0001 A (Location Plan)
3127_DR_0101 G (Proposed Site Plan Lower Ground)
3127_DR_0102 H (Proposed Site Plan Original Boundary)
3127_DR_0200 F (Proposed Long Section)
3127_DR_1000 E (Proposed Ground Floor Plan)
3127_DR_1001 E (Proposed First Floor Plan)
3127_DR_1002 E (Proposed Roof)
3127_DR_1100 E (Proposed Elevation Front)
3127_DR_1101 E (Proposed Elevation Rear)
3127_DR_1102 E (Proposed Elevation Side)

3127_Area Schedule
Arboricultural Report
Cover letter
Design and Access Statement
Energy & Sustainability Statement
Landscape Design
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 a) No development other than preparatory works and enabling works shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

4 a) Prior to their installation, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

6 a) Notwithstanding the details submitted with the application and otherwise hereby approved, prior to occupation of the dwellings, details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where

applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

8 Before the building hereby permitted is first occupied the proposed window on the ground floor in the north-west elevation shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

9 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. 3127_DR_0101 G shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016.

- 10 a) Before the development hereby permitted is first occupied or the use first commences, cycle parking spaces as shown on Drawing 3127_DR_0102 H shall be provided and marked out within the site.

b) The parking spaces shall be used only in accordance with the scheme approved as part of this condition and not be used for any purpose other than the parking and turning of vehicles in connection with the approved 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 DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016.

- 11 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).

- 12 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 south-west or north-east side elevations.

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).

- 13 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

- 14 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

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

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

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

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

- 17 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10.5% 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.

- 18 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, B, D, E, F and G of Part 1 of Schedule 2 of that Order shall be carried out within the area of the 3no. dwellings hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent TPO trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 19 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 Arboricultural Report (Andrew Day Arboricultural Consultancy, dated 29.01.2019) 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 2016.

RECOMMENDATION III:

- 1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 29 February 2020, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The proposed development does not include a formal undertaking to meet the costs of provision of affordable housing. 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 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

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

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

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

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

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

- 4 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

Officer's Assessment

1. Site Description

The application site is a broadly rectangular parcel of land to the east of the rear gardens of nos. 22-28 Lyndhurst Gardens and west of the rear gardens of Dollis Avenue. The south of the site abuts a pedestrian laneway which links Lyndhurst Gardens and Dollis Avenue.

The surrounding area is predominately characterised by residential properties and their gardens, with the exception of Poolside Manor Activity Centre which is located adjacent to the south-west.

The site lies within the Finchley Church End ward and not does fall within a conservation area. There are no Tree Preservation Orders (TPOs) on site.

2. Site History

Reference: 18/0188/FUL

Address: Land To The Rear Of 31-33 Dollis Avenue Finchley London N3 1TB

Decision: Withdrawn

Decision Date: 05.03.2018

Description: Erection of 3no two-storey dwellinghouses with associated amenity space, landscaping, refuse store and cycle store.

Other relevant planning decisions

Reference: 18/5398/S73

Address: 31-33 Dollis Avenue Finchley London N3 1TB

Decision: Pending consideration

Decision Date: N/A

Description: Variation of condition 1 (Approved Plans) and 10 (Parking Spaces) of planning permission 17/0864/FUL dated 12/05/2017 for Demolition of existing buildings and erection of two storey building with basement level and rooms in roofspace to provide 9 no. self-contained flats. Provision of basement parking including 14 no. parking spaces and 18 no. cycle storage spaces. Provision of refuse storage. Creation of landscaping to the front of the site including 3 no. parking spaces. Variation to include amended layout of the hard-landscaping to the front of the site and a change in the location and size of the refuse collection point adjacent to Dollis Avenue. Also a change in the wording for condition 10 regarding parking

Reference: 18/4097/S73

Address: 31-33 Dollis Avenue Finchley London N3 1TB

Decision: Approved subject to conditions

Decision Date: 20.08.2018

Description: Variation to condition 1 (Plans Numbers) of planning permission 17/0864/FUL dated 24/04/2017 for 'Demolition of existing buildings and erection of two storey building with basement level and rooms in roofspace to provide 9 no. self-contained flats. Provision of basement parking including 14 no. parking spaces and 18 no. cycle storage spaces. Provision of refuse storage. Creation of landscaping to the front of the site including 3 no. parking spaces.' Variation to include installation of 5 x air condition units on the roof with associated screening

Reference: 17/0864/FUL

Address: 31-33 Dollis Avenue Finchley London N3 1TB

Decision: Approved subject to conditions

Decision Date: 12.05.2017

Description: Demolition of existing buildings and erection of two storey building with basement level and rooms in roofspace to provide 9 no. self-contained flats. Provision of basement parking including 14 no. parking spaces and 18 no. cycle storage spaces. Provision of refuse storage. Creation of landscaping to the front of the site including 3 no. parking spaces.

3. Proposal

The application seeks permission for the erection of 3no. attached, two-storey dwelling houses comprising of 1 x 3-bed and 2 x 4-bed units. The proposal would provide associated amenity space, landscaping, refuse and cycle storage.

The site would have a primary access path which would run along the boundary between nos 31-33 Dollis Avenue and no.35. A secondary pedestrian access would be provided from the existing laneway to the south of the site.

Parking for the proposal would be provided within the adjacent development at 31-33 Dollis Avenue, with 3no. parking spaces allocated within the basement level. A separate planning application, reference 18/5398/S73 has been submitted concurrently to amend the parking provision to allow for parking provision for the rear site.

4. Public Consultation

Consultation letters were sent to 96 neighbouring properties.

43 responses have been received, comprising 43 letters of objection.

The objections received can be summarised as follows:

- Inappropriate back land development;
- Cumulative overdevelopment of the site along with 31-33 Dollis Avenue;
- Proposal is out of character with the suburban family homes;
- Poor design of proposed buildings;
- No provision of affordable housing;
- Overlooking of neighbouring properties;
- Overlooking of future occupiers of new development;
- Increased noise and light pollution;
- Increase in traffic levels;
- Disturbance of further construction works;
- Insufficient off-street parking;
- Unacceptable refuse collection proposals;
- No emergency access;
- Loss of green space;
- Loss of trees;
- Impact on wildlife;
- Impact on drainage;
- Proposed dwellings are not suitable for potential home owners with disabilities;

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 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2016

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

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

The London Plan is currently under review. Following examination of the Plan earlier in 2019, the Panel has now published its report, and whilst the Mayor has yet to formally respond, the draft London Plan accompanied by the Panel report is a material consideration in the determination of this application.

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, CS9, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)
Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Principle of development and impact on character and appearance of the existing site, streetscene and surrounding area

The predominate character of the area along Dollis Avenue and Lyndhurst Gardens is of residential properties. Properties are arranged in a mainly linear form fronting the road with long garden areas. The exception to this is the Swimming Pool and tennis courts which are located towards the back of the plots, off Lyndhurst Gardens and occupy a considerable cumulative footprint. Officers consider that, subject to a satisfactory design and compliance with all other matters, development of this site is considered as a continuum of built development in line with the swimming pool and tennis club. Therefore, the principle of back land being extended into the application site would not necessarily be alien or harmful to the area. Concerns have been raised that if approved, this would set a precedent for further back land developments further along the street. However, Officers consider that this site is only considered acceptable as it would share a physical connection with the public access from Lyndhurst Gardens to Dollis Avenue, similar to the swimming pool and tennis club. Each case is considered on its merits although officers consider that any further developments of rear gardens would be considered isolated and sufficiently different to the particular circumstances of this proposal.

The proposal takes the form of a mews development, being two-storeys in height and with a low-pitched roof. Each house would be provided with a bay frontage with individual porches to clearly identify the individual properties and take design references from the house typologies of Lyndhurst Gardens and Dollis Avenue.

The proposed dwellings are considered to be of an acceptable scale, height and massing and would appear subordinate in relation to the buildings along Lyndhurst Gardens and Dollis Avenue. The siting and bulk of the proposal is not considered to be overbearing or visually dominant from the adjacent properties. The dwellings have a simple external appearance with a low-pitched roof form and incorporate materials which are commonly found in the surrounding area.

For the reasons set out above, Officers consider that the principle of residential development is not detrimentally harmful to the character of the area due to the presence of other built forms to the south-west of the site. The proposed dwellings are considered to be of an appropriate size, being modest in scale and height and would not cause significant visual harm to the character and appearance of the surrounding area.

Impact on amenity of neighbouring occupiers

Barnet policy DM01 states that new development should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users. Schemes which significantly harm the neighbouring occupiers will be refused planning permission.

The Council's Residential Design Guidance SPD advises that privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings. In new residential development there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

The existing properties along Dollis Avenue and Lyndhurst Gardens have large rear gardens which benefit from mature tree coverage and landscaping. In terms of the potential impact on Lyndhurst Gardens, the proposal will provide a distance of 10.5m between the proposal units and the rear gardens of Lyndhurst Gardens and in excess of 25m between the habitable rooms. This is therefore compliant with Barnet guidance and is not considered to have a harmful significant impact on the properties on Lyndhurst Gardens. Due to the modest scale of the proposed dwellings and separating distance, the proposal is not considered to result in a loss of daylight/ sunlight or sense of enclosure.

With the new development at the front on Dollis Avenue, the proposal would provide approx. 22m between the habitable windows. However, the dwellings would be sited in close proximity to the rear boundary of the communal garden. The applicant states that the communal garden will be inherently overlooked by the new occupiers by nature of the number of units and sloping topography of the site. On balance, Officers accept the justification provided and consider that the main habitable rooms face onto the rear of the site. Therefore, Officers are satisfied that the proposal will not detrimentally harm the amenity of future occupiers of 31-33 Dollis Avenue.

Provision of adequate accommodation for future occupiers

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

The proposal would provide of 3no family dwelling consisting of 1 x 3-bed (146sqm) and 2 x 4-bed (160sqm and 168sqm) units. The units would be in excess of the minimum internal space standards. The dwellings would benefit from dual aspect outlooks and are considered to receive acceptable levels of daylight and sunlight. The minimum distance of 21.9m between the proposed houses and the frontage block would reduce potential for overlooking, in accordance with the residential guidelines.

Each dwelling would benefit from large private rear gardens which exceed Barnet's outdoor amenity space requirements.

Highways and parking provision

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

Policy DM17 sets out parking standards as follows for the residential use:

For 2 and 3 bedroom units	1.0 - 1.5 spaces per unit
For detached houses (4 or more bedrooms)	1.5 - 2.0 spaces per unit

The proposal does not benefit from direct vehicular access but it has been agreed that three spaces within the basement level of the front Dollis Avenue site will be allocated to the proposal (one space per unit). The front site benefits from 17 spaces which is in excess of the policy requirement for that proposal. The re-allocation of three spaces to the back land proposal would still result in the front site being policy compliant. A separate application, reference 18/5398/S73 has been submitted concurrently with this one and a legal agreement is recommended as part of the decision on that site to ensure that 3 spaces remain in perpetuity for the rear dwellings.

A communal refuse store is proposed along the southern boundary of the site adjacent to the secondary site entrance. On collection day, bins will be transferred from the onsite refuse store to Dollis Avenue via the secondary access. Given that this will only occur once a week, it is considered to be acceptable.

Other material considerations

Trees

There are a number of trees located across the application site. In order to facilitate the development, 7 trees within the middle of the site will be removed. The submitted arboricultural report notes these trees are of a poor quality. The two higher quality trees T1 and T2 will be protected. Where the pedestrian access is shown to be adjacent to T1, a 'no-dig' method will be implemented around this area to install the slabbing for the pedestrian path.

Accessibility and sustainability

Within the submitted Design and Access Statement, it states that land slope is 1/12 which is within the range of DDA compliance. Gates and private entrances will have a width opening of 850mm.

The proposal will be constructed with an approximate CO2 reduction of 10.6%.

Affordable Housing

The Council considers that this proposed development is dependent on the front site for its acceptability in planning terms and the two sites are physically linked together in effect form one planning unit. As the front site comprises of 9no units and this application is seeking to erect a further 3no units, the sites together would exceed 10 units which under Barnet Policy DM10, requires the provision of affordable housing.

Policy DM10 of the Development Management Policies Document states that the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units gross. The applicant has provided a Viability Assessment (James.R.Brown GVA July 2019) which has been independently reviewed on the Council's behalf by Colliers.

Following discussions between Colliers and the applicant, a contribution of £120,000 has been agreed between both parties.

5.4 Response to Public Consultation

Issues raised relating to covenants are a legal matter and not a 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 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.



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Location 14 The Grove London NW11 9SH

Reference: 19/2118/FUL

Received: 10th April 2019

Accepted: 10th April 2019

Ward: Golders Green

Expiry 5th June 2019

Applicant: Mr Benjamin Solomon

Proposal: Single storey rear infill. Conversion of the existing dwelling into 3no self-contained flats. Associated refuse/recycling, amenity space, cycle store and storage area (Amended Parking Survey Report)

AGENDA ITEM 9

Recommendation: Approve subject to conditions

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

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

Site Location Plan, Design and Access Statement. Received on the 10 April 19.

Updated Parking Survey Report (SHF.1507.TR.R.001), prepared by Enzygo Environmental Consultants. Received on the 31 October 19.

Drg.no.02a and Drg.no.04a. Received on 31 July 19.

Drg.no.01a, Drg.no.03c, Drg.no.05b. Received on 02 October 19.

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 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).

- 5 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.

- 6 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).

- 7 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.

- 8 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.

- 9 The proposed window(s) in the side elevation, at ground floor level, facing the side access leading to the rear garden, shall be glazed with obscure glass only and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers of the ground floor, Flat 1 in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 10 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. 05b shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

- 11 a) Before the development hereby permitted is first occupied, details of the sub-division of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

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).

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a payment under Mayoral CIL.

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

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

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

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and

surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

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

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

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

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

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

- 4 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.

Officer's Assessment

The application was deferred by the committee on 16/10/19, because the committee members were concerned that the Parking Survey Report, that was provided in support of the planning application was not up to date and requested for an updated Parking Survey Report.

An updated Parking Survey Report was submitted to the LPA on the 31/10/2019. Highways officers were consulted and their comments were received on the 12/11/19.

Their comments have been summarised below;

"Having reviewed the new car parking survey provided by the applicant, which was conducted on Tuesday 29th and Wednesday 30th of October 2019, it appears that there is an average of around 65.5% car parking stress on streets surrounding the site. This means that there should be sufficient availability on streets surrounding the site to accommodate the potential overspill of 2 car parking spaces.

The proposed is therefore not expected to pose any significantly detrimental impact on the public highway surrounding the site, it is therefore acceptable on highways grounds".

Furthermore, neighbouring properties were consulted about the updated Parking Survey Report , on 01/11/19, for a period of 21 days, giving neighbours until the 22/11/19 in which to provide their comments.

Following the consultation, 1no. response was received, reiterating a previous request to speak at committee.

1. Site Description

The application site is a large semi-detached property, located on The Grove.

The application site benefits from a side and rear dormer, and a single storey rear extension measuring 6m in depth. The property benefits from a rear garden that can be accessed via a side gate.

The properties on along this street are characterised by a mixture of single family dwelling houses and properties that have been converted into flats.

The site does not fall within a conservation area and the proposal property is not listed.

2. Site History

Reference: 18/1219/FUL

Address: 14 -16 The Grove, London, NW11 9SH

Decision: Refused at committee

Decision Date: 20 June 2018

Description: Two storey rear extension. Creation of basement level with associated front and rear light wells

Reasons for refusal:

-The development, by reason of the size, siting, bulk and design of the proposed extensions would be an overdevelopment of the site and be detrimental to the character and appearance of the property and wider locality. As such, the proposal is contrary to Policies 3.5 and 7.4 of the London Plan (2016), Policies CS1 and CS5 of the Council's Core Strategy DPD (2012), policy DM01 of the Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2016).

-The development, by reason of the size, siting, bulk and design of the proposed extensions, would appear overbearing and detract from the residential amenities of the occupiers of the neighbouring properties. The proposal would be contrary to policy DM01 of the Barnet Local Plan Development Management Policies DPD (2012), policies CS1 and CS5 of the Barnet Local Plan Core Strategy DPD (2012), the Residential Design Guidance SPD (2016) and the Sustainable Design and Construction SPD (2016).

Reference: 18/6108/HSE

Address: 14 -16 The Grove, London, NW11 9SH

Decision: Refused at committee

Decision Date: 12 February 2019

Description: First floor rear extension to both properties. New front porch to no 16

Reasons for Refusal:

-The development, by reason of the siting, mass and scale of the proposed extensions would detract from the character and appearance of the pair of properties and be detrimental to the visual amenity of the area. As such, the proposal is contrary to Policies 3.5 and 7.4 of the London Plan (2016), Policies CS1 and CS5 of the Council's Core Strategy DPD (2012), policy DM01 of the Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2016).

Reference: 17/7319/FUL

Address: 14 The Grove, London, NW11 9SH

Decision: Withdrawn

Decision Date: 18 January 2018

Description: Conversion of existing properties into 7no. self-contained flats including creation of a new basement level with light wells to front side and rear, two storey rear extension and associated alterations to roof. Provision of amenity space, refuse storage, cycle store and 5no. off-street parking spaces

Reference: 18/0997/192

Address: 14 The Grove, London, NW11 9SH

Decision: Lawful

Decision Date: 29 March 2018

Description: Extension to roof including, two side dormers and one rear dormer, 3no roof lights to front elevation

Reference: 18/1219/FUL

Address: 14 The Grove, London, NW11 9SH

Decision: Insufficient Fee

Decision Date: 4 July 2018

Description: Two storey rear extension. Creation of basement level with associated front and rear light wells

Reference: 18/4114/PNH

Address: 14 The Grove, London, NW11 9SH

Decision: Prior Approval Required and Refused

Decision Date: 20 July 2018

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 4 metres

Reference: 18/4656/PNH

Address: 14 The Grove, London, NW11 9SH

Decision: Prior Approval Required and Approved

Decision Date: 29 August 2018

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 4 metres

Reference: 18/5706/192

Address: 14 The Grove, London, NW11 9SH

Decision: Lawful

Decision Date: 25 September 2018

Description: Single storey rear extension

Reference: 18/6108/HSE

Address: 14 The Grove, London, NW11 9SH

Decision: Refused

Decision Date: 15 March 2019

Description: First floor rear extension to both properties. New front porch to no 16

Reference: C11282A/05

Address: 14 The Grove, London, NW11 9SH

Decision: Lawful

Decision Date: 11 April 2005

Description: Alteration to roof including partial hip-to-gable conversion and rear dormer windows to facilitate a loft conversion.

3. Proposal

The proposal is for the following:

- Single storey rear infill. The property benefits from two separate extensions, measuring 3m and 6m in depth, which are separated by a gap of 0.5m.

The proposal involves infilling this gap with an extension measuring 2.1m in depth, 0.5m in width and 3m in height. It will not project beyond the existing extensions.

- Conversion of the existing dwelling into 3no self-contained flats. The proposal includes the following configuration:

Flat 1, 2 bed 3 person (GIA 90m²)

Flat 2, 2 bed 3 person (GIA 73m²)

Flat 3, 2 bed 3 person (GIA 75m²)

- 2 onsite parking spaces have been provided

- Associated refuse and recycling and cycle storage

- Outdoor amenity space for 3 flats

4. Public Consultation

A Site notice was erected on the 18.04.2019.

Consultation letters were sent to 150 neighbouring properties.

10 responses have been received comprising 10 letters of objection.

A summary of public comments is as follows:

- Overdevelopment, no precedent of 3 no. flats
- Open the door to be followed by an application from the developers to do the same with no 16
- Provision of vehicular access point would result in the loss of 2 street parking spaces
- Concern regarding stress on existing parking
- Bin store necessary for 3 housing units is of insufficient width
- Apparent factual errors in the Planning Application form

5. Planning Considerations

5.1 Policy Context

Revised 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 Revised National Planning Policy Framework (NPPF) was published on 19th February 2019. 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 document. Both were adopted in September 2012. The following policy documents were consulted:

Core Strategy Policies:

- National Planning Policy Framework (NPPF) (2012): CS
- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS14.
- Relevant Development Management Policies: DM01, DM02, DM08 and DM17.

Supplementary Planning Documents

Residential Design Guidance SPD (Adopted 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 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. Whether the proposal provides satisfactory living accommodation for future occupiers
- iii. The Impact on the appearance and character of the area
- 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 flats in this location

In assessing whether flats are appropriate in this location, policy DM01 of Barnet's Development Management Policies states that consideration should be given to the character of the road and where proposals involve the loss of dwelling houses in roads characterised by dwelling houses, this will not normally be appropriate.

Section 2.8 of the Development Management Policies document addresses the issue of flat conversions, with 2.8.1 stating 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".

Paragraph 2.8.2 continues: "Where conversions are acceptable any external alterations should seek to minimise their impact on the external appearance of the property and local character. Conversions must also be able to satisfactorily address all other relevant policies in the DPD including the need to consider the dwelling size priorities set out in Policy DM08 and the approach to parking management set out in Policy DM17. Further guidance on conversions will be set out in the Residential Design Guidance SPD."

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

The Grove comprises of approximately 36 properties, out of which approximately 8 properties have been converted into flats. From records available, it appears that the following properties received planning consent to convert the property into flats;

2A The Grove (F/04761/14) (purpose built block of 7 flats)

2B The Grove (F/02305/13) (purpose built block of 9 flats)

25 The Grove (2flats) (C05627)

27 The Grove (2flats) (C09832)

16 The Grove, was being used as 2 flats until 2006 and recently converted back to a single family dwelling (C16485A/06).

Furthermore, VOA records indicate that the following properties have been converted into flats;

1 The Grove (2 flats)

3 The Grove (2flats)

6 The Grove (2 flats)

15 The Grove (2 flats)

Therefore, it has been established that flat conversions are acceptable on this part of The Grove and would not be contrary to policy DM01 or the established character of the street.

Whether the proposal provides a satisfactory living environment for future occupiers

In terms of the amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. Table 3.3 within Policy 3.5 of the London Plan 2016 provides minimum space standards for new dwellings. Policy 3.4 of the London Plan states that while taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output for

different types of location within the relevant density range shown in Table 3.2. Development proposals which compromise this policy should be resisted.

Floor Area:

The London Plan (2016) and Barnet's policies and Sustainable Design SPD (Oct 2016) set out the minimum GIA requirements for residential units as follows:

- 2 bedrooms, 3-person, 1 storey - 61m²

The applicant's drawings show each flat has provided:

Flat 1 - 2 bed 3 person (GIA 90m²)

Flat 2 - 2 bed 3 person (GIA 73m²)

Flat 3 - 2 bed 3 person (GIA 75m²)

Flat 1, 2 and 3 each meets the minimum space standards.

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 proposed bedrooms for flat 1, 2 and 3 meet and exceed these requirements.

Floor to ceiling height:

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.

Flat 1, 2 and 3 each comply with this standard.

Glazing:

Barnet's Sustainable Design SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room.

All proposed habitable rooms meet this requirement.

Light/outlook:

Flat 1 and Flat 2, both have provided sufficient outlook to both these flats. Whilst officers had concerns with regards to the outlook provided to Flat 3, on the second floor at roof level, the applicant has provided a cross section plan (Drg.no.04a), indicating the siting of the proposed rooflights, in context with the proposed rooms. It is considered that the rooflights are at an appropriate height and angle and will provide adequate outlook to the occupiers of Flat 3.

Privacy:

Flat 1, 2 and 3, would have acceptable amount of privacy and would not be overlooked by neighbouring occupiers. Whilst officers raised concerns with regards to lack of privacy to

the occupiers of the ground floor Flat 1, the internal layout was amended and the unit will have non habitable or secondary windows sited along the side elevation facing the common access to the rear garden. Furthermore the proposed window(s) in the side elevation, at ground floor level, facing the side access leading to the rear garden, will be glazed with obscure glass only and shall be permanently retained as such thereafter. This will be secured by a condition.

Room stacking:

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. The proposed layout is acceptable. 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. This will be secured by a condition.

Amenity Space:

Section 8.2 of the Residential Design Guidance SPD (2016) states that, 'private amenity space for the exclusive use of building occupants is a highly valued asset. Sufficient, functional amenity space should therefore be provided for all new houses and flats wherever possible'.

Section 2.3 of the Sustainable Design and Construction SPD (2016) states that for flats there should be a minimum of 5m² of outdoor amenity space per habitable room.

Flat 1 requires: 20m²

Flat 2 requires: 15m²

Flat 3 requires: 15m²

The property benefits from a large garden to the rear of the property, which has been subdivided to provide private amenity space for all 3 flats.

Flat 1, would have private use of one part of the rear garden (approximately 33m²), immediately adjacent to the rear wall of the building.

Flat 2, would have private use of one part of the rear garden (approximately 32m²), it would be sited to the end of the garden.

Flat 3, would have private use of one part of the rear garden (approximately 24m²), it would be sited in the middle of the two amenity spaces allocated to Flat 1 and Flat 2, respectively.

It is considered that the proposed layout meets the outdoor amenity space standards included in section 2.3 of the Sustainable Design and Construction SPD (2016).

The Impact on the appearance and character of the area

The property benefits from two separate extensions, measuring 3m and 6m in depth, which are separated by a gap of 0.5m.

The proposal involves infilling this gap with an extension measuring 2.1m in depth, 0.5m in width and 3m in height. The extension is considered to be subordinate in scale and in keeping with the character and appearance of the application site and the immediate

vicinity. It is considered to be in accordance with the Residential Design Guidance, given the existing extensions, and would not constitute overdevelopment of the site.

The impact on the amenities of neighbouring occupiers

The proposed infill extension would sit between two existing extensions. It will not project beyond the rear wall of the existing extensions, nor would it extend in height beyond the height of the existing extensions.

Due to the siting of the extension, it will not be visible to the neighbouring occupiers and therefore it is considered that the proposed infill extension will not have a detrimental impact on the amenities of neighbouring occupiers.

Although the comings and goings from 3 flats, when compared to a single family house, is likely to be greater, officers do not consider in this case that the additional activity would cause undue harm to the amenities of neighbouring residents.

Parking and Highways

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

Policy DM17 concerns the parking standards for new developments. It states that flats with 2 to 3 bedrooms are required to have 1.5 to 1 parking space and flats with 1 bedroom are required to 1 to less than 1 space. The proposal involves the conversion of the property into 3no. (2bed) self-contained flats. In accordance with policy DM17, 4 to 4.5 parking spaces should be provided.

The proposal proposes 2 onsite parking spaces for the proposed 3no.flats. The applicant has submitted a car parking survey of the area, which was conducted on Tuesday 6th and Wednesday 7th of February 2018, which indicates that there is just over 44% car parking stress on streets surrounding the site. Therefore, it is considered that there appears to be sufficient availability on streets surrounding the site to accommodate the potential overspill of 2 car parking spaces. The survey was updated following the October committee meeting. A stress level of 65.5% was observed on surrounding streets. Notwithstanding the increase since the 2018 report, highways officers consider that any overspill parking can be accommodated on the highway.

The application proposes 6 secure cycle spaces located to the rear of the property. Whilst the location appears to be acceptable, details of the cycle shed have not been provided. It is suggested that a condition can be attached requiring details to be submitted for approval.

Furthermore, Highways officers were consulted and they have no objection to the proposal.

Refuse and recycling storage

The Council provides a free recycling collection for houses and flats in the borough in line with its recycling and waste policies which can be found on the Council's website. The Council is committed to ensuring residents recycle as much as possible. The recycling of waste will be promoted by ensuring that there is an adequate network of recycling facilities in the borough and by requiring the provision of recycling facilities as part of new commercial, industrial and leisure developments and residential properties. Recycling is collected from 240 litres or 1100 litre bins dependent on type of property. Refuse and recycling provision should comply with Barnet's Waste and Recycling Guidance (2019-20).

A plan has been submitted showing the location of the bins, however details of the bin sizes and collection points have not been provided. It is suggested that a condition can be attached requiring details to be submitted for approval.

Sustainability

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

In terms of water consumption, a condition is attached to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

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

Community Infrastructure Levy

As the proposal would result in the creation of a new residential unit Community Infrastructure Levy (CIL) would be payable. The local charge is £135 per sqm and the Mayoral charge is £60 per sqm (indexed linked). Further details of what these would be can be found on the Council web site.

5.4 Response to Public Consultation

- Overdevelopment, no precedent of 3 no. flats

Each application is decided on its own merits. The application site, is large enough to provide 3no. flats. Furthermore, the proposed units meet the space standard requirements set out in the London Plan.

- Open the door to be followed by an application from the developers to do the same with no 16

Flat conversions are established on this part of the street. The feasibility of 3no. flats has been decided on its own merits.

-Provision of vehicular access point would result in the loss of 2 street parking spaces

-Concern regarding stress on existing parking

Vehicular crossover will need a separate application, which will be assessed by the Highway department and does not form part of this application. Highways officers have been consulted and they have raised no objection to the proposal.

- Bin store necessary for 3 housing units is of insufficient width

Bin stores have been allocated to the rear of the property. Details of the bins will be secured by condition.

- Apparent factual errors in the Planning Application form

There do not appear to be any errors in the application form.

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, subject to conditions would be acceptable. This application is therefore recommended for approval.



Location Flat 10 Dolphin Court Woodlands London NW11 9QY

Reference: 19/4807/FUL

Received: 3rd September 2019

Accepted: 3rd September 2019

Ward: Golders Green

Expiry 29th October 2019

Applicant: Mr jeremy josephs

Proposal: Conversion of one bedroom flat into two bedroom flat (internal alterations)

AGENDA ITEM 10

Recommendation: Approve subject to conditions

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

- 1 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.

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

3008/1

Site Location Plan

Email confirmation of no exterior plans dated 17.09.19

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).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. 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.

Officer's Assessment

1. Site Description

The application property is a self-contained flat in Dolphin Court, NW11 9QY, in the ward of Golders Green.

It is not within a conservation area and is not a listed building.

2. Relevant History

Reference: 15/05284/FUL

Address: Flat 10, Dolphin Court, Woodlands, London, NW11 9QY

Decision: Approved subject to conditions

Decision Date: 15 October 2015

Description: Conversion of one bedroom flat into two bedroom flat (internal alterations)

Reference: C01309B

Address: Site Of 121 Woodlands London NW11

Decision: Approved subject to conditions

Decision date: 14 July 1967

Description: Erection of 4/6 storey block of 30 flats having 72 rooms.

3. Proposal

The application proposes to convert an existing one bedroom flat into a two bedroom flat.

The application has been amended during the life cycle of this application which removed the proposed second bathroom in its entirety.

Upon amendments the applicant proposes to convert the existing kitchen into a second bedroom, and move kitchen furniture and appliances into the existing living room to create an open plan kitchen/living room.

It would comprise of internal alterations only. There would be no material changes to the external appearance of the building.

4. Public Consultation

Consultation letters were sent to 87 neighbouring properties.

11 objections have been received, including a petition with 10 signatures, and summarised below:

- o Increased noise associated with location of new kitchen in the living room area, and resultant noise impact on flat below
- o Noise and vibrations associated with installation of macerator for adjacent flats
- o Increased risk of leaks and blockages associated with saniflow macerator (resultant smells and noise)
- o Costs associated with building insurance for flats with macerators installed (as they leak)
- o Noise, dust and general mess

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 19th February 2019. 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 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 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 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 surrounding area;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Any other material planning considerations

5.3 Assessment of proposals

Background:

Application reference 15/05284/FUL (decision dated 15 October 2015) granted consent at Flat 10, Dolphin Court (the application site) for: "Conversion of one bedroom flat into two bedroom flat (internal alterations)".

The plans are the same under this application (except for the second bathroom which was removed upon amendments). The proposals create a new habitable room (a second bedroom).

Upon further review by planning officers it is noted that the original consent for the construction of Dolphin Court (application reference C01309B, dated 14 July 1967) had a condition attached which stated: "That not more than 72 habitable rooms be constructed on the site" (Condition 4). The reason for this condition was: "To ensure that the net density of accommodation to be provided shall not exceed the net density for which

provision is made in the Initial Development Plan and thus to limit population and to secure a satisfactory environment"

There is a degree of ambiguity when reading the condition and reason of whether the intent was for the condition to remain in perpetuity or just at the point of construction.

Nevertheless the applicant has submitted a full planning application and it is to be assessed as such.

Assessment:

The works would comprise of internal alterations only. There would be no material changes to the external appearance of the building.

The proposed second bedroom meets the minimum room dimensions and floor areas for a single bedroom as set out in Table 2.2 of Barnet's Sustainable Design and Construction SPD (2016).

Kitchen furniture and appliances would be re-located to the existing living room. It is understood that this is located above the living room of the flat below (as the layouts of the flats are the same). It would not be located above a bedroom and therefore Planning Officers do not raise objection to this, as any noise associated with the use of kitchen furniture and appliances would not disturb sleep.

5.4 Response to Public Consultation

o Increased noise associated with location of new kitchen in the living room area, and resultant noise impact on flat below

As abovementioned, it is understood that this located above the living room of the flat below (as the layouts of the flats are the same). It would not be located above a bedroom and therefore Planning Officers do not raise objection to this, as any noise associated with the use of kitchen furniture and appliances would not disturb sleep.

o Noise and vibrations associated with installation of macerator for adjacent flats

The macerator has been removed upon amendments.

o Increased risk of leaks and blockages associated with saniflow macerator (resultant smells and noise)

The macerator has been removed upon amendments.

o Costs associated with building insurance for flats with macerators installed (as they leak)

The macerator has been removed upon amendments.

o Noise, dust and general mess

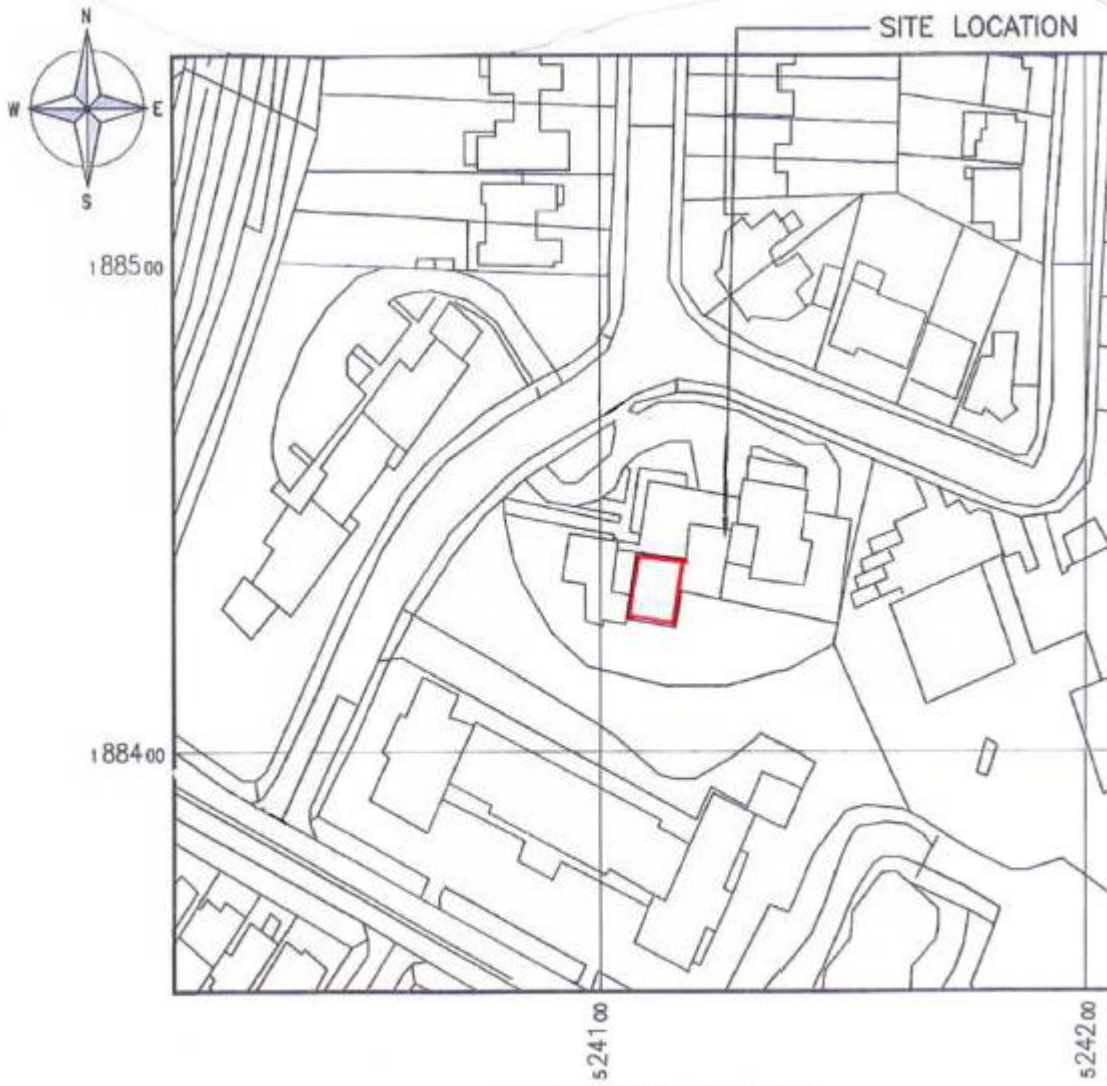
The works are internal only. Given the nature and scale of the works proposed, it is not considered the noise and disturbance arising from the works would be so significant and substantial to justify a refusal in this instance.

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

This application is recommended for approval.



DETAILED SITE LOCATION
(Scale 1:1250)

- Existing Ground Floor Plan (PP_03)
- Existing First Floor Plan (PP_04)
- Existing Western Elevation (PP_05)
- Existing South Elevation (PP_06)
- Existing Eastern Elevation (PP_07)
- Existing North Elevation (PP_08)

- Proposed Location Plan (PP_10 Rev D)
- Proposed Ground Floor Plan (PP_12 Rev E)
- Proposed Basement Floor Plan (PP_13 Rev E)
- Proposed First Floor Plan (PP_14 Rev E)
- Proposed Second Floor Plan (PP_15 Rev E)
- Proposed Third Floor Plan (PP_16 Rev E)
- Proposed Roof Plan (PP_17 Rev E)
- Proposed West Elevation (PP_20 Rev E)
- Proposed North Elevation (PP_21 Rev E)
- Proposed East Elevation (PP_22 Rev E)
- Proposed South Elevation (PP_23 Rev E)
- Proposed Section (PP_24)

- Agent Letter (Ferrier Tomlin - ESP/J1/esp001 - 22 July 2019)
- Arboricultural Impact Assessment and Outline Method Statement (Arboricultural Solutions LLP - July 2019 Rev. 1)
- Area Schedule, Revision E November 2019
- Daylight and Sunlight Study (Within Development) (Right of Light Consulting - 30 October 2019)
- Daylight and Sunlight Study (Neighbouring Properties) (Right of Light Consulting - 31 July 2019)
- Ecology Report (Eight Associates - 01/08/19 - Issue 2)
- Letter accompanying Daylight and Sunlight Study (Within) (Right of Light Consulting - 26 November 2019)
- Sustainability Statement (Eight Associates - 31/07/2019 - Issue 2)
- Swept Path Analysis (Caneparo Associates - TR001)
- Tree Protection Plan (TPP_ZEROHSE_2 Rev. B)
- Transport Statement (Caneparo Associates - July 2019)

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

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

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

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

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

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

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

5 a) The proposed development hereby approved, shall be implemented in accordance with the approved Arboricultural Impact Assessment and Outline Method Statement (Arboricultural Solutions LLP - July 2019 Rev. 1) and Tree Protection Plan (TPP_ZEROHSE_2 Rev. B).

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 approved tree protection plan (TPP_ZEROHSE_2 Rev. B) 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.

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 2016.

- 6 Prior to works commencing on the basement, the following details will have to be submitted to and approved in writing to the Local Planning Authority:
- (i) A preliminary report detailing existing hydrology and soils and how the approved works would impact on hydrology and how stability of neighbouring properties during construction will be protected and monitored; and
 - (ii) means by which the Local Planning Authority can cover the costs of having the report required in (i) to be independently reviewed by a suitably qualified person; and
 - (iii) Following independent review of the interim report, a final report that shall make recommendations arising from the initial findings and independent review. The construction works shall be implemented in accordance with the recommendations of the approved final report, and any on-going requirements shall be maintained thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties and local hydrogeology in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 5.13 of the London Plan 2016.

- 7 a) Prior to their first instalment, details of the materials to be used for the external surfaces of the building and hard surfaced areas hereby approved, shall be 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.

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

- 9 Before the development hereby permitted is first occupied, the parking spaces shown on Drawing No. PP_12 Rev E shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

- 10 Prior to the first occupation of the development hereby approved, 12 cycle parking spaces shall be provided in accordance with approved plan PP_13 Rev E and shall not be used for any purpose other than the parking of cycles in connection with the approved development. These cycle parking spaces shall be retained as such thereafter.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 11 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).

- 12 Before the building hereby permitted is first occupied, all proposed windows in the eastern elevation and roof lights in the eastern roof slope, all first and second floor windows in the north elevation marked as obscure glazing on approved drawing

PP_21 Rev E and all first and second floor secondary windows serving the living room and family bathroom on the south elevation, shall be glazed with obscure glass only, up to a height of 1.8m and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 13 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments and acoustic fencing along the site's north and eastern boundaries adjacent to the on-site parking area, 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).

- 14 Notwithstanding the details shown on the hereby approved drawings, the rooflight(s) hereby approved shall be of a "conservation" type (with central, vertical glazing bar), set flush in the roof.

Reason: To safeguard the character and appearance of the Conservation Area in accordance with policy DM06 of the Development Management Policies DPD (adopted September 2012).

- 15 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00 pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

- 16 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.

- 17 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.

- 18 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.

- 19 Prior to any demolition or site works, a range of Bat Boxes shall be hung on a rear boundary mature tree at a height of 3-5 metres.

Reason: To ensure that nature conservation interests are not prejudiced 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 October 2016).

- 20 No removal of hedgerows, trees or shrubs, or demolition works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared.

Reason: To ensure that nature conservation interests are not prejudiced 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 October 2016).

RECOMMENDATION III:

- 1 That if the above agreement has not been completed or Section 106 agreement has not been submitted by 01.05.2020, unless otherwise agreed in writing, the Service

Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The proposed development does not provide a legal agreement to mitigate the impacts of the proposed development in relation to vehicular trip generation and on-street parking capacity. Therefore, it is considered it would have a detrimental impact on the free flow of traffic and parking provision contrary to policy CS9 of the Adopted Core Strategy (2012) and policy DM17 of the Adopted Development Management Policies DPD (2012)

Informative(s):

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

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 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

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.

- 5 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.
- 6 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 7 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 8 The submitted Construction Method Statement shall include as a minimum, details of:
 - Site hoarding
 - Wheel washing
 - Dust suppression methods and kit to be used
 - Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
 - Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

- 9 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover

the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.

- 10 The applicant is required to submit a Street Works Licence application to the Development and Regulatory Services, 2 Bristol Avenue, Colindale. NW9 4EW, 4-6 weeks before the start of any works on the public highways.
- 11 The surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 12 The As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 13 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted

road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.

Officer's Assessment

1. Site Description

The application site comprises of a two-storey dwelling located close to the junction with Avondale Avenue and Holden Road. Part of the ground floor level accommodates integral garages, with other non-integral single-storey garages sited adjacent within the site. Immediately north of the application site is Avon Court, a four-storey purpose-built block of flats, to the west and south is Avondale Avenue which is largely characterised by prominent two-storey dwellings, with a four-storey purpose-built block of flats (Worcester Court) the only notable difference and to the east are the rear gardens of two-storey dwellings located on Holden Road and Gainsborough Road. Directly opposite the site to the west is a two-storey detached dwelling located over lower ground and ground floor levels (no.2A Avondale Avenue), with the associated amenity space located at lower ground floor level. The application site towards the rear comprises of a narrow strip of land which is surrounded by mature trees. This forms the main amenity area of the existing dwelling.

Avondale Avenue is predominantly characterised by two-storey semi-detached and terraced residential properties that have decorative bay window and front gable designs, with many incorporating mock Tudor wood and render finishes at first-floor level. There are some deviations to the building typology and architectural form along Avondale Avenue, including a legacy four-storey purpose-built block of flats (Worcester Court), two-storey detached dwellings and dwellings which have made external alterations to the original form over time. The application site given its form, scale and incorporation of single-storey garages, is considered visually out of keeping with the predominant design of residential dwellings along Avondale Avenue.

Adjacent properties along Avondale Avenue at nos. 1-43, 2-10 and 36-66, have been included in the draft Local Listing (July 2019). This listing has yet to be formally adopted. The highlighted properties have been added to the draft Local Listing with the following commentary:

This Avenue consists of pairs and terraces of two storey Edwardian houses, mostly retaining their original external features and decorative detailing. These include, timber sliding sash windows set in square or semi-circular bays, art timber, part glazed front doors set within decorative timber entrance canopies. Most of the houses feature projecting gable ends with both half timbering or circular recessed window openings. Facing materials include red brick with white painted roughcast rendering and clay tiled roofs. Chimney stacks are set on flanks or centrally on roof slopes along with raised fire breaks. Collectively, the houses form an attractive group of relatively unaltered domestic properties from the early 20th century.

The application site is not located within a conservation area, does not contain any statutory or locally listed buildings and has no trees subject to a Tree Preservation Order (TPO) within its curtilage.

The application site has a PTAL (Public Transport Accessibility Level) rating of 3 which represents an average level of site accessibility. Avondale Avenue has a Controlled Parking Zone in place (Resident Permits - Monday to Friday 2pm - 3pm), as has Holden Road to the north (Resident Permits - Monday to Friday 2pm - 3pm and Charged for parking Monday to Saturday 9am - 5pm).

The application site is located within Flood Zone 1.

2. Site History

Reference: C00648B

Address: Zero, Avondale Avenue, London, N12

Description: Conversion of garage into playroom involving alteration to front elevation

Decision: Withdrawn

Decision Date: 21 March 1991

Reference: C00648A

Address: Zero, Avondale Avenue, London, N12

Description: Single storey front extension and construction of second storey

Decision: Refuse

Decision Date: 04 July 1989

Reference: C/00203/A

Address: 25 Holden Road, London, N12

Description: Erection of 4 storey block of 12 flats with 12 garages, new access and parking space

Decision: Approved subject to conditions

Decision Date: 28 July 1965

Reference: C/00203

Address: 25 Holden Road, London, N12

Description: Erection of a four-storey block containing twelve flats with twelve garages.

Decision: Refuse

Decision Date: 14 May 1965

3. Proposal

- Demolition of existing dwelling and associated garages;
- Creation of a three-storey (plus basement level and habitable rooms at roof level) building to accommodate six self-contained flats;
- Four onsite parking spaces;
- Communal amenity space via rear garden;
- Associated cycle and refuse storage.

The proposals would necessitate alterations to on-street parking bay to front of the site (does not result in loss of on-street parking capacity).

4. Public Consultation

Consultation letters were sent to 80 neighbouring properties. 22 responses were received comprising 22 no letters of objection. Due to this application being revised and therefore being the subject of an additional round of public consultation, 2 of the objections recorded are from the same person and address. Nevertheless, the objections received can be summarised as follows:

Character:

- Represents over-development with density uncharacteristically high for Avondale Avenue.
- Balconies would overlook adjacent properties and be out of character.
- Flatted development is out of character for Avondale Avenue which is characterised by 4-bed single-family dwellings.
- The overall building aesthetic is well considered and would be a significant improvement to the existing house. However, it represents an over-development given the number of flats and lack of onsite parking.
- A number of adjacent buildings have been proposed to be added to the Local Heritage list. Many of the properties retain their original Edwardian character and features. The proposed development at Zero will dwarf the surrounding houses and features balconies which are not in keeping.
- The bin storage should be located to the rear of the building out of sight.
- The inclusion of a basement is out of character.
- The use of render on the elevations is a concern and can result in staining over time.

Neighbouring Amenity:

- A number of adjacent properties have previously suffered subsidence. The proposal to build a basement increases the risk of subsidence to neighbouring properties. Any consent should be subject to a basement impact assessment to assess the potential risk.
- There are concerns that the proposed development will lead to a loss of light to neighbouring windows.
- The proposed balcony on the top floor will overlook no.1 and intrude on privacy.
- Flats 5 & 6 are 3-bed flats and not 2-bedroom flats. To class the rooms as 'study' means that these are not habitable spaces and whilst this has no impact on the parking provision, the two additional double bedrooms will have an impact in reality.
- Building works will cause a high-level of noise and disturbance. This needs to be managed properly through a demolition and construction method statement.
- The building would overshadow and provide an overbearing impact on neighbouring rear gardens.

Future Occupier Amenity:

- Not Part M compliant in relation to disabled occupiers and fire and safety standards.

Parking / Highways:

- Loss of garages and provision of only four onsite parking spaces will result in a net loss of off-street parking.
- Family-sized units and associated car ownership will add to parking congestion and stress on the adjacent street network.
- Surrounding street network is congested due to resident and commuter parking. The proposed development will add to this stress. Additional onsite parking should be provided.
- Any future occupiers should be restricted from obtaining resident parking permits.
- The result of the Parking Beat survey conducted in September 2018 does not present a fair representation of true parking demand in the vicinity, or likely trip generation, and a more rigorous study should be completed. Overnight parking is often difficult to find within a reasonable walking distance.
- The proposed parking survey does not take into account visitor parking demands.
- Any consented scheme should be car-free given the limited off-street parking provided and on-street parking strain currently experienced.

- The provision of basement cycle storage should have a lift that is proportionally suitable to accommodate the bikes. The proposed lift is too small and the use of stairs would be a DDA issue.

Statutory Consultees:

Arboricultural officer: Recommendation of approval subject to conditions relating to a landscaping plan and agreed tree protection measures.

Ecology: Recommendation of approval subject to conditions around demolition timing, shrub removal and ecological safeguarding measures.

Environmental Health: Recommendation of approval subject to conditions.

Highways: Recommendation of approval subject to conditions and a s.106 agreement restricting future occupiers from obtaining parking permits.

Fire Brigade: No objection.

Thames Water: No objection.

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) (2019) 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:

The London Plan is currently under review and is also a material consideration.

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, CS14.
- Relevant Development Management Policies: DM01, DM02, DM03, DM06, DM08, DM16, DM17.

Supplementary Planning Documents:

- Residential Design Guidance SPD (2016)
- Sustainable Design and Construction SPD (2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development;
- Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality;
- Whether harm would be caused to the amenity of neighbouring residents;
- Whether a sufficient level of amenity has been provided for future occupiers;
- Whether harm would be caused to parking and traffic in the surrounding area;
- Whether sufficient refuse storage has been provided.

5.3 Assessment of proposals

Principle of Development

The proposed development seeks to demolish the existing two-storey dwelling, six integral garages and six single-storey garages at Zero, Avondale Avenue. This is to facilitate the erection of a three-storey building (plus basement level and habitable rooms at roof level) for the purposes of creating six self-contained flats. The proposed development proposes four off-street parking spaces to the north of the new three-storey building, communal amenity space to the rear of the application site and onsite cycle parking and designated refuse storage.

As outlined in the site description above, Avondale Avenue is exclusively residential in character. It is largely characterised by prominent two-storey dwellings (many including habitable rooms at roof level), albeit there is a purpose-built block of flats located at Worcester Court. Of the two-storey dwellings on Avondale Avenue, those at 1-43, 2-10 and 36-66 have been nominated to the local list which is pending adoption. Their collective architectural merits are highlighted in the site description above. The other two-storey dwellings within Avondale Avenue are of limited architectural merit, with many including non-original extensions and alterations.

Opposite the application site is no.2A Avondale Avenue which comprises of a two-storey dwelling built over lower ground and ground floor levels, with front lightwells and a lower ground floor amenity area. At street level this has the appearance of being a single-storey dwelling. Immediately to the north of the application site is Avon Court, a four-storey purpose-built apartment block. Whilst this fronts onto Holden Road, it has a very direct visual impact on the setting of the application site and serves to frame the entrance into

Avondale Avenue from Holden Road. Immediately adjacent to the south of the application site is no.1 Avondale Avenue, which as highlighted above, has been nominated for inclusion into the local list (subject to adoption). Therefore, while Avondale Avenue is predominantly characterised by Edwardian houses of collective architectural merit, the immediate visual setting of the application site is mixed.

The current two-storey building at the application site has no architectural merit and is considered a detraction from a street predominantly, albeit not exclusively, characterised by Edwardian houses of collective architectural merit. Indeed, through its dated and tired brick and render cladding, discordant building form and height, poor state of repair and inclusion of twelve garages (six being integral and six single-storey), the existing building and site layout is considered to cause harm to the character and visual appearance of Avondale Avenue and the properties nominated to the local list.

With the above in mind, the proposed scheme represents an opportunity to redevelop a visually discordant site which is considered harmful to the character and appearance of Avondale Avenue and the nominated local heritage assets.

Any development of a site is required by the National Planning Policy Framework (2019) (NPPF) to make most efficient use of land. Paragraph 117 of the NPPF states:

Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield land'.

The optimisation of land use is further supported in Policy H2 of the Draft London Plan. Indeed, Part D (2) states that:

- (D) To deliver the small sites targets in Table 4.2, boroughs should apply a presumption in favour of the following types of small housing development which provide between one and 25 homes:

- (2) proposals to increase the density of existing residential homes within PTALs 3-6 or within 800m of a Tube station, rail station or town centre boundary through:

- c. [involve] the demolition and redevelopment of existing buildings.

While the above is subject to demonstrating that the proposed development would not 'give rise to an unacceptable level of harm to residential privacy, designated heritage assets, [and] biodiversity', it serves to reinforce the emerging policy position of supporting managed increases in residential density in certain locations. The application site would meet the above criteria as it is located circa 350m from Woodside Park Tube Station (walking distance) and circa 544m from North Finchley Town Centre.

The emerging policy within the Draft London Plan (Policy D6 - Optimising Housing Density) advises that the optimum density of a development should result from a designed approach to determine the capacity of the site, with particular consideration to site context, its connectivity and accessibility by walking and cycling, existing and planned public transport (including PTAL) and the capacity of surrounding infrastructure. This seeks to move away from the existing Density Matrix outlined in Table 3.2 of Policy 3.4 of the London Plan (2016).

As highlighted above, the application site is considered an accessible location given its proximity to Woodside Park Tube Station and North Finchley Town Centre and this is reflected in the mix of building typologies evident within Avondale Avenue and the immediately adjacent Holden Road, where both purpose-built apartment blocks and flat conversions are present. The application site also meets the highlighted Draft London Plan criteria for a location where residential density optimisation is strongly encouraged in policy terms. In that respect, it is considered that the proposed residential density is acceptable for the application site where a more flexible, design-led approach is encouraged. That said, the existing Density Matrix is still a material consideration although less weight is given to this as the Draft London Plan progresses through its consultation process.

Based on the density matrix highlighted above, the proposed development is defined as being located within an urban setting:

areas with predominantly dense development such as, for example, terraced houses, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four storeys, located within 800 metres walking distance of a District centre or, along main arterial routes.

Given the site's PTAL rating of 3 and urban locality, the London Plan (2016) provides a residential density range for the application site of 200-450 habitable rooms per hectare (hr/ha) and 45-120 units per hectare (u/ha). The proposed development measures 0.0592 hectare and would have 28 habitable rooms (study rooms have been counted as habitable rooms and the joint living room and kitchen areas as two habitable rooms given they are over 20m² in size). This results in a proposed residential density of 101.35 u/ha and 472.97 hr/ha. This falls comfortably within the recommended range of units per hectare but sits a little higher than the habitable rooms per hectare range.

Paragraph 1.3.8 of the Mayors Housing SPG states that the density matrix:

Should be used as a starting point and guide rather than as an absolute rule...The London Plan is clear that the SRQ density matrix should not be applied mechanistically without being qualified by consideration of other factors and planning policy requirements.

In view of the above, the emerging Draft London Plan policy direction towards residential density optimisation at locations such as the application site and given the proposed development sits comfortably within the unit per hectare range, the proposed level of density is considered acceptable. For clarity, the difference between the proposed development falling within the habitable rooms per hectare range and outside, is two rooms. It is not considered that the difference of two rooms (two of which are study rooms) would result in significant additional harm to neighbouring residential occupier amenity, or the wider character of Avondale Avenue and the immediately adjacent Holden Road. Consequently, based on both the existing and emerging draft London Plan policy, the proposed development at the number of units and habitable rooms shown is not considered an over-densification of the application site. The proposed development's compliance with internal and external space standards will be discussed in the future occupier amenity section below.

The proposed development proposes six self-contained flats. Policy DM01 states that the 'conversion of dwellings into flats in roads characterised by houses will not normally be appropriate'. Avondale Avenue has a mixed residential typology. It contains one purpose-built apartment block in Worcester Court and a number of two-storey dwellings which have

been converted into flats. The most recent flat conversion granted planning permission was at 22 And 22A Avondale Avenue (ref: 15/04163/FUL), where five self-contained flats were allowed. This permission was granted within the current local planning framework. Furthermore, the application site is immediately adjacent to Avon Court, which while fronting Holden Road, has a material impact on the residential character of the northern end of Avondale Avenue. Based on the above, it is considered that the principle of flatted development on Avondale has already been established and is acceptable subject to design, amenity and highways considerations.

The proposed development would provide six self-contained flats and would therefore not be required to provide an affordable housing contribution in line with Policy DM10.

The proposed development would provide a mix of two and three-bed units which is considered appropriate in view of the Council's priority housing needs contained in Policy DM08 and based on Avondale Avenue's building typology, level of accessibility and proximity to Woodside Park Tube Station and North Finchley Town Centre.

Many of the comments received as part of the public consultation associated with this development, have referred to the scheme as an overdevelopment and that as a result, a more scaled down proposal should be forthcoming. However, while a two-storey single-family dwelling, or smaller number of flatted units may represent a form of development which provides a lower level of residential density, this report is required to assess the specific scheme in question and consider whether the principle of development and its associated impacts are acceptable in policy terms. Furthermore, this assessment must be conducted with a view to the highlighted NPPF (2019), which calls for making most efficient use of land. The proposed development complies with the policies contained in both the existing and draft London Plan regarding optimisation of land and provides a building form and typology in keeping with the application site's immediate character context. Therefore, based on the above assessment, the proposed form and quantum of residential development is considered acceptable in-principle, subject to design, amenity and highways considerations.

Character and Appearance

As noted above, the proposed development represents an opportunity to redevelop a site which is considered to detract from the character and appearance of Avondale Avenue and the highlighted local heritage assets (proposed). However, despite the poor visual appearance of the application site at present, any proposed development is still required to comply with Policy DM01 and DM06 in relation to design quality. Policy DM01 states that:

b. 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.

Policy DM06 which addresses heritage and conservation, states:

a. All heritage assets will be protected in line with their significance. All development will have regard to the local historic context.

The character and appearance of Avondale Avenue and adjacent development (Avon Court), including the reason for the highlighted local list nominations, has been detailed above. The proposed development has been designed with the highlighted policy and character considerations in mind and has undergone a number of different iterations. The

following section will assess the proposed development against the highlighted character considerations:

Building height and siting:

The proposed development is three-storeys (plus a basement level and habitable rooms at roof level). However, the proposed building has been designed to ensure its ridge, eaves and front gable heights are the same as at the adjacent building at no.1 Avondale Avenue, whilst providing floor-to-ceiling heights in compliance with London Plan (2016) guidance. Towards the rear of the proposed development, the roof drops down in height to provide a degree of visual subordination and to mirror the adjacent building at no.1 which steps down in height where the outrigger is located. Furthermore, the first and second-floor level bay windows are also proposed to closely match the dimensions and height as those at no.1 Avondale Avenue. The main visual difference between the proposed front elevation and no.1 Avondale Avenue is the ground floor levels, with no.1 having an elevated ground floor level accessed via steps, while the proposed ground floor is located at street level to provide step free access for future occupiers.

The siting of the proposed development has been designed to reinforce the established building line fronting onto Avondale Avenue, to provide a notable set-back from the rear garden of Avon Court to protect neighbouring occupier amenity in relation to overshadowing, (Avon Court is due north of the application site) and to provide scope for four off-street parking spaces accessed via Avondale Avenue. Furthermore, the rear of the building has been set-back circa 1.5m from the site boundary with no.23 Holden Road. Given the rear garden of no.23 Holden Road extends halfway past the rear boundary of the application site, the proposed development will be located 1.5m from the very end portion of the rear garden of no.23. Given the stated proximity to the rear garden of no.23 Holden Road, all proposed rear facing windows will be obscure glazed up to a height of 1.8m to prevent direct overlooking. This will be secured via condition. As will be discussed in the tree section below, the neighbouring rear garden at no.23 Holden Road benefits from a number of mature trees which will serve to soften any increased perception of overbearing and overlooking. The proposed development will ensure through appropriate tree protection measures that these trees are protected during demolition and construction phases. The rear building line has also been staggered to step away from the flank wall windows at no.1 to protect daylight exposure. These flank wall windows are north-facing.

In summary, the proposed development has a building height which aligns with adjacent properties on the eastern side of Avondale Avenue, has a siting which reinforces the streets established front building line and is considered to provide an appropriate balance between land optimisation and neighbouring occupier amenity safeguarding. Neighbouring occupier amenity considerations are discussed later in this report.

Architectural style:

The proposed development has sought to provide a design which respects the character and appearance of the neighbouring nominated local heritage assets and to improve the visual appearance of the street scene. As a consequence, the proposed design closely replicates the building scale, form and design features evident in the adjacent dwelling at no.1. Indeed, it has incorporated prominent curved bay windows, front gables, chimneys and design detailing along the roof ridge and within the front gable ends. Indicative facing materials have been included in the Design and Access Statement accompanying this application to demonstrate how the proposed design and appearance will closely replicate

those used at no.1 Avondale Avenue. A condition would be attached to any permission requiring all facing materials to be formally agreed prior to their installation.

The proposed development has been subject to design iteration. Indeed, following concerns raised during public consultation, the previously proposed front balconies and inset dormer on the south-facing roof slope have been removed. It was considered that these represented a departure from the established character along Avondale Avenue.

The proposed front porch does not seek to replicate the more decorative front porch at no.1. Instead, it incorporates a more modest design to account for its wider step-free entrance.

To avoid a large blank flank wall when viewed from the junction at Holden Road and Avondale Avenue, chimneys have been added. These along with windows, assist in activating and adding definition and articulation to an otherwise large brick flank wall. The chimneys also provide a suitable design feature that reflects those at the adjacent properties on the eastern side of Avondale Avenue.

It is considered that the proposed design provides a positive intervention within the street scene, redeveloping a discordant and tired building for one which respects and compliments the character and appearance of Avondale Avenue and the nominated local heritage assets. It does so through a more traditional response to building form and detailing. It is considered that the proposed building form is acceptable in view of Policies DM01 and DM06.

Basement and lightwells:

The proposed development incorporates a basement with associated front and rear lightwells. Whilst basements and lightwells are not a typical design feature within Avondale Avenue, they are a prominent part of the development located opposite the application site at no.2A. Indeed, no.2A includes large lightwells fronting onto Avondale Avenue and a basement level and sunken garden. This was given permission in the current planning framework (ref: F/05895/13). Given the presence of lightwells and a basement at no.2A directly opposite the application site, it is considered that a character-based refusal on the grounds of a basement and lightwell would be unreasonable. However, to limit the visual impact of the proposed basement and associated lightwells, they have been designed to be as discrete as possible. Indeed, the size of the lightwells has been reduced and soft landscaping is proposed to provide additional screening. As part of the public consultation for this application, a number of concerns were raised regarding the use of a basement at the application site and the associated risks of subsidence to neighbouring properties. As will be confirmed in the amenity section below, any permission will be subject to a basement impact assessment to be secured via a pre-commencement condition. Therefore, no site works will be permitted until an appropriate survey and assessment has been completed and submitted to the LPA for review.

Parking / bins:

Four off-street parking spaces are provided in the northern part of the site and are accessed via Avondale Avenue. Adjacent to the parking spaces is an area of bin storage. Whilst off-street parking in the layout proposed is not a common feature within Avondale Avenue, it is considered acceptable in this instance given the existing site has an area of off-street parking in broadly the same location. Furthermore, with the demolition of the highlighted garages and the inclusion of landscaping interventions, it is considered that the

proposed off-street parking area would have an improved impact on the character and appearance of Avondale Avenue when compared to the existing arrangement and layout. Indeed, it is considered an improvement to the tired and discordant single storage garages that currently detract from the site's visual appearance.

Bin storage will be located adjacent to the parking area along the site's northern boundary. All refuse bins will be contained within a designated storage area which is set-back from the public pavement and screened by soft landscaping. The exact visual appearance of the bin storage area will be secured via planning condition to ensure its size and location does not visually detract from the character and appearance of the Avondale Avenue street scene.

Tree, ecology and landscaping:

Policy DM01 amongst other things, states:

j. Development proposals will be required to include hard and soft landscaping that:

iii. achieve a suitable visual setting for the building;

iv. provide an appropriate level of new habitat including tree and shrub planting;

v. make a positive contribution to the surrounding area;

vii. adequately protects existing trees and their root systems.

k. trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate.

In addition to the above, Policy DM16 states:

a. When considering the development proposals, the council will seek the retention and enhancement, or the creation of biodiversity.

An Ecology Report was submitted as part of this application. Given the existing building's vacant and poor state of repair, the Ecology Report assessed whether there was evidence of protected species onsite (such as bats), or within the building structure. The report concluded that the site 'holds little ecological value, with habitats that have limited potential to support protected species'. The report also found no evidence of bat roosts within the loft, with only evidence of pigeons accessing the roof through holes in the timber soffits. Recommendations have been made nonetheless to incorporate bat boxes within the rear garden and for demolition to take place outside of the active nesting season unless a qualified ecologist is there to supervise works. The Council's Ecologist has reviewed the conclusions of the Ecology Report and has recommended approval subject to conditions relating to bat boxes and demolition timing.

The submitted Tree Survey and Tree Protection Plan provides a categorisation for all trees on and adjacent to the site and the measures proposed to safeguard them throughout demolition and construction phases. The Council's Arboriculturalist has visited the application site and reviewed the Tree Survey and Tree Protection Plan submitted and recommended approval of the application subject to conditions relating to hard and soft landscaping and the implementation of proposed tree protection measures.

The proposed development would provide new tree planting and soft landscaping to the front of the site. This serves to improve the visual setting of the building and to provide a positive contribution to the wider appearance of the Avondale Avenue street scene. The

inclusion of new tree planting and soft landscaping to front of the site will serve to soften the proposed built form and to provide screening to the front lightwells. The rear garden will also be landscaped to provide an improved level of communal amenity for future occupiers. A hard and soft landscaping scheme would be secured via condition.

Based on the above assessment, it is considered that the proposed development would comply with Policy DM01 and DM16 in respect of the safeguarding of site trees and ecology. Furthermore, it proposes landscaping enhancements which will improve the visual setting of the building and appearance of the wider Avondale Avenue street scene.

Energy:

A Sustainability Statement has been provided in support of this application. The methodology used is considered in accordance with Barnet's Sustainable Design and Construction SPD (2016) and the 'Lean', 'Clean', and Green' approach. It concludes that total carbon emissions will be reduced to exceed targets set by Building Regulations. This would be secured via planning condition.

In summary, it is considered that the proposed development represents a significant visual improvement to the current building at the application site, which through its tired and discordant appearance, is detrimental to the character and appearance of the Avondale Avenue street scene and the nominated local heritage assets. The proposed design has sought to incorporate many of the design feature common within the wider street scene and has done so at a scale and within a form which is considered in compliance with Policy DM01 and DM06. The proposed development would also deliver hard and soft landscaping improvements and protect the vitality of neighbouring trees and site ecology in accordance with Policy DM01 and DM16. As noted above, the proposed development has sought to make best use of land, whilst ensuring it does so within a building scale, form and siting which compliments the existing visual and spatial character of Avondale Avenue and its immediate surroundings. Consequently, the proposed development is recommended for approval on character and appearance grounds (Policy DM01).

Neighbouring Amenity

This section will assess the impact of the proposed development on neighbouring occupier amenity. Any impact resulting from trip generation and parking will be assessed in the highways section later in this report.

Paragraph 2.7.1 of Policy DM01 states that:

Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the well-being of the boroughs residents. It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook.

Overlooking / overbearing:

The proposed development would be located circa 1.5m from the end portion of the rear garden of no.23 Holden Road at a three-storey height (same height as no.1 Avondale Avenue). The rear garden of no.23 adjacent to the application site is characterised by a number of mature trees and planting. These provides some screening between the rear garden of no.23 and the application site. However, the coverage is not comprehensive and

therefore any windows located on the rear elevation of the proposed development would in theory provide opportunities for overlooking from a close distance. To avoid this, all proposed windows and roof lights on the rear elevation and roof slope will be obscure glazed up to 1.8m. This significantly limits opportunities for overlooking. The obscure glazing of the highlighted windows would be secured via planning condition. Further to this, all flank wall windows except those serving the bedroom / study on each level, will be obscured glazed. It is considered that the proposed obscure glazing to all rear-facing windows will mitigate the worst of any overlooking, with any minor overlooking opportunities resulting from flank wall windows occurring from an oblique angle and further screened by the highlighted soft landscaping within the rear garden of no.23. It is not considered that a harmful level of overlooking would occur in relation to no.1 Avondale Avenue. Consequently, it is considered that the proposed development would have on balance, an acceptable impact on the residential amenity of neighbouring occupiers by way of overlooking.

It is acknowledged that the proposed development would be located closer to the rear garden of no.23 Holden Road at first and second floor level and would provide an increased level of enclosure to some flank wall windows at no.1 Avondale Avenue. However, it is considered that any resulting sense of increased enclosure and overbearing impact is acceptable on balance. Indeed, in respect of no.23, the proposed development would impact a small portion of the rear garden, an area which currently benefits from a number of mature trees which assist in screening the application site. As highlighted above, the proposed development would not impact the health and viability of those trees, with any permission subject to tree protection measures to be secured via planning condition. In respect of the flank wall windows at no.1, the proposed development provides a set-in of the flank wall towards the rear of the site to increase the separation between the two sites. As will be shown below, the proposed development broadly protects daylight to flank wall windows at no.1 to above BRE standards.

Any development which seeks to make best use of land in an 'urban' context, will result in some impact on neighbouring residential amenity as a consequence of an increased building scale and footprint. However, it is considered that in this instance, the worst of any potential harm relating to overlooking and overbearing, can be adequately mitigated.

Daylight / sunlight and outlook:

A Daylight and Sunlight Study has been provided in support of the proposed development. The study assesses the impact of the proposed development on neighbouring windows and gardens. It uses the Vertical Sky Component, Daylight Distribution and overshadowing of garden assessments to establish whether the proposed impact complies with BRE standards. The results of these assessment are outlined below:

Vertical Sky Component (VSC):

VSC assesses the percentage of the sky visible from the centre of a window. The submitted study notes that 'Diffuse daylight may be adversely affected if after a development the Vertical Sky Component is both less than 27% and less than 0.8 times its former value'.

Based on the results of the VSC, all neighbouring main habitable room windows assessed pass the Vertical Sky Component test. This is with the exception of Window 10 at no.1 Avondale Avenue which would experience a 19.6% loss (VSC of 13.7%) as a result of the proposed development. Window 10 is the ground floor north-facing flank wall window. It is

worth noting that immediately above Window 10 is a large roof light (Window 11) which serves the same habitable room. This only suffers a loss of 8% with a VSC of 40.5%. This is in excess of BRE standards. Furthermore, there is no loss of direct sunlight to this window given it is north-facing.

Policy 7.6Bd of the Mayors Housing SPG (2016) states that:

new development [should] avoid causing 'unacceptable harm' to the amenity of surrounding land and buildings, particularly in relation to privacy and overshadowing and where tall buildings are proposed. An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties as well as within new developments themselves.

It is considered that given all windows except no.10 would benefit from daylight in excess of BRE standards and taking into account the room associated with window no.10 is also served by window no.11 which provides daylight in excess of BRE standards, it is considered that the proposed development would when applying the VSC test, have on balance, an acceptable impact on the daylight provision of neighbouring habitable rooms.

Daylight Distribution:

The submitted study states that the daylight distribution test is calculated by plotting the 'no sky line'. The no sky line is a line which separates areas of the working plane that do and do not have a direct view of the sky. Daylight may be adversely affected if, after the development, the area of the working plane in a room which can receive direct skylight, is reduced to less than 0.8 times its former value.

The study concludes that the Daylight Distribution test is based on 'where room layouts are known and that all neighbouring rooms tested (including rooms without a requirement for daylight) pass the daylight distribution test.'

Sunlight:

In relation to sunlight, the BRE guide states that sunlight availability may be adversely affected if the centre of the window:

- receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March and;
- receives less than 0.8 times its former sunlight hours during either period and;
- has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

The submitted study concludes that:

All windows that face within 90 degrees of due south have been tested for direct sunlight. All windows pass both the total annual sunlight hours test and the winter sunlight hours test. The proposed development therefore satisfies the BRE direct sunlight to windows requirements.

Overshadowing to garden:

The submitted study states that:

The BRE guide also contains an objective overshadowing test which has been adopted for the purpose of this study. This guide recommends that at least 50% of the area of each neighbouring amenity space should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sunlight on 21 March is less than 0.8 times its former value, then the loss of light is likely to be noticeable.

The submitted study concludes that:

The results of the overshadowing test show that sunlight availability after the development will be no less than 0.99 times the former value. This is better than the BRE minimum requirement which permits sunlight to be reduced by up to 0.8 times. The proposed development therefore passes the BRE overshadowing to gardens and open spaces test.

It is worth noting that the neighbouring garden at no.23 Holden Road which would be most affected by the proposed increased building height from an overshadowing perspective, would only have 1% of its existing quantum of garden space affected as outlined below:

23 Holden Road:

		Area receiving at least two hours of sunlight on 21 st March						
	Total Area	Before		After		Loss		Ratio
Garden 5	47.65m ²	47.31m ²	99%	47.31m ²	99%	0.0m ²	0%	1.0
Garden 6	160.54m ²	137.41m ²	86%	136.96m ²	85%	0.46m ²	1%	0.99

For clarity, the proposed development would also not result in any increased overshadowing to adjacent properties at no.1 Avondale Avenue and no.25 Holden Road (Avon Court) as shown below:

1 Avondale Avenue:

		Area receiving at least two hours of sunlight on 21 st March						
	Total Area	Before		After		Loss		Ratio
Garden 1	159.22m ²	136.2m ²	86%	136.2m ²	86%	0.0m ²	0%	1.0

25 Holden Road:

		Area receiving at least two hours of sunlight on 21 st March						
	Total Area	Before		After		Loss		Ratio
Garden 4	148.18m ²	129.57m ²	87%	129.57m ²	87%	0.0m ²	0%	1.0

Based on the above, it is considered that the proposed development would have on balance, an acceptable impact on the residential amenity of neighbouring occupiers by way of daylight and direct sunlight to primary windows serving habitable rooms and overshadowing to rear gardens. Except for window no.10 at no.1 Avondale Avenue, all windows would exceed BRE guidance in respect of daylight, direct sunlight and overshadowing. In the case of the room which is served by window no.10, it is also served

by window no.11 which provides daylight in excess of BRE standards. Together they are considered to provide an acceptable level of daylight to the habitable room in which they serve. Consequently, when considering the highlighted mayoral SPD guidance and the fact all other windows exceed BRE standards in respect of daylight, direct sunlight and overshadowing, the proposed development is considered on balance, to have an acceptable impact on neighbouring residential occupier amenity in compliance with Policy DM01.

Basement:

A number of the public comments received in relation to this application have expressed concern about the inclusion of a basement and the potential for subsidence at neighbouring properties. To ensure these concerns are fully addressed, any permission will be subject to a basement impact assessment to be secured as a pre-commencement planning condition. This means that no development works will be allowed to take place until all of the impacts associated with the excavation and construction of a basement on site are known, assessed and appropriately managed.

Noise and disturbance:

One of the disturbances expressed as a concern by a number of the public, is from demolition and construction related activities. For clarity, any permission will be subject to a Demolition and Construction Method and Logistics Plan secured as a pre-commencement planning condition. This will ensure appropriate measures are in place to protect neighbouring occupiers from construction-related noise and disturbance, such as hours of construction, dust suppression, the storage of construction materials etc. This will be subject to review by the LPAs Environmental Health Department.

The proposed development would result in an increased level of pedestrian and vehicular comings and goings to the application site. Notwithstanding the impact on parking, which will be discussed in the highways section below, it is not considered that the level of residential trip generation to the site would be in itself out of character in view of Avondale Avenue as a whole, adjacent development on Holden Road such as Avon Court and the density assessment contained above. Indeed, as noted in the principle section above, the application site is located close to Woodside Park Tube Station and North Finchley Town Centre and is proposing a level of residential density considered acceptable in view of the Draft London Plan and density matrix outlined within Policy 3.4 of the London Plan (2016). Internal and external spatial requirements and on and off-street parking capacity will be discussed in the following sections. However, in respect of site comings and goings, it is considered that the level proposed is acceptable in-principle, subject to highways considerations.

In summary, it is considered that the proposed development would have an acceptable impact on the residential amenity of neighbouring occupiers by way of overshadowing, overlooking, over bearing and noise and disturbance related to demolition and construction works. Furthermore, appropriate safeguards would be put into place to ensure no excavation and construction of the basement level is undertaken until a full basement impact assessment has been conducted. While it is acknowledged that the proposed building is built closer to the site boundary with no.23 Holden Road up to roof level, than the current two-storey building, it is considered for the reasons discussed above, that the proposed impact is acceptable on planning balance. Furthermore, the impact on the north-facing flank wall windows at no.1 Avondale Avenue is considered acceptable as evidenced by the daylight / sunlight assessment submitted as part of this application. Consequently,

the proposed development is considered in compliance with Policy DM01 and recommended for approval on neighbouring occupier amenity grounds.

Future Occupier Amenity

Minimum Internal Space:

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 as evidenced below:

Apartment 1: 3-bed, 6-person, 2-storey - 118m² provided (102m² required)

Apartment 2: 3-bed, 6-person, 2-storey - 118m² provided (102m² required)

Apartment 3: 2-bed, 3-person, 1-storey - 68m² provided (61m² required)

Apartment 4: 2-bed, 3-person, 1-storey - 68m² provided (61m² required)

Apartment 5: 2-bed, 4-person, 2-storey - 115m² provided (79m² required)

Apartment 6: 2-bed, 4-person, 2-storey - 115m² provided (79m² required)

It is noted that the study rooms on the second floor for apartment 5 and 6 are big enough to be considered a habitable room and consequently converted into a double bedroom once occupied. A study of the size proposed would normally be resisted given it is often a concern that this is a way of circumventing the minimum internal space standards for flatted units. However, in this instance should the study be converted at a later date into a double bedroom, apartment 5 and 6 would both still exceed the minimum internal space standards outlined above. Indeed, if they were considered as 3-bed, 6-person units, the apartments would be required to provide 102m² of GIA. The 115m² provided is notably in excess of this requirement. It should also be noted that proposing a study room instead of a double bedroom does not impact the proposed development's parking requirements. The two study rooms were also calculated as habitable rooms for the purposes of the density matrix outlined within this report.

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.

- 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 proposed single and double bedrooms meet these standards.

Outlook and Daylight / Sunlight:

Section 2.4 of Barnet's Sustainable Design & Construction SPD (Oct 2016) states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and bedrooms and living rooms /kitchens should have a reasonable level of outlook with clear glazed windows.

A Daylight and Sunlight Study has been submitted to accompany this application. It assesses the daylight and sunlight provision to all habitable rooms and the rear garden. In respect of internal daylight, the submitted study concludes:

All rooms meet or surpass the BRE Average Daylight Factor targets [and] all rooms pass the room depth test.

The results provided for the basement level bedrooms indicate a low level of daylight provision. However, given these are bedrooms and form part of a duplex where the main living space is located at ground floor level, where good levels of daylight, sunlight and outlook are provided, the bedrooms at basement level are considered acceptable on balance. An apartment located solely at basement level would have been resisted.

Based on the results of the highlighted study, all habitable rooms at ground floor level and above would receive a level of direct sunlight in excess of BRE standards, with no single-aspect north-facing apartments proposed.

The results of the submitted study confirm that the rear garden at the application site fails to meet the BRE recommendations which calls for an open space to appear adequately lit throughout the year, with at least 50% of its area receiving two hours of sunlight on 21st March. As noted above, the Mayors Housing SPG (2016) requires a flexible approach to daylight and sunlight assessments, particularly in urban settings. It is noted that the rear garden does not fall short of the BRE recommended guidelines due to the impact of the proposed development. Indeed, the garden falls short because of the spatial constraints of the site in respect of its size and siting. Therefore, in view of the spatial constraints of the site, the fact that the BRE shortfall is not as a consequence of the proposed developments size or siting and taking account of the Mayors' SPG guidance, the proposed daylight provision to the rear garden is considered acceptable on balance.

Floor-to-ceiling heights:

Table 3.3 of Policy 3.5 of the London Plan (2016), 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 apartments meet this standard.

Stacking:

The proposed floor stacking is considered acceptable subject to appropriate sound proofing measures being introduced in line with relevant building control regulations. Indeed, the proposed floor plans broadly provide living rooms above living rooms. Where a living room sits above a bedroom, this occurs within a duplex apartment.

Amenity Space:

Table 2.3 of Section 2.3 of the Sustainable Design & Construction SPD (2016), states that for flats, 5m² of usable amenity space is required per habitable room. The proposed development comprises 28 habitable rooms. Therefore, based on the standards highlighted above, the proposed development would be required to provide 140m² of external amenity space. The proposed development would provide 150m² of external amenity space via a communal rear garden which in quantum terms, would exceed the highlighted minimum external space standards. However, as outlined in the daylight / sunlight section above, the rear garden would fall short of BRE standards in respect of sunlight. Section 8 of Barnet's Residential Design Guidance SPD (2016) states that useable communal amenity space should amongst other things:

- Receive adequate sunlight relative to the defined purpose of the space;

- *provide sufficient shade where necessary;*
- *ensure a good external noise level;*
- *be screened from parking and public areas to ensure privacy;*
- *Be easily accessible and legible to all occupants;*
- *Be overlooked by habitable rooms to ensure safety*

While the amenity space would fall short of the BRE guidance in respect of sunlight, it is considered that it complies with all other highlighted guidance. Furthermore, the quantum of external amenity space would exceed the minimum requirements by 10m² and provide internal space at levels in excess of minimum standards. Therefore, given there is additional internal and external capacity, the fact the external amenity space complies with all other criteria highlighted above and when considering the spatial constraints of the site in respect of the rear garden, it is deemed that the proposed communal amenity is on balance, sufficiently usable.

Accessibility:

The proposed development would provide level access and a lift to all apartments. Therefore, it complies with M4(2) regulations.

In summary, it is considered that the proposed development would, on balance, provide an acceptable level of amenity for future occupiers. Indeed, the proposed development would provide a quantum of internal and external amenity space in excess of the minimum space standards and a level of daylight and direct sunlight to habitable rooms in compliance with BRE standards. Therefore, this application is recommended for approval on future occupier amenity grounds.

Highways

The proposed development would provide four off-street parking spaces to the north of the site where garages and site vehicular access is currently located. The proposed development would also require minor alterations to the on-street parking bay to the front of the application site. This would not result in the loss of an on-street parking space. As previously highlighted, the application site has a PTAL (Public Transport Accessibility Level) rating of 3 which represents an average level of site accessibility. Avondale Avenue has a Controlled Parking Zone (CPZ) in place (Resident Permits - Monday to Friday 2pm - 3pm), as has the Holden Road to the north (Resident Permits - Monday to Friday 2pm - 3pm and Charged for parking Monday to Saturday 9am - 5pm).

Based on Policy DM17 and the number and mix of units shown, the proposed development would have a maximum off-street parking requirement of 6 to 9 spaces. Given the application site's proximity to Woodside Park Tube Station and North Finchley Town Centre, its PTAL rating of 3 and its location within a CPZ, a parking requirement at the lower end of the range would normally be sought. However, consideration is also given to the residential parking requirements outlined in Policy T6.1 of the Draft London Plan. This policy notes that for a new residential development in outer London, with a PTAL rating of 3, a maximum of up to 0.75 parking spaces per unit should be provided. The policy goes on to state that:

New residential development should not exceed the maximum parking standards set out in Table 10.3. These standards are a hierarchy with the more restrictive standard applying when a site falls into more than one category.

Based on the highlighted draft London Plan policy, the proposed development would have an off-street maximum parking requirement of 4.5 spaces. Therefore, if the proposed development is assessed against the draft London Plan maximum parking standards and the site's location and PTAL rating is taken into account, it is considered complaint on highways grounds.

However, comments received during public consultation regarding concerns about on-street parking congestion are noted. Therefore, the applicant has agreed that any permission granted will be subject to a s.106 agreement preventing future occupiers from obtaining parking permits. Consequently, the proposed development would not only comply with the parking standards outlined within the draft London Plan, but would provide additional safeguards by restricting future occupiers from obtaining parking permits.

Trip generation:

A Transport Assessment (TA) has been submitted as part of this application which provides the following view of future trip generation to and from the site:

Table 6.1: Total Trip Rates and No. of Trips for Proposed Development			
Time Period	Proposed Residential Use (7 Units)		
	Arrive	Depart	Two-Way
AM Peak (08:00 – 09:00)	0.060 (0)	0.338 (3)	0.454 (3)
PM Peak (17:00 – 18:00)	0.255 (2)	0.124 (1)	0.379 (3)
Daytime (07:00 – 19:00)	2.090 (15)	2.124 (15)	4.214 (29)

The TA concludes that the:

level of activity will have no discernible impact on the local transport network, with movements well within general day to day variations of activity.

The LPA's Highways Department has reviewed the detail contained within the TA which relates to trip generation and has raised no objection regarding the highlighted conclusion.

Parking Beat Survey:

The submitted TA shows details of a Parking Beat Survey conducted at 1am on both Wednesday 12th September 2018 and Thursday 13th September 2018. The parking beat survey concludes that the level of parking utilisation on local roads is 77%-79%, with 30-32 spaces available. A summary of the Parking Beat Survey data is shown below:

Road	Wednesday 12 th September at 01:00			Thursday 13 th September at 01:00		
	Parked	Free Spaces	Utilised (%)	Parked	Free Spaces	Utilised (%)
Holden Rd	26	5	84%	26	5	84%
Holden Ave	12	12	50%	12	12	50%
Avondale Ave	53	9	85%	51	11	82%
Gainsborough Rd	20	4	83%	20	4	83%
Total	111	30	79%	109	32	77%

The proposed development would result in the loss of 12 garages located onsite. The applicant has provided a letter from an estate agent confirming that all 12 garages are now vacant. The letter notes that the garages are now generally too small for the modern car and as a consequence they have been primarily let for storage. The letter confirms that garage no.6 was previously used to store a small sports car which was not accessed on a regular basis. Given their lack of use and dimensions, it is not considered that the loss of the 12 garages would lead to an increased stress on on-street parking capacity on Avondale Avenue. Furthermore, their loss provides an opportunity to make more efficient use of the application site and improve its visual appearance to the benefit of the wider street scene and previously highlighted local heritage assets (nominated).

The submitted TA concludes that:

The level at which parking stress is usually considered to occur is 90%. Based on the survey data, there are 15 spaces available on-street for vehicles to park before the 90% parking stress threshold is reached. This level of residual capacity is sufficient to comfortably accommodate the forecast overspill parking generated by the proposed development and relocated vehicle currently stored on-site at a total of one space.

The LPA's Highways Department has reviewed the TA and Parking Beat Survey results and are satisfied that subject to conditions and a s.106 restricting future occupiers from obtaining parking permits, that the proposed development would not give rise to a harmful level of additional on-street parking stress on Avondale Avenue and adjacent streets. Furthermore, it is considered that given the proximity of the application site to Woodside Park Tube Station, not all future occupiers and visitors will access the site, or travel to work via car, as outlined in paragraph 6.5 of the submitted TA.

On-street parking amendments:

The proposed development proposes to make an alteration to the parking bay layout to the front of the application site, moving a space to the south to allow a slight amendment to the location of the site's crossover. These changes would not lead to the loss of an on-street parking space. The LPA's highways department has reviewed the proposed amendments to the on-street parking bay and are satisfied subject to a s.184 licence and the applicant paying the costs of the works.

Deliveries and refuse collection:

Deliveries and refuse collection will take place via Avondale Avenue. The LPA's Highways Department are satisfied within this arrangement.

Cycle:

12 cycle parking spaces have been provided at basement level in compliance with Policy 6.9 of the London Plan (2016). The cycle parking is accessible via a lift. The cycle parking and access provision is considered acceptable and will be secured via condition.

In summary, it is considered that the proposed development is acceptable on highways grounds. The four off-street parking spaces comply with the maximum parking requirements outlined with Policy T6.1 of the Draft London Plan and are acceptable in view of Policy DM17 given any permission would be subject to a s1.06 and the restriction of future occupiers from obtaining a resident parking permit. The TA submitted as part of this application provides a Parking Beat Survey which indicates on-street parking capacity on Avondale Avenue and adjacent streets. It is acknowledged that a number of comments received as part of the public consultation associated with this application, have raised on-street parking capacity as a concern and queried the validity of the Parking Beat Survey results. However, the LPA's Highways Department has reviewed the information submitted, the results of the Parking Beat Survey and the conclusions reached, and are satisfied that with four off-street parking spaces and a s.106 agreement in place to restrict future occupiers from obtaining residential parking permits, that sufficient safeguards are in place to recommend approval on highways grounds.

Refuse

Refuse and recycling bins have been located to the north of the site adjacent to the site boundary with Avon Court and the site's onsite parking area. The bins would be stored within a bin enclosure located within 10m of the public highway. Any permission would be subject to a condition requiring exact details of the design and capacity of the bin storage to be provided and agreed. As highlighted, the bin storage will sit behind soft landscaping which will provide additional visual screening of the bins from the public highway. Therefore, it is considered that the proposed bin storage is acceptable subject to condition.

5.4 Response to Public Consultation

All public comments have been received and acknowledged. Where they address material considerations, they have been discussed in the report above. For clarity please see below:

- Represents over-development with density uncharacteristically high for Avondale Avenue.

See principle section for reference to density.

- Balconies would overlook adjacent properties and are out of character:

Balconies have now been removed from the proposed building design.

- Flatted development is out of character for Avondale Avenue which is characterised by 4-bed single-family dwellings:

See principle section above.

- The overall building aesthetic is well considered and would be a significant improvement to the existing house. However, it represents an over-development given the number of flats and lack of onsite parking:

See principle, character and highways section.

- A number of adjacent buildings have been proposed to be added to the Local Heritage list. Many of the properties retain their original Edwardian character and features. The proposed development at Zero will dwarf the surrounding houses and features balconies which are not in keeping:

See character section. The balconies have now been removed from the proposed building design.

- The bin storage should be located to the rear of the building out of sight:

See character section. Bins will be located behind screening and soft landscape.

- The inclusion of a basement is out of character:

See character section.

- The use of render on the elevations is a concern and can result in staining over time:

See character section. Any permission would be subject to a condition requiring exact details of proposed facing materials to be agreed.

- A number of adjacent properties have previously suffered subsidence. The proposal to build a basement increases the risk of subsidence to the neighbouring property. Any consent should be subject to a basement impact assessment to assess the potential risk:

A Basement Impact Assessment will be secured via planning condition.

- There are concerns that the proposed development will lead to a loss of light to neighbouring windows:

See neighbouring occupier amenity section and results of the submitted Daylight and Sunlight Study.

- The proposed balcony on the top floor will overlook no.1 and intrude on privacy:

This has now been removed from the proposed building design.

- Flats 5 & 6 are clearly 3-bed flats and not 2-bedroom flats. To class the rooms as 'study' means that these are not habitable spaces and whilst this has no impact on the parking provision, the two additional double bedrooms will have an impact in reality:

The proposed apartments would meet the minimum space standards irrespective of whether the rooms marked as 'study' are used as a study or a double bedroom. They were calculated as habitable rooms for the purposes of the density matrix assessment.

- Building works will cause a high-level of noise and disturbance. This needs to be managed properly through a demolition and construction method statement.

See neighbouring occupier amenity section. A Demolition and Construction Method Statement would be secured via a pre-commencement planning condition.

- The building would overshadow and provide an overbearing impact on the neighbouring rear gardens.

See neighbouring occupier amenity section.

- Not Part M compliant in relation to disabled occupiers and fire and safety standards.

The proposed development would be subject to a M4(2) compliance condition. The London Fire Brigade has stated that they have no objection to the proposed development on fire safety grounds

- Loss of garages and provision of only four onsite parking spaces will result in a net loss of off-street parking:

See highways section.

- Family-sized units and associated car ownership will add to parking congestion and stress on the adjacent street network.

See highways section.

- Surrounding street network is congested owing to resident and commuter parking. The proposed development will add to this stress. Additional onsite parking should be provided.

See highways section.

- Any future occupiers should be restricted from obtaining resident parking permits.

Any permission would be subject to a s.106 agreement restricting future occupiers from applying for parking permits.

- The result of the Parking Beat survey conducted in September 2018 does not present a fair representation of true parking demand in the vicinity or likely trip generation, and a more rigorous study should be completed. Overnight parking is often difficult to find within reasonable walking distance.

See highways section.

- The proposed parking survey does not take into account visitor parking demands.

See highways section.

- Any consented scheme should be car-free given the limited off-street parking provided and on-street parking strain currently experienced.

Any permission would be subject to a s.106 agreement restricting future occupiers from applying for parking permits.

- The provision of basement cycle storage should have a lift that is proportionally suitable to accommodate the bikes. The proposed lift is too small and the use of stairs would be a DDA issue.

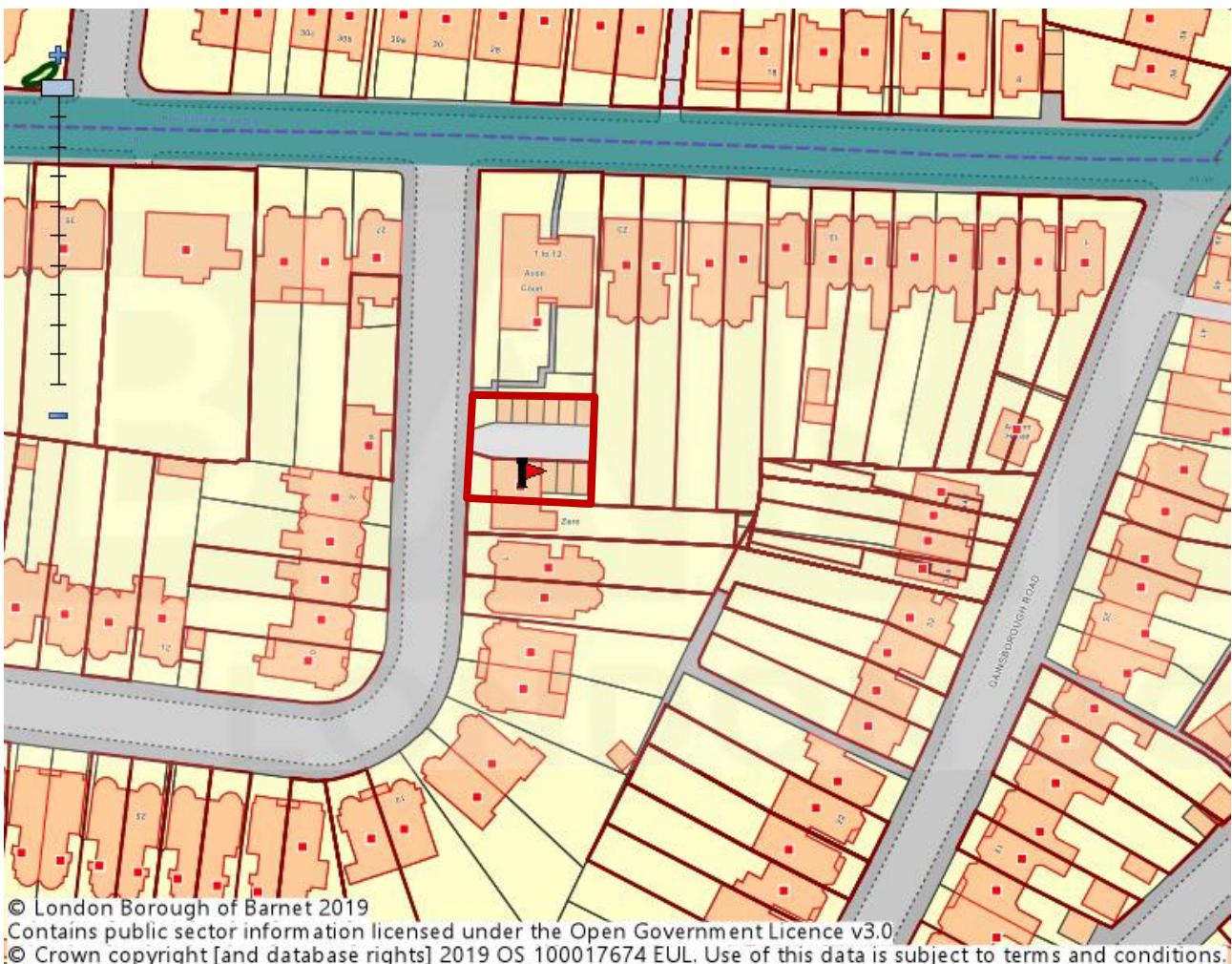
See highways section.

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

It is considered that the proposed development would represent a significant improvement to the character and appearance of the application site, Avondale Avenue and the nominated local heritage assets highlighted within the above report. Indeed, the proposed development would replace a tired and discordant dwelling with a building design and scale which balances making most efficient use of the land, whilst safeguarding the character of Avondale Avenue. It is considered that the likely impacts on neighbouring residential occupier amenity resulting from the proposed development are on balance acceptable and can be adequately mitigated through design interventions and tree protection measures. The proposed development would also provide an acceptable level of future occupier amenity, providing a sufficient quantum and quality of internal and external space. Lastly, the proposed development has been assessed against local and draft London Plan policy and subject to a s.106 agreement to restrict future occupiers from obtaining a residential parking permit, the scheme is considered acceptable on highways grounds. Consequently, based on planning balance, the proposed development is considered policy compliant and recommended for approval.



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Location Rear Of 21 Torrington Park North Finchley London N12 9TA

Reference: 19/5635/FUL

Received: 18th October 2019

Accepted: 22nd October 2019

Ward: Woodhouse

Expiry 17th December 2019

Applicant: Mr Haddad

Proposal: Demolition of existing storage. Erection of single storey dwellinghouse with pitched roof, including refuse and recycle store, and associated amenity space.

AGENDA ITEM 12

Recommendation: Approve subject to s106

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

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 Improvements - £2,072.55
Monitoring of the Agreement - £103.60

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director – Planning and Building Control or Head of Strategic Planning approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director – Planning and Building Control or Head of Strategic Planning:

1 The development hereby permitted shall be carried out in accordance with the following approved plans: 21TP-PP4-01, 21TP-PP4-02, 21TP-PP4-03A, 21TP-PP4-04A, 21TP-PP4-05A, 21TP-PP4-06A.

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

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

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

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

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

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

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

Reason

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

5 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. Staff travel arrangement;
- ix. details of contractors compound and car parking arrangements;
- x. Details of interim car parking management arrangements for the duration of construction;
- xi. Provision of a competent banksman;
- xii. 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.

6 Before the permitted development commences details of the refuse collection arrangements shall be submitted to and agreed by the Local Planning Authority.

Reason

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

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

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

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

8 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

9 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.

10 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.

11 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 to F of Part 1 of Schedule 2 of that Order shall be carried out within the area of the development hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

12 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.

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

RECOMMENDATION III

That if an agreement has not been completed by 30/04/2020 unless otherwise agreed in writing, the Service Director of Planning and Building Control should REFUSE the application 18/4897/FUL under delegated powers for the following reasons:

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

are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

3 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

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.

5 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.

6 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any

works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

Officer's Assessment

1. Site Description

The site is made up of 10 former lock up garages aligned in parallel as a group of six and a group of four. They are located to the rear of the property, a five storey post war block of flats with nine separate units. The application property is not listed nor located on land designated as Article 2(3) (Conservation Area). There are no protected trees on or adjacent to the application site.

The site has a PTAL of 3 (average) with buses and trains available within the PTAL calculation area. The site is located within a controlled parking zone.

The context of the site is residential. Immediately south east (rear) of the site is the rearmost block of Park Lodge. To the east and west are the rear parking areas of 19 and 23 Torrington Park.

2. Site History

Reference: C04290

Address: 21 Torrington Park N12

Decision: Approved subject to conditions

Decision Date: 04.04.1973

Description: Erection of four-storey block of 8 flats and 10 garages.

Reference: 18/6556/191

Address: 21 Torrington Park N12

Decision: Lawful

Decision Date: 18.01.2019

Description: Use as lock up storage units

Reference: 19/1582/PNP

Address: 21 Torrington Park N12

Decision: Prior Approval Required and Refused

Decision Date: 15.05.2019

Description: Change of use from Class B8 (10 storage units) to Class C3 to provide 5no self-contained flats

Reference: 19/4403/FUL

Address: 21 Torrington Park N12

Decision: Withdrawn

Decision Date: 18.09.2019

Description: Demolition of existing lock-up storage and construction of a four storey detached building comprising of 8no self-contained flats with associated amenity space, refuse storage and cycle store

3. Proposal

Demolition of existing storage. Erection of single storey dwellinghouse with pitched roof, including refuse and recycle store, and associated amenity space. The scheme has been amended to reduce the height and pitch of the roof.

The property would have a floor area of 100sqm and provide three bedrooms (3 bed/6 person) and dining-living space. It would have a private rear garden of 175sqm.

4. Public Consultation

Consultation letters were sent to 129 neighbouring properties. 11 responses have been received, comprising 11 letters of objection.

The objections received can be summarised as follows:

- removal of parking spaces
- too many flats being built
- overdevelopment
- character of the area changing
- because of level changes will appear as two storey
- loss of light
- loss of privacy
- the communal garden would become unusable

Following receipt of amended plans, lowering part of the proposed roof, neighbours were reconsulted. Any further responses received will be reported at the meeting.

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 revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2016

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

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- 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:

- 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.
- Whether an acceptable standard of accommodation is provided.
- Highway issues
- Accessibility and Sustainability

5.3 Assessment of proposals

Impact on the character of the area

The character of Torrington Park and adjacent streets has continuously evolved and the present post war blocks of Danescroft and Park Lodge were not the original buildings. The historic character of detached Victorian properties and deep gardens has changed to flatted development and garaging. The current proposal will, if it is accepted, change that character again, but the existence of the rearmost block of Park Lodge has already set a precedence here with residential use deep in a site.

The proposed house will be single storey and notwithstanding the variation in ground level and the relatively large pitched roof, it will remain a subordinate structure when compared to Danescroft and Park Lodge. The principle of buildings to the rear of Danescroft has already been established by the garage block. The new building will have a footprint of 100sqm whilst the existing garage block is 154sqm. There will therefore be a

reduction in the built over footprint which will compensate for the increased height. A landscaping condition will be secured to enhance the outlook from upper floors of surrounding property.

Impact on the amenities of neighbours

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

The proposed house would be located 9.6 metres from the rear block of Park Lodge. However, it would be positioned so as not to directly face this block, but the further block of Park Lodge at 25.4 metres away. Consequently, it is considered that the proposal will not directly affect light, privacy or outlook for the residents of Park Lodge. Although the new house would be on raised land, relative to Park Lodge, boundary treatment would ensure that residents would not be overlooked from the patio or living space of the house.

The new house would not materially affect light or outlook to the existing block to Danescroft. The disposition of windows and the retention of boundary treatment and cycle storage will ensure the ground floor of Danescroft retains its amenity.

Turning to noise, it can be considered that the presence of a single dwelling with garden will not produce any additional noise when compared to the lock up garages with the potential for vehicle noise and associated comings and goings. The presence of a residential use will also enhance security for the surrounding properties.

It is therefore considered that, on balance, the impact of the proposal on the amenity of neighbouring occupiers would not be to the degree that refusal could be justified.

The standard of accommodation in the proposed house

The proposal will provide a three bedroom/six person house of 100sqm. This accords with the requirements of the London Plan. The private outdoor amenity space of 175sqm is in excess of the minimum requirement for a property of this size.

Despite the relative confines of the site, the property will have good light, aspect and outlook to all four sides. The positioning of the windows will ensure that there is no direct overlooking from adjacent property.

Highways

The site lies within PTAL3 zone, which means that there is good public transport accessibility to and from the site. According to requirements set out on Policy DM17 of the Barnet Local Plan, the required off-street car parking provision should be 1.5-2.0 spaces. No parking is proposed and therefore, the proposed is an under provision of off-street car parking spaces. However, taking into consideration the site also lies within a CPZ (FN) 9am-5pm in operation from Monday-Saturday and is located within walking distance of a town centre location.

It is considered that the proposal would be acceptable with a Legal Agreement to amend the Traffic Order that regulates the schedule of addresses for the CPZ where the site is located., to ensure that future residents are not eligible for residents parking permits.

Cycle parking and cycle storage facilities should be provided in accordance with the London Borough of Barnet's Local Plan, in the interests of promoting cycling as a mode of transport.

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, and a condition is attached in the event planning permission is granted] to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 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 in the event planning permission is granted to ensure compliance with the Policy

In terms of water consumption, a condition is attached in the event planning permission is granted to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

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

5.4 Response to Public Consultation

The concerns of local residents, in particular character, design, impact on their amenity and parking, are addressed within the evaluation.

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

It is acknowledged that this proposal and its predecessors have caused concern from local residents. This current proposal, on balance addresses those concerns, and it is considered that, with the attached conditions, neighbour amenity and character will be protected.

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

