

**Location** **Dawlish Court And 63 Daws Lane Daws Lane London NW7 4SG**

**Reference:** **20/4355/FUL** Received: 18th September 2020

Accepted: 21st September 2020

Ward: Mill Hill Expiry: 16th November 2020

**Case Officer:** **Mansoor Cohen**

Applicant: KDS Estates Limited

Proposal: Demolition of the existing dwellings and erection of a three storey building to provide 9no self-contained flats. Associated parking, cycle store, refuse and recycling store and amenity space (amended application form)

### **OFFICER'S RECOMMENDATION**

Approve subject to s106

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)

### **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. 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. 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.

A contribution of £6,000 (10 trees) towards the new provision of street trees in the immediate area.

## **RECOMMENDATION II:**

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

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

U-J11311-A-1.1  
U-J11311-A-1.2  
U-J11311-A-2.2  
U-J11311-A-2.3  
U-J11311-A-4.1  
U-J11311-A-4.2  
U-J11311-A-6.1  
U-J11311-A-6.2  
U-J11311-A-6.3  
U-J11311-A-6.4  
U-J11311-A-7.1  
U-J11311-A-8.1  
U-J11311-A-8.2  
U-J11311-A-9.1  
U-J11311-A-9.2  
U-J11311-A-9.3  
U-J11311-A-9.4

Planning, Design & Access Statement, dated September 2020  
Preliminary Roost Assessment Survey, dated 26/01/2021  
Bat Emergence and Re-entry Surveys, dated 19/07/2021

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. U-J11311-A-1.2 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 four car 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.

10 a) Notwithstanding the approved plans, before the development hereby permitted is first occupied, details of cycle parking to accommodate a minimum of 17no 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, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins, quantum of bins, 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); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

12 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).

- 13
- 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.

- 14
- a) Notwithstanding the submitted details, before the development hereby permitted is first occupied, details of privacy screens 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 October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

- 15
- Before the building hereby permitted is first occupied the proposed first floor side elevation window serving unit 6 and roof level side dormer windows serving the main living spaces of units 8 and 9 facing nos. 61 and 71 Daws Lane 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).

- 16 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).

- 17 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) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations

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

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy D14 of the London Plan 2021.

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

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

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (2016), and Policies D13 and D14 of the London Plan 2021.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and D14 of the London Plan 2015.

- 21 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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



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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy D14 of the London Plan 2021.

- 22 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.

- 23 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

- 24 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) with the exception of the provision of lifts. 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.

- 26 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).

- 27 a) Before the development hereby permitted is first occupied, details of the subdivision 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).

- 28 Prior to occupation of the development the applicant must submit an application under Section 184/278 of the Highways Act (1980) for the proposed vehicular access and implement the highway works before the development is occupied. The proposed access design details, construction and location will be reviewed by the Highways Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.

Reason:

To ensure that the works on public highway are carried out to the satisfaction of the highway authority 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.

- 29 a) Before any site works, (including any temporary enabling works, site clearance, removal of existing vegetation, demolition or any investigative works referred in any other conditions, or development) hereby permitted commences, the applicant shall submit for approval details of measures to secure net biodiversity gain on the site in accordance with guidance set out within BS42040:2013: Biodiversity - Code of practice for planning and development, and guidance documents provided by the Chartered Institute of Ecology and Environmental Management (CIEEM) and the Royal Town Planning Institute (RTPI) and those details shall incorporate mitigation measures as set out in the submitted 'Bat Emergence and Re-entry Surveys' by Arbtech, dated 19 July 2021.

b) The development shall be implemented in full accordance with details approved under this condition.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Section 197 of the Town and Country Planning Act 1990 in accordance with Policy DM16 of the Local Plan Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy G6 of the London Plan (2021)

### **RECOMMENDATION III:**

- 1 That upon completion of the agreement specified in Recommendation I, the Service Director for Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director for Planning and Building Control.
  
- 2 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 30th June 2022, 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 legal agreement to mitigate the highways impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and highway safety, contrary to Policy T6.1 of the London Plan (2021), Policy CS9 of the Adopted Core Strategy and Policy DM17 of the Adopted Development Management Policies DPD

### **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](http://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](mailto: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](http://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](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](http://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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 4 Any external lighting provided must be installed in accordance with guidance with the Bat Conservation Trust Bats Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series
- 5 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.

- 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](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto: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.

- 7 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 is located on the north side of Daws Lane and comprises of a two-storey single-family dwelling (No.63 Daws Lane) and a two-storey building accommodating 3 self-contained flats (Dawlish Court). The surrounding area is mixed with residential uses primarily located to the north and east of the application site, with commercial uses to the west and a public car park, Mill Hill Park and Etz Chaim Jewish Primary School located opposite to the south.

The existing buildings benefit from deep front gardens and onsite parking. No.63, a detached two-storey dwelling, is characterised by a two-storey bay feature, whilst Dawlish Court has a Dutch gable roof form clad in timber and a more blocked formed to the rear. Dawlish Court while attractive from the front, is undermined by its blocked form to the rear.

The application site is seen in context with the residential dwellings immediately to the east running up Daws Lane and although the neighbouring property to the immediate west has retail units at ground floor the built form is modest with pitch roof, retaining a residential appearance.

The property is not listed nor does it lie within a conservation area.

### **2. Site History**

Reference: 19/5874/FUL

Address: Dawlish Court, Daws Lane, London, NW7 4SG

Decision: Refused

Decision Date: 11 February 2020

Description: Demolition of the existing dwellings and erection of a three storey building to provide 10no self-contained flats. Associated parking, cycle store, refuse and recycling store and amenity space

Reason 1: The proposed development fails to provide comprehensive and robust justification for its failure to provide for affordable housing. In the absence of any information to demonstrate the financial viability of the scheme, it is not possible to ascertain whether the scheme would, to best endeavours to provide housing that would meet the full range of housing needs. As such, the scheme would fail to accord with policies CS3 and CS4 of the Core Strategy and policies DM08 and DM10 of the Development Management Policies DPD. The scheme would also fail to accord with Policies 3.12 and 3.13 of the London Plan (2016).

Reason 2: In the absence of a detailed Surface Water Drainage Strategy Report (including drainage provision during the demolition phase), the application has failed to ensure that surface water runoff would be managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development. The proposal is therefore contrary to Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems) and best practice design guidance (such as the SuDS Manual, C753).

Reason 3: The proposed development, by reason of its size, scale, depth, design and siting, would be overbearing, visually obtrusive and would result in loss of outlook and overlooking, to the detriment of the residential and visual amenities of the neighbouring properties, in particular No.71 Daws Lane, contrary to Policy CS5 of the Barnet's Local Plan (Core Strategy) 2012 and Policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD 2012, SPD: Sustainable Design and Construction (Adopted 2016) and SPD: Residential Design Guidance (Adopted 2016).

Reason 4: The proposed development would fail to provide: sufficient internal living space (for unit 8); adequate private outdoor amenity space; bedrooms with adequate outlook and daylight/sunlight; an acceptable internal layout; and would therefore represent a poor form of development that would provide a poor, sub-standard form of accommodation, to the detriment of the amenity and living conditions of future occupiers. Therefore the proposal is contrary to the provisions of Policies: 3.5, 7.4 and 7.6 of the London Plan (2016) Policy CS5 of the Local Plan Core Strategy (2012), Policy DM01 and DM02 of the Development Management Policies Development Plan Document (2012) and the Council's Residential Design Guidance SPD (2016) and Sustainable Design and Construction SPD (2016).

Reason 5: The proposed development would, by reason of its size, scale, bulk, layout, siting, built form, design including prominent front projected gables, glazed link structure, roof form and balconies/roof terrace; would represent an unsympathetic and incongruous form of development, amounting to an overdevelopment of the plot. As such it would fail to relate to the context of the site and the pattern of development, to the detriment of the character and appearance of the streetscene and the surrounding area, contrary to the National Planning Policy Framework (NPPF); Policies 3.5, 7.4 and 7.6 of the London Plan (Adopted 2016); Policy CS5 of the Barnet Core Strategy (Adopted September 2012); Policies DM01 and DM02 of the Barnet Development Management Policies Document (Adopted September 2012); and advice contained in the Barnet Residential Design Guide Supplementary Planning Document (Adopted 2016).



### **3. Proposal**

The application seeks planning permission for the demolition of the existing dwellings and erection of a three storey building to provide 9no self-contained flats. Associated parking, cycle store, refuse and recycling store and amenity space.

The proposal would consist of two buildings interlinked with a recessed structure forming the entrance and corridor into the respective buildings. The western building adjacent to No.61 would measure approximately 15.5m in depth and 8.5m in width. The eastern building adjacent to no.71 would measure approximately 15.5m in depth and 9.2m in width.

Each building would feature a prominent front protruding gable end and a pitched crown roof measuring an eaves height of approximately 6.5m and overall height of 9.8m.

The scheme would provide the following units:

- Unit 1 (ground floor) - 3 bedroom 6 person
- Unit 2 (ground floor) - 2 bedroom 3 person
- Unit 3 (ground floor) - 2 bedroom 3 person
- Unit 4 (first floor) - 1 bedroom 2 person
- Unit 5 (first floor) - 1 bedroom 2 person
- Unit 6 (first floor) - 2 bedroom 3 person
- Unit 7 (first floor) - 2 bedroom 3 person
- Unit 8 (loft floor) - 2 bedroom 3 person
- Unit 9 (loft floor) - 2 bedroom 4 person

Provision of amenity space would be in the form of terraces, balconies (both inset and projecting) and a communal garden area.

A total of 6 car parking spaces are proposed to the rear of the application site.

The current application follows a previously refused scheme which this proposal seeks to overcome the reasons for refusal.

### **4. Public Consultation**

Consultation letters were sent to 167 neighbouring properties.

5 objections have been received, two from residents including one submitted by an agent on behalf of the neighbouring property, one from an unknown disclosure presumed to be a resident, one from the Mill Hill Preservation Society and one from Cllr John Hart.

A detailed objection was submitted by Leith Planning Ltd on behalf of the residents of no.71 Daws Lane. In summary:

- Previous reasons for refusal have not been adequately addressed.
- The proposed design, scale and mass of the proposed building, and the damage to the appearance and character of the area, is considered to be in clear conflict with the policies within the adopted Development Plan.
- A gross overdevelopment of the plot.
- Concerns regarding: Structural Impact, Impact on Amenity, Parking, Ground Levels, Overlooking, Impact on drainage, impact on trees and protected species.
- Submission of misleading and incomplete information to be able to sufficiently assess the proposal.

Planning committee of the Mill Hill Preservation Society object for the following reasons:

- gross overdevelopment of the site regardless of reduction from 10 to 9 units.
- No evidence that the previous reasons for refusal have been addressed.
- result in a development of an excessive density and would result in a poor addition to the local housing stock.
- Detrimental impact on amenity, loss of privacy and overshadowing for the neighbouring occupiers.
- rear elevation balconies would be visually obtrusive and overbearing features when viewed from neighbouring gardens.
- Under provision of parking in a constricted location is totally inadequate. The burden of extra parking will be placed on the already busy and congested roads in the vicinity.
- Would like to see the proposed scheme reduced so that there can be at least 1 car space per flat.

Cllr J Hart objects for the following reasons:

- Would constitute over-intensive use of a relatively small site and be thereby out of character with the general street scene of mainly single family houses, with front and rear gardens, their facades fronting Mill Hill Park.
- Daws Lane is one of the oldest lanes in Mill Hill and retains a semi-rural 'feel' that such a dense development would help to destroy.
- A less intensive development might be acceptable.

Remaining objections summary:

- Lack of sufficient parking in an already congested highway
- Previous refusal reasons have not been addressed
- Inaccuracy of ownership details
- sewage/drainage concerns,
- landslip concerns

## **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, 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 2021

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 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 Core Strategy Policies: CS NPPF, CS1, CS4, CS5.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, 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 22

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. 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 and the stage that it has reached.

## 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.

### *Residential Design Guidance SPD (adopted April 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 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 extension 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.

## **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 existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposals would provide suitable living conditions for future occupiers of the proposed dwellings;
- Impact on Highways;
- Trees and Landscaping;
- Ecology;

## **5.3 Assessment of proposals**

### Principle of development

The current application follows a previously refused scheme which this proposal seeks to overcome the aforementioned reasons of refusal. It was noted within the previous scheme that no objections were held in relation to the principle of the development. The proposal was considered to reflect the surrounding residential use and this remains so presently. Furthermore, the principal of flats within this location is established by virtue of Dawlish Court (to be demolished) which houses 3no flats.

However, the Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. These aspects are considered and addressed below.

#### Impact on the character and appearance of the area

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that 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.

The delegated report to the previously refused scheme noted that 'It was accepted that the proposal would have a greater visual impact and prominence within the streetscene and therefore, the success of any submission would depend mainly on the ability of the design to visually assimilate within the existing streetscene.' The report highlighted a number of aspects that failed to be considered in order to achieve an appropriate integration into the existing streetscene. These were as follows:

- o The front building line needs to be set-back to reduce the visual impact of the building when viewed within the streetscene.
- o The bay window and front gable features need to be pulled in and set-down from the ridge height. At present, they visually dominate the design when they are supposed to be a more subordinate feature.
- o Explore reducing the height of the linking structure and setting back its front building line.
- o It is considered that a reduction in the number of proposed units will be required to achieve an acceptable design which works both externally and internally.

The current proposal seeks to address the above highlighted concerns with the following amendments:

- o A setback of the front building line of the eastern building by 1 metre thus aligning both buildings.
- o The bay windows and front gable features have been pulled in and set further down from the ridge height.
- o An increased set back (1.2 metres) of the linking structure and its further reduction in height.
- o Simplified roof form and fenestration details.
- o A reduction in the total number of units from previously 10 units to 9no. units.

The proposed amendments are considered to have a positive impact on the acceptability of the development;

The front protruding gables have been pulled in significantly and have been set down further from the ridgeline, reducing their respective mass and bulk which in turns reduces their prominence making them more akin to front gables which feature on neighbouring properties.

The setting back of the eastern building which now aligns with the northern building would reflect the front building lines of the existing buildings and additionally provides opportunity for front landscaping to help better integrate and settle the buildings within the surrounding environment.

Similarly, the substantial setback of the linking structure from the principal elevation (3m) and reduced height when combined with the recessed nature of the proposal would adequately reduce its visual presence.

A simplified roof form consisting of a pitched roof with crown top has also been enabled, providing improved design consistency that would be more reflective of roof forms within the vicinity.

The newly proposed pitched roof side dormer windows would be modest in size and scale and visually contained within their respective roofslopes thus featuring as subordinate additions and in compliance with Residential Design Guidance which requires dormers to be no more than half the width or height of the respective roofslopes.

It is acknowledged that the proposed development would remove the visual separation afforded between the two existing subject buildings, however, such a gap is at odds with the pattern of the street scene and advantage has been taken by centralising the development within the site ensuring that an adequate visual separation would be maintained between the immediate neighbouring buildings.

Furthermore, although the development would see a marked increase in footprint, the extent would nonetheless be commensurate with the spatial pattern of development in the vicinity and therefore not considered to be an overdevelopment of the site.

It is further acknowledged that the proposed development would be of a more contemporary design, however, equally it is noted that there is no one uniform style of development along this stretch of the road and the addition of this development subject to high quality materials and finish would add to the mixed character and appearance of the area. Furthermore, the above noted amendments have adequately toned down aspects which would read as visually prominent or jarring to the eye, facilitating an acceptable level of integration into the streetscene.

In terms of intensification of the site, whilst it is acknowledged that a substantial uplift in units as well as occupancy levels would result, the diverse and mixed use nature of the locality, which includes, retail frontages, a primary school, Mill Hill Park and associated parking area would allow for a relatively seamless integration in terms of coming and goings and general activity associated with the development.

In conclusion, officers consider that the amendments within this submission in contrast to the previously refused scheme have overcome the concerns relating to the impact of the development on the character and appearance of the streetscene and locality and when taken as a whole would suitably integrate into the streetscape.

#### Impact on the amenities of neighbours

Policy DM01 states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

No.61 is sited to the west of the subject site and sits adjacent to no.2 Birkbeck Road. No.71 is sited to the east of the subject site.

In respect of no.61, the proposed adjacent building would be sited 3m away from the common boundary afforded by the access road leading into the rear car park. The extent of the footprint would modestly project (0.5m) beyond the rear outrigger of no.61 which itself is sited some 3m from the boundary. Taking the separation distances involved, it is not considered that an adverse impact would be sustained to this neighbour in the form of overshadowing, sense of enclosure or loss of outlook. The first floor projecting window would be obscured glazed and therefore not result in overlooking or a loss of privacy.

No.2 Birkbeck Road features an outbuilding which runs along the far eastern common boundary and therefore is not considered that any harm will arise to this neighbour.

To the side facing no.71, a single family dwelling house, the adjacent proposed building would be set off 1.6m from the common boundary and an additional 1m setoff at first floor level towards the rear half of the building. The footprint of the proposed building would be recessed 1.2m in comparison to the existing Daws Court building, however, it is acknowledged that there would be added mass and bulk given the width of the building at first floor and roof level. This equates to a further projection of 3.3m beyond the two storey outrigger of no.71. Residential Design Guidance SPD (2016) states in paragraph 14.23: Two storey rear extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable. This is because they can be too bulky and dominant, and have a detrimental effect on the amenities of neighbours. In this instance, the upper levels would be set off 2.6m from the boundary and 3.8m to the neighbouring flank wall, therefore the modest excess projection of 0.3m beyond guidance would be adequately mitigated by the separation distance.

Furthermore, perceived mass and bulk would be reduced by way of the pitched roof which slants away from the boundary. As such, it is not considered that the proposal would appear overbearing or unduly obtrusive. Separation distances would ensure outlook is retained and any overshadowing to an acceptable level.

The 'centralised' first floor projecting balconies would be some distance from either common boundary and have been illustrated with tapered privacy screens to its sides which would sufficiently ensure any direct sightlines to neighbouring gardens would be restricted. Subject to the implementation of the privacy screens it is not considered that these would result in an unacceptable loss of privacy or overlooking. Given their siting away from the boundaries they would not feature as visually obtrusive or overbearing from neighbouring gardens.

The roof level balconies would be inset within the roofslope and therefore function much like rear elevation windows which is acceptable. It is further argued that the existing relationship whereby Daws Court features a first floor rooftop terrace adjacent to the boundary is far more invasive and thereby the development would improve the existing relationship.

New boundary fencing would ensure no overlooking results from ground floor flank windows and side amenity spaces. The side dormer window serving units 8 and 9 main living space would be obscure glazed in an effort to maintain privacy. A condition will be imposed to ensure this is endured.

Overall, it is considered that the proposal would have an acceptable impact on neighbouring occupiers.

Whether the proposal would provide a suitable standard of living for future occupants;

The Councils Sustainable Design and Construction SPD (2016) and Table 3.1 within Policy D6 of the London Plan (2021) provides the minimum space standards required for new dwellings.

The proposal development would provide the following:

- Unit 1 (ground floor) - 3 bedroom 6 person GIA 106sqm (required 95sqm)
- Unit 2 (ground floor) - 2 bedroom 3 person GIA 61sqm (required 61sqm)
- Unit 3 (ground floor) - 2 bedroom 3 person GIA 62sqm (required 61sqm)
- Unit 4 (first floor) - 1 bedroom 2 person GIA 52sqm (required 50sqm)
- Unit 5 (first floor) - 1 bedroom 2 person GIA 50sqm (required 50sqm)
- Unit 6 (first floor) - 2 bedroom 3 person GIA 61sqm (required 61sqm)
- Unit 7 (first floor) - 2 bedroom 3 person GIA 62sqm (required 61sqm)
- Unit 8 (loft floor) - 2 bedroom 3 person GIA 82sqm (required 61sqm)
- Unit 9 (loft floor) - 2 bedroom 4 person GIA 86sqm (required 70sqm)

As illustrated above all of the units would either meet or exceed the required 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 m<sup>2</sup> and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m<sup>2</sup> and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All bedrooms would accord with the aforementioned requirements. It is noted that the secondary bedroom within unit 8 would meet the required GIA for a double bedroom, however fails to meet the required width for a double and therefore has correctly been illustrated as single bedroom.

Floor to Ceiling Height:

The London Plan 2021 states that a minimum ceiling height of 2.5 metres is required for at least 75% of the gross internal area of a dwelling. The Sustainable Design and Construction SPD also states 'The nationally described space standard sets a minimum ceiling height of 2.3 meters for at least 75% of the gross internal area of the dwelling. To address the unique heat island effect of London and the distinct density and flatted nature of most of London's residential development, a minimum ceiling height of 2.5 metres for at least 75% of the dwelling area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space.'

The submitted section drawings demonstrate that the floor to ceiling heights would comply with the requirements.

Outlook, light and privacy:

Policy DM01 states that 'Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users'.



Units 1, 2 and 3 at ground floor level and units 8 and 9 at loft level would all be dual aspect units and enjoy a good level of outlook, light and privacy.

Units 6 and 7 at first floor level would also be dual aspect units, however to a limited extent given the siting of the secondary windows. Both of these unit would however be south facing and enjoy a good level of sunlight intake which when combined with the glazed areas and partially inset balconies would provide adequate outlook light and privacy for future occupants.

Units 4 and 5 also a first floor level would be north facing single aspect units. Paragraph 2.2.3 of the Sustainable Design and Construction SPD states the following:

Dual aspect dwellings have many benefits including better daylight, a greater chance of direct sunlight for longer periods, natural cross ventilation, mitigating pollution, offering a choice of views, access to a quiet side of a building, greater flexibility in the use of rooms, and more potential for future adaptability by altering the use of rooms. Where single aspect flats are considered acceptable they should demonstrate that all habitable rooms and the kitchen are capable of providing adequate ventilation, privacy and daylight and the orientation enhances amenity, including views.

Both of these units consist of 1 bedroom 2 persons units, the smallest of the proposed units. The flats would be sited to rear of the property and therefore away from the main thoroughfare of the highway enjoying a relatively more tranquil and peaceful environment with views of the communal garden which weigh in favour of the proposal in this regard. Furthermore, the habitable spaces of these units would benefit from large glazed areas which are intertwined with projecting balconies which officers consider would provide an adequate level of ventilation, daylight intake and outlook. In this instance, taking into consideration the siting, design and occupancy level of these two units, the single aspect dwellings are acceptable.

#### Stacking:

Policy DM04 of the Development Management Document (2012) part d. states that proposals will be refused if it leads to an unacceptable level of noise and disturbance unless the scheme can demonstrate any mitigation measures.

Stacking of like for like rooms would broadly be maintained between units at ground floor level to those at first floor level, however, it is noted that there would be significant overlap between bedrooms and main living spaces of the first floor and second floor units. Furthermore, it is equally important that horizontal stacking between units ensures noise and disturbance is kept to an acceptable level. A condition will therefore be imposed requiring the development to comply with sound insulation requirements to minimise the harm of noise between units.

#### Outdoor amenity space:

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5m<sup>2</sup> per habitable room.

Accordingly the provision and requirement for each unit is as follows:

Unit 1 (ground floor) - 27sqm (required 25sqm)

Unit 2 (ground floor) - 19sqm (required 20sqm)

Unit 3 (ground floor) - 33sqm (required 20sqm)

Unit 4 (first floor) - 5sqm (required 15sqm)

Unit 5 (first floor) - 6sqm (required 15sqm)

Unit 6 (first floor) - 5sqm (required 20sqm)  
Unit 7 (first floor) - 6sqm (required 20sqm)  
Unit 8 (loft floor) - 8sqm (required 20sqm)  
Unit 9 (loft floor) - 9sqm (required 20sqm)

Although there is a shortfall of private outdoor amenity space for units 4 through to 9, a communal garden area of 75sqm would be provided to the rear of the site which would exceed the required shortfall. In addition, whilst its use being adjacent to the highway is limited additional amenity space is provided within the front forecourt of the buildings and the site is in close proximity to Mill Hill Park on the south side of Daws Lane.

Officers therefore consider that the overall provision of amenity space would be adequate for future occupiers.

### Impact on highways and parking

Policy DM17 outlines the adopted parking standards for residential developments. It states that 1-bed flats are required to provide 1 off-street car parking space and 2/3-beds to provide 1 to 1.5 spaces.

The proposal has been reviewed by the highways team who state that the site lies within a PTAL 2 zone which means that there is poor public transport accessibility to and from the site. The applicant has conducted a manual PTAL rating exercise, which has provided a PTAL result of 3.

Taking the proposed into consideration, the required off-street car parking provision in line with requirements set out on Policy DM17 of the Barnet Local Plan is between 7-13 off-street car parking spaces. Taking the PTAL into consideration the required off-street car parking provision is 10 spaces. The applicant has proposed a provision of 6 spaces which leaves an under-provision of 4 spaces.

The applicant has previously provided the results of a car parking survey (conducted on Wednesday and Thursday, 6th and 7th of March 2019) which demonstrates that the existing car parking stress is at an average of 58%. This means that there appears to be sufficient availability on street to accommodate potential vehicular overspill from the proposed site. Whilst it is acknowledged that the survey is outdated, it is nonetheless indicative of the parking stress in the locality. Furthermore, according to Table 10.3 of the London Plan (2021) which sets the maximum parking provision of residential development, the proposal would attract a maximum provision of 7 spaces, it is therefore considered that the potential overspill of 1 space could be adequately accommodated on street.

The car parking layout has been amended to show a distance of 6m turning space which will enable safe and secure vehicle turning.

The applicant proposes changes to the existing vehicular access, the applicant is advised that a Section 278 application will be required in order to assess the proposed and to ensure that all changes are carried out safely in line with LBB requirements. An application must be made to the Highways Development Control Team, and will be secured via a condition.

Consequently, highways raise no objection to the proposal in this regard.

### Cycle spaces:

In accordance with the London Plan, a provision of 17 cycle spaces and 2 short stay spaces is required. The plans indicate cycle storage for up to 16 spaces within the rear garden. This is acceptable in principle subject to an increase of 1 space. Details of short stay spaces have not been provided. The required details including details of the cycle store will be secured through a condition.

### Refuse/Recycling:

A dedicated refuse and recycling area would be located within the front forecourt and within 10m of the highway, therefore acceptable. Details of the store, quantum of bins and a refuse strategy will be secured via a condition.

### Trees and Landscaping

There are no large, significant landmark trees growing within the site boundary. The proposal would require the removal of all the trees from the site which means a small loss of visual tree amenity. A strong landscape scheme that replaces lost trees and provides significant enhancement to the landscape should therefore be provided. The proposal should also be supported by an onsite tree assessment to evaluate the merits of the trees being removed to facilitate the proposal.

The proposal has been reviewed by the council's tree officer who has confirmed that insufficient information has been provided in order to evaluate the application contrary to local planning policy DM01. However given the site does not sit within a conservation area and there are no protected trees it is considered that mitigation could be achieved through condition and legal agreement in the event the proposal was considered acceptable. The officer has advised that the larger building would need off site mitigation to help moderate the impacts it will have on the street scene. There is a lack of street tree planting from the site towards the A1, this can be moderated by the development contributing 10 new trees at a cost of £6,000.00. The applicant has confirmed agreement to such a legal undertaking. Subject to the completion of the legal agreement, the proposal is acceptable in this respect.

### Ecology

A Preliminary Roost Assessment Survey accompanied the submission which concluded that further surveys were required. Subsequently, a Bat Emergence and Re-entry Surveys report was submitted. These documents have reviewed by the Councils Ecology team who have stated as follows:

The Arbtech Bat Emergence and Re-Entry report states that 'The buildings are not considered to hold current roosting habitation by bats' and no further surveys are required at this time, we therefore remove our previous objection and consider the applicant has demonstrated due consideration for bats within the development application.

In light of the above there are no objections to the proposal on ecological grounds. Enhancement measures as laid out in the report are proposed to be conditioned to secure their implementation as par of the requirement for biodiversity net gain.

## Other matters

In considering all previous reasons for refusal it is highlighted that refusal reasons 1 and 2 relating to the provision of affordable housing and a Surface Water Drainage Strategy respectively are no longer applicable given that the reduction in the level of proposed units from 10 to 9 results in the proposal no longer being classed as 'major development' as per the Development Management Procedure Order (2015 update). In any event, in respect of surface water drainage, the site lies within Flood Zone 1 which has a low risk of surface water flooding and very low risk of river/sea flooding. In addition, a condition has been imposed for water saving measures for improved sustainability.

## **5.4 Response to Public Consultation**

These have been duly considered and primarily addressed in the above appraisal.

- Concerns relating to structural impact/landslip are not material planning considerations.
- Point relating to misleading/inaccurate information such as outdated photos are duly noted and have been taken into consideration in the assessment of the proposal.
- Ownership disputes are not planning considerations, however, the initially submitted ownership declaration certificate was verified as being inaccurate and a revised 'Certificate B' was submitted with the requisite notice served to all 'owners' by the applicant on 17 January 2022. For good measure the Council conducted a 21 day reconsultation to the respective 'owners' on 28 January 2022, no further comments were received.
- Environmental Health have reviewed the submission and not raised any concerns in relation to contaminated land

## **6. Equality and Diversity Issues**

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

## **7. Conclusion**

Having Taken all material considerations into account, it is considered that the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. In addition, the proposed development is not considered to have an adverse impact on the amenities of neighbouring occupiers or highway network. The application is therefore recommended for approval subject to conditions and the completion of a S106 legal agreement.

