

Location 1 - 2 The Approach London NW4 2HT

Reference: 21/1524/FUL Received: 18th March 2021
Accepted: 19th March 2021

Ward: Hendon Expiry 14th May 2021

Case Officer: Mansoor Cohen

Applicant: c/o Agent c/o Agent

Proposal: Demolition of the existing 2no. semi-detached dwellings and the erection of a 3 storey building to provide 6no. self-contained flats with associated off street parking and cycle parking

OFFICER'S RECOMMENDATION

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 their 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:

Location Plan as Existing Drawing No 20302-00
Site Plan as Existing Drawing No 20302-01
Rear Elevation as Existing Drawing No 20302-09 Rev C
South Side Elevation as Existing Drawing No 20302-13
Front Elevation as Existing Drawing No 20302-08 Rev D
North Side Elevation as Existing Drawing No 20302-14

Site Plan Drawing No P01 Rev B
Block Plan Drawing No P11 Rev A
Front Elevation as Proposed Drawing No P06 Rev B
Rear Elevation as Proposed Drawing No P07 Rev B
Basement Floor Plan as Proposed Drawing No P02 Rev C
First Floor Plan as Proposed Drawing No P04 Rev B
Ground Floor Plan as Proposed Drawing No P03 Rev B
Second Floor Plan as Proposed Drawing No P05 Rev B
Left Hand Elevation as Proposed Drawing No P09 Rev B
Right Hand Elevation as Proposed Drawing No P08 Rev B

View from Front Drawing No P10 Rev B
Views from Brent Street and Golders Rise Drawing No P13 Rev A
Approach from Brent Street Drawing No P14 Rev A

Daylight and Sunlight Report (Prepared by Point 2 Surveyors), dated August 2021
Version V2

Planning, Design and Access Statement (Prepared by Newsteer), dated March 2021

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

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

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

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy D4 of the London Plan 2021.

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies D4, D5, D8 and G7 of the London Plan 2021.

- 5 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 SI2, SI7, SI8, SI9, SI1, D14 of the London Plan 2021.

- 6 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. P02 Rev C 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 (2016) and Policy T6.1 of the London Plan 2021.

- 7 a) Prior to the first occupation or commencement of the use of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than two of the car proposed parking spaces to be provided with active Electric Vehicle Charging facilities and the remaining parking spaces to be provided with passive Electric Vehicle Charging facilities.

b) The development shall be implemented in full accordance with the details approved by this condition prior to the first occupation of the development or the commencement of the use and thereafter be maintained as such in perpetuity.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy T6 of the London Plan 2021.

- 8 a) Prior to occupation of the residential units hereby approved, full details of the traffic light system including size, specification and maintenance contract details for the basement parking, as indicated in Drawing no. P02 Rev C shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the traffic light system provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be operated in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance of the development and in the interest of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with policies DM01 and DM17 of the Development Management Policies DPD (adopted September 2012) and Policy T4 of the London Plan 2021.

- 9 Notwithstanding the approved plans, prior to the commencement of the development, details of the passing places, gradient for the access ramp leading to the basement car parking area, car park layout together with headroom clearances along the ramp and within the parking area and the access to the parking area from public highway shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out nor shall it be subsequently operated otherwise than in accordance with the approved details.

Reason: To ensure the safe form of access to the development and to conform to 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 and Policy T4 of the London Plan 2021.

- 10 a) Notwithstanding the approved plans, before the development hereby permitted is first occupied, details of cycle parking to accommodate a minimum of 11no long stay and 2no short stay cycle parking spaces in accordance with the London Plan

Cycle Parking Standards and London Cycle Design Standards - including the type of stands, gaps between stands, location of cycle parking and type of store proposed - shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy T5 and Table 10.2 of The London Plan (2021) 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, Policy DM17 of Development Management Policies (Adopted) September 2012 and Policy T5 of the London Plan 2021.

- 11 a) Before the development hereby permitted is first occupied, the amenity area(s) shall be subdivided and shall be implemented in accordance with the details indicated on Drawing No P03 Rev B 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 2016).

- 12 a) The site shall not be brought into use or first occupied until details of the box hedge as indicated on Drawing No P03 Rev B 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 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 (2016).

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

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

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

14 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 treatment of boundaries should be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1no 13 x 13cm ground level access 'hedgehog hole' between the application site and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat

c) 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, DM16, 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).

15 The layout of the residential units as indicated on the hereby approved plans shall be implemented 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 2016).

16 a) A scheme of hard and soft landscaping across the whole site, 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 Policies G1 and G7 of the London Plan 2021.

- 17 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 October 2016).

- 18 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

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

Reasons: In the interest of good air quality in accordance with London Plan policies SI2 and SI1 (2021).

- 19 a) Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

b) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and Policy SI 1 of the London Plan.

- 20 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement in carbon dioxide emissions of a minimum of 10% 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 SI 2 of the London Plan 2021.

- 21 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 SI 5 of the London Plan 2021

- 22 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.

- 23 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 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).

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. 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 Team, 2 Bristol Avenue, Colindale NW9 4EW, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.
- 5 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.

- 6 Damage to public highway 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 nrsua@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.

- 7 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.
- 8 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licences please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licences or email highwayscorrespondence@barnet.gov.uk.

OFFICER'S ASSESSMENT

1. Site Description

The application site is a pair of semi-detached houses on the prominent corner of The Approach, Brent Street and West Avenue within the Hendon ward. To the east of the site lies no. 2 West Avenue which is a two storey residential dwelling and to the south lies Ambassador Court, a part two storey part three storey apartment building.

The character of the area is mixed containing a variance in uses from residential through to hotels synagogues and a primary School all within the locality of the subject site.

The north - eastern side of the site features a flat roofed, single storey, detached garage. The buildings are not listed nor does the site lie within a Conservation Area.

The site lies within PTAL rating 3 indicating a moderate level of public transport accessibility. The site does not lie within a Controlled Parking Zone (CPZ), however, the adjacent junction is restricted by double yellow lines not allowing either vehicle waiting or parking at any time.

The site is within an area of Special Archaeological Significance.

2. Site History

Reference: 17/8103/FUL

Address: 1&2 The Approach, London, NW4 2HT

Decision: Approved subject to conditions

Decision Date: 20 March 2018

Description: Demolition of existing dwellings and erection of a two storey building with basement and rooms in roofspace to provide 6no. self-contained flats with associated parking, cycle storage, refuse and recycling storage and amenity space

Reference: 16/4460/FUL

Address: 1&2 The Approach, London, NW4 2HT

Decision: Refused

Decision Date: 15 September 2016

Description: Demolition of existing dwellings and erection of a two storey building with basement and rooms in roofspace to provide 6no. self-contained flats with associated parking, cycle storage, refuse and recycling storage and amenity space

Reasons for refusal: The proposal by virtue of its bulk, massing, scale, siting and design would result in the building forming an unduly dominant addition to the application site and street frontage, to the detriment of the character and appearance of the streetscene, site and surrounding area, particularly the frontage of West Avenue and The Approach.

Appeal Decision: Appeal Dismissed on the effect of the glazed stairwell and pitch of the rear roof on the character of the area.

Reference: H/03122/14

Address: 1&2 The Approach, London, NW4 2HT

Decision: Refused

Decision Date: 06 November 2014

Description: Demolition of existing building and erection of a building to provide 6no. self-contained flats. Associated parking and works.

Reasons for refusal: The proposal by virtue of its scale, siting and design would result in the property forming a dominant addition to the application site and street frontage, to the detriment of the character and appearance of the site and surrounding area, particularly the frontage of West Avenue/ The Approach.

Appeal Decision: Appeal dismissed on bulk, scale and design of the proposed development.

Reference: W08953B/04

Address: 1 The Approach, London, NW4 2HT

Decision: Refused

Decision Date: 20 December 2004

Description: Part single, part two-storey rear extension.

Reasons for refusal: The proposal would by reason of its size, design and prominent siting be unduly obtrusive, and detrimental to the character of area, the streetscene and the residential and visual amenities of neighbouring occupiers contrary to Policies G1, G18, T1.1 and H6.1 of the Barnet Adopted Unitary Development Plan (1991), policies GBEnv1, GBEnv2, D1, D2, D3, D5, D7 and H16 of the Barnet Revised Deposit Draft Unitary Development Plan (2001) and Design Guidance Note 5: Extensions to Houses.

Appeal Decision: Appeal Dismissed

Reference: W08953A/02

Address: 1 The Approach, London, NW4 2HT

Decision: Refused

Decision Date: 10.10.2002

Description: Single storey rear extension, loft conversion and extensions including front and rear dormers, addition of window in front floor rear elevation.

Reasons for refusal: The proposed extensions, by reason of their size, design and siting would appear unduly obtrusive and would be detrimental to the appearance of the property and the visual and residential amenities of the surrounding area contrary to policies T1.1 and H6.1 of the Barnet unitary Development Plan (adopted 1991) and policies D2, D3, D4, D7 and H27 of the Revised Deposit Draft Unitary Development Plan (11/1/01).

Reference: W08953C/05

Address: 1 The Approach, London, NW4 2HT

Decision: Approved subject to conditions

Decision Date: 25 July 2005

Description: Single storey rear extension.

3. Proposal

By way of background, the current application is a direct re-submission of the previously approved scheme under reference 17/8103/FUL, consented on 20 March 2018. The proposed development is a direct replication of the scheme approved. The applicant states that as a result of the pandemic and three year time limit condition, implementation of the scheme was not possible.

The assessment of the application will therefore be based on the recommendation of the previously approved scheme however, will fully consider any new/additional material considerations including those raised by objectors. This will be detailed in Section 5.3 below.

The application proposes the demolition of the existing pair of semi-detached properties and the erection of a new building which would feature six flats.

At the front, due to the curved nature of the road, the building is divided by two projecting wings with bay windows, and at the side closest to no.2 West Avenue is a further projecting wing. The entrance section is set back and has a traditional styled porch.

The proposed building is two storeys with a basement level and roof level accommodation. The proposed building would feature hipped roofs and would measure approximately 9.09 metres tall, between 10.7m deep (at the boundary with no 2 West Avenue) and 11.1m deep (at the boundary with Brent Street), and has a width of approximately 23 metres.

The proposed development features dormer windows and chimneys. The dormers measure approximately 2.1 metres in height, 1.3 metres in width and have dual pitched roofs.

The indicative materials proposed are brickwork, rendered masonry walls, traditional sash windows, and red clay tiled roof.

To the rear of the site is a 110.5m² communal garden. Flats 1 and 2 have separate terrace areas of approximately 15m² within the front garden. The site is enclosed with a timber fencing to the rear and a low-height brick wall at the front.

The proposal would provide a basement which would accommodate 6 car parking spaces, a waiting area, 12 cycle parking spaces and refuse storage facilities.

The proposal seeks to accommodate 6 no flats comprised of 3 x 1 bed, 1 x 2 bed and 2 x 3 bed.

4. Public Consultation

A site notice was also erected on the 01 April 2021.

Consultation letters were sent to 72 neighbouring properties. Re-consultation letters were sent out on 12 May 2021 and subsequently on 18 August 2021.

16 responses have been received, comprising 16 letters of objection

The objections received can be summarised as follows:

- Concerns regarding loss of light/sunlight and outlook
- Concerns regarding loss of privacy and overlooking
- Loss of single family dwelling houses
- Concerns relating to the size, scale and mass of the development amounting to over development of the site.
- The development is out of character with the area, overbearing and result in loss of visual amenity
- This area is not suitable for flatted development and fails to follow the pattern of development
- Inconsistent, misleading and out of date daylight/sunlight report submitted. The previous application was based on the same incorrect report.
- Previous approval was based on committee members being persuaded to approve the development.
- The development is going to impact on parking stress already evident in the area. The proposal has provided parking at the lowest end of the required range but will not account for additional car ownership and visitors/deliveries to the development.
- Would expect any approval to restrict future occupiers of the development obtaining parking resident permits

- The ramp for the carpark basement is close to the neighbouring property and will impact the neighbouring occupiers as a result of fumes, noise and vibrations.
- Insufficient recreational space for future occupiers
- Disturbance to neighbours as a result of noise, dust and pollution and construction
- Dental practice sited opposite would be substantially affected by construction of development and parking pressures
- The development will increase the risk of flooding.

4.1 Other Consultees

Highways were consulted on the proposal and raised no objection subject to conditions.

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 updated on 20 July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth. 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 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous 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 Local Plan Core Strategy DPD (Adopted 2012) Policies: CS NPPF, CS1, CS4, CS5, CS15.
- Relevant Local Plan Development Management DPD (Adopted 2012) Policies: DM01, DM02, DM03, DM04, DM08 and 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.

Barnet's Draft Local Plan (Reg 19) 2021

Barnet's Draft Local Plan -Reg 19 - Publication was approved for consultation on 16th June 2021. The Reg 19 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It is Barnet's draft Local Plan.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan.

Supplementary Planning Documents

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 wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents
- Whether the development provides a satisfactory living accommodation for future occupiers.
- Impact on Highways
- Sustainability

5.3 Assessment of proposals

Background

By way of background, the current application is a direct re-submission of the previously approved scheme under reference 17/8103/FUL, consented on 20 March 2018. The proposed development is a direct replication of the scheme approved. The applicant states that as a result of the pandemic and three year time limit condition, implementation of the scheme was not possible.

The consented scheme followed on from two previously refused applications on this site which were similar in nature. The consented scheme was also preceded by pre-application advice in an effort to address the previous reasons for refusal.

Given the current proposal is a direct resubmission of the approved scheme relevant sections will offer summaries of the previous conclusions, however, any new material considerations or otherwise will be fully assessed and included where relevant in the body of the report.

A full read of the officers delegated report for the consented scheme, 17/8103/FUL is available on the public forum.

Principle of Development

The application site currently features two residential dwelling houses. The proposal would involve the demolition of the existing dwellings and the erection of a residential flatted development providing six units. The existing dwelling houses are not of any historic or architectural merit that would warrant their protection. The principle of flatted development in this location is acceptable as evident from the previously approved scheme. The area surrounding the application site is mixed in character featuring both single family dwelling houses and flatted development such as Ambassador Court, a purpose built block of flats sited directly adjacent to the subject site.

Furthermore and in the interest of clarity, the consented scheme was preceded by two similar refused schemes. H/03122/14 was dismissed at appeal. The application was dismissed by the inspector on grounds that the bulk, scale and design of the proposed development would be detrimental to the character of the area. 16/4460/FUL was dismissed at appeal on the effect of the glazed stairwell and pitch of the rear roof on the character of the area.

There was no objection to the principle of development previously and there are no new material considerations that would alter this assessment.

Impact on the character of the area

As noted previously, the current proposal is a direct replication of the previously approved scheme and does not feature any material changes footprint, scale, design or appearance.

The previously refused scheme 16/4460/FUL was dismissed at appeal (reference APP/N5090/W/16/3160450), the Inspectors decision carries considerable weight. The Inspector was clear that only two aspects of the development were unsuitable; the glazing to the rear staircase and the pitch of the roof at the rear. The Inspector did not raise an objection to the two storey wing adjacent to 2 West Avenue and considered that "the introduction of features such as a chimney and a dormer window and the use of sympathetic materials, ... [and] the side wing would generally reflect the existing residential character of the street scene" (para.7).

There are no new material considerations that would alter this view. Thus, the only two aspects of contention relate to 1) the glazing to the rear staircase and 2) the pitch of the roof at the rear. These two aspects were adequately addressed within the approved scheme. The officers delegated report stated as follows: 'The proposed application has been amended since the last refused scheme to include a pitched roof at the front and rear, and removal of the curtain glazing facades and replacement with fenestration to match the style of the rest of the building. These changes are considered to overcome the appeal Inspectors reasons for refusal. Given the changes made and in light of the Inspectors comments to the previous scheme at the site, the proposal is not considered to be detriment of the character and appearance of the streetscene, site and surrounding area.'

Officers concur with this view and as such the proposal is acceptable in this regard.

As previously indicative materials for the facades have been submitted, however, the proposed materials should be carefully considered to ensure that the building makes a positive contribution, particularly in this prominent location. While the indicative materials suggested are considered appropriate, final review of the materials will be subject to a condition. This will provide for greater scrutiny of the materials to ensure these are of a high quality.

There are no protected trees on the site and therefore the removal of vegetation on the site would not itself warrant refusal of the application.

In light of the above and the considerable weight attached to the lapsed scheme, officers do not consider that the proposal would have an adverse impact on the character and appearance of the locality and street scene.

Impact on Neighbouring Occupiers

Policy DM01 of the Development Management Policies 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM02 states that 'Where appropriate, development will be expected to demonstrate compliance with the following national and London-wide standards supported by the guidance set out in the council's suite of Supplementary Planning Documents'.

The delegated officers report to the approved scheme noted as follows:

'The applicant has demonstrated through the submission of a Daylight and Sunlight report, that the development would not have an adverse impact on neighbouring properties access to light, and in this regards, there is no objection by officers....The LPA and Inspector, in considering the previous scheme, have not raised any concerns for the amenity of neighbouring occupiers. It is not considered there are any new circumstances which have arisen or changes to the scheme that would alter the previous assessment.'

In this instance, new information during the course of the application has come to light through neighbouring objectors and appointed third parties that the above conclusions (in part) were based on in-factual groundings. This new information forms a material consideration in the assessment of the application.

The objections note that the previously submitted daylight and sunlight report was based on 3D modelling that was not representative of the true layout and extent of the proposed building. The modelling identified that the proposed building does not extend across the full depth of the neighbouring flank wall, No.2 West Avenue, however when contrasting this to the proposed plans it is evident that the depth of the proposed building along the common boundary extends to a greater depth aligning with the rear building line of no.2. This notable discrepancy was passed on to the applicant/agent for comment. The response concurred with this view and a subsequent daylight/sunlight report was commissioned reflecting the accuracy of the proposal. Upon receipt of such, re-consultation letters were sent out on 18 August 2021 with this newly revised report available on the public forum for comment. Following the re-consultation no materially new comments were received.

The revised daylight/sunlight report acknowledges that there are a total of 9 windows on the flank wall elevation of no.2 West Avenue that could be impacted by the development. The report notes that of the 9 windows, it is apparent that 5 of these windows serve non-habitable spaces such as hallways and bathrooms. The remaining 4 windows (at ground

floor level) serve a kitchen/dining and therefore a habitable room. The report further notes that an additional window on the rear elevation of the outrigger serves the same kitchen/dining room. There is no evidence before officers to dispute this analysis.

The report demonstrates that whilst a loss in excess of that recommended by BRE guidance would be sustained to the 4 secondary windows serving the kitchen/dining room, the principal window on the rear elevation serving this room would not experience any reduction in daylight and in fact records a 1% proportional gain in the Vertical Sky Component (VSC), a measure of the direct skylight reaching a point from an overcast sky. In addition, the No-Sky Line factor (NSL), a measure of the distribution of daylight within the room, demonstrates that this room would receive very good daylight distribution and overall remain fully BRE compliant.

In terms of sunlight to the kitchen/dining room, the report demonstrates that the room would remain compliant with BRE Guidance.

In light of the above, it is not found that the proposed development would have a demonstrable adverse impact on daylight/sunlight intake to the neighbouring property, no.2 West Avenue that would warrant a refusal in this regard alone.

In terms of the impact to the neighbouring Ambassador Court, there are no material changes in circumstances that would alter the previously accepted impact to these neighbouring occupiers, however for the sake of clarity, the proposed relationship between the two respective properties would not be substantially different to the existing relationship both in terms of outlook and privacy. As demonstrated within the submitted block plan (Dwg. P11 Rev A) the two storey rear building line of the development broadly accords with the existing footprint and would retain a sizeable separation distance to the neighbouring block. In addition, there are also no windows in the adjacent flank wall of the neighbouring block that would raise concerns of overshadowing or loss of privacy.

In light of the above, the proposal is not considered to impact adversely on the amenity of neighbours to an extent that would warrant a refusal on these grounds only.

Impact on Future Occupiers

There are no material changes in circumstances or adopted policies that would render the previous assessment obsolete.

The assessment found the following:

- All the units would comply with the minimum standards.
- All new residential units would benefit from suitable outlook and privacy space.
- Stacking arrangements were acceptable.
- Provision of outdoor amenity space in the form of a communal garden and two private terraces for flats 1 and 2 would exceed the requirements within Sustainable Design and Construction SPD.

As previously, details of the box hedging to ensure sufficient levels of privacy are maintained for the ground floor units will be conditioned.

Highways

Policy DM17 of the Development Management Policies (2012) stipulates that there should be a provision of 1.5 to 1 car parking spaces per unit for terraced houses and flats (2 to 3 bedrooms); and 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

In accordance with DM17, a total provision of between 3 to 7.5 spaces would be required. Taking into consideration the PTAL 3 rating which indicates a moderate level of public transport accessibility, Highways consider the provision of 6 spaces which is at the higher end of the required spectrum to be acceptable and would not result in adverse impact to the highway network. This is commensurate with the previously approved assessment.

Objectors have stated the provision is at the lowest end of 'guidance', however as detailed above this assertion is incorrect. Other factors noted by objectors such as existing parking pressures and nearby CPZ's is considered to be adequately mitigated given the provision is policy compliant.

As previously, a condition will be attached requiring submission of details for the signal control system into the car park.

In accordance with Policy T5 of the London Plan 2021, a provision of 11 cycle spaces would be required for the development. The proposal incorporates a provision of 12 cycle spaces, equating to 2 spaces per unit, within the basement of the proposal. This is therefore compliant.

Refuse and Recycling

The plans indicate that refuse storage would be provided in the proposed basement. In the event of approval, conditions would be attached requiring full details of the refuse/recycling strategy to be submitted to and agreed by the local planning authority.

Accessibility and Sustainability

As previously consented, the development would accord with accessibility and sustainability requirements. Conditions to this effect will be imposed for certainty.

5.4 Response to Public Consultation

-Inconsistent, misleading and out of date daylight/sunlight report submitted. The previous application was based on the same incorrect report.

Addressed in the report under "Impact on Neighbouring Occupiers".

-Previous approval was based on committee members being persuaded to approve the development.

The application will be heard at committee, where members are able to discuss the merits of proposals. All practices and meetings follow the adopted constitution.

-The development is going to impact on parking stress already evident in the area. Any approval should restrict future occupiers of the development obtaining parking resident permits.

As detailed in the relevant section, the proposal includes a provision of street parking spaces in accordance with adopted policies and therefore not considered to adversely impact the highway network. Similarly, it is therefore not considered reasonable/necessary to restrict future occupiers from obtaining resident parking permits. For clarity, the site does not lie within a CPZ.

-The ramp for the carpark basement is close to the neighbouring property and will impact the neighbouring occupiers as a result of fumes, noise and vibrations.

Whilst it is acknowledged that increased comings and goings will occur, this is considered to remain commensurate with the mixed character of the area and remains identical to the approved scheme. A separation distance from the access of the car park to the common boundary of 1.3m would be maintained, which improves on the current relationship between the existing garage and neighbouring house. It is therefore not considered that this would warrant a refusal in its own right.

-Disturbance to neighbours as a result of noise, dust and pollution and construction
A condition for a demolition and construction method statement and construction hours will be imposed to mitigate the impact. In any event, such works are 'temporary' in nature.

-The development will increase the risk of flooding.
The site does not fall within a flood risk zone and therefore justification for a flood risk assessment cannot be justified.

All other planning objections are considered to have been addressed in the report above.

6. Equality and Diversity Issues

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

7. Conclusion

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.

