

Location 1 Ridge Road London NW2 2QT

Reference: 18/2270/FUL Received: 13th April 2018
Accepted: 3rd May 2018

Ward: Childs Hill Expiry 28th June 2018

Case Officer: **Syndsey Ballet**

Applicant: Mr Amir Sharon

Proposal: Demolition of existing office building and erection of a part two-storey, part-three storey building consisting of 4no self-contained flats. Associated amenity space and 2no light wells. Provision of cycle and refuse and recycling storage. (Additional information submitted relating to basement impact assessment)

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 Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Contribution towards amending the traffic order - £2,392.01

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:

Campbell Reith (Consulting Engineers) BIA Audit Project no. 12530-06 Rev F1 dated March 2022

Morph Structures (Consulting Structural and Civil Engineers) BIA Project no. 2745 rev C dated January 2022

A Daylight, Sunlight & Overshadowing Report ref: 16.2856 dated January 2017 on behalf of the client by Syntegra Consulting Ltd

Internal Daylight Analysis Report ref 16.2856 dated April 2018 on behalf of the client by Syntegra Consulting Ltd

Viability Assessment (Draft Report) dated October 2017 by Dr. Andre Golland
Transport Assessment dated March 2017 by Caneparo Associates

Site location plan 399-CDA-Z1-00-DR-S1-A-0105 rev 02

Marketing report by Uk Property Agents dated 25.07.2018

Revised design and access statement dated October 2018

Existing site plan drwg no. 0105 Rev 2

Existing elevations drwg no. 399B(20)E00 Rev C

Existing basement floor drwg no. 399B(20)P01 Rev A

Existing ground floor drwg no. 399B(20)P00 Rev B

Existing first floor drwg no. 399B(20)P01 Rev B

Proposed lower ground floor plan drwg no. 0099 rev 02

Proposed ground floor plan drwg no 0100 rev 02

Revised first floor plan drwg no. 0101 rev 03

Proposed second floor plan drwg no. 0102 rev 02

Proposed roof plan drwg no.0103 rev 02

Proposed elevation 01 drwg no. 0200 rev 02

Proposed elevation 02 drwg no. 0201 rev 02

Proposed side elevation 03 drwg no. 0202 rev 02

Proposed side elevation 04 drwg no. 0203 rev 02

Proposed section 02 drwg no. 0400 rev 02

Proposed section 01 drwg no. 0401 rev 02

Overlooking and distances ground floor drwg no. 0803 rev 02

Overlooking and distances first floor drwg no. 0804 rev 02

Overlooking and distances second floor drwg no. 0805 rev 02

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 Before the building hereby permitted is first occupied the proposed window(s) in the rear elevation shall be fixed shut and glazed with obscure glass only as shown on drawing numbers:- Proposed ground floor plan drwg no 0100 rev 02, Revised first floor plan drwg no. 0101 rev 03, Proposed second floor plan drwg no. 0102 rev 02 and shall be permanently retained as such thereafter.

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

- 5 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).

- 6 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted 2016).

- 7 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 the ground floor units 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.

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

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies SI 1 and SI 2 of the London Plan (2021) and the 2016 Mayors Housing SPG.

- 9 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the wholesome 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. Any use of grey

water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

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), Policy SI 5 of the London Plan 2021 and Barnet's Sustainable Design and Construction SPD (2016).

- 10 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.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of 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 SI 1, SI 7, D14 and T7 of the London Plan 2021.

- 11 The property shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and no other purpose (including any other purpose in

Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

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

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

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

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

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

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

- 14 a) Prior to the first occupation of the hereby approved development, details of the proposed green roof have been submitted to and approved in writing by the Local Planning Authority.

b) The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 5.11 of the London Plan 2021.

- 15 The roof of the building hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used

as a balcony, roof garden or similar amenity or sitting out area.

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

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

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

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

17 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy T.5 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 and Policy DM17 of Development Management Policies (Adopted) September 2012.

18 a) 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).

- 19 The development hereby approved shall be implemented in accordance with the measures and mitigations specified in the Basement Impact Assessment rev C and the Campbell Reith BIA Audit.

Reason: To ensure that the development protects the hydrology and hydrogeology of the area and the amenities of neighbouring occupiers, in accordance with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), Policy DM04 of the Development Management Policies SPD(adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016) .

RECOMMENDATION III:

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 01.12.2022, 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 development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the

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

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

We believe that your development is liable for CIL. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

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.

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

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

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

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

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

- 5 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

OFFICER'S ASSESSMENT

This application was reported to the Finchley and Golders Green Area Planning Committee on 13.11.2018. Members of the committee voted to defer the application to request an independent review of the Basement Impact Assessment. This has taken some considerable time to accomplish but the final report by Campbell Reith Consulting Engineers was received in March 2022. A further round of consultation with neighbours was carried out following publication of this report. The responses received are included in section 4 of this report.

1. Site Description

The property contains a two-storey (above ground level) office building with basement (below natural ground level) that is located on the northern side of Ridge Road. The street forms one side of a roughly triangular plan street block, the other sides of which are formed by 336 - 344 Cricklewood Lane (even numbers) to the north and 2, 4 and 6 Sunnyside to the east. Both of these frontages are typified by late Victorian era development, three storeys on the Cricklewood Lane frontage rising to four storeys (a twentieth century building) towards the corner of Sunnyside. The houses on Sunnyside are two storey Victorian terrace houses. Adjacent ground floor levels at Cricklewood Lane are typically retail/ commercial use at ground level with flats above. The shops are defined within the secondary shopping frontages within a local shopping centre. On the western side of Ridge Road, the pattern of development becomes more open with mid to late 20th

century terrace house and flats beyond a car parking area accessed from Ridge Road. The closest of these dwellings to the south of the site are about 30.0m from the front of the site, sited perpendicular to and with their flank walls facing the application site. Ridge Road and the frontage to the site slope up on a moderate gradient from Cricklewood Lane. Levels change more steeply immediately to the rear of the site, towards Sunnyside, where the gardens and terraced houses are elevated above the application site by about half a storey.

2. Site History

Ref: 17/1572/FUL

Address: 1 Ridge Road London NW2 2QT

Description: Demolition of existing building and erection of a part two-storey, part-three storey building consisting of 4no self-contained flats. Associated amenity space and lightwells. Provision of cycle and refuse and recycling storage

Decision: Refused

Decision date: 2 June 2017

Reason(s):

1. The positions of windows and balconies at the rear of the building, which are located in close proximity to the boundaries with the adjoining properties, would result in overlooking and a loss of privacy that would be detrimental to the residential amenities of the neighbouring occupiers, contrary to Policies DM01 and DM02 in the London Borough of Barnet Development Management Policies DPD and advice in the Residential Design Guidance Supplementary Planning Document (October 2016), and to advice in the National Planning Policy Framework 2012.

2. While marketing information has been submitted, this is considered inadequate to demonstrate that the site is no longer suitable for B Class Use or is no longer viable for its existing or alternative business use in the short, medium and long term. The proposal does not therefore comply with Policy DM14 of the London Borough of Barnet Development Management Policies DPD.

3. While the application has demonstrated that internal space standards and light is satisfactory within the development, light levels to the main living area for Unit 2 are only marginally acceptable and are likely to become worse with the introduction of the boundary walls which would be necessary to ensure the privacy of occupiers both at the development and at neighbouring properties. While the level of accommodation provided is largely acceptable, external amenity standards also fall short of the standards in the Council's Residential Design Guidance SPD. Taking these aspects together, the standard of the proposed accommodation provided would be contrary to Policy DM02 in the Development Management Policies SPD.

4. The proposal would be likely to result in on-street car parking congestion which would be detrimental to highways and pedestrian safety and to the free flow of traffic. Although this could be mitigated by entering into a legal agreement to restrict future occupiers from eligibility for residents' parking permits, no such agreement has been entered into. The proposal therefore fails to comply with Policy DM17 of the Development Management Policies DPD (2012) and the Council's Planning Obligations Supplementary Planning Document.

Ref: 17/6101/FUL

Address: 1 Ridge Road London NW2 2QT

Decision: Withdrawn

Decision date: 18 December 2017

Description: Demolition of existing office building and erection of a part two storey part three storey building consisting of 4no. self-contained flats. Associated amenity space and lightwells. Provision of cycle and refuse and recycling storage

Ref: 16/5078/PNR

Address: 1 Ridge Road London NW2 2QT

Decision: Prior approval required and approved

Decision date: 26.09.2016

Description: Change of use from office (B1) to residential (C3) to provide 6 units

Ref: F/01531/14

Address: 1 Ridge Road London NW2 2QT

Decision: Refused

Decision date: 15 May 2014

Description: Demolition of existing office building and erection of 1no. detached part two, part three storey building to provide 5no. self-contained flats, including hard and soft landscaping, cycle store and refuse facilities

Reason(s)

1. The applicant has failed to clarify the period for which the building has remained vacant and has not submitted any marketing information to demonstrate that there is no demand for B1 use on the site. Accordingly, the proposed loss of B1 office use would fail to comply with policy DM14 of the Development Management Policies DPD (2012).

2. The applicant has failed to provide a legal agreement to ensure financial contributions are secured in order to mitigate against the potential harm from the proposed development on the highway. The proposal would therefore fail to comply with policy DM17 of the Development Management Policies DPD (2012) and the council's Planning Obligations Supplementary Planning Document.

3. The redevelopment of this site for 5 flats by reason of the number of units proposed results in an unacceptable over-intensification of the site and cramped form of development. The proposal does not accord with policies DM01 and DM02 of the Development Management Policies DPD (2012), Residential Design Guidance SPD (2013), Sustainable Design and Construction SPD (2013).

4. The layout of the proposed flats would result in sub-standard accommodation for future occupiers of the unit contrary to policies DM01 and DM02 of the Development Management Policies DPD (2012), Residential Design Guidance SPD (2013), Sustainable Design and Construction SPD (2013).

5. The proposal fails to provide adequate standards of outdoor amenity space for occupiers of the flat contrary to Policies DM01 and DM02 of the Development Management Policies DPD (2012), Residential Design Guidance SPD (2013) and Sustainable Design and Construction (2013)

Ref: F/03313/14

Address: 1 Ridge Road London NW2 2QT

Decision: Approved subject to conditions

Decision date: 4 September 2014

Description: Demolition of existing office building and erection of part three part two storey building to create 5no. new B1 office units

Ref: F/04714/13

Address: 1 Ridge Road London NW2 2QT

Decision: Refused

Decision date: 6 December 2013

Description: Demolition of existing office building and erection of 1no. detached part two, part three storey building to provide 5no. self-contained flats, including hard and soft landscaping, cycle store and refuse facilities

Reason(s)

1. The applicant has failed to clarify the period for which the building has remained vacant and has not submitted any marketing information to demonstrate that there is no demand for B1 use on the site. Accordingly, the proposed loss of B1 office use would fail to comply with Development Management policy DM14.
2. The proposal by virtue of the mass and bulk of the building, in particular its height, would form a prominent addition to the frontage of the site which would be detrimental to the character and appearance of the property and surrounding area. The proposal would therefore be contrary to the National Planning Policy Framework 2012, Development Management Policy DM01, the Residential Design Guidance Supplementary Planning Document 2013 and Sustainable Design and Construction Supplementary Planning Document 2013.
3. The proposal by virtue of its scale and siting, in particular its height, would have an overbearing impact and result in loss of outlook to the amenity of adjoining residents. The proposal would therefore fail to comply with National Planning Policy Framework 2012, Development Management Policies DM01, DM02, the Residential Design Guidance Supplementary Planning Document 2013 and the Sustainable Design and Construction Supplementary Planning Document 2013.
4. The applicant has failed to provide a legal agreement to ensure financial contributions are secured in order to mitigate against the potential harm from the proposed development on the highway. The proposal would therefore fail to comply with Development Management policy DM17 and the council's Planning Obligations Supplementary Planning Document.
5. The proposed roof terrace would provide unsatisfactory amenity space for future occupiers and would result in an unacceptable loss of privacy for neighbouring residents. The scheme is therefore contrary to the National Planning Policy Framework, policies DM01 and DM02 of the adopted Development Management Policies DPD (2012) and to the Residential Design Guidance SPD (2013) and Sustainable Design and Construction SPD (2013).

3. Proposal

The application proposes the demolition of the existing office building and the erection of a part-two, part- three storey residential building with accommodation at basement level. External materials would encourage visual articulation and interest by way of complimentary surface renders by way of a white brick clad at ground level, white render external surface at first floor and metal sheet clad at second floor.

In scale, the replacement building would follow the building envelope, except that a second-floor level would be added, which is designed in the regular form of a box clad with

a contrasting material. Due to the irregular shape of the plot, the plan form of the second floor would be set in from the main building lines on all sides, apart from two points where it would be aligned with the rear / side walls that would also mark the boundary to the site.

The accommodation proposes four apartments, as follows:

Unit 01: 3no. bed 5no. person duplex apartment across 2no. floors (basement and ground level), 117.8 sq.m, with main living accommodation at basement level, 2no. bathrooms, 2no. double bedrooms and 1no. single bedroom (1no. ensuite) at ground level. Private outdoor amenity space would consist of a 12.4 sq.m basement-level garden and 1.40 sq.m rear-facing balcony at ground level and 6.80m front lightwell (total amenity space 20.6 sq.m). (Built-in storage provision 4.10sq.m, Min req. 2.50sq.m)

Unit 02: 2no. bed 4no. person duplex apartment across 2no. floors (basement and ground level), 105.5sq.m, with main living accommodation at basement level and 2no. bathrooms, 2no. double bedrooms (1no. ensuite) at ground level. Private outdoor amenity space would consist of 15.80sq.m basement-level garden and 1.40 sq.m rear-facing balcony at ground level and 6.40m front lightwell (total amenity space 23.6 sq.m). (Built-in storage provision 6.80sq.m, Min req. 2.0sq.m)

Unit 03: 3no. bed 6no. person duplex apartment across 2no. floors (first and second floor level), 126.1sq.m with main living accommodation, 3no double bedroom and bathroom at first floor level (2no. ensuite). Private outdoor amenity space would consist of 6.50sq.m first floor front facing balcony and 23.4sq.m second floor front facing balcony (total 29.9 sq.m). (Built-in storage provision 8.90sq.m, Min req. 2.50sq.m)

Unit 04: Studio flat at first floor level; 47.1 sq.m internal floor area with 6.8 sq.m front-facing balcony at ground level. (Built-in storage provision 1.90sq.m, Min req. 1.0sq.m)

First floor roof green roof terrace.

No on-site car parking is proposed.

No levels have been provided for the proposal, but street elevation drawings show the slope of the site and street frontage, which as noted above is from north-west to south-east.

4. Public Consultation

Consultation letters were sent to 197 neighbouring properties.

19 responses have been received, which raise the following issues:

- loss of light
- impacts on neighbours' security
- loss of privacy
- lack of car parking therefore pressures on existing parking provision
- structural impacts and risk of subsidence
- impacts on views
- the proposed building appears bigger and taller in very close proximity to the boundary with properties on Sunnyside
- out of keeping with the area
- noise and disruption during building works, including danger to children playing nearby
- redevelopment of the existing building would be preferable to demolition and rebuilding
- likely to increase crime
- inadequate drainage in the area

- the path around the building does not fall within ownership of the applicant

These issues are considered in sections 5.3 and 5.4 of this report.

Other consultation:

Highways England: No objection

Thames Water: no objection

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

National Planning Policy Framework (2021)

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

The revised National Planning Policy Framework (NPPF) was published on 20th 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.

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 is the overall strategic plan for London, and sets out a fully integrated economic, environmental, transport and social framework for the development of the capital for the next 20 to 25 years. It was adopted on the 2nd of March 2021 and supersedes the previous Plan.

It forms part of the development plan for Greater London and is recognised in the NPPF as such.

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

Policy D1 London's form, character, and capacity for growth

Policy D3 Optimising site capacity through the design-led approach

Policy D4 Delivering good design

Policy D5 Inclusive design

Policy D6 Housing standards

Policy D7 Accessible housing

Policy D10 Basement development

Policy D14 Noise

Policy H1 Increasing Housing Supply

Policy H2 Small sites
Policy H10 Housing size mix
Policy G1 Green infrastructure
Policy G5 Urban greening
Policy G6 Biodiversity and access to nature
Policy SI 1 Improving air quality
Policy SI 2 Minimising greenhouse gas emissions
Policy SI 7 Reducing waste and supporting the circular economy

Barnet's Local Plan (2012)

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.

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

- Relevant Core Strategy Policies:

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

- Relevant Development Management Policies:

DM01 Protecting Barnet's character and amenity
DM02 Development standards
DM03 Accessibility and inclusive design
DM04 Environmental considerations for development
DM08 Ensuring a variety of sizes of new homes to meet housing need
DM09 Specialist housing - Houses in Multiple Occupation, student accommodation and housing choice for older people

DM10 Affordable housing contributions
DM14 New and existing employment space
DM16 Biodiversity
DM17 Travel impact and parking standards

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

Supplementary Planning Documents

Mayor of London's Housing SPG

- This sets out a range of Standards for residential in London.

Residential Design Guidance SPD (adopted October 2016)

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

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

Sustainable Design and Construction SPD (adopted October 2016)

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

Other relevant planning documents

London Borough of Barnet Characterisation Study (2011)

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

Other relevant documents

Building Research Establishment (BRE) report (BRE 209): "Site layout planning for daylight and sunlight: A guide to good practice" Second Edition (2011)

- This was used by the applicant's consultant to assess access to natural light within the development and impact on daylight and sunlight for neighbours.

5.2 Main issues for consideration

Any new application for residential redevelopment of the site would need to overcome the

reasons for refusal of previous applications.

- i. Whether the proposed loss of B1 floorspace is acceptable
- ii. Whether the proposal's height, bulk and mass would be detrimental to the character and appearance of the area
- iii. Whether the proposal would result in over intensification and cramped form of development.
- iv. Whether a satisfactory standard of accommodation would be provided, including good quality amenity space.
- v. Whether the proposal would result in detriment to the amenity of neighbouring occupiers.
- vi. Whether the proposal would be acceptable in terms of impacts on the highway network.

5.3 Assessment of proposals

Loss of B1 floorspace

Policy DM14 states that the loss of a B Class use will only be permitted where it can be demonstrated to the council's satisfaction that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of effective marketing has been undertaken. Where this can be demonstrated the policy sets out that the priority for re-use should be a mix of small business units alongside any residential use.

Predecessor planning refusal ref 17/1572/FUL was refused on the basis of inadequate marketing information demonstrating that the site is no longer suitable for B.1 Class Use or is no longer viable for its existing or alternative business use in the short, medium and long term, contrary to policy DM14 of the London Borough of Barnet Development Management Policies DPD.

A revised marketing report dated 25.07.2018 by UK Property Agents has been provided which demonstrates the property to have been marketed from 31st October 2016 - 31st October 2018 (uploaded on estate and letting agent websites, Rightmove and Myukpa) for an office let, during which there was very little interest in the property. The marketing carried out related to the freehold interest in the property as existing, and it is apparent that the building would require significant upgrading from its current condition to make it suitable for commercial occupation.

In-house details produced incorporated colour photography of the subject premises and an OS extract outlining the availability of the property's freehold interest based on the current permitted use. When promoted for letting the site was in reasonable order however became dilapidated once it was empty for a protracted period of time. Supporting evidence submitted states that the following marketing methods were carried out from October 2016 to date.

Marketing Board

A marketing board was erected in October 2016 with the option let as is or rebuild according to a potential tenant.

Letting rate and Terms

Whole Office: The letting rate is approx. 5% lower than the current market prices; the landlords aim was to have one tenant on a long lease for continuity. The lower letting rate

was a compromise to provide an incentive for a long term let. For example: the cheaper rate per sq/ft in the area is £20.50 sq/ft. The advertising is for £19.45 for the site.

Per Unit: 5 Lettable Units: £200 per unit per week.

Terms: The landlord offered a commercial lease on flexible terms with a lease period of 3 years plus with break clauses to be agreed. Additionally, there was an option for the tenant to continue the lease once the lease ends.

Deposit: 3 months in advance with the option to pay one month deposit and every quarter to add one month until 3-month deposit was reached.

Mailing

The following regular mailing was undertaken since marketing of the property began.

Estates Agent Clearing House

The particulars were circulated to Barnet and North London Agents (approximately 650 commercial property agents) on a quarterly basis.

In-House Database

The approved marketing brochure was sent out quarterly to all registered applicants seeking accommodation of this nature (offices, workshops and storage) as well as local and national investors, developers, solicitors, accountants and other agents included in the in-house - database.

Applicants

Details were sent continuously to applicants who enquired for a property similar to the ones available at Ridge Road.

National Publications

The property was advertised in Property Direct on a monthly basis from August 2012 - January 2016. The current owner purchased the property in 2016.

Submitted details provide copies of online adverts marketing the property for an office let on estate and lettings agents Rightmove and Myukpa from 31st October 2016 -31st October 2018, during which there was very little interest in the property.

Marketing Progress

Despite minimal to nil demand for use of the site as offices, the majority of demand for the site was received from residential developers in the later stages of marketing. Some interest for educational centre/ training centres were received in the initial stages, which planning policy excludes (on the basis of a replacement within a B1 employment site). Interest for the property for office use was met with concern over the fit-out costs.

Permission was granted in 2014 for a replacement office building.

The site was advertised as new build, but it was found that tenants would not commit to a lease before it has been built due to the long lead in period. It is considered that the property is suitable for smaller business' that tend to require property in a useable condition as short notice.

The site has been vacant for 7+ years despite extensive market exposure by multiple estate and lettings agents. The site is considered an unmarketable proposition for

commercial and or office use due to the costs involved in bringing it back into use. This level of expenditure is beyond that for most tenants, which has been reflected by the lack of demand for the sites approved use over a broad marketing period.

It is therefore considered that while the prior approval for residential use must be given some weight in any application for residential redevelopment, it is considered that the requirements of Policy DM14 to protect office space can only outweigh where the conversion to flats by way of the prior approval has been demonstrated to represent a realistic fall-back position. The Marketing Report provided has satisfactorily justified the loss of the B1 employment use and priority for re-use of the site for residential proposes and has subsequently addressed one of the previous reasons for refusal of application ref: 17/1572/FUL in accordance with Policy DM14 of the Barnet Local Plan DMP 2012.

The character and appearance of the area

Chapter 12 Para. 126 of the National Planning Policy Framework 2021 states that, 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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.

Para 134 states, ', significant weight should be given to: a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings'.

In addition to the NPPF, Policy CS5 of the Core Strategy states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high-quality design'. In addition to this, Policy DM01 of the Council's Development Management Policies 2012 states that 'development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets; development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused'.

The proposal would result in the demolition of the existing (B1) building, which is not considered to be of any architectural merit that would warrant its retention and erection of a new replacement (C3) building within the footprint of the site. It is considered that the building at present is vacant and in a state of disrepair. The footprint of the original (B1) building measures an area of approx. 256sq.m whilst the replacement building would measure an area of approx. 205sq.m. The reduction in footprint of approx. 51sq.m is the result of a reduced ground floor bulk with set-in of 1.0m - 1.20m from the common boundaries with adjoining nos. 336 - 344 Cricklewood Lane (even numbers) to the north and 2, 4 and 6 Sunnyside to the east to create an access path around the property.

Elevations demonstrate that the new replacement building would follow (existing site levels) sloping gradient of the site and therefore building heights have been noted accordingly. The original (B1) building is two storeys (notwithstanding basement level) above natural ground level and measures approx. 6.12m (at its shortest point on the south-east corner) and 8.89m (at its highest point on the southwest corner). The bulk of the new replacement (C3) building would measure approx. 6.0m (at its shortest point on

the south-east corner) and approx. 7.80m (at its highest point on the southwest corner), although it would include an additional second floor level by way of a metal clad floor centrally located within the triangular site with a floor area of approx. 80sq.m. This would be set away from the building envelope and be approx. 2.50m in height. A transparent glass balustrade at the front would serve a second-floor front-facing balcony.

The bulk of the building would be approx. 1.0 metre lower than the height of the existing building's parapet although the second-floor element, which would be provided as a distinct element within a smaller floor area than those below it, would be 1.50 m higher than existing. High quality materials are proposed, as shown in the Design and Access Statement, which in conjunction with the rather modernist style of the proposal would result in an attractive building that would enhance the streetscape of Ridge Road. While this style differs from any nearby building, the mixed styles of architecture on this road are such that the building is considered to sit well within this street frontage. No objection is therefore raised on grounds of character and appearance.

Whether the proposal would result in over intensification and a cramped form of development

Policy D6 of the London Plan does not give any guidance on the actual appropriate densities of proposed developments in relation to the setting or the local PTAL (public transport accessibility level). The policy requires planning officers to assess local development proposals on subjective evaluation of local characteristics and devise their own evaluation criteria. The appropriate density of a site should be arrived at through a design-led approach, taking account of the site context and infrastructure capacity. Chapter 11, Paragraph 124 (Achieving appropriate densities) of the NPPF (2021) requires planning policies and planning decisions to support development that makes efficient use of land, taking into considering a range of contextual factors, a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; b) local market conditions and viability; c) the availability and capacity of infrastructure and services - both existing and proposed - as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use; d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and e) the importance of securing well-designed, attractive and healthy places.

While in previous reports the site has been defined as 'suburban' in accordance with the London Plan definition, it is immediately adjacent to the more urban environment of Cricklewood Lane. It has a PTAL score of 3 to 4. As demonstrated, the marketing of the site to maintain B1 (office) use on popular estate and letting agent websites revealed very little interest and currently stands derelict and visually unkept. The nature of development for the purpose of larger, residential units, would support needed single-family housing provision, regarded as high priority within the Barnet DMP and be accommodated within the limitations of a lesser footprint, resulting in a more compact form of development. All units would exceed the minimum internal GIA and outdoor amenity requirements and provide adequate levels of daylight, outlook, and privacy for the rooms at a satisfactory distance from neighbour occupiers. The new second-floor element, which would be provided as a distinct element within a smaller floor area than those below it, would be 1.50 m higher than existing, albeit largely set away from the building envelope by 2,50 metres. As such, the proposed material changes would not generate any harmful impact on the character and amenities of the surrounding area. The development would be car-free subject to the applicant entering into a legal agreement to mitigate against the potential harm from the proposed development on the highway and located within

convenient walking distance of local shops and easily accessible by public transport. In line with the Local and National Plan Policy, it is not considered that the proposal would result in an overly intensive and cramped development.

The standard of accommodation including amenity space to be provided

All new residential development is expected to meet minimum space standards as outlined in Policy D6, Table 3.1 of the London Plan (2021).

Unit 01: 3no. bed 5no. person duplex apartment across 2no. floors (basement and ground level), 117.8 sq.m, with main living accommodation at basement level, 2no. bathrooms, 2no. double bedrooms and 1no. single bedroom (1no. ensuite) at ground level. Private outdoor amenity space would consist of a 12.4 sq.m basement-level garden and 1.40 sq.m rear-facing balcony at ground level and 6.80m front lightwell (total amenity space 20.6 sq.m). (Built-in storage provision 4.10sq.m, Min req. 2.50sq.m)

Unit 02: 2no. bed 4no. person duplex apartment across 2no. floors (basement and ground level), 105.5sq.m, with main living accommodation at basement level and 2no. bathrooms, 2no. double bedrooms (1no. ensuite) at ground level. Private outdoor amenity space would consist of 15.80sq.m basement-level garden and 1.40 sq.m rear-facing balcony at ground level and 6.40m front lightwell (total amenity space 23.6 sq.m). (Built-in storage provision 6.80sq.m, Min req. 2.0sq.m)

Unit 03: 3no. bed 6no. person duplex apartment across 2no. floors (first and second floor level), 126.1sq.m with main living accommodation, 3no double bedroom and bathroom at first floor level (2no. ensuite). Private outdoor amenity space would consist of 6.50sq.m first floor front facing balcony and 23.4sq.m second floor front facing balcony (total 29.9 sq.m). (Built-in storage provision 8.90sq.m, Min req. 2.50sq.m)

Unit 04: Studio flat at first floor level; 47.1 sq.m internal floor area with 6.8 sq.m front-facing balcony at ground level. (Built-in storage provision 1.90sq.m, Min req. 1.0sq.m)

As shown above, all units would exceed minimum space standards for internal space as set out in the Council's Residential Design Guidance SPD and Sustainable Design and Construction SPDs (both updated October 2016) and the London Plan (2021).

Sections provided demonstrate a headroom of approx. 2.70m across all units, which would exceed the minimum recommended height of 2.50m for new builds as per the London Plan (2021).

The provision of built-in storage space per unit (as shown above) would far exceed the minimum provision required as per the London Plan (2021).

The Residential Design Guidance SPD (October 2016) requires that the vertical stacking of rooms between flats should as far as practically possible to ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. Units are stacked vertically (therefore side by side, rather than above one another) therefore considered appropriate and acceptable, helping to ensure a minimum of noise and disturbance between units. However, to control transmission of noise and vibration, sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve

the required sound insulation levels therefore subject to a condition.

The Barnet's SPD Sustainable Design and Construction requires a minimum of 5sqm of amenity space per habitable room for flats and 55sqm for houses of up to 5 habitable rooms. The provision for outdoor amenity space (as noted above) standards have been adequately met by way of external outdoor garden amenity (for the purposes of units 01 and 02 at basement level) and rear and front-facing balconies for all units (reference: Table 1.2 in the Residential Design Guidance SPD) and is therefore acceptable in this regard. It should be noted that the scheme has been designed to ensure that amenity areas do not result in overlooking of neighbouring residential homes and gardens.

Refuse storage and bicycle stores are located at the front of the building, and while the external access for the bicycle store is not ideal, both stores are accessible for residents.

The northern aspect, small area and below surface level aspect for the basement level gardens for Units 1 and 2 would limit their utility, although the generous internal space provision, dual aspect served living spaces and relative proximity to open space within the Borough are considered to balance the under-provision for these units. Unit 4 would comprise a studio unit with dual aspect served by combined living/kitchen/bedroom space and in this case, exceed the provision of outdoor amenity space by way of a front facing balcony therefore considered to make for a satisfactory standard of accommodation. Unit 3 would be adequately served by 2 front facing balconies.

Given the site orientation, a concern raised under previous planning refusal ref 17/1572/FUL was in respect of access to daylight and natural light, particularly at basement level (due to boundary walls, which is required to ensure privacy for future occupiers and existing neighbouring occupiers) and proposed northern aspect habitable openings. To address this, an Internal Daylight Analysis Report ref 16.2856 dated April 2018 was submitted with the application on behalf of the client by Syntegra Consulting Ltd, which assessed internal daylight levels to all habitable rooms across all units in accordance with BRE recommendations for internal daylight using the Average Daylight Factor (ADF) criteria in BRE Digest 209. The report demonstrates that adequate levels of internal daylight are met in 100% of the rooms and all the rooms have passed the ADF criteria. This report demonstrates that four rooms (R02, R05, R06, R07) have failed to meet the No-Sky Line criteria. However, the percentage of No-Sky Line for the room is not considered a concern as the ADFs are met and will provide adequate levels of daylight for the rooms. On balance, the proposed development will provide good residential accommodation which will enjoy good levels of daylight.

Boundary walls would be necessary to prevent mutual overlooking between the small basement level gardens in Units 1 and 2, and to prevent adverse overlooking of neighbours.

In summary, the revised scheme would create a satisfactory standard of accommodation for future occupiers and is therefore acceptable in this regard.

Whether the proposal would result in harmful impacts on the amenity of neighbouring occupiers

In terms of impact of the proposal on the amenity of neighbouring residents, 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.

There are gardens to the rear of 340, 342 and 344 Cricklewood Lane, although it appears that these areas serve servicing for the ground floor shops. Key impacts relate to distances and views involved to habitable room window openings above ground floor levels. It is noted that views are angled at a minimum distance of approx. 15.0m from multiple viewpoints.

A Daylight, Sunlight & Overshadowing Report ref: 16.2856 dated January 2017 was submitted in support of the previous planning refusal ref 17/1572/FUL on behalf of the client by Syntegra Consulting Ltd, which assessed impacts on adjoining properties using the vertical sky component (VSC) and Annual Probable Sunlight Hours (APSH) methodologies in BRE Digest 209. The assessment demonstrates the potential impact of the proposed development in relation to daylight, sunlight and overshadowing on the surrounding building at 336-344 Cricklewood Lane, Sunnyside House, 2-10 Sunnyside, and 14-16 Ridge Road. Specifically, it takes into consideration the possible effect and influence that the new development would have on neighbouring properties and respective amenity areas. Impacts on all adjoining neighbouring properties (particularly rear facing window openings) were demonstrated to be negligible. Results in respect of daylight, sunlight and overshadowing met BRE criteria and demonstrated the new development to have negligible impact on adjoining nos. 336-344 Cricklewood Lane, Sunnyside House, 2-10 Sunnyside, and 14-16 Ridge Road. This appeared to be a result of reduction of the height of the building on the boundary where it directly abuts the boundary. It is noted that property addresses are incorrect in Diagram 3.1 within the study. However, this is not considered to affect the outcome of the analysis.

Notwithstanding this, the scheme has since been revised to include a set-in of approx. 1.0m -1.20m from the common boundaries with nos. 336 - 344 Cricklewood Lane (even numbers) to the north and 2, 4 and 6 Sunnyside to the east (hence a reduced footprint over the existing footprint). These revised changes, despite a marginal increase in height above the existing by approx. 1.50m (the extent of which would be limited within the envelope of the site) combined with the results of the (previous) Daylight, Sunlight & Overshadowing Impact Assessment (on residential amenity of adjoining residential occupiers) supports the argument of an overall lesser impact on the residential amenities of adjoining neighbouring occupiers in respect of loss of light and any overshadowing.

Given existing site circumstances, the standard of amenities for residents are already prejudiced to some degree by way of the position and siting of the existing (B1) building on the common boundaries with adjoining neighbouring properties. The replacement building is considered to marginally disperse the existing level of impact upon neighbouring occupiers.

No windows in the flank elevations are proposed. Openings to the front and rear elevations would support ventilation and light source for all units and allow for dual aspect living spaces where possible. Recessed rear balconies at ground and first floor level would be supported by timber railings approx. 1.0m high. To prevent a loss of privacy, a condition has been attached to ensure that rear facing openings are obscurely glazed. This would subsequently address a previous reason for refusal as per ref: 17/1572/FUL.

Highways and car and cycle parking issues

The site sits at the edge of areas with PTAL ratings of 3 and 4. While secure cycle parking would be provided (at ground level), the lack of any on-site parking provision is likely to result in overspill parking onto the surrounding highway network. Discussion with

Highways Officers indicate that the development would be acceptable without car parking provision on the basis that a legal agreement is entered into that would restrict future occupiers from obtaining on street parking permits. This was the case with the previous application.

The recommendation for approval is subject to the applicant entering into a legal agreement to mitigate against the potential harm from the proposed development on the highway.

Drainage and impact of the basement

Following consideration by the previous committee, a Basement Impact Assessment (BIA) was submitted. This was independently reviewed by Campbell Reith consulting engineers. Additional information was requested including a Flood Risk Assessment. The Audit reviewed the Basement Impact Assessment for potential impact on land stability and local ground and surface water conditions arising from basement development in accordance with LBB's policies and technical procedures, with additional reference to Planning Guidance published by the London Borough of Camden. (Campbell Reith assess many basement applications in LB Camden). The summary states that It is accepted that the proposed basement will not affect the hydrology and hydrogeology of the area. The BIA states that any damage to surrounding structures will not exceed Burland Category 1. Due to the limited extent of the basement works, a qualitative assessment is accepted.

A condition is proposed requiring development to comply with the Campbell Reith Audit and submitted BIA.

Other material considerations

Impacts on protected wildlife and the adjacent tree

It is noted that the building has been unoccupied for a considerable length of time, and for any acceptable planning application it would be necessary to survey the building to establish that there is no protected wildlife that would require relocation. While it is advisable to provide a survey as part of any application, no objection is raised in this case.

There is a mature sycamore tree growing at the rear of one of the Cricklewood Lane properties; however, this has been heavily pruned and is not considered to be of such great amenity value that it would require protection in any acceptable planning application.

Sustainability and Environmental Issues

Compliance with the Barnet Sustainable Design and Construction SPD (2016) and London Plan (2021) standards in terms of carbon dioxide emissions and water consumption has been secured by way of a condition and should also demonstrate compliance with respect to part M4(2) of the Building Regulations.

5.4 Response to Public Consultation

Most of the issues referred to in neighbour letters are addressed in the above discussion. The remaining points are considered here:

Impacts on neighbours' security and increased crime: It is considered that redevelopment of the site would result in an improvement in neighbours' security.

Structural impacts and risk of subsidence: This would be a matter for building regulations. It is noted that there is an existing basement at the site.

Impacts on views: There are no protected views across the site. Residents do not have a right to a view under planning legislation. It is considered that neighbours outlook would not be adversely affected.

Noise and disruption during building works, including danger to children playing nearby: A Demolition and Construction Method Statement would be required by condition for any acceptable application.

Redevelopment of the existing building would be preferable to demolition and rebuilding: Construction impacts would be managed as noted above.

Inadequate drainage in the area: A Flood Risk Assessment was submitted as part of the Basement Impact Assessment

The path around the building does not fall within ownership of the applicant:

The agent has produced a revised site plan in this regard. Revised plans submitted demonstrate that the access path that runs along the perimeter of the site will be retained as existing.

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 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.

