

# **PLANNING AND ENVIRONMENT COMMITTEE**

12 March 2012

ITEM 6

## **REPORT OF THE ASSISTANT DIRECTOR OF PLANNING AND DEVELOPMENT MANAGEMENT**

### **BACKGROUND PAPERS – GENERAL STATEMENT**

The background papers to the reports contained in the agenda items which follow comprise the application and relevant planning history files, which may be identified by their reference numbers, and other documents where they are specified as a background paper in individual reports. These files and documents may be inspected at:

Building 4, North London Business Park  
Oakleigh Road South  
New Southgate  
London N11 1NP

Contact Officer: Mrs V Bell, 020 8359 4672

# **PLANNING AND ENVIRONMENT COMMITTEE**

**DATE: 12 March 2012**

## **INDEX TO THE REPORT OF THE ASSISTANT DIRECTOR OF PLANNING AND DEVELOPMENT MANAGEMENT**

**F/04108/11**

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Childs Hill

847 - 851 Finchley Road, London, NW11 8LX

Erection of a part 3, part 4 storey building comprising 20No. self contained flats, following demolition of existing temple, ancillary buildings and 2No residential dwelling houses. Formation of basement parking for 21 cars and cycle storage. Associated landscaping and vehicular access from Helenslea Avenue

**Approve Subject to Section 106 Agreement**

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**B/00058/12**

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East Barnet

Open land to the rear of No.187 Victoria Road, adjacent to No.183 Victoria Road, EN4 9SF

Erection of timber fencing to enclose existing open land adjacent to No.183 Victoria Road

**Approve Subject to Conditions**

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**B/02950/11**

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East Barnet

181 Victoria Road, Barnet, Herts, EN4 9PA

Erection of 3 x two storey buildings with rooms in the roofspace comprising of 3no. town houses, 6no. flats and 300sqm of Class B1 office space with associated car parking and landscaping. (OUTLINE APPLICATION).

**Approve Subject to Section 106 Agreement**

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Hendon

21-24 Queens Road, London, NW4 2TL

Demolition of existing buildings and erection of a part three-storey and part two-storey building with rooms in roofspace comprising 10 flats and lower ground parking area with 15no. parking spaces and provision of lifts, together with associated landscaping and related improvements.

**Approve Subject to Section 106 Agreement**

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Mill Hill

St Josephs College, Lawrence Street, London, NW7 4JX

Change of use from former St Joseph's College (C2 use class) to residential comprising of 49no. self contained units. Demolition of existing D and F wings and single cloister and erection of replacement D and F wings. Restoration of remaining A, B, C, E wings and chapel. Retention and refurbishment of 3 agricultural outbuildings. Demolition of remaining agricultural buildings. Associated underground and surface car parking and alterations to landscaping.

**Approve Subject to Section 106 Agreement**

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Mill Hill

St Josephs College, Lawrence Street, London, NW7 4JX

Demolition of existing D and F wings, together with removal of kitchen and courtyard infill buildings. Rebuilding of D & F wings. Creation of underground car park below new landscaped entrance courtyard between F and C wings. Internal divisions and alterations to the Chapel to provide ancillary accommodation. Retention and refurbishment of three agricultural outbuildings, demolition and replacement of existing garages to the west of the main building. Demolition of remaining agricultural buildings. Conversion and restoration of remaining parts of the listed building to residential use and associated works. (LISTED BUILDING CONSENT)

**Approve Subject to Conditions**

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Oakleigh

4 Oakleigh Park South, London, N20 9JU

Erection of a three storey building with rooms in the roof space and lower ground floor car parking providing 7no. car parking spaces to create 7no. self-contained flats and a total of 9 car parking spaces following the demolition of the existing building

**Approve Subject to Section 106 Agreement**

Oakleigh

Land off High Road/Chandos Avenue, London N20 and Brethren Meeting Hall & Well Grove School, Well Grove, London N20

Demolition of existing buildings and redevelopment comprising of 70no dwellings (62no houses and 8no flats). Erection of 512sqm building for use class D1 purposes (Non-Residential Institution). Provision of associated car parking, landscaping and open space. Use of existing accesses from High Road and Well Grove. (OUTLINE APPLICATION)

**Approve subject to Section 106 Agreement**

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**LOCATION:** 847 - 851 Finchley Road, London, NW11 8LX

**REFERENCE:** F/04108/11

**Received:** 06 October 2011

**Accepted:** 20 October 2011

**WARD:** Childs Hill

**Expiry:** 19 January 2012

**Final Revisions:**

**APPLICANT:** Shree Hari Construction

**PROPOSAL:** Erection of a part 3, part 4 storey building comprising 20No. self contained flats, following demolition of existing temple, ancillary buildings and 2No residential dwelling houses. Formation of basement parking for 21 cars and cycle storage. Associated landscaping and vehicular access from Helenslea Avenue.

**APPROVE SUBJECT TO A SECTION 106 AGREEMENT**

**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 **Special Site-Specific Obligation** **£0.00**  
Maximum in-lieu payment of £1.875m.

40% payment at Finchley Road scheme implementation (start on site) of £750,000.

60% payment to be made if the net capital receipt for Finchley Road is more than £7.25m, with overage of up to £1.125m.

A surplus above £7.25m to be split 30% to the Council and 70% to the Temple community.

Any overage payments to be made at the sale of the 9th (50%) and 18th units (50%).

- 4 **Education Facilities (excl. libraries)** **£94,300.00**  
A contribution towards the provision of Education Facilities in the borough.
- 5 **Libraries (financial)** **£2,780.00**  
A contribution towards Library Facilities and Resources in the borough

- |          |  |                   |
|----------|--|-------------------|
| <b>6</b> | <b>Health</b><br>A contribution towards Health Facilities and Resources in the borough   | <b>£21,053.00</b> |
| <b>7</b> | <b>Highways (traffic order)</b><br>A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development. | <b>£5,000.00</b>  |
| <b>8</b> | <b>Monitoring of the Agreement</b><br>Contribution towards the Council's costs in monitoring the obligations of the agreement.   | <b>£39,962.66</b> |

**RECOMMENDATION II:**

That upon completion of the agreement the Assistant Director of Planning and Development Management approve the planning application reference: F/04108/11 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans: EX001\_PO, EX (00)001 Rev: P0, EX (00)011 Rev: P0, EX (00)021 Rev: P0, GA (00)001 Rev: P1, GA (00)002 Rev: P1, GA (00)003 Rev: P1, GA (00)004 Rev: P1, GA (00)005 Rev: P1, GA (00)006 Rev: P1, GA (00)007 Rev: P1, GA (00)008 Rev: P0, GA (00)009 Rev: P0, GA (00)010 Rev: P1, GA (00)011 Rev: P1, GA (00)012 Rev: P1, GA (00)013 Rev: P1, GA (00)021 Rev: P1, Arboricultural Implications Assessment dated September 2011 from RPS, Tree Survey dated September 2011 from RPS, Statement of Community Involvement dated September 2011 from Tibbalds, Sustainability & Energy Statement dated September 2011 from Max Fordham dated 11th August 2011, Transport Statement dated September 2011 from Motion, Planning, Design and Access Statement dated September 2011 from Tibbalds and Loates-Taylor Shannon Architects Finchley Road schedule of Accommodation dated 1st June 2011.

Reason:

For the avoidance of doubt and in the interests of proper planning.

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. Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.

4. Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the visual amenities of the locality.

5. Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

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.

6. Before the development hereby permitted commences, 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 and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

7. 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 on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

8. Part 1

Before development commences other than for investigative work:

- a. A desktop study shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.-
- b. If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the

desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:-

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

- c. If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

## Part 2

Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason:

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety.

9. 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.

10. Before development commences, a report should be carried out by a competent acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the development of the ventilation/extraction plant. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

It should 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 contents and recommendations. The approved measures shall be implemented in their entirety before (any of the units are occupied / the use commences).



Reason:

To ensure that the amenities of neighbouring premises are protected from noise from the development.

11. Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before (any of the units are occupied / the use commences).

Reason:

To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity.

12. A noise assessment, by an approved acoustic consultant, shall be carried out in accordance with Planning Policy Guidance Notes 24 on the development that assesses the likely impacts of noise on the development. This report and any measure to be implemented by the developer to address its findings shall be submitted in writing for the approval of the Local Planning Authority before the development commences. The approved measures shall be implemented in their entirety before (any of the units are occupied/ the use commences).

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.

13. The dwelling(s) shall achieve a Code Level 4 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 4 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

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

Reason:

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

15. Before the development hereby permitted is occupied, the parking spaces shown on the submitted Drawing No. GA (00)001 Rev. P1 shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason:

To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic.

16. No site works or works on this development including demolition or construction work, shall commence until a Demolition, Construction and Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority which is fully compatible with the method statement detailing precautions to minimise damage to trees. All works must be carried out in full accordance with the approved details unless previously agreed in writing by the Local Planning Authority.

Reason:

In the interests of highway safety in accordance with Policy M11 of the London Borough of Barnet Adopted Unitary Development Plan 2006 and to safeguard the health of existing tree(s).

17. A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development.

18. 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.

Reason:

To ensure a satisfactory appearance to the development.

19. 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.

20. Details of lighting to the proposed buildings including the residential development, access road and parking areas shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the details as approved shall be provided before the buildings are first occupied and permanently retained thereafter.

Reason:

To ensure that the amenities of neighbouring residents are not prejudiced and that the car parking area is lit to an appropriate level.

21. Before this development is commenced details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site shall be submitted and approved in writing by the Local Planning Authority and the development carried out in accordance with such approval.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature.

22. No site works or works on this development shall be commenced before temporary tree protection has been erected around existing tree(s) in accordance with details to be submitted and approved in writing by the Local Planning Authority. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature.

23. No development or other operations shall commence on site in connection with the [demolition and] development hereby approved until a detailed tree felling / pruning specification has been submitted to and approved in writing by the local planning authority and all tree felling and pruning works shall be carried out in full accordance with the approved specification and the British Standard 3998: 2010 *Recommendation for Tree Works* (or as amended).

Reason:

To safeguard the health of existing trees which represent an important amenity feature.

24. No siteworks or works on this development shall be commenced before a method statement detailing precautions to minimise damage to trees in accordance with Section 7 of British Standard BS5837: 2005 *Trees in relation to construction - Recommendations* is submitted to and approved in writing by the LPA and the development shall be carried out in accordance with such approval.

Reason:

To safeguard the health of existing trees which represent an important amenity feature.

#### **INFORMATIVE(S):**

1. The reasons for this grant of planning permission or other planning related decision are as follows: -
- i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).  
In particular the following policies are relevant:
- National Planning Policy Guidance/ Statements:- PPS1 and PPS3
  - The Mayor's London Plan: July 2011:- 3.4, 3.5, 3.10, 3.11, 3.12, 3.13, 3.16, 5.3, 6.13, , 7.3, 7.4, 7.6, and 8.2.
  - Adopted Barnet Unitary Development Plan (2006):- GBEnv1, GBEnv2, GBEnv3, GBEnv5, D1, D2, D3, D4, D5, D6, D9, D10, D11, D12, ENV7, ENV2, ENV12, ENV13, ENV14, G Parking, M3, M7, M10, M11, M12, M13, M14, GH1, GH2, GH3, H2, H5, H8, H16, H17, H18, H21, H24, GCS1, CS1, CS3, CS8, CS13, IMP1 and IMP2

- Core Strategy (Submission version) 2011:- CS1, CS4, CS5, CS10, CS12,
- Development Management Policies (Submission version)2011: DM01, DM02, DM03, DM04, DM10, DM13, and DM17.

ii) The proposal is acceptable for the following reason(s): - Having taken all material considerations into account, the application would assist in the provision of a high quality community facility which would be enjoyed by Barnet residents whilst at the same time provide a new, high quality residential development which is considered to compliment its immediate surroundings.

It is considered that subject to compliance with the attached conditions the proposal would be in accordance with the Council's policies and guidelines, are appropriately designed, would not prejudice highway safety or convenience and would not cause unacceptable harm to the amenities of the area or any neighbouring properties.

2. In case if any modification is proposed or required to the existing access off the public highway then it will be subject to a detailed investigation by the Crossover Team in Environment, Planning & Regeneration Directorate. This may involve amendments to existing CPZ parking bays, relocation of any existing street furniture and would need to be done by the Highway Authority at the applicant's expense. Estimate for this and any associated work on public highway may be obtained from the Environment Planning & Regenerations Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.
3. In complying with the contaminated land condition parts 1 and 2: Reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
  - The Environment Agency CLR & SR Guidance documents;
  - Planning Policy Statement 23 (PPS 23) - England (2004);
  - BS10175:2001 Investigation of potentially contaminated sites - Code of Practice;
  - Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH.

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.

4. You are 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 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) Department of Environment: PPG 24 (1994) Planning Policy Guidance - Planning and noise; 2) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and & measurement of

environmental noise; 3) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 4) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 5) Department of transport: Calculation of road traffic noise (1988); 6) Department of transport: Calculation of railway noise (1995); 7) Department of transport : Railway Noise and insulation of dwellings.

5. The Air Quality Stage 4 Review and Assessment for the London Borough of Barnet has highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out – habitable rooms away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint – setting further away from source of poor air quality.

For developments that require an Air Quality report; the report should have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network. The report should be written in accordance with the following guidance: 1) NSCA Guidance: Development Control: Planning for Air Quality and the Planning Policy Statement 23: Planning and Pollution Control; 2) Environment Act 1995 Air Quality Regulations, Planning Policy Statement 23: Planning and Pollution Control, Annex 1: Pollution Control, Air and Water Quality; 3) Local Air Quality Management Technical Guidance LAQM.TG(03); 4) London Councils Air Quality and Planning Guidance, revised version January 2007.

### **RECOMMENDATION III**

That if an agreement has not been completed by 01/04/2012, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application F/04108/11 under delegated powers for the following reasons:

1. The development would require a Section 106 agreement and no formal undertaking is given to the Council, as a result the proposed development would, by reason of the developer not meeting identified additional education, health and library facilities, and the associated monitoring costs which would be incurred by the community as a result of the development, contrary to Policy CS2, CS8, CS13, IMP1 and IMP2 of the adopted Unitary Development Plan and the adopted Supplementary Planning Documents "Contributions to Education", "Contributions to Health Facilities", "Contributions to Libraries" and "Planning Obligations".
2. No undertaking has been given by the developer to address the required levels of affordable housing to be provided on site, contrary to policy H5 of the Barnet Adopted Unitary Development Plan (2006) and Adopted Supplementary Planning Document on Affordable Housing (2007).
3. The Development would require works to improve and adapt the highway in the vicinity of the site and no formal undertaking has been given to meet the costs of these works to the detriment of highway and pedestrian safety and the free flow of traffic contrary to policies M7, M10, M11, M12, M13, IMP1 and IMP2 of Barnet's Adopted Unitary Development Plan 2006.

## **1. MATERIAL CONSIDERATIONS**

National Planning Policy Guidance/ Statements:-

PPS1, PPS3, PPG13 and PPG24.

The Mayor's London Plan: July 2011:-

3.4, 3.5, 3.10, 3.11, 3.12, 3.13, 3.16, 5.3, 6.13, 7.3, 7.4, 7.6, and 8.2.

Relevant Unitary Development Plan Policies:-

GBEnv1, GBEnv2, GBEnv3, GBEnv5, D1, D2, D3, D4, D5, D6, D9, D10, D11, D12, ENV7, ENV2, ENV12, ENV13, ENV14, G Parking, M3, M7, M10, M11, M12, M13, M14, GH1, GH2, GH3, H2, H5, H8, H16, H17, H18, H21, H24, GCS1, CS1, CS3, CS8, CS13, IMP1 and IMP2

Mayor of London SPG's:-

SPG - Planning for Equality and Diversity in London (October 2007)

SPG - Sustainable Design and Construction (May 2006)

SPG - Housing (November 2005)

SPG - Assessable London: Achieving an Inclusive Environment (April 2004)

Draft Affordable Housing Note (November 2011)

Draft Housing (December 2011)

London Borough of Barnet Supplementary Planning Guidelines:-

SPD: Planning Obligations Framework (2006)

SPD: Affordable Housing (2007)

SPD: Sustainable Design and Construction (2007)

SPD: Contributions towards Education (2008)

SPD: Contributions towards Libraries (2008)

SPD: Contributions towards Health Facilities (2009)

Core Strategy (Submission version) 2011

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council submitted its LDF Core Strategy Submission Stage document in August 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS1, CS4, CS5, CS10 and CS12.

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

The Council submitted its LDF Development Management Policies Submission Stage document in September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies:  
DM01, DM02, DM03, DM04, DM10, DM13, and DM17.

Relevant Planning History:

**Site Address:** St. Ninians United Reform Church, 847 Finchley Road NW11  
**Application Number:** C04859  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 24/04/1974  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Use as playgroup**

**Site Address:** 849 Finchley Road London NW11  
**Application Number:** C08535  
**Application Type:** Full Application  
**Decision:** Approve  
**Decision Date:** 14/12/1984  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Retention of vehicular access and hardstanding.**

**Site Address:** 847 Finchley Road LONDON NW11  
**Application Number:** C04859A  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 23/12/1996  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Rear extension to form enlarged praying hall, front and side extensions to incorporate disabled persons access, alterations to elevations. New gates in front boundary.**

**Site Address:** 851 Finchley Road London NW118LY  
**Application Number:** C14700/01  
**Application Type:** Full Application  
**Decision:** Withdrawn  
**Decision Date:** 23/01/2002  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Conversion of existing three storey dwelling to office use (Class B1) at ground floor level, and three one bedroom flats at first and second floor level.**

<b>Application:</b>	Planning	<b>Number:</b>	C/04859/B/01
<b>Validated:</b>	30/11/2001	<b>Type:</b>	S63
<b>Status:</b>	DEC	<b>Date:</b>	31/01/2002
<b>Summary:</b>	APC	<b>Case Officer:</b>	
<b>Description:</b>	3.5m extension of existing single storey storage building at side of existing.		

<b>Application:</b>	Planning	<b>Number:</b>	C/04859/C/01
<b>Validated:</b>	03/12/2001	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	25/10/2002
<b>Summary:</b>	APC	<b>Case Officer:</b>	Clive Townsend
<b>Description:</b>	Rear extension to form enlarged praying hall, front and side extensions to incorporate disabled persons access, alterations to elevations. New gates in front boundary. (Renewal of Planning Permission Ref. C04859A dated 23-12-1996).		

**Application:** Planning  
**Validated:** 21/10/2004  
**Status:** DEC  
**Summary:** REF  
**Description:** Demolition of existing temple and erection of new building to provide an authentic Hindu Temple.

**Number:** C/04859/D/04  
**Type:** APF  
**Date:** 17/01/2005  
**Case Officer:** Karina Sissman

**Application:** Planning  
**Validated:** 13/07/2005  
**Status:** DEC  
**Summary:** APL  
**Description:** Demolition of existing temple and erection of new building to provide an authentic Hindu Temple with associated basement levels to provide 33 off-street parking spaces and 7 separate managed parking spaces.

**Number:** C/04859/E/05  
**Type:** APF  
**Date:** 12/10/2005  
**Case Officer:** Karina Sissman

**Application:** Planning  
**Validated:** 20/10/2011  
**Status:** PDE  
**Summary:** APC  
**Description:** Erection of a part 3, part 4 storey building comprising 20No. self contained flats, following demolition of existing temple, ancillary buildings and 2No residential dwelling houses. Formation of basement parking for 21 cars and cycle storage. Associated landscaping and vehicular access from Helenslea Avenue. (Amended description).

**Number:** F/04108/11  
**Type:** APF  
**Date:**  
**Case Officer:** David Campbell

### The New Kingsbury Temple - London Borough Of Brent

At the beginning of April 2011, the London Borough of Brent granted consent for a new facility which was developed in conjunction with the new community. The approved proposals include the construction of a multi-function community hall and the refurbishment of the existing commercial office building to provide space for small businesses. The application was also designed to provide a larger prayer area, and space for activities such as adult learning, the Shree Muktajeevan Pipe Band and other sporting, educational and community uses. The new facility is to be purpose built, provide a safe and secure environment for the community and capable of serving the wider community across all age groups.

The permitted scheme will therefore comprise the following:

- A traditional temple of 2,558sqm including a main hall for prayer, religious ceremonies and teaching facilities.
- A 1,756 sqm multi-function hall or community building for weddings and sport as well as changing facilities, a reception cafe and kitchen area and admin office for use by the temple and the local community.
- The retention of part of McNicholas House to provide serviced office space, suitable for a mixture of small businesses. This is expected to create 90 jobs.
- The creation of a new landscaped courtyard at the centre of the development to provide level access for the building and focus for the development.

The current application forms an essential part of the Community's strategy for delivering the new temple and is expected to generate £7,370,000 worth of revenue to contribute towards the £15,650,000 to deliver the new temple. The rest of the money is to come from the Community and a further £1,380,000 of gift aid from the government. It was decided that the maximum value for the Finchley Road site could be achieved by providing a high quality, high specification, residential scheme with larger units, outdoor amenity space and off street parking, which led to the submission of the current scheme.



### Consultations and Views Expressed:

Neighbours Consulted: 228  
Replies: 19  
Neighbours Wishing  
To Speak 5

The 16 objections raised may be summarised as follows:

- The existing buildings are beautiful and should not be knocked down.
- Loss of heritage buildings.
- Increase in noise and disturbance.
- Increase in dust from building works.
- Increase in parking problems and congestion.
- Potential increase in accidents.
- The existing buildings could be converted into flats.
- Obstruction to neighbouring properties.
- The application would be a danger to the nursery next door.
- Out of scale, character and appearance with the site and the surrounding area.
- Loss of trees.
- Loss of light.
- Impact on residential neighbouring amenity.
- Disturbance during building works.
- Overlooking
- Increase in height and footprint.
- Loss of view/ visual amenities of neighbouring occupiers.
- English Heritage should be consulted.
- Increase in density.
- Loss of people visiting the temple.
- The materials will look out of place with the area.
- Over development of the site.
- Subsidence.
- Impact on ecology/ nature.

A petition of 22 signatures has also been received against the proposals.

Three letters of support have also been received:

- The development would give an opportunity to live in a prestigious location.
- The development would be great for the area.
- There are good transport links to central London.

### Internal /Other Consultations:

- Traffic & Development - No objections
- Environmental Health - No objections
- Transport for London - No comments
- Thames Water Devt Control - No objection.
- Metropolitan Police Service (F&GG) - Comments
- London Fire Brigade - No comments
- Veolia Water - No comments

Date of Site Notice: 27 October 2011

## **2. PLANNING APPRAISAL**

### **Site Description and Surroundings**

#### The Site

The site is within close proximity to the town centre of Golders Green, and the London Underground Station located on North End Road (A502). The site does not fall within a conservation area.

The site is approximately 0.27ha and comprises No's 847, 849 and 851 Finchley Road . No's 849 and 851 Finchley Road are a pair of semi-detached residential dwellings and 847 Finchley Road is a Victorian church (currently the temple) located on a large plot on the corner of Finchley Road and Helenslea Avenue.

#### The Existing Buildings

The Temple is an extended 19th century church building covering much of the plot and substantially larger than the neighbouring dwellings. The building varies from a single storey on Helenslea Avenue to approximately 15m to the apex of the roof above pavement level at its frontage on Finchley Road. The building is set back approximately 2.7m from the Helenslea Avenue boundary and 5.25m from the Finchley Road frontage and is bound on both by a 1.2m high brick wall. The Temple building and a pair of semi-detached houses currently cover about 40% of the site.

The semi-detached houses date from the 1930s and are brick built, two-storey single family dwellings with pitched roofs. They have low front boundary walls with openings giving access to front gardens, which are predominantly landscaped to form parking courts. Both properties have rear gardens.

There is currently no vehicular access onto the Temple site, however pedestrian access is gained from Finchley Road and Helenslea Avenue. The houses are accessed from Finchley Road and each accommodates two off street parking spaces.

#### Existing Trees

There are a number of trees of varying quality on the site. The clustering of many of the trees reflect current boundary lines and garden configurations. There are a group of unprotected trees to the rear of the site and street trees on Helenslea Avenue and Finchley Road. There is a protected Ash tree on the site boundary between 851 and 853 Finchley Road.

#### Public Transport Links

The site has good public transport accessibility (PTAL 5) and is located approximately 3 minutes walk from Golders Green tube station (northern line) and town centre. As Finchley Road approaches the tube station the uses are more mixed with retail at ground floor and residential on the upper floors. The area is well served by several local bus routes and has the benefit of a bus station next to the tube station.

#### Neighbouring Buildings on Finchley Road

The buildings along this part of Finchley Road in close proximity to the site are predominantly two-storeys in height, many with converted loft spaces. The individual plots occupy a wide street frontage and the houses are set back from the road.

### Neighbouring Buildings on Helenslea Avenue

Helenslea Avenue is an almost entirely residential street fronted by large single family detached and semi-detached 2-storey dwellings. The prevailing character to Helenslea Avenue are 1930's part brick part rendered semidetached houses over two storeys with deep bay fronts and steep pitched tiled roofs set back behind front gardens.

### The Wider Area

The wider area is also characterised by predominantly residential accommodation comprising houses, flat conversions and some blocks of flats. To support these there are community uses such as churches and synagogues and retail and commercial uses which are mainly concentrated along the main roads. In particular the uses are more mixed with retail at ground floor and residential on the upper floors.

### **Background Information**

#### The Swaminarayan Faith

The Swaminarayan faith is a branch of Hinduism which was founded by Lord Shree Swaminarayan in Northern India towards the end of the 19th Century. Teachings are based on morality, respect, living a life of decency and honour and performing of charitable and benevolent acts.

The Temple at the application site was established in 1982 and is the principal temple in the south east of England.

#### The Temple

As well as being a place of worship, the Temple is also a place:

- Where people from all sectors of the community gather to work collectively for the welfare of society.
- Of education - teaching people ethics, morality, and the ideals of humility, tolerance and respect for all.
- Of celebration and rejoicing during happy times and comfort during difficult times.
- To retreat from the stresses and anxieties of life, from where calmness, peace and tranquillity can be evoked within the mind.
- Where people of all ages spend their free time constructively.

Activities currently run by the Temple include:

- Charitable endeavours: Including participation in a number of significant humanitarian appeals, blood donation campaigns, anti drug awareness campaigns, disease prevention, recycling and distribution of food parcels to the poor and elderly.
- Shree Muktajeevan Sports Academy: Over 300 people aged 8 to 55 take part in all activities organised by the SMSA: The Swamibapa Football Club, Swamibapa Cricket Club, Swamipapa Volleyball Club, Swamipapa Badminton Club, Swamibapa Youth Club, Swamibapa Netball Club.
- Learning: Adult education, Gujarati Classes, Careers Forum, Cookery Classes.
- Shree Muktajeevan music, arts and cultural academies: Shree Muktajeevan Pipe Band, Jeevan Ghagtar (Life Essentials) Satsang Shibir, to teach members of the community the essentials of living a moral, spiritual and cultured life, Shree

Muktajeevan Music Academy, Shree Mukta Orchestra, Shree Muktajeevan Dance Academy Excellence in dance.

### The Community

The Community consist of members who meet at the temple to worship and take part in the many activities that are run. The majority of the community member come from within a two mile radius of the Kingsbury Temple site, but also come from other areas of North London such as Golders Green, Wembley, Hendon, Wealdstone and Edgware. The community have approximately 500 members.

### Why are the Community now Planning to Sell the Site?

In the period since the Temple's establishment in 1982 the Temple Community has grown significantly, together with the various activities of the Community. As a result the existing buildings on the application site, both in terms of their size and configuration, no longer meet the needs of the Community. In 2005 the Temple submitted a planning application to redevelop its existing site to provide a new Temple. It was, however subsequently decided that this permission did not suit the Community's needs and it embarked upon a search for an alternative site to relocate the Temple and its associated facilities.

### Searching for a New Site and Funding a New Temple

An extensive search process concluded with a site within the London Borough of Brent being identified as the preferred location and this was acquired by the Community in the Autumn of 2008. Planning permission was granted for a new temple at the beginning of 2011. This site was considered to be closer to the majority of the temple's members and offered a larger site where improved facilities could be constructed.

It was acknowledged from the outset of the project that funding for the new facility would come in part from donations from the Temple Community and in part from the sale of the existing Temple site at Golders Green.

In order to deliver the new temple it will be necessary for the maximum value to be achieved for the Finchley Road site, and this has resulted in the submission of the current planning application for a residential development.

### Proposal

The planning application is for the comprehensive redevelopment of the site involving the demolition of all buildings on site, and construction of a new part-3, part-4 storey residential building comprising 20 residential units with private and communal amenity space secure underground car and cycle parking, and associated landscaping.

The proposed 20 residential units comprise of 12no. 2 bedroom units and 8no. 3 bedroom units.

### Planning Considerations

The planning appraisal is provided under the following headings:

- Principles of re-development
- Loss of the temple
- Principle of proposed residential use
- Layout, access and impact on neighbours
- Design strategy
- Materials

- Density
- Landscaping & amenity space
- Trees
- Parking & refuse
- Sustainability
- Affordable housing
- Contributions to education, library and healthcare services

## **Principles of Re-development**

### **Loss of the Temple**

#### **Policy Context**

The general thrust of national, regional and local planning policy is to resist the loss of community facilities unless it can be demonstrated that they are surplus to requirements or equivalent or better provision can be made within the area.

The existing buildings on the site are as a place for religious worship, instruction and prayer within Class D1 of the Use Classes Order (1987) as amended. These buildings therefore class as community facilities and their loss as part of the proposed development needs to be assessed. The applicants have advised that the congregation has grown to a size which require larger premises, such as the approved new temple site at Kingsbury.

London Plan Policy 3.16 states that proposals which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for reprovision should be resisted. The suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered.

The London Plan defines social infrastructure as covering a wide range of facilities such as health provision, nurseries, schools, colleges and universities, community, cultural, play, recreation and sports facilities, places of worship, fire stations, policing and other criminal justice or community safety facilities and many other uses and activities which contribute to making an area more than just a place to live.

The council recognises the importance of retaining existing community and religious facilities and will refuse development proposals which result in their loss.

Policy GCS1 on Community Facilities in the UDP states, 'the council will seek to ensure that an adequate supply of land and buildings is available for community, religious, educational and health and social care facilities to meet the needs of residents in the borough.'

Policy CS3 on the protection of community and religious facilities states 'the council will not grant planning permission for development which results in the loss of an existing community or religious facility. Exceptions may be considered where:

- New community or religious facilities of at least equivalent quality or quantity are provided on the site or at an alternative location more accessible to users; or
- Improvements are made to community or religious facilities at other sites; or
- There is an excess of community or religious facilities in the area, and a particular development will not create a shortage of provision.'

Draft Development Management policy DM13 states that the loss of community / educational use will only be acceptable in exceptional circumstances where:

- New community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location; or
- There is no demand for continued community or education use, and that the site has been marketed effectively for such use.

#### Need for the Existing Temple

As indicated previously the applicant considers that the existing Temple is longer considered to be suitable to address the needs of its community and an alternative more appropriate site and consent for a new facility site has been secured in Brent. Council policy seeks to retain community uses such as the temple, unless an alternative location which is more assessable to users is found. The Temple Community consider that the new premises will more effectively meet their demands in terms of size and configuration. Although consent has been granted on the existing site for a new temple, this was subsequently not considered to meet the community's needs.

The applicants in their design and access statement have provided a map (figure 2.2 on page 7) showing the location of where members of its congregation live in relation to the existing and proposed temple location. This demonstrates that the new site in Brent at McNicholas House, Kingsbury Road is significantly more central to the majority of the community Members (in most cases within two miles), that the existing temple in Finchley Road. It is also considered that the new temple location is close enough for any Barnet residents who attend the temple to be able to travel to and will provide them with an better place of worship with improved facilities.

#### Principle of Relocating to Brent

Although the borough is losing a community facility, without a replacement in Barnet, it is considered that the community themselves are gaining a temple with significantly enhanced facilities both in terms of quality and the amount of space provided. The applicants have demonstrated that this in the best interests for the community themselves and it is not considered that administrative boundaries should impede moving the location of a temple which benefits residents from both Brent and Barnet.

It is understood that when commenting on the Kingsbury application, the GLA stated that the new temple would bring about significant benefits for the community and therefore encourages Barnet Council to strategically consider the re-provision of community facilities at the Kingsbury site.

The GLA stated that the proposal would provide an increased amount of improved community facilities and are better located for its existing temple community and would benefit both the local and the wider communities.

It is considered that as the new temple is larger, with better facilities, the application does meet the requirements of policy CS3 and London Plan policy 3.16. The new temple location in Brent as opposed to Barnet is not considered to be a reason to refuse this application as Barnet's 500 residents who use the temple, would benefit from the improved facility.

## **Principle of Proposed Residential Use**

### **Policy Context**

Policy 3.3 of the London Plan states, 'the Mayor recognises the pressing need for more homes in London in order to promote opportunity and provide a real choice for all Londoners in ways that meet their needs at a price they can afford'.

Policy 3.5 states, 'housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment, taking account of strategic policies in this Plan to protect and enhance London's residential environment and attractiveness as a place to live'.

Policy H2 comments on windfall housing sites, and states:

Proposals for residential development on sites not allocated for housing under Policy H1 will be assessed in terms of:

- Whether the site is appropriate, having regard to a sequential test;
- The impact of the proposal on its surroundings (including the environmental impact of developing back gardens);
- The availability of access by a choice of means of transport;
- Access to educational and community facilities; and
- Whether land is required for another use, as identified in this Plan and associated planning briefs.

Paragraph 8.3.1.5 of the UDP states, 'In recent years, the majority of housing completions has taken place on sites not previously identified for housing development. It is reasonable to assume that such 'windfall' sites will continue to make a significant contribution towards Barnet's housing. It will be important that the location of any such development does not compromise the environmental quality of the borough and enables easy access to jobs and everyday services. Therefore, when considering sites for housing development, the first priority should be previously-developed sites within the urban area. This will help to reduce pressure on greenfield sites, improve environmental quality and decrease the need to travel. To achieve this, the council will adopt a sequential approach to the location of new residential development on sites which are not allocated in the Plan.'

Paragraph 8.3.1.6 states, 'The preferred locations for new residential development are on previously-developed land, more specifically:

- On sites at the higher range of densities, with high accessibility to public transport facilities, such as those at railway stations or which are easily accessible to the stations and the rail network;
- Redevelopment of land currently used for housing but at higher densities;
- Re-use of existing buildings, including bringing empty properties back into use;
- On redundant or derelict sites;
- By the productive use of vacant sites within the urban area which are not allocated or required for another use; and
- On land on the edge of urban areas, outside the Green Belt and close to public transport and services.'

Paragraph 8.3.1.8 states: 'Proposals for residential development in town centre locations or as part of mixed use developments, will be encouraged because they provide the opportunity to live and work in one area, thus reducing road traffic and the need to travel.'

Paragraph 8.3.1.9 states: 'The council will expect new housing development to conform with design policies elsewhere in this Plan. New housing developments can create a need for ancillary community facilities, therefore, proposals for residential development will need to take account of policies in the "Community Services" chapter.'

### Suitability of the Site

The above policy and explanatory text, provide the criteria by which new sites should be assessed in order to determine, whether or not a site is a suitable for residential development in principle. Of the criteria mentioned above, given high presence of residential uses in the surrounding area, it is considered that the use would certainly be in character with the area. There are also many flats nearby, so there are no objections to the type of housing proposed. The site is owned by the community which needs to maximise income from the site in order to fund the construction of the new temple.

The site is in a very sustainable location for new residential development given its close proximity to Golders Green tube station and numerous bus routes nearby representing availability and choice of transport means. There is considered to be sufficient community uses to accommodate the new development in Golders Green Town Centre, even without the existing temple. There is no evidence that there is insufficient education facilities in the area to accommodate the additional units, and in any case this requirement can be addressed by a legal agreement to provide funds towards new facilities. There are therefore no objections to this part of the application.

With this in mind, it is considered that the requirement of policy H2 has been addressed, and given that the proposals are making use of a brownfield site, in a sustainable location where higher densities are acceptable, the site is considered to be suitable for residential development.

### Density

Document PPS3 on Housing sets out the Government's strategic housing policy objectives of creating sustainable, inclusive, mixed communities. In terms of developing housing density policies, paragraph 46 states that Local Authorities should have regard to the level of housing demand and need in their area, current and future level and capacity of infrastructure, services and facilities, desirability of using land efficiently, current and future levels of accessibility particularly public transport accessibility, the characteristics of the area, and the desirability of achieving high quality, well-designed housing.

Paragraph 50 highlights that "the density of existing development should not dictate that of new housing. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment". It states that good design is fundamental to using land efficiently and that good design is facilitated by identifying the distinctive features that define the character of a particular local area. High quality inclusive design is also a key objective of PPS1. Other guidance on delivering high quality design includes the 2000 DETR/CABE publication 'By Design: Urban Design in the Planning System: Towards Better Practice'.

The Government is committed to maximising the re-use of previously developed land and empty properties to minimise the amount of green field land being taken for development. The chief objective of Planning Policy Statement 3: Housing (PPS3) is to provide sufficient housing for future needs, ensuring that as many of the new homes as possible are built on previously developed land. The site is a previously developed site and on this basis the redevelopment of the site for residential purposes is considered to accord with national, strategic and local planning policy.



PPS3 advocates that local planning authorities should avoid developments which make inefficient use of land. It is considered that the proposal would represent an efficient use of previously developed land in accordance with national legislation, the London Plan and policy H21 of the adopted UDP.

In terms of density, paragraph 8.3.3.16 of the UDP states that “large redevelopment sites, because of their size, can in some locations dictate their own character. However, any development proposal must be acceptable in terms of its impact upon surrounding existing development in terms of its character, design, parking, the street scene and residential amenity.”

The immediate surroundings are characterised by different types of residential accommodation and the addition of further residential accommodation would not be out of character. The redevelopment would meet the objectives of the Council's Three Strands Approach which seeks to preserve the character and openness of lower density suburbs since the proposed flats would respect the scale and density of surrounding development.

In terms of policy 3.4 of the London Plan, the site would be classified as urban, in that there are a mix of different uses, is located with 800m of a District centre and is situated along a main arterial route. The scheme comprises contains an average of 4.6 habitable room per unit and a density of 74.1 units per hectare. Combined, this would give 340.1 habitable rooms per hectare. Considering the site has a PTAL rating of 5, the proposal would be compliant with the density matrix in policy 3.4 of the London Plan.

The density of development has been determined by creating a balance of meeting the requirement of PPS3 and respecting the sensitive setting of the site. It is considered that the scheme is acceptable in terms of density in that the number of units are not considered to be too high based on the close proximity to Golders Green Town centre and are also considered to maximise the full potential of the site (and therefore are not too low).

### **Layout, Access and impact on Neighbours**

#### **Policy Context**

PPS3 on Housing advocates that new housing development of whatever scale should not be viewed in isolation. Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development. Higher densities should not be achieved at the expense of good quality design or the amenity of the surrounding area.

Policy H16 on the character of residential development states:

New residential developments should harmonise with and respect the character of the area within which they are situated and should:

- Be well laid out in terms of access, car parking and landscaping;
- Provide and preserve adequate daylight, outlook and residential amenity;
- Provide a safe and secure residential environment;
- Maintain privacy and prevent overlooking; and
- Provide adequate levels of private garden or amenity space.

### Building footprint and Building Lines

The key features of the proposed site layout and internal arrangements of the proposals including a new building footprint that aligns with the established building lines of Finchley Road and Helenslea Avenue, to create a street edge development with a private rear courtyard behind the buildings, providing the amenity space for the residents.

### Level Change

There is a level change of 3.04m down Helenslea Avenue which slopes down from Finchley Road. The development works with the slope of the site which means that the floor plans depict 'split level sections' which include:

- lower ground;
- upper ground and first;
- upper first and second;
- upper second and third; and
- upper third.

### Access to the Units, Parking and the Courtyard

All units are accessed from communal entrances, with access stairs and lifts, except for units no.17 and 18 fronting Helenslea Avenue which are accessed directly from at ground floor level. There is a maximum of three units accessed from any one floor of a communal circulation core. All units either have direct access to the rear courtyard or access via the communal circulation cores. The rear courtyard contains a large communal amenity space for the use of all residents, landscaped to a high quality. Access to the basement car park is from Helenslea Avenue via a in/out car lift. Pedestrian/ cycle access to the basement is via the central core lifts.

### Space Standards

Policy 3.5 of the London Plan states that flats should be of a standard size which are:

<b>Number of Bedrooms</b>	<b>Number of People</b>	<b>Minimum Size of Flat (sqm)</b>
1	1	37
1	2	50
2	3	61
2	4	70
3	4	74
3	5	86
3	6	95

The room sizes comply with the London Plan Space Standards as well as Barnet's minimum requirements.

### Proximity to Neighbouring Properties

The development will be 2.9m away from 853 Finchley Road and 2m away from 2 Helenslea Avenue which are the two closest neighbours. There are no side windows facing these properties. It is not therefore considered to give rise to any significant loss of amenity in terms of being overbearing or lead to overlooking, loss of light and outlook. The relationship between the new block and the existing houses is therefore considered to be acceptable.

### Overlooking

Policy H17 of the UDP states, ' in new residential development there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. This distance should be increased by three metres for each additional storey over two storeys. Where overlooking is a problem, especially in relation to neighbouring development, a higher degree of privacy will be required. In town centre developments and regeneration areas, these standards may not apply. In the case of higher density developments where less distance is provided, proposals should include innovative design solutions to avoid overlooking.'

The distance from the flats fronting Finchley Road to 2 Helensea Avenue would be approximately 21m, and the distance from the rear windows of the flats on Helensea Avenue facing the garden of 853 Finchley Road is approximately 30m. It is therefore considered that the proposal complies with policy H17 of the UDP.

### Design Strategy

#### Policy Context

Planning Policy Statement 1 (PPS1) - paragraph 34 states in part that; "design which is inappropriate in its context, or which fails to take the opportunities available for improving character and quality of an area and the way it functions, should not be accepted".

GBEnv1 of the adopted *Unitary Development Plan* is a general policy stating that the Council will protect and enhance the quality and character of the Borough's built and natural environment.

Policy GBEnv2 of the adopted *Unitary Development Plan* is a general policy including the statement that the Council will require high quality design in all new development in order to enhance the quality of the Borough's built and open environment, to utilise environmentally friendly methods of construction, to improve amenity, to respect and improve the quality of environment of existing and future residents.

Policy D1 of the adopted *Unitary Development Plan* is a Design policy stating that the all new developments should represent high quality design.

Policy D2 of the adopted *Unitary Development Plan* is a Design policy stating that the Council will encourage development proposals which are based on an understanding of local characteristics, preserve or enhance local character and respect the appearance, scale, bulk, height and pattern of surrounding buildings, surrounding street and movement patterns and the overall character and quality of the area.

The policies contained in the emerging Core Strategy such as CS4 and CS5 and Development Management policies including DM01, DM02 and DM03 re-emphasise the importance of design quality.

#### The Design of the Existing Houses

The strategy for the design is one that is derived from the existing context and the corner nature of the site albeit with a modern interpretation. The surrounding area is characterised as mixed use, although the immediately adjoining uses are residential houses. These properties are typically two storeys in height with pitched roofs, some of which have dormer

windows as an additional floor of accommodation. They are brick built and have varying elements of render in them and have forward projection bay windows which sit below projecting gabled roofs.

### The Proposed Design

The new building also features pitched roofs, dormer windows and projecting bays and brick work but in a more modern form. The height of the building is comparable to the residential buildings which it surrounds and significantly smaller than the existing temple. The existing context has informed the design strategy which seeks to create residential blocks that are similar in scale with 'gaps' that become the location for entrances and glazed stair / lift cores. At the corner the intention is that the predominant 2 storey base lifts to approximately 3 storeys to acknowledge and turn the junction and introduce the façade scale at the top of Helenslea Avenue.

The design seeks to address the sloping nature of the site to derive an efficient, space creating section and appropriate massing to Finchley Road. The strategy sets out to strengthen and continue established building lines with perimeter buildings on both Finchley Road and Helenslea Avenue, form a positive corner and create an internal 'courtyard' of shared gardens and private amenity space.

The projecting gables and bays of the adjoining houses are picked up with the introduction of projecting window bays to the design of the flats. The design of the fenestration is also derived from the scale and rhythms of the windows and roofscape of the existing houses to create design proposals that are in harmony with its context but maintain a contemporary appearance.

It is considered that the design approach adopted is acceptable and would deliver an attractive and high quality scheme.

### Materials

Materials have been chosen that are contemporary but also relate to the streetscene. Brick is provided across the block along with the following materials:

- A light stock brick, a more 'contemporary' colour, used to complement the red / brown brick of the local area;
- Powder Coated Aluminium framed glazing;
- Anodised Aluminium Roof cladding;
- Timber clad frame to rear elevations onto rear courtyard;
- Pre cast reconstituted stone lintels and façade elements;
- Photovoltaic solar panels laid flat behind parapets; and
- Frameless glass balustrades.

A condition has been attached requesting samples of the materials to be agreed with the authority prior to development commencing.

### Landscaping & Amenity Space

#### Landscaping

The landscaping shown on the submitted drawings is intended to provide an attractive, well defined and accessible amenity space, with a mixture of hard surfaces and soft landscaping, for the benefit of the residents and the enhancement of the street scene. All soft landscaping and planting comprise indigenous species, which are appropriate to the urban context and which will provide improvements to the biodiversity and ecology of the site.

The proposals include a landscaped buffer in front of the building to protect the ground floor from the public highway. This will include a low wall and hedge/tree planting and integral bin stores.

### Amenity Space

Policy H18 of the UDP states, 'in new residential schemes, the minimum provision of gardens or amenity space for flats should be 5 square metres of space per habitable room.

The unit fronting Helenslea Avenue will have a small front garden. Each unit additionally has their own private amenity comprising a mix of balconies and terraces. The rear central communal amenity space includes a hard landscaped courtyard and perimeter soft landscaping of grass areas with new and existing trees. The amount of amenity space provided is considered to be acceptable and there are therefore no objections on these grounds.

### Trees

The applicant has provided a full survey and arboricultural statements identifying a significant number of non-protected trees to be retained and protected during construction. They will form part of the amenity area enjoyed by future occupiers. This approach is encouraged and suitable conditions have been attached to ensure this is achieved as part of the redevelopment of the site. These conditions also request details of replacement trees.

There is a protected tree to the front of the site which benefits from a preservation order and offers an important amenity value to the area as it is clearly visible. It is considered that as this tree is surrounded by hardstanding currently, the development should not significantly prejudice the health of the tree. Conditions have been attached which seek to ensure this is the case.

### Parking & Refuse

#### Refuse

Refuse storage will be in the basement area and integrated into boundary wall, the collection will be as existing from both Helenslea Avenue and Finchley Road.

#### Car Parking

The UDP Parking Standards are contained in policy M14 of the UDP and depend on the PTAL Score for the site; in this case the site has a PTAL rating of 5. The proposed development will provide 21 secure underground car parking spaces and 4 motorcycle spaces, which will be accessed from Helenslea Avenue via double (in/out) car lift. This provides 1 car parking space per unit (one of which is a disabled space) and one additional visitor space which is also a disabled sized space. Providing the entrance to the car lift on Helenslea Avenue will involve the loss of 2 on-street parking bays, however they can be re-provided on Finchley Road. The provision of off-street parking within this development would result in an improvement on existing parking conditions.

Underground secure cycle parking for 28 bicycles (i.e. 1 space per 2-bed unit and 2 spaces per 3 bed unit) will also be provided and will be accessed via courtyard or street.

Car Parking is provided beneath the shared courtyard gardens and entered via two car lifts accessed from Helenslea Avenue. The openings to the car lifts have been designed as

integral 'garage doors', and their set back from the Helenslea Avenue boundary allows for waiting cars so that there should not be any obstruction of the highway.

It must be also taken into consideration that the site is within a walking distance of Golders Green Town Centre and close to local amenities and is within a Controlled Parking Zone (CPZ).

Access to the car park is off Helenslea Avenue which will result in the loss of existing CPZ parking bays. A S106 contribution of £5000 will be required to implement the necessary changes to Traffic Order so these works can be carried out. This would be done in conjunction with the council's highways team and could involve the possible re-provision of these spaces.

There has been no objection from the Council's Traffic Development Team subject to the above. The application is therefore considered to be acceptable on highways grounds.

## **Sustainability**

### **The Council's SPD**

The sustainable Design and Construction SPD states that proposals for such developments need to demonstrate compliance with both the broader sustainable design principles and the specified environmental minimum requirements. Where an applicant considers that certain minimum requirements are not viable or deliverable, they will be expected to demonstrate this through design and feasibility studies.

The Council expects that proposals for such developments show how they fully embrace the principles, guidance and minimum requirements set out in the SPD. Any aspect of a proposal which does not fully comply with what is set out in this SPD will need to be fully explained and justified through appropriate feasibility studies.

Sustainable development is a key priority of Central Government and the Council. The council's adopted Supplementary Planning Document on Sustainable Design and Construction requires all Major and Large Scale Developments to deliver either:

- a minimum of 20% reduction in carbon emissions from total energy needs (heat, cooling and power (including power consumption through occupation)) of the development through on-site generation of renewable energy, together with a commitment to build to Code Level 3 performance against the Code for Sustainable Homes.
- a commitment to build to Code Level 4 performance against the Code for Sustainable Homes

The applicant has provided an sustainability and energy statement to show how the development would meet sustainability objectives and have committed to built to Code 4 level. Conditions have been added to ensure that these requirements are met.

### **Environmental Health**

The Environmental Health department has no objections to the application. They have requested conditions which include noise details, air quality assessments, contaminated land and a PPG24 assessment.

## **Affordable Housing**

### **Policy Context**

Policy H5 of the Adopted UDP (2006) states that having regard to the Council's target that half of housing provision over the UDP period should be affordable, the council will seek to negotiate the maximum reasonable amount of affordable housing on sites of 10 or more units gross, or 0.4 hectares or more, and to ensure that these unit will continue to be affordable for successive occupiers.

Policy H8 on affordable housing commuted payments states, 'on sites which are suitable for the provision of an element of affordable housing, the council may exceptionally accept the provision off-site housing, or a commuted payment instead of such provision.

This is supported by policy CS 4 of the Core Strategy which also states, 'on sites which are suitable for the provision of an element of affordable housing, we may exceptionally accept the provision of off-site housing, or a commuted payment instead of such provision'.

Policy DM10 of the Development Management Policies states, 'All new development providing 10 or more units will be required to achieve on-site, subject to viability, a minimum of 30% affordable housing.

The Council also has an adopted Supplementary Planning Document (SPD) on Affordable Housing which supplements the policies and proposals of the London Borough of Barnet's Unitary Development Plan (UDP), adopted in 2006, and the Mayor of London's London Plan (2011).

### **The Viability Report**

The applicant has submitted a viability report and supporting information which has been carefully reviewed by independent consultants appointed by the Local Planning Authority. The provision of more flexible approach through a commuted sum is supported by the above policies proving this can be justified in terms of viability. Independent consultants have assessed the information and agree with the applicant's conclusion that the provision of affordable housing on or off site would not be viable. As a result, it is considered that a commuted sum is acceptable in this case and would be in accordance with policy and guidance.

### **The Terms of the Agreement**

It has been agreed that there should be an initial payment of £750,000 towards the provision of affordable housing, with the remaining contribution being linked to the financial success and profitability of the scheme. It is considered that the council should secure a mechanism consisting of the inclusion of a review process to ensure that the contributions are linked to the returns are made by using a 'claw back mechanism' to provide a contribution to off site affordable housing in the future. This would ensure that the council receives the maximum sum possible, whilst still ensuring the scheme remain economically viable. This is secured under the proposed terms of the legal agreement. This would include:

- All references to the Temple removed.
- Maximum in-lieu payment of £1.875m.
- 40% payment at Finchley Road scheme implementation (start on site) of £750,000.
- 60% payment to be made if the net capital receipt for Finchley Road is more than £7.25m, with overage of up to £1.125m.

- A surplus above £7.25m to be split 30% to the Council and 70% to the
- Temple community.
- Any overage payments to be made at the sale of the 9th (50%) and 18th units (50%).

It is considered that, subject to the legal agreement containing the above, the application is acceptable on these grounds.

### **Contributions to Education, Library and Healthcare Services**

#### Education needs generated by the development:

The scheme would provide residential units that are considered would generate an increased demand for educational facilities in the area. The method of calculating the likely demand resulting from new development is provided in the Council's Supplementary Planning Document "Contributions to Education" adopted in February 2008.

Circular 05/2005 supports the use of planning obligations to secure contributions towards the provision of educational facilities, provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind. It is considered that a financial contribution towards future education facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this.

To accord with UDP Policy CS8 and the SPD the proposed scheme of 20 residential units (net increase 44 bedroom units) would require a contribution of £94,300 and a monitoring fee of 2%.

#### Contributions to library services:

The increase in population resulting from development is expected to place serious pressures on libraries, which are already required to meet all the needs of Barnet's diverse community. Developer's contributions are therefore necessary to ensure service provision mitigates the impact of their development activity. The Council's adopted Supplementary Planning Document "Contributions to Library Services" sets out the Council's expectations of how developers will be able to contribute to the provision and delivery of a comprehensive and efficient library service, with the aim of opening up the world of learning to the whole community using all media to support peoples educational, cultural and information needs.

Circular 5/2005 "Planning Obligations" supports the use of developer's contributions to mitigate the impacts of new development, where it would give rise to a need for additional or expanded community infrastructure. It is considered that a financial contribution towards library services is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this.

To accord with UDP Policy CS2 and the SPD the proposed scheme would require a contribution of £2,780 and a monitoring fee of 2%.

#### Contributions to Health facilities:

The scheme would provide residential units that it is considered would generate an increased demand for health care facilities in the area. The Council's SPD "Contributions to Health Facilities from Development" adopted in July 2009 sets out capital contributions per residential unit.



Circular 05/2005 supports the use of planning obligations to secure contributions towards the provision of community infrastructure provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind.

No information has been provided to demonstrate how the health care needs of the future occupiers of the development would be met by the submitted scheme, or how the proposal fits within NHS Barnet's long term plans to deliver primary care services on a "hub and spoke model" (para. 5.16 of the SPD).

It is considered that a financial contribution towards health care facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this.

To accord with UDP Policy CS13 and the SPD the proposed scheme would require a contribution of £21,053 and a monitoring fee of 2%.

### Summary of Contributions

The affordable housing, highways, education, library services, health facilities & monitoring fee of 2% contributions and the number of affordable housing units will be required to be secured by Section 106 Agreement. The contributions are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010. The monitoring fee would be £39,962.66. The total amount payable would therefore be £2,038,095.66.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

The grounds of objection have been addressed below.

- The existing buildings are not listed and the site does not fall within a conservation area. It is not therefore considered that there are any grounds to resist the loss of the existing buildings.
- It is not considered that given the site's location on a main road, the application could be refused on the grounds of increase in noise and disturbance.
- Disturbance to neighbouring properties during building works is not a material planning consideration. However a condition requesting details of a construction management method statement has been attached to ensure any disturbance is reduced as much as possible.
- The number of parking spaces provided is in accordance with adopted standards. Given the volume of traffic which passes along this stretch of Finchley Road, it is considered that the local highway network can accommodate the additional traffic.
- There is no evidence to suggest that there would be an increase in accidents as a result of the development.
- The application does not propose the conversion of the existing building. The application for demolition and rebuild must be considered on its own merits.
- It is not considered that the proposals will lead to the obstruction of neighbouring properties. The proposed access and parking arrangements have been assessed on these grounds and found to be acceptable.
- It is not considered that the application would increase danger to the nursery next door. This does not form the basis of a reason for refusal which the council could defend on appeal.
- The scale, character and appearance of the proposals in relation to the surrounding area

have been addressed in the main report.

- The trees to the rear of the site are not protected. The protected tree to the front of the site is surrounded by hard landscaping as has been explained above. It is not therefore considered that the application could be refused on the grounds of damage to protected trees. Conditions have been attached to ensure the tree is protected and landscaping is appropriate for the site.
- Due to the location of the proposed building in relation to neighbouring properties, it is not considered that the application will give rise to loss of light.
- The impact on neighbouring residential amenity has been assessed in the main report and found to be acceptable. There are no objections on these grounds.
- It is not considered that the application will give rise to any detrimental levels of overlooking.
- The increase in height and footprint has been assessed in relation to neighbouring properties and found to be acceptable.
- There are no rights to a view in current planning legislation. It is also considered that the application will preserve the visual amenities of neighbouring properties.
- English Heritage does not need to be consulted, as the building is not listed and is not in a conservation area.
- The density of the proposed scheme is considered to be acceptable as indicated in the main body of the report.
- There will be a loss of people visiting the temple, but there are no policies to support a reason for refusal on these grounds. The loss of the temple as a community facility has been discussed above.
- The materials are considered to be acceptable for the development, which has been designed as a modern building. The application has been conditioned to ensure that samples are provided and checked before works commence.
- the development is not considered to represent over development of the site, as has been discussed above.
- Issues concerning subsidence to neighbouring properties will be address under the Building Regulations and are not therefore material planning considerations.
- It is not considered that the redevelopment of this brownfield site will have a significant impact on ecology and nature in the local area.

#### **4. EQUALITIES AND DIVERSITY ISSUES**

The Council has a duty to consider equality implications and whether a proposal will adversely affect a particular group. In this case, the community have requested the move as they consider that the new facility will provide better facilities and be closer for most of their members. It is therefore considered that the application will bring about positive benefits in this respect and therefore will not lead to any prejudice.

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

#### **5. CONCLUSION**

Having taken all material considerations into account, the application would assist in the provision of a high quality community facility which would be enjoyed by Barnet residents whilst at the same time provide a new, high quality residential development which is considered to compliment its immediate surroundings.

It is considered that subject to compliance with the attached conditions the proposal would

be in accordance with the Council's policies and guidelines, are appropriately designed, would not prejudice highway safety or convenience and would not cause unacceptable harm to the amenities of the area or any neighbouring properties.

It is therefore recommended that the application be **APPROVED**.

**SITE LOCATION PLAN:** 847 - 851 Finchley Road, London, NW11 8LX

**REFERENCE:** F/04108/11



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**LOCATION:** Open land to the rear of No.187 Victoria Road, adjacent to No.183 Victoria Road, EN4 9SF

**REFERENCE:** B/00058/12

**Received:** 03 January 2012

**Accepted:** 12 January 2012

**WARD(S):** East Barnet

**Expiry:** 08 March 2012

**Final Revisions:**

**APPLICANT:** Veloces of London

**PROPOSAL:** Erection of timber fencing to enclose existing open land adjacent to No.183 Victoria Road.

**RECOMMENDATION: Approve Subject to Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:  
A-WC11-01, A-WC11-OS (date received 3-Jan-2012), Design and Access Statement (date received 12-Jan-2012).

Reason:

For the avoidance of doubt and in the interests of proper planning.

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

Reason:

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

3. The new perimeter timber fence hereby permitted shall match the existing perimeter fencing enclosing No.183 Victoria Road as indicated on Drawing No. A-WC11-01 unless otherwise specified in writing by the Local Planning Authority.

Reason:

To ensure a satisfactory appearance to the development.

**INFORMATIVE(S):**

1. The reasons for this grant of planning permission or other planning related decision are as follows: -
  - i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).  
In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):

GBEnv1, D2, D5, M11, M12, M13.

Core Strategy (Submission version) 2011:

CS5

Development Management Policies (Submission version)2011:  
DM01, DM17.

ii) The proposal is acceptable for the following reason(s): -

The proposed development is considered to have an acceptable impact on the character and appearance of the site and the surrounding locality. It is not considered to have an adverse impact on highway conditions locally and would not be detrimental to the residential or visual amenities of the neighbouring occupiers. This proposal is considered to accord with the aforementioned policies.

2. If the proposal is carried out, any street furniture affected by the proposal will be relocated at the applicant's expense. Please note that relocation of a lamp column may not affect only the lamp column directly fronting the site. Amendments may also be required to other lighting columns along the road to ensure adequate street lighting coverage is maintained along Warwick Close and Victoria Road.
3. The applicant is advised that Victoria Rd (the whole length) and East Barnet Road are Traffic Sensitive Roads; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Environment and Operations Directorate should be consulted in this respect.
4. For any construction works affecting or adjacent to the public highway, the applicant must contact the council's First Contact on 0208 359 2000 for any necessary Highways Licences required.

## **1. MATERIAL CONSIDERATIONS**

National Planning Policy Guidance/ Statements:  
PPS1

The Mayor's London Plan: July 2011  
Various

Relevant Unitary Development Plan Policies:  
GBEnv1, D2, D5, M11, M12, M13.

Core Strategy (Submission version) 2011

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council submitted its LDF Core Strategy Submission Stage document in August 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies:  
CS5

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

The Council submitted its LDF Development Management Policies Submission Stage document in September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies:  
DM01, DM17

Relevant Planning History:

**Site Address:** R/O The Warwick Public House Victoria Road NEW BARNET HERTS  
**Application Number:** N00537K  
**Application Type:** Section 191  
**Decision:** Withdrawn  
**Decision Date:** 06/01/1997  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Continued use of the premises for B2 (GeneralIndustrial) purposes.**

**Site Address:** Land adjacent to 181 Victoria Road Barnet Hertfordshire EN4 9PA  
**Application Number:** N07554C/03  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 01/09/2003  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Demolition of all existing buildings and erection of a three-storey building to provide 150 square metres of Class B1 office space. Erection of 6no. three storey houses in a terrace and erection of a three storey block to provide 3no.self contained flats. Provision of a total of 11no. off street car parking spaces (accessed from Victoria Road) and associated changes to landscaping.**

**Site Address:** 183 Victoria Road Barnet HERTS EN4 9PA  
**Application Number:** N07554B/03  
**Application Type:** Full Application  
**Decision:** Withdrawn  
**Decision Date:** 08/07/2003  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Demolition of all existing buildings and erection of a three storey building to provide 150m2 of Class B1 office space. Erection of 6no. three storey houses in a terrace and erection of a three storey block to provide 3no. self contained flats. Provision of a total of 11no. off street car parking spaces (accessed from Victoria Road) and associated changes to landscaping**

**Site Address:** The Bell And Buck Public House, 187 Victoria Road, Barnet, Herts, EN4 9SG  
**Application Number:** B/01012/11  
**Application Type:** Full Application  
**Decision:** Withdrawn  
**Decision Date:** 11/05/2011  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Two storey rear extension. Internal and external alterations including partial demolition of the building. Two new dormers on the north and south elevations to facilitate a change of use from public house with residential above to a commercial unit (A1/A2/B1), 1 x 2-bed and 6 x 1-bed flats. Provision of 6 parking spaces to the side of the building.**  
**Case Officer:** Lisa Cheung

**Site Address:** 187 Victoria Road, Barnet, Herts, EN4 9SG (Formerly The Bell And Buck Public House)  
**Application Number:** B/03354/11  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 11/10/2011  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Change of use from public house with residential above into Funeral Home (A1 use) /Offices (B1 use) with 4no residential units. Provision of 6 parking spaces and associated amenity space. Internal and external alterations including partial demolition of the building and two storey rear extension. Associated alterations to roof including new inverted dormer to East elevation to replace existing dormer, 1no dormer at South elevation and 1no dormer at North elevation.**  
**Case Officer:** Lisa Cheung

**Site Address:** 187 Victoria Road, Barnet, Herts, EN4 9SG (Formerly The Bell and Buck Public House)  
**Application Number:** B/04813/11  
**Application Type:** Material Minor Amendment/Vary Condition  
**Decision:** Approve with conditions  
**Decision Date:** 01/02/2012  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Variation of condition 1 (Plan Numbers) of planning permission B/03354/11 dated 06/10/11 for 'Change of use from public house with residential above into Funeral Home (A1 use) / Offices (B1 use) with 4no residential units. Provision of 6 parking spaces and associated amenity space. Internal and external alterations including partial demolition of the building and two storey rear extension. Associated alterations to roof including new inverted dormer to East elevation to replace existing dormer, 1no dormer at South elevation and 1no dormer at North elevation.' Amendments to include relocation and alterations to approved fenestration and new private garden for commercial unit.**  
**Case Officer:** Lisa Cheung

#### Consultations and Views Expressed:

Neighbours Consulted: 185  
Replies: 6  
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- It is not in the interest of the inhabitants of Warwick Close which is already very narrow and congested



- Warwick Close is very narrow and restricted further by parked vehicles. Only one vehicle can travel in any direction at any given time
- Vehicles parking in Warwick Close currently straddle the only pavement adjacent to the area of open land which forms part of the application
- If there is a fence on the other side of the pavement it will undoubtedly impede pedestrian access and general congestion
- Access to houses in Warwick Close would be very much affected
- Additional parking should be considered for the needs of the inhabitants of Warwick Close rather than adding to that of the applicants in Victoria Road
- Fenced off parking will also depreciate the street scene for the residents of Warwick Close

Internal /Other Consultations:

- Green Spaces (inc Allotments) - No response received.
- Property Services - No response received
- Traffic & Development - No objections

Date of Site Notice: 19 January 2012

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The application site relates to an area of open land to the rear of No.187 Victoria Road, the former Bell and Buck Public House and adjacent to No.183 Victoria Road which is occupied by Veloces of London, on the northern side of Warwick Close. This area of open land did form part of the open space for the purpose built blocks of flats on the northern side of Warwick Close some 17m, to the east of the site.

Proposal:

This application seeks consent to enclose this area of open land to expand the Veloces of London site. This area would be hardsurfaced with tarmac, similar to that found elsewhere on the site to provide a parking area for the car dealership.

The area of land is approximately 33.5m wide and 8.3m deep. The fencing to be provided will be erected up to the back edge of the pavement along Warwick Close, would be 2.1m high and would match the existing perimeter site.

Planning Considerations:

This proposal is considered to be acceptable. It is not considered to be harmful to the character and appearance of the site or the surrounding locality. Neighbouring site No. 187 Victoria Road abuts the pavement along Warwick Close and the proposed fencing would extend off this. Therefore having a means of enclosure abutting the pavement in this location is not considered to be out of keeping with the character and appearance of the locality nor is it considered to have an adverse impact on the overall appearance of the locality. The fencing would match the existing fencing around the car dealership site which is similar to that found in established residential areas and would be of a simple design and appearance, again not detracting from the character and appearance of the locality.

The extension to the car dealership garage is not considered to result in an adverse impact on the residential amenities of those living nearby in Warwick Close. A large part of the site is already used for the parking of vehicles and as such any associated noise due to vehicle movements and manoeuvring has already long been established. Furthermore there are

other commercial sites in the vicinity which generate a level of noise including Northway Tyres and a car wash/garage facility to the rear of the Alexandra Public House further to the east. In addition to this, East Barnet Road is a busy classified, well trafficked road. It is considered that the provision of a car parking area for the car dealership will not result in additional levels of noise and disturbance which would warrant the refusal of this application.

Given the siting of this area of open land, right behind the former Bell and Buck and adjacent to the car dealership as well as the amount of land available for open space in Warwick Close, it is considered that due to its size, shape and location the loss of this land as open space would not be detrimental to the amenities of those living in the purpose built flats in Warwick Close or indeed anyone else living in Warwick Close.

Whilst objections have been raised in respect of people being able to park up on the pavement along Warwick Close, the proposed development is not considered to have a detrimental impact on the highway for both pedestrians or drivers. Parking up on the pavement is not permitted along Warwick Close and therefore those currently doing this are doing so illegally. Pedestrians are more likely to be restricted from walking along the pavement by vehicles parking up on the pavement than from the fencing being erected up to the pavement. Restricting drivers from parking illegally does not warrant the refusal of this application.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Dealt with in the planning appraisal.

### **4. EQUALITIES AND DIVERSITY ISSUES**

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

### **5. CONCLUSION**

This application is considered to accord with council policies and guidance and would result in a form of development which would not have an adverse impact on the character and appearance of the site itself or the surrounding locality or on the amenities of neighbouring occupiers. It is therefore recommended that this application is approved subject to conditions.

**SITE LOCATION PLAN:** Open land to the rear of No.187 Victoria Road, adjacent to No.183 Victoria Road, EN4 9SF

**REFERENCE:** B/00058/12



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**LOCATION:** 181 Victoria Road, Barnet, Herts, EN4 9PA

**REFERENCE:** B/02950/11

**Received:** 12 July 2011

**Accepted:** 12 July 2011

**WARD:** East Barnet

**Expiry:** 11 October 2011

**Final Revisions:**

**APPLICANT:** Victoria Properties Limited

**PROPOSAL:** Erection of 3 x two storey buildings with rooms in the roofspace comprising of 3no. town houses, 6no. flats and 300sqm of Class B1 office space with associated car parking and landscaping. (OUTLINE APPLICATION)

**APPROVE SUBJECT TO S106 AGREEMENT**

**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 **Education Facilities (excl. libraries) £25,620.00**  
A contribution towards the provision of Education Facilities in the Borough.
- 4 **Libraries (financial) £997.52**  
A contribution towards Library Facilities and Resources in the Borough
- 5 **Health £9,858.00**  
A contribution towards Health Facilities and Resources in the Borough
- 6 **Monitoring of the Agreement £1,823.78**  
Contribution towards the Council's costs in monitoring the obligations of the agreement.

**RECOMMENDATION II:**

That upon completion of the agreement the Assistant Director of Planning and Development Management approve the planning application reference: B/02950/11 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans:  
Location Plan, Site Survey (date received 12-Jul-2011);  
Design and Access Statement and Supporting Planning Statement dated 13th July 2011 (date received 14-Jul-2011);

Environmental Noise Report by soundtesting.co.uk dated 1st September 2011 (date received 01-Sep-2011);

Market Assessment Report by Brasier Freeth dated 1st November 2011, Letter from soundtesting.co.uk dated 24th November 2011 (date received 16-Dec-2011);  
385511/2 rev A, 385511/3 rev A, 385511/4 rev A (date received 6-Feb-2012).

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. Details of the appearance and landscaping, (hereinafter called "the reserved matters"), shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason:

To ensure a satisfactory development.

3. Application for the approval of the reserved matters must be made before the expiration of three years from the date of this permission.

Reason:

To comply with Section 92 of the Town and Country Planning Act, 1990.

4. The development to which this permission relates must be begun not later than two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason:

To comply with Section 92 of the Town and Country Planning Act, 1990.

5. Before the development hereby permitted is occupied the parking spaces shown on Plan 385511/2 Rev A 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.

6. Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.

7. Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the visual amenities of the locality.

8. Notwithstanding the details shown on the hereby approved drawings, before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable and their location on the site, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

9. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), the following operation(s) shall not be undertaken without the prior specific permission of the Local Planning Authority  
The insertion of windows in the northern flank elevation of the office building to the rear at first floor or within the roofslope and in the northern flank elevation of the residential property closest to the boundary with No.179A Victoria Road at first or second floor.

Reason:

To safeguard residential amenity.

10. Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

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.

11. A scheme for acoustic fencing along the side and rear boundary shared with No.183 Victoria Road shall be submitted in writing and approved by the Local Planning Authority prior to development. This scheme shall be fully implemented before the development hereby permitted is brought into use and shall thereafter be permanently maintained in accordance with the approved details.

Reason:

To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their home(s).

12. A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development.

13. 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.

Reason:

To ensure a satisfactory appearance to the development.

13. 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.

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

Reason:

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

15. The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the Local Planning Authority.

Reason:

To ensure that the development is sustainable and complies with policy GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

16. The non-residential development is required to meet the following generic environmental standard (BREEAM) and at a level specified at Section 6.11 of the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007). Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason:

To ensure that the development is sustainable and complies with Strategic and Local Policies.

17. No development shall take place until details of a construction management plan have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- Location of materials storage and site accommodation
  - Schedule of works including likely timescales
  - Details of the hours of delivery/collection of materials to and from the site
  - Details of contractor parking
- The construction shall be carried out in accordance with the details as approved.

Reason:

To safeguard residential amenity and ensure a satisfactory appearance to the site during construction works

18. The building to the rear of the site shall be used as offices and no other purpose (including any other purpose in Class B1 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.

19. The offices hereby permitted shall not be in operation before 08:00 or after 18:00 Monday to Friday or before 08:00 or after 13:00 on Saturdays and at no times on Sundays, Public or Bank Holidays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

20. No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 8.00 or after 18:00 on any other day.

Reason:

To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day.

21. The level of noise emitted from any 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.



22. The development shall be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration. This sound insulation shall ensure that the levels of noise generated from the (specified use) 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.

A scheme for mitigation measures shall be submitted to and approved by the Local Planning Authority prior to development. The approved mitigation scheme shall be implemented in its entirety before (any of the units are occupied / the use commences).

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties.

23. The development shall be implemented in accordance with the noise mitigation measures set out in the letter from sountesting.co.uk dated 24th November 2011 unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To minimise noise and disturbance and safeguard residential amenity.

#### **INFORMATIVE(S):**

1. The reasons for this grant of planning permission or other planning related decision are as follows: -
- i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):

GSD, GMixedUse, GBEnv1, GBEnv2, GParking, GCS1, GEMP1, GEMP2, GEMP3, GEMP4, ENV12, ENV13, D2, M11, M12, M13, M14, H16, H17, H18, CS2, CS8, EMP2, EMP6, EMP8, EMP9, IMP1, IMP2.

Core Strategy (Submission version) 2011:

CS1, CS4, CS5, CS8, CS15

Development Management Policies (Submission version) 2011:

DM01, DM02, DM03, DM14, DM17.

- ii) The proposal is acceptable for the following reason(s): -

The proposed development will have an acceptable impact on the character and appearance of the Victoria Road streetscene. The development will not harm to the residential amenities of neighbouring occupiers nor would it cause harm to the surrounding highway network. It would provide a mix of housing in a sustainable location close to local services as well as maintaining employment on this site.

The proposed development includes provision for appropriate contributions in

accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

2. Your attention is drawn to the fact that this decision is subject to a Section 106 Planning Obligation.
3. If the development is carried out it will be necessary for any redundant vehicular crossovers to be reinstated to footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from Building 4, North London Business Park (NLBP) Oakleigh Road South, N11 1NP.
4. If the development is carried out it will be necessary for vehicle accesses to be amended by the Highways Authority. The applicant must submit an application under Section 184 of the Highways Act (1980) for the proposed vehicular access alterations. The proposed access design details, construction and location will be reviewed 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.

The applicant is advised that alterations to lighting columns affected by the proposal may not just relate to the lighting column directly in front of the applicants property. Amendments may also be required to other lighting columns along the road to ensure adequate street lighting coverage is maintained along Victoria Road.

To receive a copy of our Guidelines for developers and an application form please contact Traffic and Development Section, To receive a copy of our Guidelines for developers and an application form please contact Traffic and Development Section, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

5. The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Environment and Operations Directorate, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.
6. Any details submitted in respect of the Construction Management Plan shall indicate how the hours of operation will be controlled, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.

### **RECOMMENDATION III**

That if the above agreement has not been completed by 29th March 2012 the Assistant Director of Planning and Development Management REFUSE the application ref: B/02950/11 under delegated powers for the following reasons:

1. The proposed development does not include a formal undertaking to meet the costs of extra education, libraries, health and social care facilities and associated monitoring costs

arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet Supplementary Planning Documents - Contributions to Education (2008), Libraries (2008), Health (2009) and Monitoring (2007) and policies M9, L12, L14, CS8, CS2, CS13, IMP1, IMP2 of the Adopted Unitary Development Plan (2006).

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Guidance/ Statements:

PPS1  
PPS3  
PPG13

The Community Infrastructure Levy Regulations 2010

### The Mayor's London Plan: July 2011

Various including 3.5, 5.3, 7.4.

### Relevant Unitary Development Plan Policies:

GSD, GMixedUse, GBEnv1, GBEnv2, GParking, GCS1, GEMP1, GEMP2, GEMP3, GEMP4, ENV12, ENV13, D2, M11, M12, M13, M14, H16, H17, H18, CS2, CS8, EMP2, EMP6, EMP8, EMP9, IMP1, IMP2.

SPD - Sustainable Design and Construction  
SPD - Planning Obligations  
SPD - Contributions to Education  
SPD - Contributions to Libraries  
SPD - Contributions to Healthcare Facilities from Development

### Core Strategy (Submission Version) 2011

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council submitted its LDF Core Strategy Submission Stage document in August 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

### Relevant Core Strategy Policies:

CS1, CS4, CS5, CS8, CS15

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

The Council submitted its LDF Development Management Policies Submission Stage document in September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies:

DM01, DM02, DM03, DM14, DM17.

Relevant Planning History:

None for the application site

The Bell and Buck, 187 Victoria Road

**B/04813/11** Variation of condition 1 (Plan Numbers) of planning permission B/03354/11 dated 06/10/11 for 'Change of use from public house with residential above into Funeral Home (A1 use) / Offices (B1 use) with 4no residential units. Provision of 6 parking spaces and associated amenity space. Internal and external alterations including partial demolition of the building and two storey rear extension. Associated alterations to roof including new inverted dormer to East elevation to replace existing dormer, 1no dormer at South elevation and 1no dormer at North elevation.' Amendments to include relocation and alterations to approved fenestration and new private garden for commercial unit. Conditional Approval 01/02/2012.

**B/03354/11** Change of use from public house with residential above into Funeral Home (A1 use) / Offices (B1 use) with 4no residential units. Provision of 6 parking spaces and associated amenity space. Internal and external alterations including partial demolition of the building and two storey rear extension. Associated alterations to roof including new inverted dormer to East elevation to replace existing dormer, 1no dormer at South elevation and 1no dormer at North elevation. Conditional Approval 30/09/2011

**B/01244/08** Proposed covered smoking area and decking to the north elevation of existing public house plus new crossover to adjoining land. Conditional Approval 12/09/2008.

**N00537L** Alterations to front elevation and formation of fire escape to car park. Conditional Approval 08/01/1998

**N00537D** Construction of timber deck area to rear and alterations to rear elevation. Conditional Approval 04/05/1999

181A Victoria Road

**N11683A** Redevelopment of vehicle repair yard with the erection of two three-storey blocks of studio flats totalling 16 units with associated access and parking (OUTLINE APPLICATION) Refuse 16/03/1999.

Land adjacent to 181 Victoria Road

**N07554C/03** Demolition of all existing buildings and erection of a three-storey building to provide 150 square metres of Class B1 office space. Erection of 6no. three storey houses in a terrace and erection of a three storey block to provide 3no.self contained flats. Provision of a total of 11no. off street car parking spaces (accessed from Victoria Road) and associated changes to landscaping. Refuse 01/09/2003

**N07554A** Change of use from coal merchants yard to use for the repair of commercial vehicles. Approve 21/02/1985

**N07554** Approval of conditions 2, 6 and 7 for change of use from coal merchants yard to use for the repair of commercial vehicles. Approved 28/02/1985.

**N07554** - Planning application to change the use from coal merchants yard to use for the repair of commercial vehicles. Conditional Approval 27/01/1984.

Opposite 181 Victoria Road

**N03680D** Demolition of existing garages and erection of two 3 bedroom houses and two garages. Refuse 10/12/1998.

**N03680C** Demolition of existing garages and erection of a terrace of three two bedroomed houses. Withdrawn 04/06/1998

Land rear of Alexandra Public House, Victoria Road

**B/00518/12** Extension to the time limit for implementing planning permission ref B/00066/09 dated 11/2/2009 for "Erection of a three storey building with basement storage comprising class B2 - MOT and Repair Garage on ground floor. Class B1 - Offices and Light Industry on first and second floors". Still under consideration

**B/00066/09** Erection of a three storey building with basement car parking comprising class B2 - MOT and Repair Garage on ground floor, class B1 - Offices and Light Industry on first and second floors. Conditional Approval 11/02/2009.

**N00092K/07** Erection of a four storey building with ground floor parking and three floors above comprising of 5 self contained flats. Refuse 22/01/2008.

**N00092J/03** Erection of two storey building for use as offices (Class B1). Conditional Approval 05/08/2003.

**N00092G** Part single, part two storey building for use as offices (Class B1). Conditional Approval 02/06/1998.

Consultations and Views Expressed:

Neighbours Consulted:	262
Replies:	8 (any further replies will be reported at the meeting)
Neighbours Wishing To Speak	0

The objections raised may be summarised as follows:

- Proposed development is too high density
- Out of character with the residential nature of the area which is characterised by Edwardian houses
- Generate a great deal of traffic in an area with a severe parking problem
- There is little demand for flats but a distinct shortage of family houses
- Proposed scale of the development would require a car park for up to 30 cars
- Overlook neighbouring gardens and potentially cut out sunlight
- Development will make an area that is already subject to dangerous traffic conditions more dangerous
- Overdevelopment in an already crowded area

- Significant loss of amenity through the demolition and replacement with buildings out of character
- Would be terrible to lose these buildings when they can and should continue to provide employment in new ventures in these troubled times
- The existing buildings are part of the history of New Barnet

Internal /Other Consultations:

- Traffic & Development - The parking provision is in accordance with the parking standards set out in the UDP 2006. Recommend a number of conditions and informatives.
- Environmental Health - Recommend approval subject to conditions.
- EDF Energy - No response received, any replies will be reported at the meeting

Date of Site Notice: 22 September 2011

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The application site relates to a large triangular plot of land located on the eastern side of Victoria Road, about 150m north of the junction with East Barnet Road. The land is occupied by an assortment of industrial buildings ranging from two storey brick built buildings fronting Victoria Road to the single storey prefabricated buildings to the rear which are later additions. Most of the buildings are vacant at the time of writing this report however all of the buildings on the site fall within one of the following classes - B1, B2 or B8. These uses are largely unfettered given the lack of planning history for this site.

The buildings on this site have little spacing around them and as such built form covers the majority of this site. The frontage does allow for vehicle parking in connection with the site and appears to be arranged in an informal fashion. There is also a small access road which would allow for a car to partially enter the site however given the buildings to the rear, this is largely restricted to small vehicles.

There is a fenced off electricity sub-station at the front of the site, abutting the boundary with No.183 Victoria Road.

The existing buildings are largely commercial in character and appearance. Immediately to the south is No.183 which is occupied by Veloces of London, an independent Alfa Romeo specialist, offering sales, servicing and repairs which occupies a long narrow site which extends along the whole of the southern and eastern boundary of the site. To the north is No.179a Victoria Road which is accessed down a single lane access road from Victoria Road and sits behind No's 179 and 177 Victoria Road both of which are residential properties. The site of No.179a is comprised of single storey buildings which are currently used as an engineering works (largely falling within Class B2). Further to the south is No.187 Victoria Road which is the site of the former Bell and Buck Public House. Planning permission has been recently granted for the conversion of the former Public House building into a funeral parlour at ground floor and residential units at first and second floor (see relevant planning history).

Directly opposite the site is the rear of the Alexandra Public House. The Alexandra is still in operation and to the rear is a car garage/wash facility which does not appear to benefit

from planning permission. Planning permission was granted for the erection of a three storey building with basement storage comprising class B2 - MOT and Repair Garage on ground floor. Class B1 - Offices and Light Industry on first and second floors in 2009 which has expired however there is a current application seeking permission for an extension to time limit to this application (again, see relevant planning history).

This area is predominantly residential in character however historically has been mixed with both residential and commercial uses operating side by side.

There are purpose built blocks of local authority flats to the south east, residential properties in Victoria Close to the rear and rear gardens of properties along Victoria Road to the north.

#### Proposal:

This application seeks outline planning permission for the erection of 3no two storey buildings with rooms in the roofspace comprising of 3no townhouses, 6no flats and 300sqm of Class B1 office space with associated car parking and landscaping.

The outline application is for access, layout and scale. Landscaping and appearance are to be reserved.

During the course of the application, amendments were received with regards to the marketing information for the site as well as changes to the layout of the parking and the buildings themselves.

Starting with the townhouses. There would be a row of three terraced townhouses close to the northern boundary of the site. The row (measured as a whole) would be 16m wide, 8m deep and 9.1m high. This building will be located 1m from the side boundary with the access road and 5.95m from the front boundary. The townhouses would each have four bedrooms.

The second building (flatted building) would be 16m wide, 9.1m high and would have a staggered depth as a result of the splayed nature of the site which would be a maximum of 8m and a minimum of 5.8m. This building will be located a minimum of 1.4m from the side boundary and a minimum of 2.8m from the front boundary. There would be a mix of units; 3no studio and 3no 1bed units.

The third building to the rear of the site in the northeastern corner (office building) would be 14.9m wide. It would have a staggered height and depth. It would have a maximum height of 9.2m and a minimum height of 8.3m. It would have a maximum depth of 8m and a minimum depth of 6.2m. This building would be 1m off the northern boundary and a minimum of 1m from the eastern boundary (with the car dealership).

Each townhouse would have a parking space to the front of the site. There would be two parking spaces to the front of the flatted building. Seven parking spaces are to be provided to the rear of the two buildings at the front, accessed by a new road between the two front buildings.

#### Planning Considerations:

*Loss of Employment floorspace*

The proposal will result in a loss of employment *floorspace* on this site however some employment is being retained on this site. Historically the site has been used for employment purposes. Council policies seek to protect such land which falls within use classes B1, B2 and B8, which is the case with this site. All employment spaces will be protected where viable to enhance Barnet's local economy and support enterprise potential. The council will not grant planning permission to redevelop sites or change the use to non-industrial or non-business uses unless there is no realistic prospect of re-use in the short, medium and long-term or of redevelopment for industrial purposes. In such cases, the priority for re-use will be a mixture of small business units with residential uses. The impact on local employment is a consideration and re-provision, preferably of small business units will be favoured which can re-provide an equivalent amount of floorspace or employment intensity.

As part of the application, the applicant has submitted information in respect of the conditions of the buildings, historical tenancies and the general decline of interest in the site. Included in this information is a Market Assessment Report, within this report, it details the background as well historic uses. The property's early history was as a coachworks and thereafter a mineral water factory. It was then sub-divided into smaller business units in the second half of the 20th Century. At that time businesses included an electro plating manufacturer, a printing company, a flooring contractor, an electrical contractor and an electrical instrument manufacturer. One by one the above companies have vacated and the last remaining, the printers Colourcraft Limited of over 35 years ceased trading and vacated in recent weeks.

All of these businesses were originally on 10 or 15 year leases. When those leases expired, they either vacated or renewed on 5 year leases. When those leases expired they were on 3 year leases and so on. More recent tenants have include a mini cab company, food manufacturer, two joinery workshops and three small one person packaging/distribution businesses. Some of these businesses have failed, or vacated or remained on very short tenancies. Therefore it is clear that over the passage of time, the amount of interest and types of businesses being attracted to this site has changed.

Policy DM14 of the Development Management Policies states that in addition to demonstrating a lack of viability in the short, medium and long term, proposals to redevelop employment spaces need to demonstrate why a site is no longer suitable. The following questions should be considered -

- *Is the building purpose built for employment or has it been adapted? Is the existing building obsolete/not fit-for-purpose to meet modern day commercial requirements?*

The buildings fronting Victoria Road date from the latter part of the 19th Century. All the ground floor space throughout these units suffer from rising damp, some of which is very severe, as detailed in the Market Assessment Report. Furthermore the crittle metal windows are nearing the end of their useful life and the roofs have been the subject of repairs over the years and are also nearing the end of their useful life. The thermal insulation is sub-standard and the general fabric has deteriorated.

The buildings were built for purpose in terms of the older manufacturing industries such as engineering manufacturers and print works. These types of businesses are generally not found in Barnet any more, particularly not in this area. The area around Victoria Road and



East Barnet Road has changed dramatically over time moving away from industrial and commercial uses to a more residential suburban character.

The buildings to the rear are more temporary in their design and scale. Many of them are effectively metal sheds and given the very narrow access passageway can only be accessed by smaller vehicles. Much of the loading and unloading to and from the units to the rear has to be done by trolley or hand.

The buildings are not considered to be fit for purpose without the need for significant works. Whilst this in itself is not a justification for the loss of the buildings, given that a mixed use is now proposed for the site, the loss of some of the employment floorspace is considered to be acceptable. Having a positive impact on the residential amenities of neighbours. The uses in this site are largely unfettered and given the number of units and the types of businesses that can use the units, there is a possibility that there could be numerous deliveries from large vehicles, activities generating a degree of noise and other activities associated with such uses that could give rise to unacceptable noise and disturbance to the local residents as well as causing harm to the highway network in the locality.

**1. Does the size of the building make it suitable for small or medium enterprises?**

The size of the units are small and so in essence could provide space for smaller businesses however it is the condition of these units which is the issue. They do not provide adequate and reasonable accommodation for modern businesses by way of their fabric, access issues and the general arrangement of the site. Furthermore this proposal is proposing new modern office accommodation which may attract more employment than is currently attracted to the site. As mentioned previously, B2 and B8 uses have generally moved away from this area with the exception of 179A Victoria Road. Policies within the emerging Core Strategy and Development Management Policies DPD stress the need for employment space which meets the needs of modern businesses. The provision of an office block which could be used by a number of small businesses is considered to be an acceptable re-provision of employment floorspace.

**2. Is the site or building part of a wider employment area and would the loss affect the continued operation of neighbouring uses?**

The site is not part of a wider employment area but is largely surrounded by residential uses. Employment floorspace is not being completely lost from this site as there is a re-provision as a result of the office building. The partial loss of employment floorspace is not considered to affect the continued operation of neighbouring uses.

**3. Is the site suitable for another employment use such as office space?**

Yes it is and office space is being proposed as part of this application.

It is therefore considered that the demolition of the buildings on this site and the creation of a mixed use development is both acceptable and appropriate for this site in this location. Sufficient detailed information has been provided to demonstrate that the use of the site for solely employment purposes is not viable or realistic in the short, medium or long term. In terms of the numbers of people employed at this site at the time of writing the Market Assessment Report, there was a total of 6-7. The office accommodation would provide employment for up to 10-12 people thus increasing the employment intensity. Not only would it be maintaining a degree of employment on this site (at a higher level) but it would also see the provision of much needed family housing as well as smaller units to ensure a suitable mix of units on this site.

### *Character and appearance*

The existing buildings to the front of the site are considered to be acceptable in terms of their character and appearance. They are not considered to be at odds with the locality. However the buildings to the rear are not considered to contribute to the street scene or general locality given their industrial temporary like appearance.

The proposed buildings to the front would be no higher than the highest existing building and in terms of the relationship to the boundaries would be set off the boundary with the access road (the existing buildings are built up to the boundary) but would be closer to the boundary with Veloces of London. Whilst the second flatted building would be higher than the buildings currently on that part of the site, again it would be no higher than the highest building. The inclusion of gable ends is considered to be in keeping with the style of the Victorian Houses further to the north on Victoria Road and so would not detract from the character of the locality.

The building line of the buildings to the front would sit forward of that of No.177 and 179 Victoria Road however this is the case with the existing buildings on the site and so is considered to be acceptable. The buildings to the front would be dominant in the street scene however would not be any more dominant than the existing buildings on site.

The third building to the rear would be higher than the buildings it replaces. However the uses on the neighbouring sites are important. To the south it would face Veloces of London and to the north is the engineering works at No.179A. Whilst a two storey building with accommodation in the roof is proposed, this is not considered to be out of scale or context given the backdrop of the purpose built flats in Warwick Close and the two storey dwellings found along Victoria Road and Victoria Close.

The layout of the site is considered to be an improvement given that there will be now be opportunities for soft landscaping which will improve the visual amenities of the locality. Whilst landscaping is a reserved matter, the layout is such that there will be private gardens for the townhouses and also a communal amenity space for the flats as well as the provision of landscaped areas to the front. The provision of parking to the front of the townhouses and flats is considered to be in keeping with what is found along Victoria Road and other neighbouring roads. It is not unusual for there to be a mixture of both hard and soft landscaping and given that the front of the site as existing is completely hard surfaced, would be an improvement over and above the existing appearance of the site.

### *Residential Amenity*

The provision of office space is considered to be more appropriate for this area and can be controlled through the imposition of suitably worded and necessary conditions to ensure that it will not cause a nuisance to neighbouring occupiers.

The buildings will not harm the residential amenities of neighbours as they are of an appropriate size, siting and design. The nearest building to the nearest residential property No.179 Victoria Road are the townhouses. The front building line has already been discussed above and the building will not project beyond the rear of No.179. Furthermore the separation distance as a result of setting the building off the boundary and the access road is considered to ensure that this building will not be overly dominant or overbearing. The building to the rear, whilst visible to the occupiers of No.179 is not considered to be overly dominant or overbearing given its positioning. In addition to this, there are no

windows proposed in the rear or side elevations of this building which mitigates any potential for overlooking from this building to the occupiers of No.179 and also the future occupiers of the townhouses. The office building is not considered to be overly bulky or overbearing to those living in the town houses given the length of the gardens as well as the design of the building, with the roof pitching away.

The flatted building is not considered to have a detrimental impact on residential amenity given that the nearest residential property is No.179 Victoria Road.

The existing sub station is to be retained as part of the scheme. A Noise Survey was submitted as part of the application which indicated that there were no significant noise issues from any of the surrounding sites (given that some are commercial) or from the sub station. It is considered that subject to conditions, the substation or neighbouring uses will not cause undue noise and disturbance to the future occupiers of the townhouses or the flats.

There appears to be a slight discrepancy with regards to the positioning of the refuse store in that it is shown in two different locations on the site. Notwithstanding the details shown on the plans, a condition has been appended requesting that details of the refuse store including its location is submitted prior to the commencement of development.

66sqm of amenity space is proposed for the flats which is considered to be an acceptable provision for this scheme on this restricted site. This area will be adjacent to the boundary with Veloces of London and so a condition has been appended to ensure an acoustic fence is erected along the whole of this boundary to ensure that any undue noise and disturbance is mitigated. The private garden areas for the townhouses are considered to be of an appropriate size for the size of the dwellings proposed.

The stacking and layout of the flats is considered appropriate and will ensure that future occupiers will not suffer noise and disturbance to an unacceptable degree.

The mix of units is appropriate with the inclusion of 3-bed family homes, 1 bed units and studios.

The size of the units are largely in line with the floorspace standards set out within the Mayors London Plan July 2011 with the exception of one of the studio units and the townhouses. The townhouses are shown to be 4 bed 6 person dwellings and as such would need to have a minimum floorspace of 113sqm. The townhouses would be 105sqm. The shortfall of 8sqm is not considered to result in substandard accommodation which would provide insufficient amenity for the future occupiers. If the townhouses were to be made larger to accommodate this shortfall it would mean less rear garden space or less parking for the site which would reduce the degree of the amenity for the future occupiers. It is considered that in this case, alternative amenities are being provided for the occupiers of the townhouses to ensure that the shortfall of 8sqm would not be harmful.

One of the studio units is 33sqm. The minimum floorspace for such a unit is 37sqm. Again the shortfall of 4sqm is not considered to be unacceptable. This unit would be a starter home and given that the site is located close to local amenities and public transport routes, the shortfall is not considered to result in sub standard accommodation for the future occupier/s of this unit.

*Section 106*

This application is being supported by a Section 106 which will provide financial contributions towards education, health and library facilities in the borough. Included in this is a contribution towards the council's monitoring costs.

The amounts required are as follows:

Education - £25,620.00

Libraries - £997.52

Healthcare - £9858.00

The contributions as set out in the recommendation are necessary, directly relevant and fairly and reasonably related in scale and kind to the development in accordance with regulation 122 of The Community Infrastructure Levy Regulations 2010. This has been agreed by the applicant.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Dealt with in the planning appraisal. Any further replies will be reported at the meeting.

### **4. EQUALITIES AND DIVERSITY ISSUES**

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

### **5. SECTION 106 ISSUES**

The contributions are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

### **6. CONCLUSION**

This application is recommended for approval subject to conditions and the contributions detailed in the Section 106 Agreement.

**SITE LOCATION PLAN:** 181 Victoria Road, Barnet, Herts, EN4 9PA

**REFERENCE:** B/02950/11



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**LOCATION:** 21-24 Queens Road, London, NW4 2TL

**REFERENCE:** H/04913/11

**Received:** 07 December 2011

**Accepted:** 19 December 2011

**WARD:** Hendon

**Expiry:** 19 March 2012

**Final Revisions:**

**APPLICANT:** Regal (Queens Road) Limited & Hamilton Group of Companies Limited

**PROPOSAL:** Demolition of existing buildings and erection of a part three-storey and part two-storey building with rooms in roofspace comprising 10 flats and lower ground parking area with 15no. parking spaces and provision of lifts, together with associated landscaping and related improvements.

**Approve Subject to S106 Section 106 Agreement**

**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 **Education Facilities (excl. libraries) £42,592.00**  
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £1,390.00**  
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £11,106.00**  
A contribution towards Health Facilities and Resources in the borough
- 6 **Highways (traffic order) £2,000.00**  
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.
- 7 **Affordable Housing (financial) £112,187.00**  
A contribution towards the provision of Affordable Housing within the London Borough of Barnet.
- 8 **Employment and Skills £1,000.00**  
A contribution to the Employment and Skills Development Programme in the London Borough of Barnet.
- 9 **Monitoring of the Agreement £2,323.52**  
Contribution towards the Council's costs in monitoring the obligations of the agreement.

## **RECOMMENDATION II:**

That upon completion of the agreement the Assistant Director of Planning and Development Management approve the planning application reference: H/04913/11 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement, 6118-PL-100, 6118-PL-101, 6118-PL-102, 6118-PL-103, 6118-PL-104, 6118-PL-105 Rev A, 6118-PL-106 Rev A, 6118-PL-107 Rev A, 6118-PL-108 Rev A, 6118-PL-109 Rev B, 6118-PL-110 Rev A, 6118-PL-111 Rev A, 6118-PL-112 Rev A, 6118-PL-113, 6118-PL-114, 6118-PL-115 Rev B, 6118-PL-116, 6118-PL-117, 6118-PL-118, 6118-PL-119, 6118-PL-121, 6118-PL-122, 6118-PL-123, 6118-PL-124, 6118-PL-125, MWSC-QR-01, Detail of Tree Location, Site plan showing TPF and Tree Numbers.

Reason:

For the avoidance of doubt and in the interests of proper planning.

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. Before the development hereby permitted is occupied the parking spaces/garages shown on Plan 6118-PL-103 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.

4. No structure or erection with a height exceeding 1.05m above footway level shall be placed along the frontage(s) of .Queens Road from a point 2.4m from the highway boundary for a distance of 2.4m on both sides of the vehicular access(es).

Reason:

To prevent danger, obstruction and inconvenience to users of the adjoining highway and the premises.

5. Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.

6. Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the visual amenities of the locality.

7. Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

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.

8. Before the development hereby permitted commences, 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 and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

9. Before the building hereby permitted is occupied the proposed window(s) in the south-west and north-east first and second floor elevations facing 20 Queens Road and 1 Queens Way 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, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties.

10. 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 on other days unless previously approved in writing by the Local Planning Authority.



Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

11. Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties.

12. A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development.

13. 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.

Reason:

To ensure a satisfactory appearance to the development.

14. 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.

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

Reason:

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

16. The level of noise emitted from the mechanical 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.

17. Before development commences, a report should be carried out by a competent acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the development of the ventilation/extraction plant. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

It should 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 contents and recommendations. The approved measures shall be implemented in their entirety before (any of the units are occupied / the use commences).

Reason:

To ensure that the amenities of neighbouring premises are protected from noise from the development.

18. Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority. It should also have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment, the London Air Quality Network and London Atmospheric Emissions Inventory.

A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development. The approved mitigation scheme shall be implemented in its entirety before any of the (units are occupied / the use commences).

Reason:

To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity.

19. Before development commences, a scheme of proposed noise mitigation measures shall be submitted to and approved by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before (any of the units are occupied /the use commences).

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.

20. The dwelling(s) shall achieve a Code Level 4 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 4 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

21. A Construction and Demolition Management Plan must be submitted to and approved by the Local Planning Authority prior to commencing any construction or demolition works. This document following approval must be complied with unless previously agreed in writing by the Local Planning Authority.

Reason:

To safeguard highway and pedestrian safety and neighbouring amenity.

22. Prior to the occupation of the development, a Maintenance Agreement for the operation of the car lifts must be submitted to and approval by the Local Planning Authority. The development shall be maintained in accordance with the Agreement thereafter.

Reason:

In the interests of highway safety in accordance with Policies M11, M13 and M14 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

23. Before the development hereby permitted is occupied, a detailed scheme showing the measures for reducing carbon dioxide emissions shall be submitted to and approved in writing by the Local Planning Authority. This should include details of all proposed energy sources. This shall build upon the principles of the Energy and Sustainability Statement. The Development shall be implemented in accordance with these measures and maintained as such thereafter.

Reason:

To ensure that the development is sustainable and compliant with the London Plan, and have adequate environmental performance.

24. Notwithstanding the details shown on plan 6118-PL-115 Revision B, before the development is occupied details of any boundary treatment shall be submitted to and approved in writing by the local planning authority, implemented in accordance with these details and permanently retained thereafter.

Reason:

To ensure a satisfactory appearance for the development.

25. Details of the privacy screens shown on the approved plans shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with these details and permanently retained as such thereafter.

Reason:

To safeguard the amenities and privacy of neighbouring occupiers.

**INFORMATIVE(S):**

1. The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

PPS1 - Delivering Sustainable Development

PPS3 - Housing

PPG13 - Transport

Adopted Barnet Unitary Development Plan (2006):

GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, D9, D11, H2, H5, H8, CS2, CS3, CS8, CS13, IMP1, IMP2, M11, M12, M13, M14.

Supplementary Planning Document: Sustainable design and construction

Supplementary Planning Document: Contributions to Educational Facilities

Supplementary Planning Document: Contributions to Libraries Facilities

Supplementary Planning Document: Contributions to Health Facilities

Supplementary Planning Document: Planning Obligations

Core Strategy (Submission version) 2011:

CS1, CS3, CS4, CS5, CS11, CS15

Development Management Policies (Submission version)2011:

DM01, DM02, DM03, DM04, DM08, DM10, DM13, DM17.

- ii) The proposal is acceptable for the following reason(s): - The loss of the educational facility is considered acceptable. The proposals would have an acceptable impact on the character and appearance of the streetscene and general locality, highway safety, neighbouring amenity and local infrastructure. The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.
2. The additional plans accompanying this application are:- Energy and Sustainability Statement, Daylight and Sunlight Report, Transport Statement, Planning Statement, Site Specific Arboricultural Survey & Method Statement.

3. The Air Quality Stage 4 Review and Assessment for the London Borough of Barnet has highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out – habitable rooms away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint – setting further away from source of poor air quality.

For developments that require an Air Quality report; the report should have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network. The report should be written in accordance with the following guidance: 1) NSCA Guidance: Development Control: Planning for Air Quality and the Planning Policy Statement 23: Planning and Pollution Control; 2) Environment Act 1995 Air Quality Regulations, Planning Policy Statement 23: Planning and Pollution Control, Annex 1: Pollution Control, Air and Water Quality; 3) Local Air Quality Management Technical Guidance LAQM.TG(03); 4) London Councils Air Quality and Planning Guidance, revised version January 2007.

4. You are 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 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) Department of Environment: PPG 24 (1994) Planning Policy Guidance - Planning and noise; 2) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and measurement of environmental noise; 3) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 4) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 5) Department of transport: Calculation of road traffic noise (1988); 6) Department of transport: Calculation of railway noise (1995); 7) Department of transport : Railway Noise and insulation of dwellings.

5. Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated

or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Recent legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk)

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

6. 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 Council of 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 email: [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning: 0208 359 7294.

7. Any highway approval as part of the planning process for the alteration to the existing crossovers or new crossovers will be subject to detailed survey by the Crossover Team in Highways Group as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Highways Group, NLBP, Building 4, 2<sup>nd</sup> Floor, Oakleigh Road South, London N11 1NP.

### **RECOMMENDATION III:**

That if the above agreement has not been completed and agreed by the 12th June 2012, the Head of Planning and Development Management REFUSE the application ref: H/04913/11 under delegated powers for the following reasons:

1. The proposed development fails to make provision for an appropriate level of affordable housing to meet need identified in the borough, contrary to policies H5 and H8 of the Adopted Barnet Unitary Development Plan (2006) and Supplementary Planning Document - Affordable Housing.
2. The development does not include a formal undertaking to meet the extra education, libraries services and health facilities costs together with associated monitoring costs arising as a result of the development, contrary to Policies CS2, CS8, CS13 and IMP2 of the Adopted Barnet Unitary Development Plan 2006, and Supplementary Planning Document - Planning Obligations, Supplementary Planning Document - Contributions to Education, Supplementary Planning Document - Contributions to Libraries, Supplementary Planning Document - Contributions to Health Facilities.
3. The proposed development does not provide sufficient on-site parking to the detriment of highway safety, free flow of traffic and residential amenity, contrary to policies GParking, M14 and H16 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

### **1. MATERIAL CONSIDERATIONS**

#### National Planning Policy Guidance/ Statements:

PPS1 - Delivering Sustainable Development

PPS3 - Housing

PPG13 - Transport

#### The Mayor's London Plan: July 2011 :

3.5, 3.10, 3.11, 3.12, 3.13, 5.2, 5.3, 6.1, 7.4, 7.6

#### Relevant Unitary Development Plan Policies:

GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, D9, D11, H2, H5, H8, CS2, CS3, CS8, CS13, IMP1, IMP2, M11, M12, M13, M14.

Supplementary Planning Document: Sustainable design and construction  
Supplementary Planning Document: Contributions to Educational Facilities  
Supplementary Planning Document: Contributions to Libraries Facilities  
Supplementary Planning Document: Contributions to Health Facilities  
Supplementary Planning Document: Planning Obligations

#### Core Strategy (Submission version) 2011

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council submitted its LDF Core Strategy Submission Stage document in August 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

#### Relevant Core Strategy Policies:

CS1, CS3, CS4, CS5, CS11, CS15

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

The Council submitted its LDF Development Management Policies Submission Stage document in September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

#### Relevant Development Management Policies:

DM01, DM02, DM03, DM04, DM08, DM10, DM13, DM17.

#### Relevant Planning History:

W09112C/07 - Demolition of existing buildings and erection of a three storey building comprising of 8 flats including rooms in the roofspace and lower ground parking area. Associated landscaping. - dated 27/11/2007.

<b>Site Address:</b>	21-22 Queens Road, London, NW4 2TL
<b>Application Number:</b>	H/02843/10
<b>Application Type:</b>	Conditions Application
<b>Decision:</b>	Approve
<b>Decision Date:</b>	18/10/2010
<b>Appeal Decision:</b>	No Appeal Decision Applies
<b>Appeal Decision Date:</b>	No Appeal Decision Date exists



**Proposal:** **Submission of details of conditions 3 (Levels), 4 (Materials), 6 (Refuse), 9 (Landscaping - Details) and 16 (Parking Details) pursuant to planning permission reference W09112C/07 dated 27/11/2007.**

**Case Officer:** Graham Robinson

**Site Address:** 21-22 Queens Road, London, NW4 2TL

**Application Number:** H/04515/10

**Application Type:** Conditions Application

**Decision:** Approve

**Decision Date:** 26/11/2010

**Appeal Decision:** No Appeal Decision Applies

**Appeal Decision Date:** No Appeal Decision Date exists

**Proposal:** **Submission of details of conditions 14 (Planning Obligation - Education Contributions) and 15 (Planning Obligation - Employment and Training Initiatives Contributions) pursuant to planning permission reference W09112C/07 dated 27/11/2007.**

**Case Officer:** Graham Robinson

**Site Address:** 23-24 Queens Road, London, NW4 2TL

**Application Number:** 03351/10

**Application Type:** Full Application

**Decision:** Withdrawn

**Decision Date:** 11/10/2010

**Appeal Decision:** No Appeal Decision Applies

**Appeal Decision Date:** No Appeal Decision Date exists

**Proposal:** **Use of buildings as two single family dwellings.**

**Case Officer:** Graham Robinson

**Site Address:** 23-24 Queens Road, London, NW4 2TL

**Application Number:** 04709/10

**Application Type:** Full Application

**Decision:** Approve with conditions

**Decision Date:** 03/03/2011

**Appeal Decision:** No Appeal Decision Applies

**Appeal Decision Date:** No Appeal Decision Date exists

**Proposal:** **Use of buildings as two single family dwellings.**

**Case Officer:** Graham Robinson

**Site Address:** 23-24 QUEENS ROAD, LONDON, NW4 2TL

**Application Number:** H/03351/08

**Application Type:** Full Application

**Decision:** Refuse

**Decision Date:** 19/06/2009

**Appeal Decision:** Dismissed

**Appeal Decision Date:** 19/06/2009

**Proposal:** **Demolition of vacant educational buildings and erection of 5 storey building with basement parking, comprising of 8 flats.**

**Case Officer:** Graham Robinson

**Site Address:** 23-24 Queens Road, London, NW4 2TL

**Application Number:** 00843/09

**Application Type:** Full Application

**Decision:** Refuse

**Decision Date:** 07/05/2009

**Appeal Decision:** No Appeal Decision Applies

**Appeal Decision Date:** No Appeal Decision Date exists

**Proposal:** **Demolition of vacant educational buildings and erection of a 3 storey building with basement parking and rooms in roofspace, comprising of 8 flats.**

**Case Officer:** Graham Robinson

### Consultations and Views Expressed:

Neighbours Consulted: 113  
Replies: 18  
Neighbours Wishing  
To Speak 2

3 Letters of objection were received. The objections raised may be summarised as follows:

- Reduction of privacy to rooms and garden areas
- Loss of light
- Loss of birds to garden
- Loss of the educational use
- Previous owners would only sell site on basis of residential valuation preventing further educational use

1 Letter was received, making comments on the proposals as follows:

- Can you confirm that renewable energy will be incorporated?
- Fences and borders to alleyway should be repaired.

8 Letters of support were received. These can be summarised as follows:

- Would be good to see a well designed building rather than derelict vacant building
- Scheme looks impressive and will improve the area

An additional joint letter with 9 signatories has been received, in support of the application.

Councillor Shooter has written in support of the application.

### Internal /Other Consultations:

- Housing Development Team - No objection subject to commuted sum towards affordable housing
- London Fire Brigade - No comments received.
- Metropolitan Police Service - No objection, have suggested scheme should meet Secured By Design Certification.
- Traffic & Development - No objection subject to conditions and legal agreement
- Environmental Health - No objection subject to conditions
- Thames Water Devt Control - No objection

Date of Site Notice: 05 January 2012

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site is 21-24 Queens Road, this was formerly two pairs of semi detached properties previously used for educational purposes situated on the north-west side of Queens Road, within close proximity to Brent Street and Hendon Central shopping centres. The site outlined is approximately 2280m<sup>2</sup> in area. The area is characterised by a mixture of residential properties in single family occupancy and flatted developments, though there is a hotel at no.20.

The site is located in relative close proximity to Hendon Central underground station. The site has a number of mature trees to the rear of the site.

#### Proposal:

The proposals are for the redevelopment of the site to provide 10no flats with associated car parking and improvements. The proposals would consist of 10 x 3 bedroom flats arranged in a single building of part 3 storeys with accommodation in the roof on the side nearest no.20 and 2 storeys with accommodation in the roof on the side nearest Queens Way.

The flats would be between 130 and 209 square metres. 1,127 square metres of amenity space would be provided to the rear.

Parking would be located at basement level, with swimming pool, store areas, 15 car parking spaces (as amended) and bin storage. There would be a 'hidden' flat roof terrace area.

#### Planning Considerations:

The main planning issues are considered to be:

- Loss of the existing educational use
- Affordable Housing Issues
- Amenity Issues, both in terms of impact on neighbouring residents and the level of amenity for future residents
- Design/Appearance Issues, impact on the appearance of the streetscene and surrounding area
- Sustainability Issues
- Highways Issues
- Planning Obligations

#### *Policy Context*

##### Policy D1 – High Quality Design

All new development should represent high quality design and should be in keeping with the council's objectives of sustainable development and ensuring community safety.

##### Policy D2 – Character

The council will encourage development proposals which are based on an understanding of local characteristics, preserve or enhance local character and respect the appearance, scale, bulk, height and pattern of surrounding buildings, surrounding street and movement patterns and the overall character and quality of the area.

##### Policy D3 – Spaces

The size, shape, position and detailing of spaces created within or around new buildings should enhance the development of which they are part, and should be in keeping with the overall character and quality of the area.

##### Policy D4 – Over-development

New development should respect the constraints of the site to accommodate development and should not result in over-development.

#### Policy D5 – Outlook

New developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

#### Policy D6 – Street Interest

To ensure attractive, safe and, where appropriate, vibrant streets, new development should provide visual interest, particularly at street level. Blank walls overlooking streets will be resisted and new development should provide windows to such elevations.

#### Policy D9 – Designing Out Crime

The council will require all new development to be designed to provide safety and security in the environment and reduce opportunities for crime and the fear of crime.

Particular regard shall be given to:

- Ensuring that public areas are overlooked by buildings;
- Increasing natural surveillance in public areas at different times by promoting a mix of land uses in an area;
- Ensuring that main entrances are visible from the street or other public places;
- Ensuring that streets and paths are well and appropriately lit;
- Ensuring that buildings, landscaping and planting do not create dark or secluded areas; and
- Creating clear boundaries between public and private space.

#### Policy D11 – Landscaping

The council will require development schemes to include hard and soft landscaping proposals that:

- Achieve a suitable visual setting for buildings;
- Provide attractive, accessible and practical external space;
- Make a positive contribution to the character of the surrounding area;
- Contribute towards community safety; and
- Improve environmental and ecological quality.

#### Policy H2 – Housing – Other Sites

Proposals for residential development on sites not allocated for housing under Policy H1 will be assessed in terms of:

- Whether the site is appropriate, having regard to a sequential test;
- The impact of the proposal on its surroundings (including the environmental impact of developing back gardens);
- The availability of access by a choice of means of transport;
- Access to educational and community facilities; and
- Whether land is required for another use, as identified in this Plan and associated planning briefs.

#### Policy H5 - Affordable Housing

Having regard to the council's target that half the housing provision over the UDP period should be affordable, the council will seek to negotiate the maximum reasonable amount of affordable housing on sites of ten or more units gross, or 0.4 hectares or more, and to ensure that these units will continue to be affordable for successive occupiers.

#### Policy H8 – Affordable Housing – Commuted Payments

On sites which are suitable for the provision of an element of affordable housing, the council may exceptionally accept the provision off-site housing, or a commuted payment instead of such provision.

#### Policy H16 – Residential Development – Character

New residential developments should harmonise with and respect the character of the area within which they are situated and should:#

- Be well laid out in terms of access, car parking and landscaping;
- Provide and preserve adequate daylight, outlook and residential amenity;
- Provide a safe and secure residential environment;
- Maintain privacy and prevent overlooking; and
- Provide adequate levels of private garden or amenity space.

#### Policy H17 – Residential Development – Privacy Standards

In new residential development there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. This distance should be increased by three metres for each additional storey over two storeys. Where overlooking is a problem, especially in relation to neighbouring development, a higher degree of privacy will be required. In town centre developments and regeneration areas, these standards may not apply. In the case of higher density developments where less distance is provided, proposals should include innovative design solutions to avoid overlooking.

#### Policy H18 – Residential Development – Amenity Space Standards

In new residential schemes, the minimum provision of gardens or amenity space should be at the following standards:

For Flats:

- 5 square metres of space per habitable room.

For Houses:

- 40 square metres of space for up to four habitable rooms.
- 55 square metres of space for up to five habitable rooms.
- 70 square metres of space for up to six habitable rooms.
- 85 square metres of space for up to seven or more habitable rooms.

Proposals in or near town centre sites may be exempt from this requirement if alternative amenities are provided.

#### Policy GCS1 – Community Facilities

The council will seek to ensure that an adequate supply of land and buildings is available for community, religious, educational and health and social care facilities to meet the needs of residents in the borough.

#### Policy CS2 – Community and Religious Facilities – Planning Obligations

The council will seek to enter into planning obligations, where appropriate, in conjunction with new developments, to secure the provision of community and religious facilities.

#### Policy CS3 – Community and Religious Facilities – Protection

The council will not grant planning permission for development which results in the loss of an existing community or religious facility. Exceptions may be considered where:

- New community or religious facilities of at least equivalent quality or quantity are provided on the site or at an alternative location more accessible to users; or
- Improvements are made to community or religious facilities at other sites; or
- there is an excess of community or religious facilities in the area, and a particular development will not create a shortage of provision.

#### Policy CS8 – Educational Needs Generated by New Housing Development

Where a residential development creates a need for additional school places, the council will seek to enter into planning obligations with the developer to secure contributions to their provision.

#### Policy CS13 – Health and Social Care Facilities – Planning Obligations

Where a proposed residential development creates a need for additional health and social care facilities, the council will seek to enter into planning obligations with developers to secure the provision of such facilities.

#### Policy IMP1 – Priorities for Planning Obligations

The council's key priorities for planning obligations will be for the provision of:  
Residential Development:

- Improvements to public transport infrastructure, systems and services.
- Educational provision in areas with existing shortages of school places or where the development will create such a shortage.
- Affordable or special needs housing to meet identified local needs.
- Where appropriate; highway improvements (including benefits for pedestrians and cyclists), environmental improvements; the provision of open space; and other community facilities.
- Non-residential Development:#
- Improvements to public transport infrastructure, systems and services.
- Small business accommodation, and training programmes to promote local employment and economic development.
- Town centre regeneration schemes, including their promotion, management and physical improvements.
- Where appropriate, highway improvements (including benefits for pedestrians and cyclists); environmental improvements; the provision of open space; and other community facilities.

#### Policy IMP2 – Use of Planning Obligations

In order to secure the best use of land, the council will seek to ensure through the use of conditions or planning obligations attached to planning permissions, that new development provides for the infrastructure, facilities, amenities and other planning benefits which are necessary to support and serve it, and which are necessary to offset any consequential planning loss which may result from the development.

#### Policy M11 – Safety of Road Users

The council will ensure that the safety of road users, particularly those at greater risk, is taken fully into account when considering development proposals.

#### Policy M12 – Safety of Road Network

The council will seek to reduce accidents by refusing development proposals that unacceptably increase conflicting movements on the road network or increase the risk, or perceived risk, to vulnerable road users.

### Policy M13 – Safe Access to New Development

The council will expect developers to provide safe and suitable access for all road users (including pedestrians) to new developments. Where improvements or changes to the road network are directly related to the development and any planning permission, the council will seek to secure a planning obligation from the developer.

### Policy M14 – Parking Standards

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

- i. 2 to 1 1/2 spaces per unit for detached and semi-detached houses;
- ii. 1 1/2 to 1 spaces per unit for terraced houses and flats; and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats.

### *Whether the loss of the existing educational use is acceptable*

The site was formerly in use as an educational college. It is noted that previous consents on the site have been granted for the construction of two dwellinghouse at no.23-24 and for a block of 8 flats at 21-22. For both applications the loss of the education use was considered acceptable, in light of marketing exercises which resulted in no parties coming forward. It was also advised that the applicant has highlighted the need for substantial improvements to the premises if the site was to be brought into re-use, and advised that these would be prohibitive for further D1 use. It was also contended that D1 use would be constrained by the size of the site, the lack of parking available on site, and the close proximity of residential properties.

It is noted that emerging policy DM13 in the Council's Development Management Policies Document states that:

#### *'a. Loss of community / educational use*

*Loss of community / educational use will only be acceptable in exceptional circumstances where:*

- i. New community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location; or*
- ii. There is no demand for continued community or education use, and that the site has been marketed effectively for such use.*

#### *b: New community or educational use*

*Where it can be demonstrated that no town centre or local centre site is available, new community or educational uses should be located where they are accessible by public transport, walking and cycling.*

*New community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety. New community or educational uses will be expected to protect the amenity of residential properties.'*

Current UDP Policy CS3 relates to the loss of community and educational uses.

The acceptability of changing the former educational use of 23-24 Queens Road from Class D1 to Class C3 residential has already been established pursuant to planning permission H/04709/10 dated 3 March 2011 for the use of the buildings as two single family dwellings. Both the Adopted Barnet Unitary Development Plan 2006 and the Core Strategy were in place at this time. The applicant submitted a marketing

report/exercise undertaken on behalf of the applicants which resulted in no parties coming forward over a 4 year period. This stated that the applicants have made approaches to parties in the educational field seeking premises including a particular school and that in their view there were larger sites available for cheaper cost. Religious organisations have also been approached and it is understood that no interest was forthcoming. The officer's report concluded that '*The applicant has also contended that D1 use would be constrained by the size of the site, the lack of parking available on site and the close proximity of residential properties. This is recognised. It is also noted that permission was granted for the redevelopment of 21-22 Queens Road for residential use. Taking into account that the constraints of the site appear to limit further D1 use and that the applicant has agreed to provide a planning obligation towards employment and training initiatives within the Borough, it is considered that the loss of the community use on site would be acceptable.*'

Policy DM13 is emerging policy. It is recognised that this has a stronger emphasis on retaining educational facilities. Therefore this needs to be considered. However, whilst this is a material consideration it should not be a determining factor in the consideration of the planning application.

Overall, given the limited prospect of the site for re-use for educational purposes as evidenced through the marketing information previously submitted, the limited suitability of the site for education and other community uses, the provision of a planning obligation towards employment training and skills within the Borough, it is not considered that the loss of the educational use would warrant refusal of the planning application. The loss of the educational use is in this particular case is considered acceptable.

*Whether the proposals make acceptable provision for affordable housing*

London Plan Policy 3.12 advises that:

'The maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes, having regard to:

- a) current and future requirements for affordable housing at local and regional levels identified in line with Policies 3.8 and 3.10 and 3.11
- b) affordable housing targets adopted in line with Policy 3.11,
- c) the need to encourage rather than restrain residential development (Policy 3.3),
- d) the need to promote mixed and balanced communities (Policy 3.9)
- e) the size and type of affordable housing needed in particular locations
- f) the specific circumstances of individual sites.

Negotiations on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for reappraising the viability of schemes prior to implementation ('contingent obligations'), and other scheme requirements.'

The proposals are for 10 units and would therefore require the provision of affordable housing under UDP policy H5. The Council would currently expect to see provision of 50% affordable housing on site.



Policy H8 advises that on sites which are suitable for the provision of an element of affordable housing, the council may exceptionally accept the provision off-site housing, or a commuted payment instead of such provision.

The Council's Housing officers have advised that on this site a commuted payment for affordable housing would be appropriate in lieu of affordable housing provision on site. A figure of £112,187 has been agreed, based on the cost a Housing association would pay for one of the flats. It is considered that the scheme would make acceptable provision towards affordable housing within the Borough.

### Design/Appearance Issues

The application follows pre-application discussions. There is a variety of buildings in the locality, some of the original semi-detached dwellings have been replaced with larger blocks of flats. The mixed character of the area is noted, though some of the examples such as Beatrice Court , Highview House and Stanview Court are not especially sympathetic.

The applicant's have made changes to the scheme to ensure that it would relate more appropriately to the smaller domestic scale properties on Queens Way. The building would step down from four to three storeys. The side nearest 20 Queens Way would be taller, and would reflect the approved scheme in 2007. Whilst the eaves level is higher than no.20 (this was a feature of the previous approval), the roof would be similar in height. The building would step down which would provide a more satisfactory relationship to this property.

The plans show a mixture of bricks with tiles to bay windows, and bricks as amended to the rear block. High quality materials would be essential to ensure satisfactory appearance to the development.

The plans show balconies to the front and rear elevations. These are considered to be acceptable features in terms of the design of the building. The applicant has made some reduction to the size of the dormers on the rear elevation.

It is considered that the proposed building would relate acceptably to the character and appearance of the streetscene and general locality.

### Amenity Issues

#### Impact on neighbouring occupiers

The applicant has submitted a daylight and sunlight report in support of the planning application. This concludes that the scheme would result in a benefit to the property at no.1 Queens Way in terms of increased sunlight and daylight, whilst there would be slight reductions to daylight perceived by no.2 and no.3. In the view of the case officer, the scheme would not materially harm the visual amenities of the occupiers of these properties.

Given the distance of the rear wing from the boundary with no.2 Queens Way, it is not considered that this would appear overbearing or result in a harmful level of overlooking, loss of outlook or light. Whilst there is only currently a single storey extension over much of this area, the building whilst higher would be sited further away.

The applicant has agreed to obscure glaze second floor windows on the side elevation, given that the distance to the rear boundary is under 13.5m required by policy H17.

An acceptable distance to the rear boundary would be provided, in compliance with policy H17.

In terms of the projection beyond no. 19 and no.20 Queens Way and the impact on no.1 Queens Way the revised proposals would not unduly impact the living conditions of the occupiers of these properties. No.20 is in use as a hotel.

Given that the distance from habitable rooms to the building at no.1 Queens Way is over 24m and is compliant with policy H17 it is not considered that a harmful level of overlooking would result.

Given the distance from neighbouring residential properties it is not considered that the proposals would have a harmful impact on the residential amenities of neighbouring occupiers through associated noise and disturbance.

It is not considered that the proposals would have a harmful impact on the visual or residential amenities of neighbouring occupiers.

#### Impact on future occupiers

All the flats indicated would meet London Plan and SPD: Sustainable Design and Construction standards for floorspace.

The proposed amenity space provision would meet the requirements of Council policy H18.

Generally the proposals would provide an appropriate level of amenity for future residents significantly above the required standards.

#### Sustainability Issues

In accordance with the London Plan and the Council's SPD's on Sustainable Design and Construction, the proposals would be expected to meet Level 4 of the Code for Sustainable Homes. Furthermore, the proposals would need to comply with London Plan Policy 5.3 which reads.

'Policy 5.3 Sustainable design and construction

- A) The highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.
- B) Development proposals should demonstrate that sustainable design standards are integral to the proposal, including its construction and operation, and ensure that they are considered at the beginning of the design process.
- C) Major development proposals should meet the minimum standards outlined in the Mayor's supplementary planning guidance and this should be clearly demonstrated within a design and access statement. The standards include measures to achieve other policies in this Plan and the following sustainable design principles:

- a. minimising carbon dioxide emissions across the site, including the building and services (such as heating and cooling systems)
- b. avoiding internal overheating and contributing to the urban heat island effect.
- c. efficient use of natural resources (including water), including making the most of natural systems both within and around buildings
- d. minimising pollution (including noise, air and urban run-off)
- e. minimising the generation of waste and maximising reuse or recycling
- f. avoiding impacts from natural hazards (including flooding)
- g. ensuring developments are comfortable and secure for users, including avoiding the creation of adverse local climatic conditions
- h. securing sustainable procurement of materials, using local supplies where feasible, and
- i. promoting and protecting biodiversity and green infrastructure.'

The applicant has submitted an energy and sustainability statement, which states that the scheme would achieve 39.1% reduction in CO<sup>2</sup> emissions. This also states that it is hoped that the proposals will attain Level 4 of the Code for Sustainable Homes. The proposals would therefore comply with relevant Sustainability requirements.

### Highways Issues

The proposal is for the demolition of 2 existing buildings and the erection of 10 flats. A revised parking plan (6118-PL-103) has been submitted which shows 15 parking spaces.

The 15 parking spaces are proposed in a basement which will be accessed via a single car lift. Car lifts have the potential to break down and when this happens vehicles from the development will be forced to park on-street. Depending on the number of spaces and the traffic and parking context of a site we ask that 2 lifts are included to reduce potential problems.

In this case the applicant is reluctant to include a second lift. However, the site is located within a CPZ and it is therefore considered acceptable to allow the development to proceed with a single car lift provided that the future residents are prevented from buying parking permits. This will protect the existing road network in the vicinity of the site should the lift malfunction or the residents decide that using the lift is onerous.

Therefore we would ask for a contribution of £2,000, through a S106 agreement, in order to modify the Road Traffic Order to prevent residents of the flats from purchasing parking permits.

Additionally, in order to ensure that the lift is properly maintained a method statement on maintenance should be provided.

Access into the lift will be via an existing access. There is space away from the highway for a vehicle to wait for the lift and to allow another vehicle to pass. However, conflicting vehicle movement is unlikely to be a regular occurrence.

The revised plan (6118-PL-103) shows 15 car parking spaces, one of which is a disabled bay. This is in accordance with UDP 2006 policy. The parking bay dimensions and manoeuvring room is also acceptable.

Refuse storage is located within the basement. The applicant will have to agree that the bins are taken to the edge of highway on collection days.

Due to the location of the site on a busy through road and because of the size of the excavation and building a construction and demolition management plan should be submitted for approval.

Subject to conditions and a legal agreement preventing residents from obtaining residents permits, the application is considered acceptable on highways grounds.

### Section 106 Issues

In line with the approved supplementary planning documents the following contributions would be required.

- Contribution of £42,592 towards educational facilities
- Contribution of £1,390 towards libraries facilities
- Contribution of £11,106 towards health facilities
- Contribution of £1,000 Employment training and Skills (This has been index linked)
- Contribution of £2,000 towards amendment to traffic order preventing residents from obtaining permits.
- Contribution of £2,323.52 towards associated monitoring costs
- Contribution of £112,187 commuted sum in lieu of affordable housing

This is a total contribution of £172,598.52.

This takes into account the £64,000 that has already been provided under applications H/04709/10 and W09112C/07. Details are as follows:

Under Application H/04709/10 the applicant provided:

- Contribution of £23,898 towards education facilities within the borough
- Contribution of £4,032 towards health facilities within the borough
- Contribution of £12,000 towards employment and training facilities within the borough
- Contribution of £1,396.50 towards associated monitoring costs

Under Application W09112C/07 the applicant provided:

- £11,000 towards educational facilities within the Borough
- £11,500 towards employment and training initiatives within the Borough
- £500 towards associated monitoring costs

The above contributions previously paid total £64,000. Legal advice has been obtained advising that these should still be considered and should count towards any future obligations required on the site.

The contributions are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Reduction of privacy to rooms and garden areas - *Addressed in main report*

Loss of light - *Addressed in main report*

Loss of birds to garden - *Addressed in main report*

Loss of the educational use - *Addressed in main report*

Previous owners would only sell site on basis of residential valuation preventing further educational use - *A thorough marketing exercise has been carried out on previous applications, this was scrutinised by officers and the Council's Valuation Team. The suitability of the site for further educational use is limited, and it is considered that the issue has been addressed.*

Can you confirm that renewable energy will be incorporated? - *These would be required and this would be secured by condition*

Fences and borders to alleyway should be repaired. - *Means of enclosure would need to be provided as part of the proposals.*

### **4. EQUALITIES AND DIVERSITY ISSUES**

The application seeks planning permission for a block of 10 flats, on land previously used for educational use. It is noted that various groups enquired into the availability of the site for further educational/community use. The Council could not control who the previous owner would sell the land to, only whether a robust marketing exercise has been carried out, it is considered that this is the case.

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

### **5. CONCLUSION**

The application is recommended for **APPROVAL**.

**SITE LOCATION PLAN:**

**21-24 Queens Road, London, NW4 2TL**

**REFERENCE:**

**H/04913/11**



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| <b>6</b> | <b>Health</b><br>A contribution towards Health Facilities and Resources in the borough   | <b>£46,667.00</b> |
| <b>7</b> | <b>Highways Improvement (local to the site)</b><br>A contribution towards local highway improvements within the vicinity of the development. Before the development hereby approved is commenced, the detailed layout plan of the bus stop and shelter should be agreed with the Highway Authority and Transport for London. A contribution is also necessary towards the costs of these highway improvements.   | <b>£15,000.00</b> |
| <b>8</b> | <b>Monitoring of the Agreement</b><br>Contribution towards the Council's costs in monitoring the obligations of the agreement, including £5000 towards the monitoring of the travel plan.  | <b>£48,360.00</b> |
| <b>9</b> | <b>Special Site-Specific Obligation</b><br>Submission of a Landscape and Ecology Management Plan to show how important landscape features will be maintained, and the site managed, to ensure that protected species and their habitats are not harmed during the development and to secure long-term protection and enhancement of the site's ecological and landscape values. This plan shall include a mechanism for submission of any future tree works application. | <b>£0.00</b>      |

**RECOMMENDATION II:**

1. That the application be referred to the Greater London Authority (Under Article 5 of the Town and Country Planning (Mayor of London) Order 2008) and to the Secretary of State.

**RECOMMENDATION III:**

That upon completion of the agreement and no direction being received to refuse the application and no direction being received that the application is called in for the Secretary of State to determine, the Assistant Director of Planning and Development Management approve the planning application reference: H/03404/11 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: E1-001 11.07.2011, E-001 16.03.2011, E-LG, E-100, E-101, E-102, E-103, E-104, E-105, E-201, E-202, E-304, E-303, E-302, E-301, E-305, E-306, P-107, P1-001, P1-LG revB, P1-100 revA, P-MOO revA, P-101 revB, P-102 revA, P-103 revA, P-104, P3-006, P3-005, P2-003, WS-LG, WS-100, WS-101, WS-102, WS-103, P4-101 revA, P1-301, P4-301 revA, P4-201, P4-002 revA, P4-003 revA, P1-201 revA, P1-000, EDP337/2.5h dated 24th Nov 2011, proposed internal highway layout, illustrative car park section, product data stack parker 2042, letter from Anna Rogers dated 3rd November 2011, 'Acorn stairlifts product sheet dated 8/11/2011, C-LG, C-100, C-101, C-102, C-103, C-104, P3-004, P3-001, P3-003, P3-002, P2-002, P2-



001, P3-007, 'Substitution of Information' dated 2nd November 2011, 'Additional of Information' dated 2nd November 2011, File attenuation tank 1, CS/049256/1001 revP2, CS/049256/1000 revP1, 'Findings of the Arboricultural Assessment', 'Landscape and Visual Impact report', 'Planning Statement', 'Toolkit Viability Assessment', 'Reptile Report', 'Great crested newt report', 'Bat report', 'Heads of terms for landscape and ecology management plan', 'Ecological appraisal', 'Flood risk assessment', 'Statement of community involvement', 'Framework construction management plan', 'Transport statement', 'PPS5 Significance and heritage impact assessment', 'Daylighting assessment report', 'Energy statement', 'Sustainability statement', 'Design and access statement' and 'Scope of works'.

Reason:

For the avoidance of doubt and in the interests of proper planning.

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

Reason:

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

4. Two months prior to the first occupation of the site, a residential Travel Plan that meets current Transport of London criteria as detailed in the document 'a new way to plan' shall be submitted to and approved by the Local Planning Authority. This should include a Delivery and Servicing plan and a residential travel pack for all new residents. The use shall be carried out in accordance with the travel plan as approved. The travel plan should include the appointment of a Travel Plan coordinator. The Travel plan should be reviewed annually in accordance with the target set out in the Travel Plan.

Reason:

To encourage the use of sustainable forms of transport to the site in accordance with policies GSD and M3 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

5. The dwelling(s) shall achieve a Code Level 4 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 4 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

6. Before the development hereby permitted is commenced, details of the number and location of the units which do not fully comply with lifetime homes criteria should be submitted to and approved in writing by the Local Planning Authority. Details should include the dispensations required and reasons why the required standards can not be met.

Reason

To ensure that the development is sustainable.

7. The demolition and/ or construction of the development hereby approved shall be carried out in accordance with a method statement and Construction Management Plan, which shall have been previously submitted to and approved in writing by the Local Planning Authority. Any demolition shall be carried out in accordance with the approved scheme.

Reason

In the interests of free flow of traffic, highway safety, to safeguard the health of existing trees, sustainable development and to safeguard the presence of bats on the site, which are a protected species.

8. Before the development hereby permitted commences, 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 and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

9. Before the development hereby permitted is occupied the parking spaces, garages and cycle parking spaces shown on Plans P-LG revB, 'Illustrative Landscape Plan dated 24th November 2011 and 'proposed Internal Highway Layout' and electrical charging points as indicated within report entitled 'Additional of Information' 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.

10. Part 1

Before development commences other than for investigative work:

- a) A desktop study shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.-
- b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:-
- a risk assessment to be undertaken,
  - refinement of the Conceptual Model, and
  - the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

- c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

## Part 2

Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason:

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety.

11. Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties.

12. A noise assessment, by an approved acoustic consultant, shall be carried out in accordance with Planning Policy Guidance Notes 24 on the development that assesses the likely impacts of noise on the development. This report and any measure to be implemented by the developer to address its findings shall be submitted in writing for the approval of the Local Planning Authority before the development commences. The approved measures shall be implemented in their entirety before (any of the units are occupied/ the use commences).

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.

13. 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.

14. Before development commences, a report should be carried out by a competent acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the development of the ventilation/extraction plant. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

It should 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 contents and recommendations. The approved measures shall be implemented in their entirety before (any of the units are occupied / the use commences).

Reason:

To ensure that the amenities of neighbouring premises are protected from noise from the development.

15 Prior to the commencement of the development hereby permitted, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- window reveals on the new wings
- brickwork detailing and string course detail on the new wings
- stonework detailing on the dormer windows
- the chair lift on the front entrance steps
- replacement windows
- the glazed new main entrance canopy
- the new glazed roof for the cloister
- the new link bridges
- solar panels/ tiles

Development shall be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory appearance to the development located in a Conservation Area and to safeguard the historic and architectural character of the Listed Building.

16. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the new wings and garages, including joinery, windows, doors, gutters, eaves, walls and roofing and the hard surfaced areas (plus a brickwork sample panel large enough to show the brick mix, bond and mortar) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason:

To safeguard the historic and architectural qualities of the Listed Building, and ensure that the new buildings and extensions make a positive contribution to the character or appearance of the Conservation Area.

17. All new facing brickwork on additions should be laid in a bond to match the existing, with pointing and mortar to match.

Reason:

To safeguard the historic and architectural qualities of the Listed Building, and ensure that the new buildings and extensions do not detract from the character or appearance of the Conservation Area.

18. No plumbing or pipes, other than rainwater pipes, shall be fixed on the external faces of the buildings unless shown on the approved drawings.

Reason:

To ensure a satisfactory appearance to the development located in a Conservation Area and to safeguard the historic and architectural character of the Listed Building.

19. The yellow stock brick salvaged from the demolished D wing shall be re-used as the facing brick in the new F- wing and the natural slate from the demolished D-wing shall be re-used within the roof of the new F- wing, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure a satisfactory appearance to the development located in a Conservation Area and to safeguard the historic and architectural character of the Listed Building.

20. No development shall take place until details of the central flue terminal(s) to serve the main heating boiler, to be positioned on the roof of E wing, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory appearance to the development located in a Conservation Area and to safeguard the historic and architectural character of the Listed Building.

21. No development shall take place until a schedule of existing internal and external doors and an indication of those proposed for retention/ replacement are submitted to and approved in writing by the Local Planning Authority. Details of replacement door designs are required at 1:10 scale. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory appearance to the development located in a Conservation Area and to safeguard the historic and architectural character of the Listed Building.

22. No development shall take place until details of the proposed paint scheme for the chapel, including paintwork analysis of the existing, is submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory appearance to the development located in a Conservation Area and to safeguard the historic and architectural character of the Listed Building.

23. The development permitted by this planning application shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 11th August 2011 by Capita Symonds and email and associated attachments submitted by Kevin Mitchell on 30th November 2011 and the following mitigation measures detailed within these documents:
1. Limiting surface water run-off to 47 l/s rates for all events up to and including the 1 in 100 year storm event, with an allowance for climate change.
  2. Provision of on-site surface water storage to accommodate the critical duration 1 in 100 year storm event, with an allowance for climate change.
  3. Surface water storage to be achieved using sustainable drainage techniques including porous paving.

Reason

1. To prevent flooding by ensuring the satisfactory storage of/ disposal of surface water from the site.
2. To prevent flooding elsewhere by ensuring that sufficient storage of surface water is provided.
3. To ensure surface water flood storage is achieved with appropriate sustainable drainage techniques.

24. 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.

Reason:

To ensure a satisfactory appearance to the development.

25. A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning

Authority before the development, hereby permitted, is commenced. This should include details of the refurbishment of the steps by the grotto.

Reason:

To ensure a satisfactory appearance to the development.

26. 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.

27. Before this development is commenced details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site shall be submitted and approved in writing by the Local Planning Authority and the development carried out in accordance with such approval.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature.

28. No site works or works on this development shall be commenced before temporary tree protection has been erected around existing tree(s) in accordance with details to be submitted and approved in writing by the Local Planning Authority. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature.

29. No siteworks or works on this development shall be commenced before a method statement detailing precautions to minimise damage to trees in accordance with Section 7 of British Standard BS5837: 2005 *Trees in relation to construction - Recommendations* is submitted to and approved in writing by the LPA and the development shall be carried out in accordance with such approval.

Reason: To safeguard the health of existing trees which represent an important amenity feature.

30. No development or other operations shall commence on site in connection with the [demolition and] development hereby approved until a detailed tree felling / pruning specification has been submitted to and approved in writing by the local planning authority and all tree felling and pruning works shall be



carried out in full accordance with the approved specification and the British Standard 3998: 2010 *Recommendation for Tree Works* (or as amended).

Reason:

To safeguard the health of existing trees which represent an important amenity feature.

31. No development shall commence on site until a mitigation and monitoring strategy for bats is submitted to and approved in writing by the Local Planning Authority. The mitigation scheme shall be undertaken in accordance with the Ecological Appraisal Report dated September 2007.

Reason

In the interests of nature conservation

32. No development shall be carried out on site until details of the play equipment to be used in the children's play area are submitted to and approved in writing by the Local Planning Authority. The details should include equipment type and height. The development shall be carried out in accordance with the approved details.

Reason

To ensure safe play and to ensure that the character of the listed building is not compromised.

33. Prior to the commencement of development, a Landscape and Ecology Management Plan to show how important landscape features will be maintained, and the site managed, to ensure that protected species and their habitats are not harmed during the development and to secure ecological improvements, shall be submitted to and agreed in writing by the Local Planning Authority. This will include confirmation that any tree works application will be submitted centrally by the management company and that an arboriculturalist will conduct a site survey.

Reason

To protect important landscape features and ensure that protected species and their habitats are not affected by the development.

34. 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 on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

35. All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

Reason:

In order to safeguard the special architectural or historic interest of the Listed Building.

36. The demolition works hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been executed and planning permission has been granted for the redevelopment for which the contract provides. Evidence that this contract has been executed shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority prior to any demolition works commencing.

Reason:

To preserve the established character of the Conservation Area pending satisfactory redevelopment of the site.

37. The development shall be implemented in accordance with details set out in letter from Anna Rogers dated 3rd November 2011 and reports entitled 'Sustainability Statement' and 'Energy Statement'.

Reason

To ensure the development is sustainable.

#### **INFORMATIVE(S):**

1. The reasons for this grant of planning permission or other planning related decision are as follows: -  
i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).  
In particular the following polices are relevant:

Adopted Barnet Unitary Development Plan (2006):

GSD, GBEnv1, GBEnv2, GBEnv3, GBEnv4, GRoadNet, GParking, GWaste, D1, D2, D3, D4, D5, D6, D11, D12, D13, HC1, O1, O2, O3, O6, O17, M1, M7, M14, H5, H8, H16, H17, H18, H20, H24, CS2, CS8, CS13, IMP1 and IMP2.

Barnet SPD: Contributions to Health Facilities from Development (July 2009)

Barnet SPD: Contributions to Education from Development (February 2008)

Barnet SPD: Contributions to Library Services from Development (February 2008)

Barnet SPD: Sustainable Design and Construction (June 2007)

Barnet SPD: Affordable Housing (February 2007)

Barnet SPD: Planning Obligations (Section 106) (September 2006)

Mill Hill Conservation Area Character Appraisal Statement

Core Strategy (Submission version) 2011: CS4, CS5, CS7

Development Management Policies (Submission version)2011: DM01, DM02, DM03, DM04, DM06, DM08, DM10, DM15, DM16, DM17

- ii) The proposal is acceptable for the following reason(s): - The proposed development would not detract from the openness of the Green Belt and would not harm the character and appearance of the Mill Hill Conservation Area. It would bring back into repair a listed building and would provide suitable accommodation for future residents. There would be no undue impacts on the amenities of the neighbouring occupiers and the proposal complies with all relevant council policy and design guidance.
2. Your attention is drawn to the fact that this decision is subject to a Section 106 Planning Obligation.
  3. For any changes to the vehicular access the applicant must submit an application under section 184 of the Highways Act (1980). The proposed access design detail, construction and location will be reviewed by the Development Team as part of the vehicular access 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. Any redundant crossovers will be reinstated to footway level.
  4. Any details submitted in respect of the Construction Management Plan shall indicate how the hours of operation will be controlled, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.
  5. In complying with the contaminated land condition parts 1 and 2: Reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
    - 1) The Environment Agency CLR & SR Guidance documents;
    - 2) Planning Policy Statement 23 (PPS 23) - England (2004);
    - 3) BS10175:2001 Investigation of potentially contaminated sites - Code of Practice;
    - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH.

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.

6. The Air Quality Assessment Report submitted to the LPA should be written in accordance with the following guidance: 1) NSCA Guidance: Development Control Planning for Air Quality and the Planning Policy; 2) Environment Act 1995 Air Quality Regulations, Planning Policy Statement 23: Planning and Pollution Control, Annex 1: Pollution Control, Air and Water Quality; 3) Local Air Quality Management Technical Guidance LAQM.TG(03); 4) London Councils' Air Quality and Planning Guidance, revised version January 2007; 5) The report should also have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network.
7. 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 Council of 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 email: [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning: 0208 359 7294.

#### **RECOMMENDATION IV:**

That if an agreement has not been completed by 12/6/2012, that unless otherwise agreed in writing, the Assistant Director of Planning and Development should REFUSE the application H/03404/11 under delegated powers for the following reason:

The development does not include a former undertaking to provide a contribution towards affordable housing to meet the demand for such housing in the area, or financial contributions towards the additional pressure created by the development that will be placed on existing library, education, health facilities or necessary improvements to the local bus stop facility. Further, it does not include details of how the monitoring of the undertaking will be met. All the above are necessary for the proposal to be acceptable, therefore it is contrary to policies H5, H8, CS2, CS8, CS13, IMP1 and IMP2 of the Adopted

Barnet Unitary Development Plan and the Barnet Supplementary Planning Documents: Contributions to Library Services from Development (Feb 2008), Contributions to Education from Development (Feb 2008), Affordable Housing (Feb 2007), Contributions to Health Facilities from Development (July 2009) and Planning Obligations (Sept 2006).

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Guidance/ Statements:

PPS1: Delivering Sustainable Development

PPG2: Green Belts

PPS3: Housing

PPS5: Planning for the Historic Environment

PPS9: Biodiversity and Geological Conservation

PPG13: Transport

PPS25: Development and Flood Risk

### Draft National Planning Policy Framework: July 2011

#### The Mayor's London Plan: July 2011

Policy 1.1 Delivering the Strategic Vision and Objectives for London

Policy 3.3 Increasing Housing Supply

Policy 3.4 Optimising Housing potential

Policy 3.5 Quality and Design of Housing Development

Policy 3.6 Children and Young People's Play and Informal Recreation Facilities

Policy 3.8 Housing Choice

Policy 3.9 Mixed and balanced Communities

Policy 3.10 Definition of affordable housing

Policy 3.11 Affordable Housing Targets

Policy 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes

Policy 3.13 Affordable Housing Thresholds

Policy 5.1 Climate Change Mitigation

Policy 5.2 Minimising Carbon Dioxide Emissions

Policy 5.3 Sustainable Design and Construction

Policy 5.7 Renewable Energy

Policy 5.10 Urban Greening

Policy 5.12 Flood Risk Management

Policy 5.13 Sustainable Drainage

Policy 7.16 Green Belt

Policy 5.21 Contaminated Land

Policy 6.13 Parking

Policy 7.1 Building London's Neighbourhoods and Communities

Policy 7.2 An Inclusive Environment

Policy 7.3 Designing out Crime

Policy 7.4 Local Character

Policy 7.6 Architecture

Policy 7.8 Heritage Assets and Archaeology

Policy 7.16 Green Belt  
Policy 7.21 Trees and Woodland  
Policy 8.2 Planning Obligations

Strategic Supplementary Planning Guidance (SPG):

Mayor of London SPG: Providing for Children and Young People's Play and Informal Recreation (March 2008)  
Mayor of London SPG: Planning for Equality and Diversity in London (October 2007)  
Mayor of London SPG: Sustainable Design and Construction (May 2006)  
Mayor of London SPG: Accessible London: Achieving an Inclusive Environment (April 2004)  
Mayor of London SPG: Housing (November 2005)  
Mayor of London SPG (draft): Housing (December 2011)  
Mayor of London SPG (draft): Affordable Housing (November 2011)

Relevant Unitary Development Plan Policies:

GSD, GBEnv1, GBEnv2, GBEnv3, GBEnv4, GRoadNet, GParking, GWaste, D1, D2, D3, D4, D5, D6, D11, D12, D13, HC1, O1, O2, O3, O6, O17, M1, M7, M14, H5, H8, H16, H17, H18, H20, H24, CS2, CS8, CS13, IMP1 and IMP2.

Local Supplementary Planning Documents:

Barnet SPD: Contributions to Health Facilities from Development (July 2009)  
Barnet SPD: Contributions to Education from Development (February 2008)  
Barnet SPD: Contributions to Library Services from Development (February 2008)  
Barnet SPD: Sustainable Design and Construction (June 2007)  
Barnet SPD: Affordable Housing (February 2007)  
Barnet SPD: Planning Obligations (Section 106) (September 2006)  
Mill Hill Conservation Area Character Appraisal Statement

Core Strategy (Submission Version) 2011

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

Relevant Core Strategy Policies:

CS4, CS5, CS7

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

The Council submitted its LDF Development Management Policies Submission Stage document in September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM10, DM15, DM16, DM17

Relevant Planning History:

<b>Application Reference:</b>	H/03222/10
<b>Case Officer:</b>	Matthew Corcoran
<b>Proposal:</b>	Extension to the time limit for implementing planning permission W00015S/07 granted 04/02/08 for 'Demolition of D and F wings, single storey cloister and kitchen extensions and erection of replacement D and F wings, ground floor extension to B wing and courtyard, alterations to E wing roof, associated elevational changes, to facilitate use as a care home (Class C2). Demolition of existing garages and erection of replacement ancillary buildings. Alterations to 3 agricultural outbuildings. Associated car parking and landscaping.'
<b>Stat Start Date</b>	01/09/2010
<b>Application Type</b>	APF
<b>Decision</b>	APL
<b>Decision Date</b>	30/11/2010

<b>Application Reference:</b>	H/03223/10
<b>Case Officer:</b>	Matthew Corcoran
<b>Proposal:</b>	Extension to the time limit for implementing planning permission W00015T/07 granted 11/02/08 for 'Demolition of D and F wings, single storey cloister and kitchen extensions and erection of replacement D and F wings, ground floor extension to B wing and courtyard, alterations to E wing roof, associated elevational and internal changes, to facilitate use as a care home (Class C2). Demolition of existing garages and erection of replacement ancillary buildings. Alterations to 3 agricultural outbuildings. Associated car parking and landscaping.' (LISTED BUILDING APPLICATION)
<b>Stat Start Date</b>	01/09/2010
<b>Application Type</b>	LBC
<b>Decision</b>	APC
<b>Decision Date</b>	30/11/2010

<b>Application Reference:</b>	W00015S/07
<b>Case Officer:</b>	
<b>Proposal:</b>	Demolition of D and F wings, single storey cloister and kitchen extensions and erection of replacement D and F wings, ground floor extension to B wing and courtyard, alterations to E wing roof, associated elevational changes, to facilitate use as a care home (Class C2). Demolition of existing garages and erection of replacement ancillary buildings. Alterations to 3 agricultural outbuildings. Associated car parking and landscaping.
<b>Stat Start Date</b>	
<b>Application Type</b>	APF
<b>Decision</b>	APC
<b>Decision Date</b>	04/02/2008

<b>Application Reference:</b>	H/00015T/07
<b>Case Officer:</b>	
<b>Proposal:</b>	Demolition of D and F wings, single storey cloister and kitchen extensions and erection of replacement D and F wings, ground floor extension to B wing and courtyard, alterations to E wing roof, associated elevational and internal changes, to facilitate use as a care home (Class C2). Demolition of existing garages and erection of replacement ancillary buildings. Alterations to 3 agricultural outbuildings. Associated car parking and landscaping. (LISTED BUILDING APPLICATION)
<b>Stat Start Date</b>	
<b>Application Type</b>	LBC
<b>Decision</b>	APC
<b>Decision Date</b>	04/02/2008

**Consultations and Views Expressed:**

Neighbours Consulted: 190  
Replies: 3 (including 1 in support)  
Neighbours Wishing  
To Speak 1

The objections raised may be summarised as follows:

- objection to the proposed use as residential
- proposal will not provide affordable homes
- increase in traffic
- increase in noise and disturbance

**Internal /Other Consultations:**

**Responses from internal consultees:**

**Trees and landscaping-** No objection subject to conditions. Comments are included in the body of the report.



**Housing Development Team-** No objection to the provision of a commuted sum towards affordable housing in the Borough as opposed to on site provision, due to the practicalities of the listed building and affordability issues for tenants.

**Traffic & Development-** No objection subject to conditions. Comments are included within the body of the report.

**Environmental Health-** No objection subject to conditions. Comments are included within the body of the report.

**Urban Design & Heritage-** No objection subject to conditions. Comments are included within the body of the report.

**Responses from external consultees:**

**Environment Agency -** No objection subject to conditions. Comments are included within the body of the report.

**Greater London Authority-** The Mayor of London considered the application on 17th October 2011 and issued a Stage 1 response to the Council.

The Mayor considers that the application is broadly acceptable in strategic planning terms but, on balance, does not fully comply with the London Plan. It was suggested that the following information was required:

- **Housing:** Further discussion should take place between the applicant and the Council post the assessment of the viability toolkit
- **Children's play space:** Further discussion regarding the nature of the play space should take place between the Council and the applicant
- **Inclusive design:** Further information should be provided regarding the accessibility and inclusiveness of the units and confirm whether they meet lifetime homes standards
- **Climate change:** The applicant should confirm compliance with a level equivalent to 2010 Building Regulations compliance through energy efficiency alone.
- **Transport:** Further information on electric charging points and cycle parking should be provided

Further information has been submitted in respect of the above issues and are clarified in the body of the report. This new information forms part of the officer's assessment of the application. Should the Council resolve to grant permission, this will form the basis of the Stage 2 referral to the Mayor.

**Secretary of State (SoS) -** Has advised that the Council should notify the Secretary for State if minded to approve the application. Having considered the application, the Secretary of State will issue a letter of either non-intervention, allowing the Council to take the decision on the application, or call-in, stating that the application

will be considered by an Inspector at a public inquiry prior to the Secretary of State determining the application.

**Natural England-** No objection subject to conditions. Comments are included within the body of the report.

**Mill Hill Preservation Society-** No objection.

**Thames Water -** No objection

**English Heritage-** This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

**TfL-** No objection subject to conditions. Comments are included in the body of the report.

**London Wildlife Trust-** The application should be appropriately conditioned to ensure that a detailed Landscape and Ecology Management plan is submitted prior to commencement of development.

Date of Site Notice: 08 September 2011

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site is St Josephs College and its grounds, located on the East side of Lawrence Street, Mill Hill. The site is located within the Mill Hill Conservation Area and is designated Green Belt land. The whole of the site is covered by a tree preservation order.

The building is grade II listed and was formally used as a residential training institution for the Mill Hill Missionaries, but all missionary training was transferred abroad in 2005 when numbers diminished and the site has lain empty since. The previous use fell within Class C2 of the Town and Country Planning (use class) Order.

The oldest part of the building dates back to the 1870's and there are 2 more recent additions- the D wing constructed in 1950's and F wing constructed in 1920's. There is also a single storey kitchen extension and 10 agricultural outbuildings.

The college sits within 2.8 hectares of grounds to the North, East and South, however the application does not encompass the outlying land, which has been retained in the ownership of the missionary. Residential properties bound the outer grounds to the South, East and West and the nearest properties are approximately 90m from the main college building. The site is accessed from Lawrence Street to

the West. St Joseph's College bus stop is located adjacent to the site access on Lawrence Street.

The existing building consists of 10,628m<sup>2</sup> of accommodation, including a chapel. Over 8000m<sup>2</sup> of hard standing exists to provide car parking within the grounds, which also includes formal and informal gardens with a pond, a disused hard tennis court and a large parking area. The grounds are characterised by well established trees giving the site a wooded character.

#### History

Permission W00015S/07 for the change of use of the college to a care home including replacement D and F wings and other smaller extensions was granted in 2008.

Permission H/03222/10 for an extension to the time limit for implementing the above permission was granted in 2010.

This permission has not been implemented.

#### Proposal:

The applicant requests permission for the change of use of the building from a residential institution into residential dwellings (class C3) comprising of 49 self contained units.

The proposal includes the demolition of the existing D and F wings and single cloister and the erection of replacement D and F wings, the restoration of the remaining A, B, C, E wings and chapel and retention and refurbishment of 3 agricultural outbuildings. The remaining agricultural buildings would be demolished. There would be associated underground and surface car parking and cycle parking and alterations to the landscaping of the site.

The breakdown of the units would be as follows:

4x 1 bed flats

31x 2 bed flats

13x 3 bed flats

1x 4 bed unit (the chapel)

As amended, 79 parking spaces are proposed, comprising 39 spaces at ground floor, 24 at basement level and 16 within the detached stacker garage unit.

104 cycle parking spaces are proposed in the basement, which has direct access to the flats via a lift.

There would be 30 electric charging points for cars within the surface level parking. A further 28 could be facilitated if required within the basement and within the garage buildings.

In terms of demolition, the existing D and F wings would be replaced with new wings which would be similar in design to the historic college buildings. The replacement F wing would be 4 storeys high and the new D wing 6 storeys high. There would be

new glazed links between wings C and A and glazed bridges joining the new wings to the existing building. The front kitchen infill would be removed and landscaped to form a courtyard to the main entrance and a rear courtyard infill attached to the cloister would also be removed and used as additional courtyard space.

Overall, the proposed footprint of the replacement additions would be lower than that of the existing building and lower than the buildings within the extant consent.

The remaining A, B, C and E wings would be retained and refurbished to facilitate the conversion to flats.

The chapel would be converted into a single residential unit with a self supporting platform introduced at the North end of the main isle to provide a master bedroom at first floor level.

Most of the ancillary outbuildings would be demolished. The three to be retained would be used for storage, plant and refuse.

The modern garages to the west would be replaced with a brick built terraced building to house car parking with a stacking system.

The proposed landscaping would include formal lawns and more informal meadow areas to the periphery and the pond to the rear would be restored and enhanced. An outdoor play space for children would be introduced.

The majority of the trees on the site would be retained. Those to be felled are indicated on the proposed landscape plan and would be lost on arboricultural grounds in order to implement the landscaping scheme. The scheme actually proposes a decrease in the amount of hard surfaced area, from 8188m<sup>2</sup> as existing to 5668m<sup>2</sup> as proposed, due to the provision of the garage block and underground parking.

Improvements to bus stop on Lawrence Street are proposed. The applicant should discuss the details of this with TfL, secured via the section 106 agreement.

#### Planning Considerations:

##### **Green Belt**

The application lies wholly within Green Belt land.

The fundamental aim of national and local Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of the Green Belt being its openness. PPG2 states that 'the strongest protection should be given to the Green Belt. UDP policy O1 states that the Council will refuse any development in the Green Belt or Metropolitan Open Land which is not compatible with its purposes and objectives, does not maintain its openness and would harm its visual amenity.

There is as such a presumption against development in the Green Belt which is considered inappropriate and which would by definition be harmful to its aims and objectives. Such development, PPG2 states, should only be approved in 'very special circumstances'.

PPG2 states that residential development, other than the replacement of existing dwellings, is in principle inappropriate development in the Green Belt and therefore by definition harmful to its aims. Additionally, Paragraph 3.8 addresses the appropriateness of the reuse of buildings in the Green Belt. It states that reuse is not inappropriate providing... the buildings are capable of conversion without major/complete reconstruction.

The application proposes the demolition and replacement of 2 wings which constitutes major redevelopment (complete reconstruction), for the purpose of residential development.

It is therefore inappropriate development in line with PPG2.

The draft National Planning Policy Framework (NPPF) takes a slightly different view of the definition of inappropriate development. It states that the replacement of any *building* (as opposed to just dwelling), provided the new building is not materially larger than the one it replaces, is appropriate.

The development would therefore not be considered inappropriate under the changes set out in the NPPF, however given that it is not adopted the weight attributed to it is limited.

In light of current policy, whilst having regard to the NPPF, the proposal is considered to be inappropriate development in the Green Belt and to be justified; there must be very special circumstances to overcome the harm caused.

The circumstances put forward are as follows:

- The existing listed building is becoming derelict and English Heritage has considered putting it on the 'at risk' register. The applicant states that the redevelopment of the buildings for residential development is the only financially viable option to enable the preservation of the listed building.
- The wings to be demolished are not part of the original building and their appearance is considered to harm the overall appearance and character of the listed building and the character of the conservation area. The replacement wings are more sympathetic to the listed building and would improve the appearance of the building and the conservation area. Details have been provided as to how each part of the building would be restored and the preservation and enhancement of the listed building is supported.
- The extant permission for the care home is a material consideration. The current proposal has a smaller built footprint than the care home scheme, although a larger floor space taking into account the basement. It also proposes a reduction

in hard standing of 31% compared to existing, allowing for significant greening and soft landscaping to be introduced.

The heritage benefits the development would bring in restoring and reusing a vacant and declining listed building and improving its setting are accepted as justification of very special circumstances. In this case it is considered that the residential development proposed for the site is in principle acceptable in terms of Green Belt policy.

In terms of the impact on the openness of the Green Belt and compliance with policy O1, the new buildings would sit largely within the footprint of the existing and their heights are no greater than the existing. No significant boundary treatment is to be introduced and overall it is considered that the openness of the green belt would be enhanced, particularly through the reduction in hard surfacing.

### **Proposed use**

The previous use for the site is C2- residential institution. This included an element of communal living and historically served as a wider community facility, which council policy aims to protect. The extant permission, a care home, is also a C2 use providing an element of communal living more in keeping with the original use of the building. It is therefore only where the marketing process has established that there is no interest for Class C2 or other institutional-type uses, that the council would consider an alternative residential use appropriate.

The marketing information was submitted by Knight Frank, a major West End agent specialising in institutional buildings. In a letter from Knight Frank to the applicant dated 17th February 2011, they state that the property was marketed between 2009 and 2011 on the basis of the care home consent. They indicate that the usual marketing efforts were adopted including a brochure and a dedicated website. Knight Frank note that mainstream healthcare operators require smaller properties and a more manageable style of accommodation and that even under favourable marketing conditions this would be a difficult disposal. The letter examines the market and demand for a number alternative uses within D1 and C2 but concludes that there is unlikely to be demand from anybody seeking to acquire the property on this basis.

As part of the assessment of this application, officers commissioned an independent evaluation of the applicant's financial viability toolkit. This was undertaken by the firm GVA.

GVA in their assessment of the applicant's viability toolkit advise that they are in agreement with Knight Frank's assessment of the market.

Officers recognise the significant constraints of this site and conclude that there is effectively no demand in the short or medium term for either the previous use or the extant consent. The current proposal would ensure that this important listed building is brought back into repair and would secure its long term preservation.

### **Residential density/ affordable housing**

The majority of the flats within the development would be generously proportioned 2 or 3 bedrooomed flats. The chapel provides the largest accommodation, being converted into a 4 bed unit. The size of all the units meets London Plan minimum space standards and overall the development would provide suitable accommodation for future occupiers, in a safe and secure residential environment.

In Barnet, the high cost of owner occupation and private sector rented accommodation means that many households on low to middle incomes find it difficult to afford homes in the private market. The council is committed to ensuring that people's housing needs in the borough are met. As such it is a requirement that affordable housing is provided in line with the SPD- Affordable Housing.

Policy H8 of Barnet's UDP facilitates, in exceptional circumstances, the payment of a commuted payment in lei of on site provision which can be used to release funds to provide affordable housing elsewhere. The councils housing officers have confirmed that the circumstances of this particular development would not lend itself to an on-site provision. The complexities of reusing the listed building and affordability issues for future residents given the potentially high service charge mean that a commuted sum would in this instance be appropriate and has been secured via a 106 agreement.

The applicant has submitted a financial viability appraisal which has been independently assessed. Recognising the uncertain and high costs involved in converting the listed building, the level of contribution secured is appropriate.

### **Design/ conservation**

The proposal involves the replacement of two more recent additions to the building, blocks D and F, and the restoration of the original building.

The councils Design and Conservation team note that the existing blocks D and F detract from the special architectural interest of the listed building and are not in keeping with the style of the original elements of the building. In principle, they find no objection to their replacement and indeed are of the opinion that it would be an improvement visually.

The design of the replacement blocks have been revised following initial concerns and are now considered to reflect and be respectful to the historic college building. The wings would be no greater in height than the existing listed building and would be compatible with its scale. The proposed footprint is lower than both the existing buildings, and the extensions would sit comfortably with the historic building in this prominent conservation area setting.

The demolition of the outbuildings is acceptable and would improve upon the greenness of the site. The 3 remaining buildings would have their asbestos roofs replaced with slate which would more appropriately tie in with the character of the existing buildings.

The replacement garages to the west of the site would be brick built with timber walls and doors, which would be ensured via a condition.

All remaining elements of the listed building would be restored, including replacement windows and internal and external doors and the restoration of the chapel paintwork.

The success of the scheme and in particular the integration of the replacement wings to the listed building is dependant upon the quality of materials and the detailing of key features.

In the new wings this would include the reuse of the brick and slate from the demolished D wing, window reveals that would match the existing deep reveals, decorative brickwork and string course to match the existing wings and stonework on the dormer roofs to correspond with existing dormer windows. These details would all be secured via a condition.

All other restored elements of the listed building and changes to outlying building would be subject to conditions requiring the submission of details regarding the materials and construction methods used.

### **Residential amenities**

Given the extent of the outlying grounds, the nearest residential neighbours to the building are approximately 90m away. There would as such be no overlooking or loss of privacy to the occupiers as a result of the proposal and no loss of light to or outlook from neighbouring windows as a result of the new replacement wings.

For the same reason, there would be no undue additional noise and disturbance. Although there would be an intensification of the use of the site, the size of the building and the grounds are more than adequate to accommodate the amount of the development proposed, whilst not cause undue noise and disturbance to the neighbouring occupiers.

Overall there would be no undue loss of residential amenity to the nearest neighbouring occupiers.

### **Landscaping/ trees**

The scheme proposes a decrease in the amount of hard surfaced area which would improve the greenness of the site and make a positive contribution to the character of the conservation area.

The landscaping proposals are in principle acceptable and in line with the landscaping scheme approved within the extant consent for the care home scheme. They provide for a variety of formal and informal gardens and a children's play area within the rear garden. They also ensure that trees of amenity value are protected. The council's trees and landscaping team have raised a number of detailed points relating to the protected trees and soft landscaping, which would be addressed via a number of conditions. The landscape plan submitted with the application is



indicative, and a detailed landscape/ planting plan would be required to provide the level of detail required before implementation on site.

An Ecology and Landscape Management is included within the heads of terms of the 106 agreement which would secure the long- term protection and enhancement of the site's ecological and landscape value. It would encompass all aboricultural/ ecological monitoring to bring about successful delivery and ongoing management of the proposals.

The amount and variety of amenity space provided is more than sufficient to serve the needs of the future residents.

### **Wildlife**

Circular 6/05, 'Biodiversity and Geological Conservation- Statutory Obligations and their Impact within the Planning System' states that 'it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before planning permission is granted'. The council has a duty to protect legally protected species.

Bat surveys at the site have confirmed that the building is a confirmed roosting site for 3 types of bats and that mature trees of high 'bat roosting potential' were identified within the grounds.

The scheme has been amended since submission in that the Leylandii trees to the rear of the building which were originally to be felled are now to be retained. These trees are a known refuge for birds and this will have a positive impact on the protection of the bat species.

Any impact area used by roosting bats would require a European Protected Species Mitigation Licence. Mitigation measures have been outlined within the documents submitted with the application which will ensure that the development would not be detrimental to the maintenance of the population of the bat species identified within the site.

A Landscape and Ecology Management Plan and further details on the mitigation measures to be applied would be secured via conditions and within the 106 agreement. Natural England raised no objection to the proposal subject to the inclusion of these conditions.

### **Sustainability/ climate change**

The applicant has indicated that all new dwellings would meet the Code for Sustainable Homes 'Level 4', including lifetime homes and that all refurbished dwelling would meet Ecohomes excellent as a minimum, which is in line with council and London Plan policy and would be ensured via condition.

Due to the complexities of redeveloping the listed building, the applicant has noted that some units within the refurbished elements of the building may not reach certain lifetime homes criteria. Confirmation of the units which fail to meet the standard and the reasons for non compliance would be derived via condition.

The applicant has confirmed that all new build elements of the development would achieve a carbon reduction level equivalent to 2010 building regulation through energy efficiency alone, in line with London Plan policy which seeks to gain a minimum of 25% on site renewables.

A single energy centre consisting of a CHP engine and condensing gas boilers would be installed, providing heat to a single heat network which will distribute heat around to all dwellings. The energy centre would be located in the basement and would house the CHP engine, condensing gas boilers, heating pumps and thermal stores.

### **Inclusive design**

In terms of accessibility for wheelchair users, all floors would be accessible via the front entrance and lift. Access to the garden would be via the East side of the site and a stair lift would be provided to the rear of the building to gain access down the steps from the cloister into the grounds. The pathway around the East side of the site to the southern end and the grotto would be accessible to wheelchairs, as indicated on the indicative landscape plan.

Seven of the units would be wheelchair accessible which exceeds the minimum 10% required by Policy 3A.4 of the London plan, with three at first floor, three at second floor and one at third floor.

### **Flood risk**

The Environment Agency requested the applicant to amend the original submission to indicate that surface water would be discharged at Greenfield run-off rate from the site. This was amended to the satisfaction of the Environment Agency, who raised no objection to the proposal subject to conditions which have been added.

### **Traffic**

The councils Traffic and Development team requested a reduction in the total number of car parking spaces from 87 to 79. The provision now complies with council standards. The basement car park has a wheelchair accessible lift and disabled user spaces are provided near the lift. Details of the car stacking mechanism have been submitted and considered acceptable.

A residential travel plan would be required and the applicant shall pay £5000 towards travel plan monitoring, to ensure the journeys made by residents are sustainable.

The number of cycle spaces proposed meets London Plan policy 6.13. All spaces are in the basement which is considered a safe and accessible location.

The number of electrical charging points proposed is acceptable and in line with policy 6.13 of the London Plan, which states that 20% of all spaces should have an electrical charging point installed.

The Traffic and Development Team concluded that the trips generated by the development would not exceed those of the extant care home consent and that the

existing road network would be sufficient to manage the additional traffic the development would provoke. A contribution towards an improved bus stop at the Lawrence Street entrance to the site would encourage sustainable transport methods.

### **Section 106 issues**

The following monetary contributions are required in order that the needs of the development are met.

- Education- £198,729
- Libraries: £6,811
- Health: £46,667
- Highways improvements: £15,000
- Affordable housing: £700,000
- Submission of a Landscape and Ecology Management Plan to show how important landscape features will be maintained, and the site managed, to ensure that protected species and their habitats are not harmed during the development and to secure long-term protection and enhancement of the site's ecological and landscape values. This plan shall include a mechanism for submission of any future tree works application.
- Monitoring: £48,360.00 (including £5000 towards the monitoring of the travel plan)

Total value: £1,015,567.00

The financial contributions to be phased to allow payment of £100,000 upon implementation, £200,000 upon practical completion (defined as 'completion of the first units available to be occupied), £175,000 upon completion (if the unit is sold) or occupation (if the unit is rented) of the 12<sup>th</sup>, 24<sup>th</sup> and 36<sup>th</sup> residential units and the remaining £190,567 on the sale/ rent of the 48<sup>th</sup> residential unit.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Addressed within the report

### **4. EQUALITIES AND DIVERSITY ISSUES**

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

### **5. CONCLUSION**

The proposed development is considered acceptable for this sensitive site, which comprises a listed building within its conservation area and Green Belt setting.

The existing listed building is becoming derelict and the proposal would enable the preservation of this building of significant historic importance. It proposes a reduction in hard standing allowing for significant greening and soft landscaping of the site and details have been provided as to how the building would be restored.

The scheme has been carefully designed having regard to extensive negotiation with officers and provides suitable accommodation for future occupiers whilst ensuring there would be no undue impacts on the neighbouring occupiers.

**Approval** is recommended.

**SITE LOCATION PLAN: St Josephs College, Lawrence Street, London, NW7 4JX**

**REFERENCE: H/03404/11**



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**LOCATION:** St Josephs College, Lawrence Street, London, NW7 4JX  
**REFERENCE:** H/03405/11 **Received:** 15 August 2011  
**Accepted:** 23 August 2011  
**WARD(S):** Mill Hill **Expiry:** 18 October 2011

**Final Revisions:**

**APPLICANT:** Matterhorn Capital St Joseph's Ltd

**PROPOSAL:** Demolition of existing D and F wings, together with removal of kitchen and courtyard infill buildings. Rebuilding of D & F wings. Creation of underground car park below new landscaped entrance courtyard between F and C wings. Internal divisions and alterations to the Chapel to provide ancillary accommodation. Retention and refurbishment of three agricultural outbuildings, demolition and replacement of existing garages to the west of the main building. Demolition of remaining agricultural buildings. Conversion and restoration of remaining parts of the listed building to residential use and associated works. (LISTED BUILDING CONSENT)

**RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

1. This work must be begun not later than three years from the date of this consent.

**Reason:**

To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: E1-001 11.07.2011, E-001 16.03.2011, E-LG, E-100, E-101, E-102, E-103, E-104, E-105, E-201, E-202, E-304, E-303, E-302, E-301, E-305, E-306, P-107, P1-001, P1-LG revB, P1-100 revA, P-MOO revA, P-101 revB, P-102 revA, P-103 revA, P-104, P3-006, P3-005, P2-003, WS-LG, WS-100, WS-101, WS-102, WS-103, P4-101 revA, P1-301, P4-301 revA, P4-201, P4-002 revA, P4-003 revA, P1-201 revA, P1-000, EDP337/2.5h dated 24th Nov 2011, proposed internal highway layout, illustrative car park section, product data stack parker 2042, letter from Anna Rogers dated 3rd November 2011, 'Acorn stairlifts product sheet dated 8/11/2011, C-LG, C-100, C-101, C-102, C-103, C-104, P3-004, P3-001, P3-003, P3-002, P2-002, P2-001, P3-007, 'Substitution of Information' dated 2nd November 2011, 'Additional of Information' dated 2nd November 2011, File attenuation tank 1, CS/049256/1001 revP2, CS/049256/1000 revP1, 'Findings of the Arboricultural Assessment', 'Landscape and Visual Impact report', 'Planning Statement', 'Toolkit Viability Assessment', 'Reptile Report', 'Great crested newt report', 'Bat report', 'Heads of terms for landscape and ecology management plan', 'Ecological appraisal', 'Flood risk assessment', 'Statement of community involvement', 'Framework construction management plan', 'Transport statement', 'PPS5 Significance and heritage impact assessment', 'Daylighting

assessment report', 'Energy statement', 'Sustainability statement', 'Design and access statement' and 'Scope of works'.

Reason:

For the avoidance of doubt and in the interests of proper planning.

3. The demolition and/ or construction of the development hereby approved shall be carried out in accordance with a method statement and Construction Management Plan, which shall have been previously submitted to and approved in writing by the Local Planning Authority. Any demolition shall be carried out in accordance with the approved scheme.

Reason

In the interests of free flow of traffic, highway safety, to safeguard the health of existing trees, sustainable development and to safeguard the presence of bats on the site, which are a protected species.

#### 4 Part 1

Before development commences other than for investigative work:

- a. A desktop study shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.-
- b. If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:-
  - a risk assessment to be undertaken,
  - refinement of the Conceptual Model, and
  - the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

- c. If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

#### Part 2

Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be

submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason:

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety.

5. Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties.

6. Prior to the commencement of the development hereby permitted, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- window reveals on the new wings
- brickwork detailing and string course detail on the new wings
- stonework detailing on the dormer windows
- the chair lift on the front entrance steps
- replacement windows
- the glazed new main entrance canopy
- the new glazed roof for the cloister
- the new link bridges
- solar panels/ tiles

Development shall be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory appearance to the development located in a Conservation Area and to safeguard the historic and architectural character of the Listed Building.

7. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the new wings and garages, including joinery, windows, doors, gutters, eaves, walls and roofing and the hard surfaced areas (plus a brickwork sample panel large enough to show the brick mix, bond and mortar) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason:

To safeguard the historic and architectural qualities of the Listed Building, and ensure that the new buildings and extensions make a positive contribution to the character or appearance of the Conservation Area.



8. No plumbing or pipes, other than rainwater pipes, shall be fixed on the external faces of the buildings unless shown on the approved drawings.

Reason:

To ensure a satisfactory appearance to the development located in a Conservation Area and to safeguard the historic and architectural character of the Listed Building.

9. The yellow stock brick salvaged from the demolished D wing shall be re-used as the facing brick in the new F- wing and the natural slate from the demolished D-wing shall be re-used within the roof of the new F- wing, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure a satisfactory appearance to the development located in a Conservation Area and to safeguard the historic and architectural character of the Listed Building.

10. No development shall take place until details of the central flue terminal(s) to serve the main heating boiler, to be positioned on the roof of E wing, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory appearance to the development located in a Conservation Area and to safeguard the historic and architectural character of the Listed Building.

11. No development shall take place until a schedule of existing internal and external doors and an indication of those proposed for retention/ replacement are submitted to and approved in writing by the Local Planning Authority. Details of replacement door designs are required at 1:10 scale. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory appearance to the development located in a Conservation Area and to safeguard the historic and architectural character of the Listed Building.

12. No development shall take place until details of the proposed paint scheme for the chapel, including paintwork analysis of the existing, is submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory appearance to the development located in a Conservation Area and to safeguard the historic and architectural character of the Listed Building.

13. 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.

Reason:

To ensure a satisfactory appearance to the development.

14. A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced. This should include details of the refurbishment of the steps by the grotto.

Reason:

To ensure a satisfactory appearance to the development.

15. 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.

16. All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

Reason:

In order to safeguard the special architectural or historic interest of the Listed Building.

17. The demolition works hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been executed and planning permission has been granted for the redevelopment for which the contract provides. Evidence that this contract has been executed shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority prior to any demolition works commencing.

Reason:

To preserve the established character of the Conservation Area pending satisfactory redevelopment of the site.

18. The development shall be implemented in accordance with details set out in letter from Anna Rogers dated 3rd November 2011 and reports entitled 'Sustainability Statement' and 'Energy Statement'.

Reason

To ensure the development is sustainable.

## **INFORMATIVE(S):**

1. The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):

GSD, GBEnv1, GBEnv2, GBEnv3, GBEnv4, GRoadNet, GParking, GWaste, D1, D2, D3, D4, D5, D6, D11, D12, D13, HC1, O1, O2, O3, O6, O17, M1, M7, M14, H5, H8, H16, H17, H18, H20, H24, CS2, CS8, CS13, IMP1 and IMP2.

Core Strategy (Submission version) 2011:

CS4, CS5, CS7

Development Management Policies (Submission version)2011:

DM01, DM02, DM03, DM04, DM06, DM08, DM10, DM15, DM16, DM17

ii) The proposal is acceptable for the following reason(s): -The proposed development would not detract from the openness of the Green Belt and would not harm the character and appearance of the Mill Hill Conservation Area. It would bring back into repair a listed building and would provide suitable accommodation for future residents.

### **1. MATERIAL CONSIDERATIONS**

National Planning Policy Guidance/ Statements:

PPS1: Delivering Sustainable Development

PPG2: Green Belts

PPS5: Planning for the Historic Environment

PPS9: Biodiversity and Geological Conservation

Draft National Planning Policy Framework: July 2011

The Mayor's London Plan: July 2011

Policy 1.1 Delivering the Strategic Vision and Objectives for London

Policy 3.5 Quality and Design of Housing Development

Policy 3.6 Children and Young People's Play and Informal Recreation Facilities

Policy 5.1 Climate Change Mitigation

Policy 5.2 Minimising Carbon Dioxide Emissions

Policy 5.3 Sustainable Design and Construction

Policy 5.7 Renewable Energy

Policy 5.10 Urban Greening

Policy 5.12 Flood Risk Management

Policy 5.13 Sustainable Drainage

Policy 7.16 Green Belt

Policy 7.1 Building London's Neighbourhoods and Communities

Policy 7.2 An Inclusive Environment

Policy 7.3 Designing out Crime

Policy 7.4 Local Character  
Policy 7.6 Architecture  
Policy 7.8 Heritage Assets and Archaeology  
Policy 7.16 Green Belt  
Policy 7.21 Trees and Woodland  
Policy 8.2 Planning Obligations

Strategic Supplementary Planning Guidance (SPG):

Mayor of London SPG: Providing for Children and Young People's Play and Informal Recreation (March 2008)  
Mayor of London SPG: Planning for Equality and Diversity in London (October 2007)  
Mayor of London SPG: Sustainable Design and Construction (May 2006)  
Mayor of London SPG: Accessible London: Achieving an Inclusive Environment (April 2004)

Relevant Unitary Development Plan Policies:

GSD, GBEnv1, GBEnv2, GBEnv3, GBEnv4, GRoadNet, GParking, GWaste, D1, D2, D3, D4, D5, D6, D11, D12, D13, HC1, O1, O2, O3, O6, O17, M1, M7, M14, H5, H8, H16, H17, H18, H20, H24, CS2, CS8, CS13, IMP1 and IMP2.

Local Supplementary Planning Documents:

Barnet SPD: Sustainable Design and Construction (June 2007)  
Mill Hill Conservation Area Character Appraisal Statement

Core Strategy (Submission Version) 2011

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

Relevant Core Strategy Policies: CS4, CS5, CS7

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

The Council submitted its LDF Development Management Policies Submission Stage document in September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM10, DM15, DM16, DM17

Relevant Planning History:

<b>Application Reference:</b>	H/03222/10
<b>Case Officer:</b>	Matthew Corcoran
<b>Proposal:</b>	Extension to the time limit for implementing planning permission W00015S/07 granted 04/02/08 for 'Demolition of D and F wings, single storey cloister and kitchen extensions and erection of replacement D and F wings, ground floor extension to B wing and courtyard, alterations to E wing roof, associated elevational changes, to facilitate use as a care home (Class C2). Demolition of existing garages and erection of replacement ancillary buildings. Alterations to 3 agricultural outbuildings. Associated car parking and landscaping.'
<b>Stat Start Date</b>	01/09/2010
<b>Application Type</b>	APF
<b>Decision</b>	APL
<b>Decision Date</b>	30/11/2010

<b>Application Reference:</b>	H/03223/10
<b>Case Officer:</b>	Matthew Corcoran
<b>Proposal:</b>	Extension to the time limit for implementing planning permission W00015T/07 granted 11/02/08 for 'Demolition of D and F wings, single storey cloister and kitchen extensions and erection of replacement D and F wings, ground floor extension to B wing and courtyard, alterations to E wing roof, associated elevational and internal changes, to facilitate use as a care home (Class C2). Demolition of existing garages and erection of replacement ancillary buildings. Alterations to 3 agricultural outbuildings. Associated car parking and landscaping.' (LISTED BUILDING APPLICATION)
<b>Stat Start Date</b>	01/09/2010
<b>Application Type</b>	LBC
<b>Decision</b>	APC
<b>Decision Date</b>	30/11/2010

<b>Application Reference:</b>	W00015S/07
<b>Case Officer:</b>	
<b>Proposal:</b>	Demolition of D and F wings, single storey cloister and kitchen extensions and erection of replacement D and F wings, ground floor extension to B wing and courtyard, alterations to E wing roof, associated elevational changes, to facilitate use as a care home (Class C2). Demolition of existing garages and erection of replacement ancillary buildings. Alterations to 3 agricultural outbuildings. Associated car parking and landscaping.
<b>Stat Start Date</b>	
<b>Application Type</b>	APF
<b>Decision</b>	APC
<b>Decision Date</b>	04/02/2008

<b>Application Reference:</b>	H/00015T/07
<b>Case Officer:</b>	
<b>Proposal:</b>	Demolition of D and F wings, single storey cloister and kitchen extensions and erection of replacement D and F wings, ground floor extension to B wing and courtyard, alterations to E wing roof, associated elevational and internal changes, to facilitate use as a care home (Class C2). Demolition of existing garages and erection of replacement ancillary buildings. Alterations to 3 agricultural outbuildings. Associated car parking and landscaping. (LISTED BUILDING APPLICATION)
<b>Stat Start Date</b>	
<b>Application Type</b>	LBC
<b>Decision</b>	APC
<b>Decision Date</b>	04/02/2008

Consultations and Views Expressed:

Neighbours Consulted: 0  
Replies: 0  
Neighbours Wishing  
To Speak 0

Internal /Other Consultations:

**Trees and landscaping-** No objection subject to conditions. Comments are included in the body of the report.

**Urban Design & Heritage-** No objection subject to conditions. Comments are included within the body of the report.

**Mill Hill Preservation Society-** No objection.

**English Heritage-** This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Date of Site Notice: 08 September 2011

**2. PLANNING APPRAISAL**

***This is an application for listed building consent. A separate full planning application is being determined under planning ref H/03404/11.***

Site Description and Surroundings:

The application site is St Josephs College and its grounds, located on the East side of Lawrence Street, Mill Hill. The site is located within the Mill Hill Conservation Area and is designated Green Belt land. The whole of the site is covered by a tree preservation order.

The building is grade II listed and was formally used as a residential training institution for the Mill Hill Missionaries, but all missionary training was transferred abroad in 2005 when numbers diminished and the site has lain empty since. The

previous use fell within Class C2 of the Town and Country Planning (use class) Order.

The oldest part of the building dates back to the 1870's and there are 2 more recent additions- the D wing constructed in 1950's and F wing constructed in 1920's. There is also a single storey kitchen extension and 10 agricultural outbuildings.

The college sits within 2.8 hectares of grounds to the North, East and South, however the application does not encompass the outlying land, which has been retained in the ownership of the missionary. Residential properties bound the outer grounds to the South, East and West and the nearest properties are approximately 90m from the main college building. The site is accessed from Lawrence Street to the West. St Joseph's College bus stop is located adjacent to the site access on Lawrence Street.

The existing building consists of 10,628m<sup>2</sup> of accommodation, including a chapel. Over 8000m<sup>2</sup> of hard standing exists to provide car parking within the grounds, which also includes formal and informal gardens with a pond, a disused hard tennis court and a large parking area. The grounds are characterised by well established trees giving the site a wooded character.

#### History

Permission W00015S/07 for the change of use of the college to a care home including replacement D and F wings and other smaller extensions was granted in 2008.

Permission H/03222/10 for an extension to the time limit for implementing the above permission was granted in 2010.

This permission has not been implemented.

#### Proposal:

The applicant requests permission for the change of use of the building from a residential institution into residential dwellings (class C3) comprising of 49 self contained units.

The proposal includes the demolition of the existing D and F wings and single cloister and the erection of replacement D and F wings, the restoration of the remaining A, B, C, E wings and chapel and retention and refurbishment of 3 agricultural outbuildings. The remaining agricultural buildings would be demolished. There would be associated underground and surface car parking and cycle parking and alterations to the landscaping of the site.

The breakdown of the units would be as follows:

4x 1 bed flats  
31x 2 bed flats  
13x 3 bed flats  
1x 4 bed unit (the chapel)

As amended, 79 parking spaces are proposed, comprising 39 spaces at ground floor, 24 at basement level and 16 within the detached stacker garage unit.

104 cycle parking spaces are proposed in the basement, which has direct access to the flats via a lift.

There would be 30 electric charging points for cars within the surface level parking. A further 28 could be facilitated if required within the basement and within the garage buildings.

In terms of demolition, the existing D and F wings would be replaced with new wings which would be similar in design to the historic college buildings. The replacement F wing would be 4 storeys high and the new D wing 6 storeys high. There would be new glazed links between wings C and A and glazed bridges joining the new wings to the existing building. The front kitchen infill would be removed and landscaped to form a courtyard to the main entrance and a rear courtyard infill attached to the cloister would also be removed and used as additional courtyard space.

Overall, the proposed footprint of the replacement additions would be lower than that of the existing building and lower than the buildings within the extant consent.

The remaining A, B, C and E wings would be retained and refurbished to facilitate the conversion to flats.

The chapel would be converted into a single residential unit with a self supporting platform introduced at the North end of the main isle to provide a master bedroom at first floor level.

Most of the ancillary outbuildings would be demolished. The three to be retained would be used for storage, plant and refuse.

The modern garages to the west would be replaced with a brick built terraced building to house car parking with a stacking system.

The proposed landscaping would include formal lawns and more informal meadow areas to the periphery and the pond to the rear would be restored and enhanced. An outdoor play space for children would be introduced.

The majority of the trees on the site would be retained. Those to be felled are indicated on the proposed landscape plan and would be lost on arboricultural grounds in order to implement the landscaping scheme. The scheme actually proposes a decrease in the amount of hard surfaced area, from 8188m<sup>2</sup> as existing to 5668m<sup>2</sup> as proposed, due to the provision of the garage block and underground parking.

Improvements to bus stop on Lawrence Street are proposed. The applicant should discuss the details of this with TfL, secured via the section 106 agreement.



## Planning Considerations:

### **Green Belt**

The application lies wholly within Green Belt land.

The fundamental aim of national and local Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of the Green Belt being its openness. PPG2 states that 'the strongest protection should be given to the Green Belt. UDP policy O1 states that the Council will refuse any development in the Green Belt or Metropolitan Open Land which is not compatible with its purposes and objectives, does not maintain its openness and would harm its visual amenity.

There is as such a presumption against development in the Green Belt which is considered inappropriate and which would by definition be harmful to its aims and objectives. Such development, PPG2 states, should only be approved in 'very special circumstances'.

PPG2 states that residential development, other than the replacement of existing dwellings, is in principle inappropriate development in the Green Belt and therefore by definition harmful to its aims. Additionally, Paragraph 3.8 addresses the appropriateness of the reuse of buildings in the Green Belt. It states that reuse is not inappropriate providing... the buildings are capable of conversion without major/complete reconstruction.

The application proposes the demolition and replacement of 2 wings which constitutes major redevelopment (complete reconstruction), for the purpose of residential development.

It is therefore inappropriate development in line with PPG2.

The draft National Planning Policy Framework (NPPF) takes a slightly different view of the definition of inappropriate development. It states that the replacement of any *building* (as opposed to just dwelling), provided the new building is not materially larger than the one it replaces, is appropriate.

The development would therefore not be considered inappropriate under the changes set out in the NPPF, however given that it is not adopted the weight attributed to it is limited.

In light of current policy, whilst having regard to the NPPF, the proposal is considered to be inappropriate development in the Green Belt and to be justified; there must be very special circumstances to overcome the harm caused.

The circumstances put forward are as follows:

- The existing listed building is becoming derelict and English Heritage has considered putting it on the 'at risk' register. The applicant states that the redevelopment of the buildings for residential development is the only financially viable option to enable the preservation of the listed building.

- The wings to be demolished are not part of the original building and their appearance is considered to harm the overall appearance and character of the listed building and the character of the conservation area. The replacement wings are more sympathetic to the listed building and would improve the appearance of the building and the conservation area. Details have been provided as to how each part of the building would be restored and the preservation and enhancement of the listed building is supported.
- The extant permission for the care home is a material consideration. The current proposal has a smaller built footprint than the care home scheme, although a larger floor space taking into account the basement. It also proposes a reduction in hard standing of 31% compared to existing, allowing for significant greening and soft landscaping to be introduced.

The heritage benefits the development would bring in restoring and reusing a vacant and declining listed building and improving its setting are accepted as justification of very special circumstances. In this case it is considered that the residential development proposed for the site is in principle acceptable in terms of Green Belt policy.

In terms of the impact on the openness of the Green Belt and compliance with policy O1, the new buildings would sit largely within the footprint of the existing and their heights are no greater than the existing. No significant boundary treatment is to be introduced and overall it is considered that the openness of the green belt would be enhanced, particularly through the reduction in hard surfacing.

### **Proposed use**

The previous use for the site is C2- residential institution. This included an element of communal living and historically served as a wider community facility, which council policy aims to protect. The extant permission, a care home, is also a C2 use providing an element of communal living more in keeping with the original use of the building. It is therefore only where the marketing process has established that there is no interest for Class C2 or other institutional-type uses, that the council would consider an alternative residential use appropriate.

The marketing information was submitted by Knight Frank, a major West End agent specialising in institutional buildings. In a letter from Knight Frank to the applicant dated 17th February 2011, they state that the property was marketed between 2009 and 2011 on the basis of the care home consent. They indicate that the usual marketing efforts were adopted including a brochure and a dedicated website. Knight Frank note that mainstream healthcare operators require smaller properties and a more manageable style of accommodation and that even under favourable marketing conditions this would be a difficult disposal. The letter examines the market and demand for a number alternative uses within D1 and C2 but concludes that there is unlikely to be demand from anybody seeking to acquire the property on this basis.

As part of the assessment of this application, officers commissioned an independent evaluation of the applicant's financial viability toolkit. This was undertaken by the firm GVA.

GVA in their assessment of the applicant's viability toolkit advise that they are in agreement with Knight Frank's assessment of the market.

Officers recognise the significant constraints of this site and conclude that there is effectively no demand in the short or medium term for either the previous use or the extant consent. The current proposal would ensure that this important listed building is brought back into repair and would secure its long term preservation.

### **Residential density/ affordable housing**

The majority of the flats within the development would be generously proportioned 2 or 3 bedrooomed flats. The chapel provides the largest accommodation, being converted into a 4 bed unit. The size of all the units meets London Plan minimum space standards and overall the development would provide suitable accommodation for future occupiers, in a safe and secure residential environment.

In Barnet, the high cost of owner occupation and private sector rented accommodation means that many households on low to middle incomes find it difficult to afford homes in the private market. The council is committed to ensuring that people's housing needs in the borough are met. As such it is a requirement that affordable housing is provided in line with the SPD- Affordable Housing.

Policy H8 of Barnet's UDP facilitates, in exceptional circumstances, the payment of a commuted payment in lei of on site provision which can be used to release funds to provide affordable housing elsewhere. The councils housing officers have confirmed that the circumstances of this particular development would not lend itself to an on-site provision. The complexities of reusing the listed building and affordability issues for future residents given the potentially high service charge mean that a commuted sum would in this instance be appropriate and has been secured via a 106 agreement.

The applicant has submitted a financial viability appraisal which has been independently assessed. Recognising the uncertain and high costs involved in converting the listed building, the level of contribution secured is appropriate.

### **Design/ conservation**

The proposal involves the replacement of two more recent additions to the building, blocks D and F, and the restoration of the original building.

The councils Design and Conservation team note that the existing blocks D and F detract from the special architectural interest of the listed building and are not in keeping with the style of the original elements of the building. In principle, they find no objection to their replacement and indeed are of the opinion that it would be an improvement visually.

The design of the replacement blocks have been revised following initial concerns and are now considered to reflect and be respectful to the historic college building. The wings would be no greater in height than the existing listed building and would be compatible with its scale. The proposed footprint is lower than both the existing buildings, and the extensions would sit comfortably with the historic building in this prominent conservation area setting.

The demolition of the outbuildings is acceptable and would improve upon the greenness of the site. The 3 remaining buildings would have their asbestos roofs replaced with slate which would more appropriately tie in with the character of the existing buildings.

The replacement garages to the west of the site would be brick built with timber walls and doors, which would be ensured via a condition.

All remaining elements of the listed building would be restored, including replacement windows and internal and external doors and the restoration of the chapel paintwork.

The success of the scheme and in particular the integration of the replacement wings to the listed building is dependant upon the quality of materials and the detailing of key features.

In the new wings this would include the reuse of the brick and slate from the demolished D wing, window reveals that would match the existing deep reveals, decorative brickwork and string course to match the existing wings and stonework on the dormer roofs to correspond with existing dormer windows. These details would all be secured via a condition.

All other restored elements of the listed building and changes to outlying building would be subject to conditions requiring the submission of details regarding the materials and construction methods used.

### **Residential amenities**

Given the extent of the outlying grounds, the nearest residential neighbours to the building are approximately 90m away. There would as such be no overlooking or loss of privacy to the occupiers as a result of the proposal and no loss of light to or outlook from neighbouring windows as a result of the new replacement wings.

For the same reason, there would be no undue additional noise and disturbance. Although there would be an intensification of the use of the site, the size of the building and the grounds are more than adequate to accommodate the amount of the development proposed, whilst not cause undue noise and disturbance to the neighbouring occupiers.

Overall there would be no undue loss of residential amenity to the nearest neighbouring occupiers.

### **Landscaping/ trees**

The scheme proposes a decrease in the amount of hard surfaced area which would improve the greenness of the site and make a positive contribution to the character of the conservation area.

The landscaping proposals are in principle acceptable and in line with the landscaping scheme approved within the extant consent for the care home scheme. They provide for a variety of formal and informal gardens and a children's play area

within the rear garden. They also ensure that trees of amenity value are protected. The council's trees and landscaping team have raised a number of detailed points relating to the protected trees and soft landscaping, which would be addressed via a number of conditions. The landscape plan submitted with the application is indicative, and a detailed landscape/ planting plan would be required to provide the level of detail required before implementation on site.

An Ecology and Landscape Management is included within the heads of terms of the 106 agreement which would secure the long- term protection and enhancement of the site's ecological and landscape value. It would encompass all arboricultural/ ecological monitoring to bring about successful delivery and ongoing management of the proposals.

The amount and variety of amenity space provided is more than sufficient to serve the needs of the future residents.

### **Wildlife**

Circular 6/05, 'Biodiversity and Geological Conservation- Statutory Obligations and their Impact within the Planning System' states that 'it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before planning permission is granted'. The council has a duty to protect legally protected species.

Bat surveys at the site have confirmed that the building is a confirmed roosting site for 3 types of bats and that mature trees of high 'bat roosting potential' were identified within the grounds.

The scheme has been amended since submission in that the Leylandii trees to the rear of the building which were originally to be felled are now to be retained. These trees are a known refuge for birds and this will have a positive impact on the protection of the bat species.

Any impact area used by roosting bats would require a European Protected Species Mitigation Licence. Mitigation measures have been outlined within the documents submitted with the application which will ensure that the development would not be detrimental to the maintenance of the population of the bat species identified within the site.

A Landscape and Ecology Management Plan and further details on the mitigation measures to be applied would be secured via conditions and within the 106 agreement. Natural England raised no objection to the proposal subject to the inclusion of these conditions.

### **Sustainability/ climate change**

The applicant has indicated that all new dwellings would meet the Code for Sustainable Homes 'Level 4', including lifetime homes and that all refurbished dwelling would meet Ecohomes excellent as a minimum, which is in line with council and London Plan policy and would be ensured via condition.

Due to the complexities of redeveloping the listed building, the applicant has noted that some units within the refurbished elements of the building may not reach certain lifetime homes criteria. Confirmation of the units which fail to meet the standard and the reasons for non compliance would be derived via condition.

The applicant has confirmed that all new build elements of the development would achieve a carbon reduction level equivalent to 2010 building regulation though energy efficiency alone, in line with London Plan policy which seeks to gain a minimum of 25% on site renewables.

A single energy centre consisting of a CHP engine and condensing gas boilers would be installed, providing heat to a single heat network which will distribute heat around to all dwellings. The energy centre would be located in the basement and would house the CHP engine, condensing gas boilers, heating pumps and thermal stores.

### **Inclusive design**

In terms of accessibility for wheelchair users, all floors would be accessible via the front entrance and lift. Access to the garden would be via the East side of the site and a stair lift would be provided to the rear of the building to gain access down the steps from the cloister into the grounds. The pathway around the East side of the site to the southern end and the grotto would be accessible to wheelchairs, as indicated on the indicative landscape plan.

Seven of the units would be wheelchair accessible which exceeds the minimum 10% required by Policy 3A.4 of the London plan, with three at first floor, three at second floor and one at third floor.

### **Flood risk**

The Environment Agency requested the applicant to amend the original submission to indicate that surface water would be discharged at Greenfield run-off rate from the site. This was amended to the satisfaction of the Environment Agency, who raised no objection to the proposal subject to conditions which have been added.

### **Traffic**

The councils Traffic and Development team requested a reduction in the total number of car parking spaces from 87 to 79. The provision now complies with council standards. The basement car park has a wheelchair accessible lift and disabled user spaces are provided near the lift. Details of the car stacking mechanism have been submitted and considered acceptable.

A residential travel plan would be required and the applicant shall pay £5000 towards travel plan monitoring, to ensure the journeys made by residents are sustainable.

The number of cycle spaces proposed meets London Plan policy 6.13. All spaces are in the basement which is considered a safe and accessible location.

The number of electrical charging points proposed is acceptable and in line with policy 6.13 of the London Plan, which states that 20% of all spaces should have an electrical charging point installed.

The Traffic and Development Team concluded that the trips generated by the development would not exceed those of the extant care home consent and that the existing road network would be sufficient to manage the additional traffic the development would provoke. A contribution towards an improved bus stop at the Lawrence Street entrance to the site would encourage sustainable transport methods.

### **Section 106 issues**

The following monetary contributions are required in order that the needs of the development are met.

- Education- £198,729
- Libraries: £6,811
- Health: £46,667
- Highways improvements: £15,000
- Affordable housing: £700,000
- Submission of a Landscape and Ecology Management Plan to show how important landscape features will be maintained, and the site managed, to ensure that protected species and their habitats are not harmed during the development and to secure long-term protection and enhancement of the site's ecological and landscape values. This plan shall include a mechanism for submission of any future tree works application.
- Monitoring: £48,360.00 (including £5000 towards the monitoring of the travel plan)

Total value: £1,015,567.00

The financial contributions to be phased to allow payment of £100,000 upon implementation, £200,000 upon practical completion (defined as 'completion of the first units available to be occupied), £175,000 upon completion (if the unit is sold) or occupation (if the unit is rented) of the 12<sup>th</sup>, 24<sup>th</sup> and 36<sup>th</sup> residential units and the remaining £190,567 on the sale/ rent of the 48<sup>th</sup> residential unit.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Addressed within the report

### **4. EQUALITIES AND DIVERSITY ISSUES**

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

### **5. CONCLUSION**

The proposed development is considered acceptable for this sensitive site, which comprises a listed building within its conservation area and Green Belt setting.

The existing listed building is becoming derelict and the proposal would enable the preservation of this building of significant historic importance. It proposes a reduction in hard standing allowing for significant greening and soft landscaping of the site and details have been provided as to how the building would be restored.

The scheme has been carefully designed having regard to extensive negotiation with officers and provides suitable accommodation for future occupiers whilst ensuring there would be no undue impacts on the neighbouring occupiers.

**Approval** is recommended.



**SITE LOCATION PLAN:**  
**NW7 4JX**

**St Josephs College, Lawrence Street, London,**

**REFERENCE:**

**H/03405/11**



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**LOCATION:** 4 Oakleigh Park South, London, N20 9JU

**REFERENCE:** B/04761/11

**Received:** 24 November 2011

**Accepted:** 24 November 2011

**WARD:** Oakleigh

**Expiry:** 19 January 2012

**Final Revisions:**

**APPLICANT:** Abbeytown Ltd

**PROPOSAL:** Erection of a three storey building with rooms in the roof space and lower ground floor car parking providing 7no. car parking spaces to create 7no. self-contained flats and a total of 9 car parking spaces following the demolition of the existing building

**RECOMMENDATION: APPROVE SUBJECT TO A SECTION 106 AGREEMENT**

**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 **Education Facilities (excl. libraries) £21,835.00**  
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £973.00**  
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £8,404.00**  
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £1,560.60**  
Contribution towards the Council's costs in monitoring the obligations of the agreement.

**RECOMMENDATION II:**

That upon completion of the agreement the Assistant Director of Planning and Development Management approve the planning application reference: B/04761/11 under delegated powers subject to the following conditions: -

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

Drawing No. 910048 (Received 24.11.2011); Drawing No. 21 (Received 24.11.2011); Drawing No. 22 (Received 24.11.2011); Drawing No. 26 Revision D (Received 24.11.2011); Drawing No. 40 Revision D (Received 27.02.2012); Drawing No. 41 Revision B (Received 27.02.2012); Drawing No. 20 Revision F (Received 27.02.2012); Drawing No. 50 Revision C (Received 27.02.2012); Drawing No. 51 Revision A (Received 27.02.2012); Drawing No. 52 Revision A (Received 27.02.2012).

Reason:

For the avoidance of doubt and in the interests of proper planning.

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. Before the development hereby permitted is occupied the parking spaces/garages shown on Plan 985/20/F and 985/40/D 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.

4. Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.

5. Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the visual amenities of the locality.

6. Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority. These details should include front boundary treatments.

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.

7. Notwithstanding what is shown on the approved drawings, before the development hereby permitted commences, 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 and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

8. Before the building hereby permitted is occupied the proposed window(s) in the first floor flank elevation facing Sacred Heart Primary School 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, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining properties.

9. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking and re-enacting that Order) the building(s) hereby permitted shall not be extended in any manner whatsoever without the prior specific permission of the Local Planning Authority.

Reason:

To ensure that the development does not prejudice the character of the locality and the enjoyment by existing and/or neighbouring occupiers of their properties.

10. 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 on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

11. A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development.

12. 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.

Reason:

To ensure a satisfactory appearance to the development.

13. 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.

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

Reason:

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

15. The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

16. No development shall take place until details of a Demolition and Construction Management Plan have been submitted to and approved in writing by the Local Planning Authority. The demolition and construction shall be carried out in accordance with the details as approved.

Reason:

In the interests of highway safety in accordance with Policy M11 of the London Borough of Barnet Adopted Unitary Development Plan 2006, to safeguard residential amenity and ensure a satisfactory appearance to the site during construction works.

## **INFORMATIVE(S):**

1. The reasons for this grant of planning permission or other planning related decision are as follows: -

- i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

### Adopted Barnet Unitary Development Plan (2006):

GSD, GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, D11, GParking, M11, M12, M13, M14, H16, H17, H18, CS2, CS8, IMP1 and IMP2.

Supplementary Planning Document - Sustainable Design and Construction

Supplementary Planning Document - Planning Obligations

Supplementary Planning Document - Contributions to Education

Supplementary Planning Document - Contributions to Libraries

Supplementary Planning Document - Contributions to Healthcare Facilities from Development

### Core Strategy (Submission version) 2011:

CS1, CS4, CS5,

### Development Management Policies (Submission version) 2011:

DM01, DM02, DM03, DM08, DM17.

- ii) The proposal is acceptable for the following reason(s): -  
The current scheme is considered to result in high quality family housing in a sustainable location which would respect the established character and appearance of the street scene and the surrounding area. It is considered to retain a suitable degree of amenity for the occupiers of neighbouring residential properties and would provide a high level of amenity for the future occupiers of the units. The level of parking is considered to be appropriate for this location and the development is not considered to result in parking stress within the locality or be harmful to the existing highway conditions. The development accords with council policies and national guidance.

The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

- 2 Any details submitted in respect of the Demolition and Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials.

- 3 If the proposal is carried out, any new or modified vehicular crossovers will be constructed by the Highway Authority at the applicant's expense. Any road markings or street furniture affected by the proposal will be re located at the applicant's expense. You may obtain an estimate for these and any associated works on public highway from, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.
- 4 If the development is carried out it will be necessary for any existing redundant vehicular crossover(s) to be reinstated to footway by the Highway Authority at the applicant's expense.
5. Your attention is drawn to the fact that this decision is subject to a Unilateral Undertaking.

### **RECOMMENDATION III**

That if the above agreement has not been completed by 29th March 2012 the Assistant Director of Planning and Development Management REFUSE the application ref: B/04761/11 under delegated powers for the following reasons:

The proposed development does not include a formal undertaking to meet the costs of extra education, libraries, health and social care facilities and associated monitoring costs arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet Supplementary Planning Documents - Contributions to Education (2008), Libraries (2008), Health (2009) and Monitoring (2007) and policies M9, L12, L14, CS8, CS2, CS13, IMP1, IMP2 of the Adopted Unitary Development Plan (2006).

#### **1. MATERIAL CONSIDERATIONS**

##### National Planning Policy Guidance/ Statements:

PPS1  
PPS3  
PPG13

The Community Infrastructure Levy Regulations 2010

##### The Mayor's London Plan: July 2011

Various including 3.5, 5.3, 7.4.

##### Relevant Unitary Development Plan Policies:

GS, GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, D11, GParking, M11, M12, M13, M14, H16, H17, H18, CS2, CS8, IMP1 and IMP2.

Supplementary Planning Document - Sustainable Design and Construction  
Supplementary Planning Document - Planning Obligations  
Supplementary Planning Document - Contributions to Education  
Supplementary Planning Document - Contributions to Libraries  
Supplementary Planning Document - Contributions to Healthcare Facilities from Development



### Core Strategy (Submission Version) 2011

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council submitted its LDF Core Strategy Submission Stage document in August 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

#### Relevant Core Strategy Policies:

CS1, CS4, CS5,

#### Relevant Development Management Policies:

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

The Council submitted its LDF Development Management Policies Submission Stage document in September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

DM01, DM02, DM03, DM08, DM17.

#### Relevant Planning History:

**B/04195/10** Demolition of side and rear additions to the existing residential building and alterations and extensions including new side and rear dormer windows. Conversion of building into 6 self-contained residential flats with 7 off-street car parking spaces. Erection of 2 two storey plus rooms in the roofspace detached dwellinghouses with lower ground floor to house no.1 with integral garages and off-street car parking spaces. Associated hard and soft landscaping and new vehicular accesses. Conditional Approval 23/12/2010.

**B/02097/10** Demolition of side and rear additions to the existing residential building and alterations and extensions including new side and rear dormer windows. Conversion of building into 6 self-contained residential flats with 7 off-street car parking spaces. Erection of 2 two storey plus rooms in the roofspace detached dwellinghouses with lower ground floor to house no.1 with integral garages and off-street car parking spaces. Associated hard and soft landscaping and new vehicular accesses. Withdrawn 16/07/2010



### Consultations and Views Expressed:

Neighbours Consulted:	11
Replies:	3
Neighbours Wishing To Speak	1

The objections raised may be summarised as follows:

- There appears to be a discrepancy on the letter stating only 5 flats not 7
- Development will lead to a significant localised increase in traffic at an already busy junction given in particular the presence of the school
- Application drawings are misleading in that they refer to the school as a convent school
- Balconies are completely unacceptable from a child protection perspective
- Will overshadow the school
- If the site is to be developed it should be on the existing footprint to avoid garden grabbing
- Site is overdeveloped and the floor areas should be addressed so that it is in keeping and character with the neighbouring area
- Security and flooding may be a concern as well as ventilation
- Proposed building is out of keeping
- New building does stand proud and is noticeably taller than the other two properties which are also three storey
- Overlooking
- Loss of light
- Neighbours have been reconsulted on amended plans and any replies will be reported at the meeting.

### Internal /Other Consultations:

Traffic & Development - The parking provision is in accordance with the parking standards set out in the London Borough of Barnet Unitary Development Plan 2006. Recommend conditions and informatives.

Date of Site Notice: 08 December 2011

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site relates to a large site on the southern side of Oakleigh Park South, adjacent to Sacred Heart Primary School. On the site is a large Victorian villa previously used as a convent building.

Oakleigh Road South is a predominately residential road comprised of an eclectic mix of large properties, some of which have been converted into self contained units.

This site is close to the junction of Oakleigh Park South and Oakleigh Road North.

Planning permission has been granted under reference B/04195/10 for the redevelopment of this site to provide two new detached dwellings and to convert the Victorian Villa into 6 self contained flats. No works have commenced for this development.

Proposal:

This application seeks permission to erect a three storey building with rooms in the roofspace and lower ground floor car parking providing 7no car parking spaces to create 7no self contained flats with a total of 9 car parking spaces on the site following the demolition of the existing building.

This application does not include the previously consented two detached dwellings however that part of the site is outlined in blue as it is within the ownership of the applicant.

The Victorian villa is not Listed nor is the site within a Conservation Area and therefore separate permission is not required for the demolition of this building.

The new building will be 12.8m high, 11.6m wide and will have a maximum depth 20.2m (including the single storey rear extension and front entrance porch). The depth of the building is reduced to 17m at first and second floors. Detailed drawings have been submitted to indicate that in terms of the increases above and beyond the existing building, these largely relate to the depth of the building. The building will not be any higher or wider than the existing building on site.

It would have a maximum set back from the pavement of 13m.

7no self contained flats are proposed -

6no 2bed flats

1no 3bed flat

A total of 9 parking spaces are proposed, 7 to be accommodated within the lower ground floor, accessed via a ramp and 2 to the front of the site.

The rear garden area is to be used as communal amenity space. Flats 1 and 2 will also have a patio area and balconies are proposed for the remaining 5 flats. These balconies will be recessed within the building.

There will one main entrance to the building, at the front.

Planning Considerations:

The scheme is considered to result in high quality family housing in a sustainable location which would respect the established character and appearance of the street scene and the surrounding area.

Given that the proposed building would not be too dissimilar from the existing building, when viewed from the front, it is considered to relate well to the existing street pattern and respects the local pattern of streets and spaces and it is therefore considered to have an acceptable impact on the general character and appearance of the street scene. The proposed building will be taller than those adjacent to it but this is the existing situation on site now. The existing Victorian Villa does stand proud and is visually dominant within the street scene and as such a replacement building of the same height and width will also stand proud and be dominant however this is not considered to be detrimental to the overall character and appearance of the street scene given the existing situation.

In terms of the increase in the depth of the building, this is not considered to be to the detriment of the amenities of the adjoining neighbours or to the functioning of the school or wellbeing of the children. It is not uncommon for residential properties to be adjacent to schools and indeed prior to its sale, the former convent did provide residential accommodation albeit for the nuns who ran the school. Nevertheless planning permission has already been granted for the conversion of the former convent building into self contained units and as such the principle of having residential units adjacent to the school has already been considered acceptable. This application will therefore be looking at the differences between the grant of consent and that proposed within this application. The building will be deeper than the existing villa, extending some 2.1m further out at ground floor and approximately 1.1m at first and second floor. Whilst the building would extend along the boundary of the school, the arrangement of the school buildings is a material consideration in the assessment of this application. The main classroom block is situated to the rear of the site, set some 2m off the boundary with the application site. This classroom block is 4 storeys high and there are windows facing the application site. There is also a single storey building adjacent to the application site, which is adjoining the villa which is part of the kitchen area for the school. The proposed building will extend beyond the kitchen block however will not extend beyond the main classroom block and given the orientation of the building and classroom block is not considered to result in a significant loss of light or outlook to and from the classrooms. Nor is it considered to result in significant overshadowing of the school. It is therefore considered that even with the increases in depth, which are considered to be appropriate the proposed building is not considered to significantly alter the relationship between these two sites as to warrant the refusal of this application.

Concerns have been raised in respect of the impact of the development on child safety especially with regards to overlooking. The playground area of the school is to the rear of the rear garden, some 30m away from the rear wall of the proposed building. Whilst balconies and larger windows are proposed in the rear elevation of the new building, the balconies are recessed within the building. There are rear windows within the villa and indeed it is not uncommon to find residential properties overlooking schools especially in a suburban area like Barnet.

The proposed units are appropriately stacked, provide sufficient amenity space and accord, and with some of the units, exceed the minimum size standards for new residential units as set out in the London Plan (July 2011). For the 1 bed 2 person unit, a minimum floorspace of 50 sqm is required. For the 2 bed 4 person units, a minimum floorspace of 70 sqm is required. For the 3bed unit, which could potentially be a 5 or 6 person unit, a minimum floor space of between 86-95 sqm is required. The floorspaces proposed are as follows:

Flat 1 - 2 bed 4 person unit - 74 sqm  
Flat 2 - 2 bed 2 person unit - 74 sqm  
Flat 3 - 2 bed 4 person unit - 70 sqm  
Flat 4 - 2 bed 4 person unit - 76 sqm  
Flat 5 - 2 bed 4 person unit - 70 sqm  
Flat 6 - 2 bed 4 person unit - 76 sqm  
Flat 7 - 3 bed 5/6 person unit - 125 sqm.

It can be seen that all of the units meet the standards and in some cases exceed them. The proposal is considered to result in family accommodation in a sustainable location providing a high degree of amenity for its future occupiers.

The amenity space provided for each dwelling is more than sufficient and will therefore provide an acceptable degree of amenity for the future occupiers of these dwellings. The required amenity space for the development would be a total of 145 sqm in order to comply with Policy H18 which requires 5 sqm per habitable room. Not only is there a large amount of communal amenity space to the rear, approximately 295 sqm but each unit would have a balcony/patio area as a form of private amenity space.

The level of parking is considered to be in accordance with the parking standards set out in the Unitary Development Plan 2006 as confirmed by the Highways Team. The gradient of the ramp is considered to be acceptable. During the course of the application some revisions were made to the layout of the lower ground parking area as well as the parking arrangements to the front. As a result of these revisions, the parking layout is considered to be satisfactory. No concerns are raised with regards to visibility or manoeuvrability in and out of the spaces.

This application is being supported by a unilateral undertaking which will provide financial contributions towards education, health and library facilities in the borough. Included in this is a contribution towards the council's monitoring costs.

The amounts required are as follows:

Education - £21,835.

Libraries - £973.

Healthcare - £8,404.

Monitoring Contribution - £1,560.60.

The contributions as set out in the recommendation are necessary, directly relevant and fairly and reasonably related in scale and kind to the development in accordance with regulation 122 of The Community Infrastructure Levy Regulations 2010. This has been agreed by the applicant.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Dealt within the planning appraisal

### **4. EQUALITIES AND DIVERSITY ISSUES**

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

### **5. SECTION 106 ISSUES**

The contributions are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

### **6. CONCLUSION**

The current scheme is considered to result in high quality family housing in a sustainable location which would respect the established character and appearance of the street scene and the surrounding area. It is considered to retain a suitable degree of

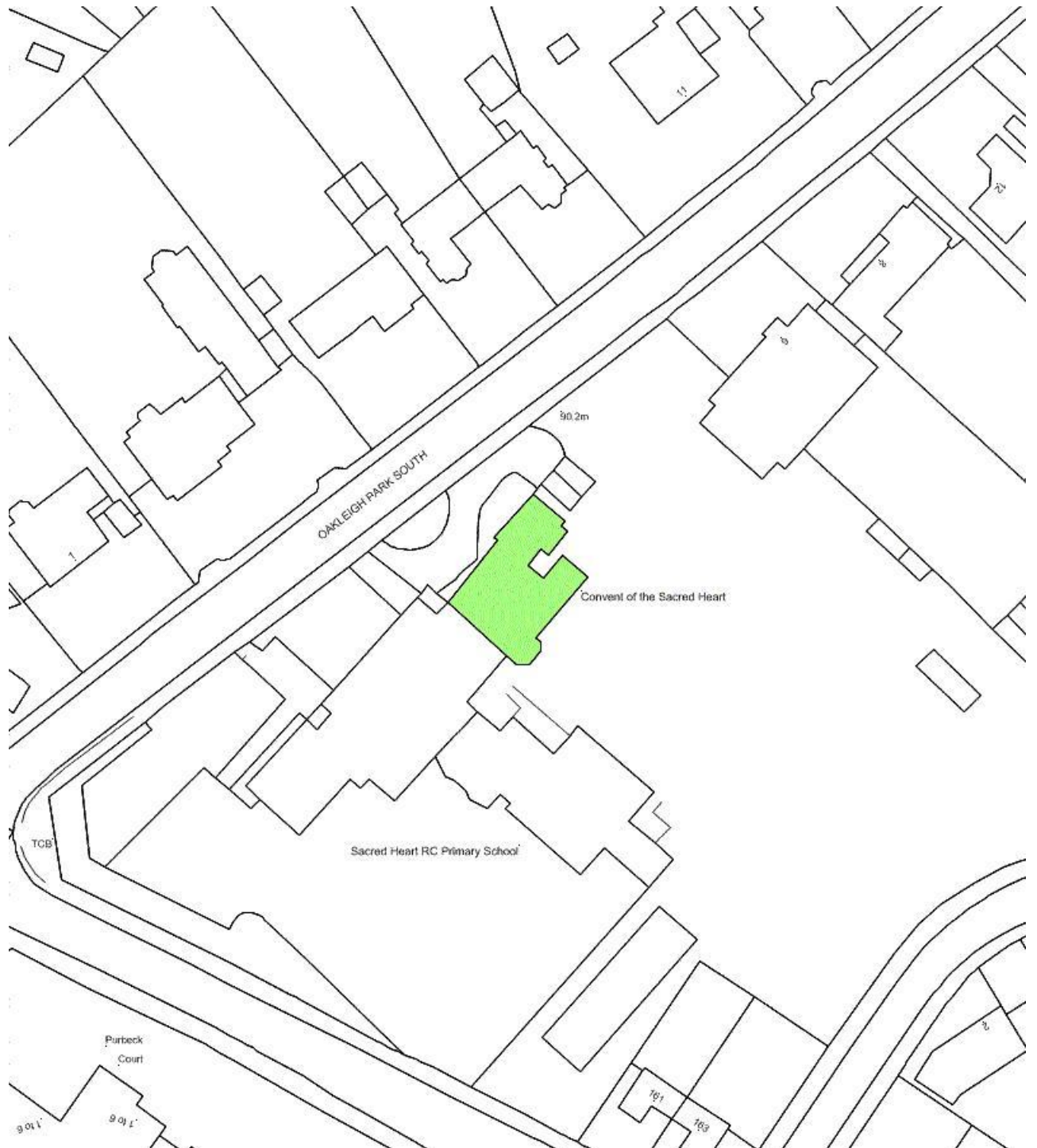
amenity for the occupiers of neighbouring residential properties and would provide a high level of amenity for the future occupiers of the units.

The level of parking is considered to be appropriate for this location and the development is not considered to result in parking stress within the locality or be harmful to the existing highway conditions.

The development accords with council policies and national guidance and is therefore recommended for **approval, subject to conditions.**

**SITE LOCATION PLAN:** 4 Oakleigh Park South, London, N20 9JU

**REFERENCE:** B/04761/11



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**LOCATION:** Land off High Road/Chandos Avenue, London N20 and Brethren Meeting Hall & Well Grove School, Well Grove, London N20

**REFERENCE:** B/03068/11 **Received:** 27 July 2011  
**Accepted:** 02 August 2011

**WARD:** Oakleigh **Expiry:** 01 November 2011  
**Final Revisions:**

**APPLICANT:** Haringey Gospel Hall Trust

**PROPOSAL:** Demolition of existing buildings and redevelopment comprising of 70no dwellings (62no houses and 8no flats). Erection of 512sqm building for use class D1 purposes (Non-Residential Institution). Provision of associated car parking, landscaping and open space. Use of existing accesses from High Road and Well Grove. (OUTLINE APPLICATION)

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## **APPLICATION SUMMARY**

The application relates to a site in Whetstone located to the rear of Travelodge (former site of the Black Bull pub) and Marks and Spencer which is accessed from the High Road and also from Chandos Avenue. The site is owned by the Haringey Gospel Hall Trust (HGHT) who are a charitable trust linked to the Christian Brethren.

The application seeks outline planning permission for the demolition of the existing buildings on the site and redevelopment comprising the erection of 70 new residential dwellings (62 houses and 8 flats) and a community building (use class D1).

Outline permission is sought for the change of use of the site to residential, the number and mix of residential units, access and the siting and scale of buildings. The matters of design, external appearance and detailed landscaping are reserved for future consideration.

## **BACKGROUND**

Prior to 1986 the application site was historically in use as playing fields and was used as a cricket pitch for the Old Owens Sports Club. A series of planning consents have been granted, some personal and some temporary, and the site is now occupied by a mix of uses. These uses include two meeting rooms (one large and one small) and associated car park for religious worship. The permission for these buildings is personal to the occupiers the HGHT. There are two single storey houses occupied by caretaking staff. The other half of the site is occupied by an educational use which is attended by children of the Brethren community who use the meeting halls. There is one small building which has a permanent permission for education use and two additional small buildings which have a temporary permission for education use until January 2013. There is also an area of former playing field which is now a private open space.

## **SUMMARY OF KEY PLANNING ISSUES**

### Change of use

The application involves the loss of the existing Brethren religious meeting hall, the remaining area of open space on the site which was formerly playing fields, and the existing Wellgrove school buildings, some of which only have temporary planning permissions. This has been assessed and addresses in this report against relevant planning policies and material considerations as follows:

#### *Loss of main religious meeting hall*

The planning consent for the main meeting hall (reference N01162N) is personal to the HGHT and when they vacate the site the use will be discontinued. Therefore it could be considered that it is not necessary to apply the tests of Policy CS3 in this case.

Notwithstanding this, the application includes the provision of a new Use Class D1 community hub facility on the site. The proposed new facility will be smaller in size than the existing meeting halls, but will provide multi functional spaces for a variety of community and sporting uses and will be accessible to the wider public. The new facility will therefore have a wider public benefit. The application can therefore be considered against the exemption under point i) of UDP Policy CS3 which requires new community facilities of at least equivalent quality or quantity to be provided on the site. Having regard to the existing planning permission which is personal to the HGHT, the quality of the new facility is considered to be sufficient to justify the loss of the existing Brethren religious meeting halls.

#### *Loss of open space/former playing fields*

The application will result in the loss of circa 0.8ha of private open space which was historically used as a playing field. However the application is considered to meet the exception tests set out in Sport England's guidance and draft Development Management Policy DM15 for the following reasons: i) an open space assessment has been carried out which demonstrates that there is a surplus of open space within 1.5km of the site; ii) the existing open space is private and has not been used as a playing pitch for over 25 years and therefore has no special significance to the interests of sport; iii) a new public open space of approximately 1000sqm including a LEAP will be provided within the development; and iv) a contribution of £450,000 will be secured towards enhancement of existing sports pitches and recreation facilities in the area which will be accessible to the wider public. Therefore the loss of the existing private open space from the site is considered to be off-set by the sporting and community benefit that would be derived from the application. The application is considered to be acceptable against the requirements of PPG17, London Plan policies 3.19 and 7.18 and draft Development Management policy DM15. Sport England has not objected to the application.

#### *Loss of education building and land*

The existing Wellgrove School site (0.4ha) would not be large enough for a new school. The only permanent education use building (288sqm) on the school site has not been marketed for other potential uses. However the application includes the provision of a new 512sqm community hub building within the development. The provision of a new community facility accords with point i) of draft Development Management Policy DM13 which considers the loss of community or educational uses acceptable where new community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location.



All the junior and senior children that currently attend Wellgrove School will transfer to the new location which the School have advised would be outside of Barnet. This will ensure that there no requirement for replacement educational places within Local Authority schools when the school relocates. Therefore the loss of Wellgrove School will have no impact on the education infrastructure in the borough. No school places will be lost and no extra school places will be required as a result of the School's move.

The educational impact of the proposed new residential units will be mitigated through a contribution of £662,560 towards school places within the borough in accordance with the Council's adopted Supplementary Planning Document for Education Contributions.

#### Residential mix, layout and density

The application includes a mix of dwelling types and sizes including 3, 4 and 5 bed houses for private sale and affordable and will deliver much needed family sized accommodation in line with the requirements of London Plan Policy 3.9 and draft policy DM08 of the Development Management Policies DPD Submission Draft.

The scheme is laid out in a legible pattern that defines the public and private realm clearly. All houses provide active surveillance of the street and private gardens backing onto private gardens to ensure they are secure. The proposed number of houses is considered to be appropriate for the site having regard to the character of the surrounding area. All of the proposed residential units would have private amenity space in accordance with UDP standards.

The application proposes 70 residential units on a 2.4ha site which equates to a density of 29 dwellings per hectare. This would fall below the density suggested in the London Plan. However PPS3 (2011) advises that good design should complement the neighbouring buildings and the local area more generally in terms of scale, density, layout and access. Therefore, having regard to the surrounding area which comprises large detached and semi-detached houses on large plots at an approximate density of less than 15 dwellings per hectare, the proposed density is considered to be acceptable.

#### Affordable housing

The application includes the provision of 20 affordable units of which 10 will be 3 or 4 bed houses. This equates to 29% by unit number. This has been tested through viability toolkit which has been independently reviewed for the Council. In accordance with London Plan Policy 3.12 and paragraph 8.3.2.11 of the UDP, the significant level of section 106 contributions being provided by the development, combined with the lack of government housing grant, need to be taken into account when considering the level of affordable housing provision. Therefore in this instance the provision of 29% affordable housing by unit is considered to be acceptable given the other considerable benefits arising from the development.

#### Biodiversity and Flood Risk

The site is not situated within any statutory or non-statutory designated nature conservation sites. The application will not impact on protected species.

The application site is in Flood Zone 1 and therefore not in an area at risk from flooding and is appropriate for residential development. Details of sustainable drainage systems and suitable attenuation will be provided with reserved matters.

### Traffic and parking

The traffic assessment for the application indicates that the proposed development of 70 dwellings and a D1 community centre (including 200sqm nursery) will result in a predicted increase of 21 vehicles in the morning peak and an additional 39 in the evening peak. This equates on average to one extra vehicular movement every 3 minutes and about one every 1 ½ minutes in the AM and PM peak hours respectively.

Therefore, when comparing with the trip rates shown for the existing use, the impact of the proposed development on public highway at the Well Grove access during the AM peak is likely to be a decrease in vehicle trip rates with a minor increase in trip rates in the PM peak. For the High Road access an increase of 27 additional vehicles in the AM peak and 21 additional vehicles in the PM peak hours respectively are predicted. The predicted vehicle trip generation for the proposed development is therefore not expected to have a detrimental impact on the local public highways.

The application proposes car parking for the residential units in accordance with the UDP standards. 15 car parking spaces are proposed for the d1 community centre building which is considered acceptable given the site's accessible location on the edge of Whetstone Town Centre.

### Section 106 Planning Obligations

A package totalling over £2.25million will be secured as part of the development. This includes: the provision of a community building on the site to a value of £776,000 which will be transferred to the Council; the provision of an area of public open space and locally equipped area of play (LEAP) which will also be transferred to the council with a commuted payment of £250,000 to cover the future maintenance; contributions of £450,000 towards improvements in playing pitches and sport and recreation facilities in the area; £662,560 towards education provision in the borough; and £93,636 towards health facilities. The application also includes the provision of 29% affordable housing which includes 10 three and four bedroom affordable houses.

## RECOMMENDATION

### Approve subject to:

#### Recommendation 1

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 of seeking to secure the following:

(a) Legal Professional Costs Recovery

Paying the Council's legal and professional costs of preparing the Agreement and any other enabling arrangements.

(b) Enforceability

All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.

(c) Affordable Housing

Provision of 20 affordable housing units on the site as follows:

i) Affordable Rented Accommodation:

- 1 x 1 bedroom (2 person) flat
- 2 x 1 bedroom (2 person) w/c flat
- 2 x 2 bedroom (4 person) w/c flat
- 6 x 3 bedroom (5 person) house
- 2 x 4 bedroom (6 person) house

ii) Shared Ownership Accommodation:

- 1 x 1 bedroom (2 person) flat
- 4 x 2 bedroom (3 person) flat
- 2 x 3 bedroom (5 person) houses

(d) Notting Hill Training Initiative

To enter into a formal agreement with the Notting Hill Housing Trust to include provision for the following:-

- (a) The agreed number of trainee places to be provided on the site of the Affordable Housing Scheme and the duration of the each placement;
- (b) A commitment by the Owners to pay a percentage of the build costs in respect of the Affordable Housing Scheme such payment to cover general running costs such as trainees' fees fares and tools;
- (c) a commitments by the Owners to pay a "provisional sum" expressed as a percentage of the build costs in respect of the Affordable Housing Scheme to cover trainees' wages;

(e) Healthcare

A contribution of £93,636 towards improvements to health facilities within the borough as identified by the Local Health Authority;

(f) Education

A contribution of £662,560 index linked towards education provision in the borough;

(g) Libraries

A contribution of £17,716 index linked towards the provision of library facilities within the borough;

(h) Transfer of the Community Hub Land

The transfer of the freehold interest of the Community Hub Land to the Council;

(i) Community Hub Building

The provision of a permanent Community Hub building on the Community Hub Land within the site. The Community Hub Building shall provide for multi functional spaces to a specification and configuration to be agreed with the Council. The Community Hub Building shall have a gross external floorspace of at least 512m<sup>2</sup> and shall be delivered to a Shell and Core standard at a cost to the Developer not exceeding (unless otherwise agreed by the Developer) the sum of £776,000 BCIS index linked to a timescale to be agreed with the Local Planning Authority;

(j) Sport and Recreation

A contribution of £450,000 index linked towards the improvement and development of sport and recreational facilities, including associated buildings, for but not limited to cricket and football within 2.5km of the site;

(k) Provision of public open space

The provision of the area of public open space within the development to be landscaped and laid out in accordance with details to be agreed with the Local Planning Authority. The freehold interest of the public open space shall be transferred to the Council.

(l) Provision of LEAP within the site

The provision of a Locally Equipped Area of Play (LEAP) .to be provided within the area of public open space within the site. The LEAP shall include 6 pieces of play equipment comprising three pieces which cater for 0-6 and three pieces which cater for 6-12 age groups.

(m) Commuted Sum for maintenance of Open Space and LEAP

A contribution of £250,000 to the Council towards the maintenance of the public open space and LEAP within the development for a period of 25 years.

(n) Amendment to Local Traffic Order to Review Waiting Restrictions

A contribution of £5,000 index linked towards a review of waiting restrictions on the public highways adjacent to the access points into the site and to make any necessary amendments to the existing Traffic Management Order;

(o) Residential Travel Plan

Before the development is occupied a Local Level Residential Travel Plan that is Attribute complied and that seeks to reduce reliance on the use of the private car and to ensure the sustainability of the development shall be submitted to and

approved by the Local Planning Authority. This should include the appointment of a Travel Plan Champion.

(p) Travel Plan Monitoring

A contribution of £5,000 index linked towards the monitoring of the Travel Plan for the development;

(q) Monitoring of the Section 106 Agreement

A contribution of £25,000 index linked towards the monitoring and management of the S106 planning obligations;

**Recommendation 2:**

That upon completion of the agreement specified in Recommendation 1, the Assistant Director of Planning and Development Management approve the planning application reference B/03068/11 under delegated powers subject to the following conditions and any changes to the wording of the conditions considered necessary by the Assistant Director for Planning and Development Management:

1. Approved Plans

This development hereby permitted shall be carried out in accordance with the following approved plans and documents:

0729 / P / 401 (Location Plan)  
0729 / P / 402 (Site Layout)  
0729 / P / 403 (Street Scenes)  
0729 / P / 404 (Street Scenes)  
0729 / P / 405 (Street Scenes)  
0729 / P / 406 (Coloured Site Layout)  
0729 / P / 407 (Pedestrian Movement)  
0729 / P / 408 (Building Heights)  
0729 / 01 Rev A (Community Hall)  
0729 / CH / OS / 01 (Community Hub and Open Space)

Open Space Assessment (June 2010) RAE;  
Design and Access Statement (September 2010) CMYK Ltd;  
Transport Statement (October 2010) Hyder Consulting;  
Bat Report (October 2010) Ecology Consultancy;  
Reptile Report (October 2010) Ecology Consultancy;  
Education Provision Report (January 2010) RAE;  
Flood Risk Assessment and Addendum (October 2010 and November 2010) JNP;  
Sustainable Design and Energy Statement (June 2011) DLA;

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. Time Limit on Submission of Reserved Matters

Applications for the approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990.

3. Time Limit on Implementation

The development to which this permission relates must be begun not later than two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason:

To comply with Section 92 of the Town and Country Planning Act, 1990.

4. Reserved Matters

Details of the design, external appearance and landscaping, (hereinafter called "the reserved matters"), shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason:

To ensure a satisfactory development.

5. Reserved Matters – compliance with approved plans

Reserved matters applications pursuant to this permission shall be made substantially in accordance with the following plans approved by this application unless otherwise agreed in writing with the local planning authority. The development shall be implemented in accordance with such details as approved.

0729 / P / 402 (Site Layout)

0729 / P / 408 (Building Heights)

0729 / P / 407 (Pedestrian Movement)

Reason: To ensure that the development accords with the outline planning permission.

6. Levels

Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.

7. Removal of Permitted Development Rights to Houses

Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking and re-enacting that Order) the houses hereby approved shall not be extended in any manner whatsoever without the prior specific permission of the Local Planning Authority.

Reason:

To ensure that the development does not prejudice the character of the locality and the enjoyment by existing and/or neighbouring occupiers of their properties.

**8. London Plan Internal Space Standards**

The residential units hereby approved shall meet the internal space standards set out in Table 3.3 of the London Plan. Information shall be submitted with the reserved matters demonstrating compliance with these standards.

Reason:

To ensure that new homes of adequate size are provided and to comply with London Plan (2011) Policy 3.5.

**9. Lifetime Homes**

All of the new residential dwellings within the development hereby approved shall be built to meet all Lifetime Homes standards.

Reason:

To comply with the requirements of policies 3.8 and 7.2 of the London Plan (2011).

**10. Wheelchair adaptable homes**

A minimum of 10% of the residential dwellings within the development hereby approved shall be built to wheelchair housing standards or easily adaptable for residents who are wheelchair users.

Reason:

To comply with the requirements of policies 3.8 and 7.2 of the London Plan (2011).

**11. Energy Strategy**

Prior to the commencement of the development hereby approved an Energy Strategy shall be submitted to and approved by the Local Planning Authority which demonstrates how the development will achieve a 25% reduction in carbon dioxide emissions for the residential buildings based on 2010 Building Regulations (or any subsequent building regulations that may replace them). The strategy shall include an estimate of the regulated carbon dioxide emissions after each element of the London Plan energy hierarchy, together with the savings in tonnes of carbon dioxide per annum relative to the 2010 Building Regulations (or any subsequent building regulations that may replace them).

Reason:

To ensure that the development is sustainable and to comply with London Plan Policy 5.2.

**12. Code for Sustainable Homes Level 4**

The residential dwellings hereby approved shall achieve a Code Level 4 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 4 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

### 13. Landscaping

Prior to the commencement of development a scheme for hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The details of landscaping shall include the following:

- the position and spread of all existing trees, shrubs and hedges to be retained;
- details of any proposed topping or lopping of any retained tree;
- a plan showing the location of, and allocating a reference number to, each existing tree which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
- details of the species, diameter (measured in accordance with paragraph (iii) above, and the approximate height, and an assessment of the general state of health and stability, of each retained tree;
- new tree and shrub planting including species, plant sizes and planting densities;
- means of planting, staking and tying of trees, including tree guards;
- existing contours and any proposed alterations such as earth mounding;
- areas of hard landscape works including paving and details, including samples, of proposed materials;
- trees to be removed;
- details of how the proposed landscaping scheme will contribute to wildlife habitat (ranging from ground cover to mature tree canopy), to the satisfaction of the Local Planning Authority;
- Timing of planting within each phase.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies D1, D2, D3 and D11 of the Barnet UDP 2006 and policy 7.21 of the London Plan 2011.

### 14. Landscaping - Implementation

All work comprised in each phase of 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 within that phase or completion of the phase, whichever is sooner.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies D1, D2, D3 and D11 of the Barnet UDP 2006 and policy 7.21 of the London Plan 2011.

### 15. Landscaping - Maintenance

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 D1, D2, D3 and D11 of the Barnet UDP 2006 and policy 7.21 of the London Plan 2011.



**16. Japanese Knot weed**

Prior to commencement of development or any demolition on site, a survey to map the extent and location of Japanese Knotweed on the site and a management plan to ensure it is not spread either on or off the site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details as approved.

Reason:

In order to comply with Part II of Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) in respect to Section 14(2).

**17. Biodiversity Habitat Creation measures**

Prior to commencement of development details of habitat creation measures in accordance with the recommendations in section 5.9 of the Phase 1 Habitat Survey dated June 2008 by The Ecology Consultancy shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details as approved.

Reason:

To ensure improve the biodiversity of the site in order to comply with PPS9 and Policy DM16 of the Development Management Policies DPD Submission Draft.

**18. Details of Bat habitat enhancement**

Prior to commencement of development, details of bat enhancement measures in accordance with the recommendations set out in the Bat Assessment report dated 22 October 2012 by The Ecology Consultancy shall be submitted to and approved in writing by the Local Planning Authority. The measures as approved shall be implemented in their entirety prior to the first occupation of the development.

Reason:

To ensure improve the biodiversity of the site in order to comply with PPS9 and Policy DM16 of the Development Management Policies DPD Submission Draft.

**19. Drainage Strategy**

The development hereby permitted shall not commence until a drainage strategy detailing any on and/or off site drainage works has been submitted to and approved by the local planning authority in consultation with the sewage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason:

The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community in accordance with policy 5.13 of the London Plan 2011.

**20. Flood Risk Assessment**

The development permitted by this planning permission shall only be carried out in accordance with the approved Environmental Impact Assessment (Flooding), Haringey Gospel Hall, Chandos Avenue, Whetstone, Ref: S82317 HAR (Rev B), 19 October 2011 and the following mitigation measures detailed within the assessment:

- Limiting the surface water run-off generated by the 1 in 100 chance in any year critical storm, taking the effects of climate change into account, to 16l/s in order to minimise the risk of flooding off-site.
- Provision storage on site to attenuate all storm events up to and including the 1 in 100 chance in any year event, taking the effects of climate change into account.
- Provision of an alarmed back up power source for the drainage pump to ensure that the drainage system operates without unacceptable breaks, for the lifetime of the development.

Reason:

To prevent increased flood risk by ensuring the satisfactory storage and disposal of surface water from the site.

**21. Surface Water Drainage Strategy**

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason:

To minimise risk of flooding from the development.

**22. Access and Estate Roads**

Prior to the commencement of the development, details of the access and estate roads, including pedestrian access arrangements within the development, shall be submitted to and approved in writing by the Local Planning Authority. Highways Engineering Drawings and detailed Construction Specifications shall be submitted, with a minimum scale of 1:200. The estate road as approved shall be constructed in accordance with the approved details before the site is occupied. For further guidance and contact details please refer to the Development Team, Highways Group.

Reason:

To ensure the safe form of access to the development and to protect the amenity of the area and to conform with Policy M11 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

**23. Restriction on Gates To Access Roads**

No gates shall be erected at any of the entrances to the development or anywhere along the access road or internal road layout.

Reason:

To ensure that safe, public access is provided to the open space, LEAP and community centre building.

**24. Split in Vehicle Trips between High Road and Well Grove**

Notwithstanding the plans hereby approved, the final location and details of removable bollards or other suitable vehicle control measure shall be submitted to and approved in writing by the Local Planning Authority. The location of the bollards shall ensure that the vehicle trips generated by the development shall be equally distributed between the High Road and Well Grove access points.

Reason:

To ensure that the vehicle trips generated by the development are equally distributed between the High Road and Well Grove assesses.

**25. Car parking**

Before the development hereby permitted is occupied, car parking shall be provided in accordance with a scheme to be submitted to and approved by the Planning Authority. The spaces as approved shall not be used for any purpose other than parking of vehicles in connection with the approved development. The parking layout should include provision of disable parking spaces for all elements of the development.

Reason:

To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policies M11, M13 and M14 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

**26. Cycle parking**

Prior to occupation of the development hereby approved details of cycle parking and storage facilities shall be submitted to and approved by the Planning Authority and the cycle parking spaces shall be permanently retained thereafter.

Reason:

In the interests of promoting cycling as a mode of transport in accordance with Policies M4 and M5 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

**27. Car Parking Management Plan**

Before the development hereby permitted commences a Car Parking Management Plan detailing the allocation of car parking spaces, on site parking controls and charges, and enforcement of unauthorised parking has been submitted to and approved by the local planning authority. The plan shall be implemented before the building hereby permitted is occupied and maintained thereafter.

Reason:

To ensure that parking is provided and managed in line with the council's standards in the interests of highway and pedestrian safety in accordance with Policies M11, M13 and M14 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

**28. Hours of Construction**

No construction work in relation to the development hereby approved 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 on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policies GBEnv1 and ENV12 of the Barnet UDP 2006.

**29. Demolition and Construction Management Plan Obligation**

Prior to the commencement of the development hereby approved a Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in

accordance with the approved details. The Demolition and Construction Management Plan shall include, but not be limited to, the following information:

- i. details of proposed demolition;
- ii. details of the routing of demolition and construction vehicles to the site, hours of access and egress arrangements within the site and security procedures;
- iii. site preparation and construction stages of the development;
- iv. 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;
- v. details showing how all vehicles associated with the demolition and construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- vi. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from demolition and construction works;
- vii. 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;
- viii. noise mitigation measures for all plant and processors;
- ix. details of contractors compound and car parking arrangements;
- x. Details of interim car parking management arrangements for the duration of construction;
- xi. Details of a community liaison contact for the duration of all works associated with the development.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway safety in accordance with policies GBEnv1, ENV7, ENV12, M2, M8, M10, M11, M12 and M14 of the Barnet UDP (2006) and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan (2011).

### **30. Refuse Storage and Collection**

Prior to the commencement of the development hereby approved details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- i. enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins and/or other refuse storage containers where applicable;
- ii. a satisfactory point of collection; and
- iii. details of any collection arrangements.

The refuse facilities shall be provided in accordance with the approved details before each phase of the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility and to protect the amenities of the area in accordance with policies D2, D3 of the Barnet UDP 2006.

**31. Waiver of liability and indemnity**

Prior to the occupation of the development a Waiver of liability and indemnity agreement must be signed by the developer and be submitted to and approved in writing by the Local Planning Authority. This is to indemnify the Council against any claims for consequential damage caused to private roads arising from and / or in connection with the collection of waste by the Council from the premises.

Reason:

To ensure that the access is satisfactory in terms of highway safety development and to protect the amenity of the area and in accordance with Policy M11 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

**32. Activities Management Plan**

Prior to occupation of the D1 community building hereby approved an Activities Management Plan to manage events at the community Hall shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of the amenities of neighbouring residential properties and pedestrian and highway safety and the free flow of traffic.

**33. Community Centre Travel Plan**

Before the community centre building hereby approved is occupied a Travel Plan shall be submitted and to and approved by the Local Planning Authority. This should include the appointment of a Travel Plan Champion.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with policies GSD and M3 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

## **INFORMATIVES:**

1. The reasons for this grant of planning permission or other planning related decision are as follows: -

The proposed development accords generally and taken as a whole with strategic planning guidance and policies as set out in the London Plan (2011), the Adopted Barnet Unitary Development Plan (UDP) Saved Policies (May 2009) and the London Borough of Barnet Core Strategy Submission Draft. In particular the following policies are relevant:

London Plan (2011):

3.3; 3.4; 3.5; 3.8; 3.9; 3.12; 3.16; 3.19; 5.1; 5.2; 5.7; 7.18.

Adopted Barnet Unitary Development Plan (UDP) Saved Policies (May 2009):

GSD; GBEnv1; GBEnv2; GBEnv3; ENV9; ENV10; D1; D2; D3; D4; D5; D9; D13; M6; M13; M14; H2; H5; H16; H17; H18; H20; CS2; CS3; CS7; TCR13; IMP1; IMP2.

Core Strategy – Submission Draft:

CS1; CS4; CS5; CS7; CS10.

Development Management Policies DPD – Submission Draft:

DM01; DM07; DM08; DM13; DM15

### **REASON FOR APPROVAL:**

In light of all material considerations, the planning and community benefits of the proposal are considered to overcome the loss of the existing religious meeting hall, private open space and education use building. The site has not been allocated in the adopted UDP for any other specific use. The area immediately around the site is characterised by residential uses. The site is located within walking distance of shops and services of Whetstone Town Centre and also within walking distance of Oakleigh Park overland train station and Totteridge and Whetstone Tube Station. Good bus services are also close to the site on the High Road. As such the site is deemed to be acceptable in terms of the availability of access by a choice of means of transport and its links to facilities. In light of these considerations the principle of developing the site for a residential use is deemed to be acceptable. All relevant policies contained within national Planning Policy Statements and Supplementary Planning Documents, the Mayor's London Plan (2011), the saved policies of the Barnet UDP (2006), relevant policies in the Core Strategy Submission Document and Development Management Policies DPD Submission Draft have been fully considered and taken into account. Having regard to these relevant policies and all other material considerations officers consider that the proposal for residential development of the site is acceptable.

2. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
3. Any details submitted in respect of the Demolition and Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the

provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.

4. Refuse collection points should be located within 10 metres of the Public Highway; otherwise, unobstructed access needs to be provided to the refuse vehicle on the day of the collection. The development access needs to be designed and constructed to allow refuse vehicles to access the site. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
5. The applicant is advised that the council will not adopt the estate road(s). However, if the councils refuse vehicles are required to enter the site, the estate road(s) must be constructed to adoptable standards. Details of the road construction requirements can be obtained from, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.
6. The applicant is advised that High Road is a Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Environment and Operations should be consulted in this respect.
7. The applicant is advised that the development is located on a Strategic Road Network (SRN) and is likely to cause disruption. The Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would require TfL's approval before works can commence.
8. The costs of any associated works to public highway, including reinstatement works, will be borne by the applicants and may require the Applicant to enter into Section 184 / 278 Agreement under the Highways Act 1980.
9. The London Plan promotes electric vehicle charging points with 20% active and 20% passive provision and should be provided. The parking layout should include provision of electric charging points for all elements of the development.

## 1. MATERIAL CONSIDERATIONS

### 1.1 Key Relevant Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is The London Plan (July 2011) and the saved policies within the adopted London Borough of Barnet Unitary Development Plan (2006). These strategic and local plans are the policy basis for the consideration of this planning application.

#### Central Government Guidance and Policy Statements

National guidance is provided by way of Planning Policy Statements (PPSs) and Planning Policy Guidance notes (PPGs). An audit of the PPSs and PPGs of most relevance to the determination of this application is provided in **Appendix 1**.

In July 2011 the Government published its draft National Planning Policy Framework (NPPF). This document will replace all PPGs and PPSs and condense national guidance into a 50 page document as part of the reforms to make the planning system less complex and more accessible, and to promote sustainable growth. The key theme of the new guidance is that Local Planning Authorities should approach applications with a presumption in favour of sustainable development. The NPPF remains a draft document and therefore subject to change arising from the ongoing public consultation. It only carries very limited weight at this stage.

#### The London Plan

The replacement London Plan was published in July 2011 and is part of the development plan under the Planning and Compulsory Act 2004. The London Plan provides strategic planning policy for all London Boroughs for the period up to 2031.

An audit of the application against the relevant London Plan policies is contained in the table in **Appendix 1**.

#### Barnet Unitary Development Plan

The London Borough of Barnet UDP was adopted in May 2006 and contains local planning policies for Barnet. The Planning & Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies DPD. Until the LDF is complete policies within the adopted UDP have been saved for a period of three years. An audit of the application against relevant saved UDP policies is contained in the table in **Appendix 1**.

#### Barnet Core Strategy

The Planning & Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies DPD. Until the LDF is complete policies within the adopted UDP have been saved for a period of three years.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help the Council's partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and



land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to 3 rounds of public consultation and is in general conformity with the adopted London Plan therefore weight can be given to it as a material consideration in the determination of planning applications. An audit of the application against relevant Core Strategy and Development Management DPD policies is contained in the table in **Appendix 1**.

#### The Three Strands Approach:

In November 2004 the Council approved its "Three Strands Approach", setting out a vision and direction for future development, regeneration and planning within the borough. It updated this document and brochure in 2008, to reflect ongoing policy development and regeneration. The approach, which is based around the three strands of protection, enhancement and consolidated growth, will protect Barnet's Green Belt and designated open spaces; enhance its high quality suburbs and deliver new housing and successful sustainable communities, whilst protecting employment opportunities. The HGHT site falls within the consolidated growth strand.

## **1.2 Relevant Planning History**

There is an extensive planning history for the site dating back to the 1960s. The planning history prior to 1986 relates to the site as the former Old Owens Sports Ground and associated applications for buildings related to this use. The planning history summarised below covers the main planning decisions which make up the site in its present form. This is not an exhaustive list but covers a number of the more significant planning decisions.

**N01162G** – Planning permission granted for the a single storey building comprising meeting room, two detached houses, new access from High Road and upgrading of access from Chandos Avenue and ancillary parking. March 1986.

**N01162J** – Alterations to development under construction (ref: N01162G) amendments to house design and size. Approved 17 September 1987.

Change from two 4 bed houses to two 5 bed houses. New condition added to restrict occupation to caretaker and dependants related to the Trust.

**N01162M** – Alterations to hours of use of access from Chandos Avenue N20 to allow use on Sundays between 5,30am and 9.30pm (variation of conditions 16 of planning permission N01162G). Withdrawn 19 October 1989.

**N01162N** – Retention of single storey building and its continued use for meeting room purposed, without complying with the terms of condition 16 of Planning permission re N01162G, permission granted 22 September 1989.

Condition imposed restricting the use to the HGHT only:

*"The use hereby permitted shall be carried on only by Haringey Meeting Room Trust and the use shall be discontinued when Haringey Meeting Room Trust ceases to occupy the premises."*

Further condition restricted the use of the building:

*“The premises shall be used for worship, instruction and prayer and shall not be used for any other purpose within Class D1 of the Town and Country Planning (Use Classes) Order 1987, or for any other purpose whatsoever without the prior permission of the Local Planning Authority.”*

**N01162P** – Erection of an ancillary meeting room.

Personal permission restricted to HMRT and restricted to worship, instruction and prayer. Approved April 1991.

**N01162Q** – Erection of a single storey study centre, construction of hard parking area, access path and P.R./games area, and provision of planting on the site perimeter. Approved March 1996.

This is a permanent permission, it is not restricted to the HGHT but is limited to educational purposes.

**N01162R** – Details of Materials, Levels, Enclosure, parking area and access path and means of illumination pursuant to cons of N01162Q.

Approved 1/7/1996.

**N01162S** – Details of soft landscaping pursuant to cons of N01162.

Approved 23/12/1996.

**N01162T** – Details of construction and surface treatment of proposed PE/Games area pursuant to cons N01162Q. Approved 15/9/1997.

**N01162U/99** – Installation of tarmac hard surfaced play area replacing temporary matting/grass. Approved 11/1/2000.

**N01162W** – Installation of a single storey temporary classroom. Approved July 2004.

This was a temporary permission which expired 13 July 2008.

**N01162Y** – Installation of a single storey temporary classroom unit.

Limited permission expired on 13 July 2008.

**B/03282/08** – Retention of single storey temporary prefabricated classroom buildings.

Approved 07/1/09.

Limited permission expiring on 8th January 2013, ‘when the use shall be discontinued’.

### **1.3 Pre-Application Public Consultation**

Over the last 4½ years the applicants have held a number of extended discussions with the local community and other stakeholders. Consultation has included direct mailings to individual residents and discussions with respondents, a public exhibition, meeting with the local MP, a Planning Development Forum which included a question and answer session and meetings with RAD – the local residents association. The applicants have assisted the residents association in funding their own independent highway consultant. The various meetings are tabled below.

<b>Date</b>	<b>Format /Event</b>
June 2009	Direct Mailing to local residents
June 2009	Public Exhibition
August 2009	Meeting with RAD
November 2009	Meeting with RAD
December 2009	Meeting with RAD
March 2010	Meeting with RAD
June 2010	Planning Development Forum
October 2010	Meeting with Local MP - Theresa Villiers
October 2010	Meeting with RAD
April 2011	Direct Mailing to RAD and doorstep discussions with most residents

In direct response to the issues raised at these various consultations the detailed proposals have been amended as follows:

- Layout amended to address overlooking
- 2 storey dwellings in back to back relationship around the periphery of the site
- Predominantly family houses (3 bed +) proposed
- Density reduced from 143 units to 95 units to 70 units
- Parking provision increased
- D1 community use provided
- Removed parking courts abutting neighbouring gardens
- Overall height of scheme reduced

#### **1.4 Public Consultation and Views Expressed**

A total of 578 local properties and businesses were consulted by letters dated the 10 August 2011. A site notice was displayed from the 18<sup>th</sup> August 2011 and a notice was placed in the local press. Statutory bodies were also consulted.

Neighbours Consulted: 578                      Replies: 155 (including 102 pro forma replies)  
 Neighbours Wishing To 5  
 Speak

#### **Pro-forma comments**

102 of the letters received were submitted using a pro-forma template which contained the same 6 points of objection. The pro-forma letter stated the following:

“I object to the application for the following reasons:

- (i) The increase in the level of traffic and the added difficulty in getting out to the High Road from Chandos Avenue with this extra traffic using the road.
- (ii) The general increase in traffic on Chandos Avenue and the other surrounding roads will result in danger to pedestrian and highway safety.
- (iii) The additional parking problems, especially in Chandos Avenue.

- (iv) Loss of open space. This area was originally designated as playing fields, and should remain as such, as there is a need for such an amenity in the neighbourhood. This is contrary to Government advice, adopted local plan and LB Barnet planning policies.
- (v) The proposal includes the loss of a school: ie a community facility. Your policies resist the loss of such uses. Even though the current school may be private that is irrelevant in planning terms as it could be sold/occupied by other community uses (including another school) also falling within class D1.
- (vi) The density of the proposed scheme, while better than the previous proposal, is still out of keeping with the character of the neighbourhood.”

#### Officer Response

- *Traffic, trip generation and parking is addressed in section 3.14. The trip generation assessment for the proposed residential development takes into account the maximum number of trips that could be generated by the existing uses on the site and compares it to the proposed development. The number of trips from the 70 residential units and the D1 use community building will be split 50:50 between the two access points from High Road and Well Grove. It is expected that there will be 27 vehicle movements in the AM and 23 movements in the PM peak hours using the Well Grove access. However it should be noted that the traffic movements associated with the school PM peak between 3pm and 4pm will be removed. The submitted Transport Statement and additional reports have been reviewed by the Highways Officer and the development is not considered to result in significant traffic impact on local roads.*
- *The number of trips generated by the development is not considered to be of a level to cause danger to pedestrian safety. However in order to improve visibility at the site entrances it is recommended to carry out a review of waiting restrictions in Chandos Avenue and High Road adjacent to the site. A contribution of £5,000 is sought towards this review and implementation of changes to waiting restrictions if appropriate.*
- *The application proposes car parking for the residential development in accordance with the Council’s UDP parking standards. Parking will be provided for the D1 community building based on comparable community uses. The development is considered to be self-contained in respect of car parking.*
- *The loss of the private open space is addressed in section 3.3. The playing fields have not formally been used as a playing field for over 25 years. The loss of this private open space is considered to be justified through the provision of new public open space and a LEAP within the development and section 106 contributions towards enhancements to sports pitches and recreation facilities within 2.5km of the site. The application is considered to be in accordance with national, regional and local planning policy. Sport England have no objections to the application.*
- *The loss of the existing school is addressed in section 3.2. Only one of the school buildings (288sqm) benefits from permanent planning permission. The existing school site (0.4ha) is not large enough to accommodate a new school. The loss of this building is considered to be justified by the provision of a community building within the development.*
- *Density is addressed in section 3.8. The proposed density of residential development is 29 dwellings per hectare which is below the 35 dwellings per hectare recommended in London Plan table 3.2. However the density is considered to be appropriate given the character of the existing surrounding residential area.*

## Other comments

The comments raised in the remaining objection letters have been summarised below:-

### Traffic, access and parking

- Number of cars and volume of traffic would cause even further congestion in Chandos Avenue which is already used as a thoroughfare by commuters and is a busy road with cars parked on both sides and it is impossible for two cars to pass without one pulling in across a driveway.
- 70 dwellings would double the amount of vehicle movements in Chandos Avenue.
- Increased traffic will increase danger to pedestrians.
- The application is in outline and for an unspecified 300m<sup>2</sup> of D1 use which could be occupied by different uses with wide variations in traffic generation. Greater certainty is necessary to assess likely impacts of the use.
- Cars already speed along Chandos Avenue using it as a cut through.
- Traffic would automatically use Buckingham Avenue as an alternative to Chandos Avenue.
- Well Grove is unsuitable as an access road for an increase in traffic. High Road should be the main entrance.
- Cars are often parked along Chandos Avenue tight to the radii of the Well Grove junction. Cars also park directly opposite this junction. It is premature to conclude that Chandos Avenue can safely accommodate the predicted traffic flows from a major residential development.
- The plans indicate that there is insufficient parking for the proposed housing and no consideration for visitor parking. The development would add to parking congestion in Chandos Avenue and surrounding roads which already have parking issues due to local shops, flats and stations.
- Existing residents do not want a controlled parking zone.
- High Road is also already congested.
- It is difficult to see how the proposed quantum of development can be safely accommodated on the local road network.
- No indication of the exact nature of the use of the proposed D1 building which is likely to give rise to a significant increase in the number of vehicles entering and exiting the site and parking would be limited.

### Officer Response

- *Traffic, trip generation and parking is addressed in section 3.14. The trip generation assessment for the proposed residential development takes into account the maximum number of trips that could be generated by the existing uses on the site and compares it to the proposed development. The number of trips from the 70 residential units and the D1 use community building will be split 50:50 between the two access points from High Road and Well Grove. It is expected that there will be 27 vehicle movements in the AM and 23 movements in the PM peak hours using the Well Grove access. However it should be noted that the traffic movements associated with the school PM peak between 3pm and 4pm will be removed. The submitted Transport Statement and additional reports have been reviewed by the Highways Officer and the development is not considered to result in significant traffic impact on local roads.*
- *The number of trips generated by the development is not considered to be of a level to cause danger to pedestrian safety. However in order to improve visibility at the site entrances it is recommended to carry out a review of waiting restrictions in Chandos Avenue and High Road adjacent to the site. A contribution of £5,000 is sought towards this review and implementation of changes to waiting restrictions if appropriate.*

- *The application proposes car parking for the residential development in accordance with the Council's UDP parking standards. Parking will be provided for the D1 community building based on comparable community uses. The development is considered to be self-contained in respect of car parking.*

### Character

- Overdevelopment. 62 houses and 8 flats is not in keeping with the existing type of residences surrounding it. The development is totally inappropriate for this neighbourhood.
- The proposed density is totally out of character for this area.
- If the land must be developed it should be done at a much reduced density to that shown on the plan and should be of a type similar to the houses that already exist.
- The scale and appearance of the development would be detrimental to the surrounding area.
- The development is not in sympathy with the current architectural style and will create a bland housing estate with limited character.
- The development will devalue surrounding properties.

### Officer Response

- *Layout, scale and appearance is addressed in section 3.7 and density is addressed in section 3.8 of this report. The development proposes detached, semi-detached and short terraces of houses. The houses around the perimeter of the site comprise mainly 4 and 5 bedroom detached houses which are considered to reflect the character of the existing houses. The houses in the centre of the site are also arranged in a traditional street pattern. Detailed design and external appearance of the proposed properties is a reserved matter for future consideration. The proposed density of residential development is 29 dwellings per hectare which is below the 35 dwellings per hectare recommended in London Plan table 3.2. However the density is considered to be appropriate given the character of the existing surrounding residential area.*
- *Impact on the value of existing properties is not a material planning consideration.*

### Land use

- Loss of community facility / religious buildings and school. Despite the fact that HGHT no longer wish to use the site for these purposes it is still possible for it to be used for similar or analogous purposes. A potential purchaser could apply to remove existing planning conditions and continue such uses of the buildings.
- Loss of open space/playing fields. The site was originally designated as playing fields. The site is one of the few remaining green fields among the build up area of Barnet and should be preserved as a local amenity.
- The site should remain as playing fields as there is a need for such an amenity in the neighbourhood and it would be a valuable resource for the local community.
- Council policy allows for loss of sports grounds where it can be demonstrated that an overriding need/benefit in terms of sport and recreation would be met. From the submission no such evidence is presented of any such benefit.
- The site would probably be ideal for a Free School and the HGHT has not properly attempted to sell this site within the restrictions that enabled them to buy it.
- Once the precedent is set for building houses on the site, after the site is sold the density and number of houses could easily be changed and increased.

### Officer Response

- *The loss of the meeting halls and existing school is addressed in section 3.2 of this report. The planning consent for the main meeting hall is personal to the HGHT and*

when they vacate the site the use will be discontinued. Notwithstanding this, the application includes the provision of a new community hub facility on the site. Only one of the school buildings (288sqm) benefits from permanent planning permission. The existing school site (0.4ha) is not large enough to accommodate a new school. The loss of the meeting halls and school building is considered to be justified by the provision of a community building within the development.

- The loss of the private open space/playing fields is addressed in section 3.3 of this report. The Council's Open Space, Sports and Recreational Facilities Assessment (2009) identifies 21 facilities (excluding two 'verges') within 1.5km of the application site which provide amenity open space and which include either play space, natural green space and/or areas of value for outdoor sport. An open space assessment submitted with the application demonstrates that by 2021 the amount of open space per 1000 people within the 1.5km of the site will be 2.73ha which is above the average for the borough.
- The playing fields have not formally been used as a playing field for over 25 years. The loss of this private open space is considered to be justified through the provision of new public open space and LEAP within the development and section 106 contributions towards enhancements to sports pitches and recreation facilities within 2.5km of the site. The application is considered to be in accordance with national, regional and local planning policy.
- There is no planning policy requirement for the whole site to be marketed for a school use.
- The Local Planning Authority cannot prevent subsequent applications being submitted for development of the site. Any such applications will be considered against the relevant planning policies and material considerations.

#### Residential amenity

- The land slopes from Well Grove to Buckingham Avenue so that the site is elevated above houses in Buckingham and part of Langton Avenue. The development would be visible from neighbouring houses and will spoil the open aspect which people currently enjoy. Concern that gardens will be overlooked by the upper storeys of the new buildings.
- Increased noise and disturbance from high density development, increase in population and increase in traffic will significantly affect the quality of life of existing residents.
- Loss of view of green fields.
- Noise and disturbance during construction.

#### Officer Response

- The development complies with UDP policy H17 in relation to distances to neighbouring gardens and distances between facing habitable room windows to all surrounding neighbouring properties.
- The application proposes residential development in a residential area. The use is considered comparable and the development is not considered to result in noise and disturbance such that would cause detrimental harm to the amenities of existing residential properties.
- Loss of views of green space is not a material planning consideration.
- A condition is recommended which requires the submission of a Construction Management Plan which will control and address issues to do with the construction of the development.

### Services and utilities

- Impact on utilities and services such as power supply, water, drainage.
- 70 dwellings is likely to put great stress on already oversubscribed primary and secondary schools.
- The plans do not provide any benefit to the local community.
- There is no provision for a childrens playground within the site with the nearest playground being at Swan Lane.

### Officer Response

- *Thames Water have been consulted on the application and have no objections in relation to drainage.*
- *The loss of Wellgrove School will have no impact on the education infrastructure in the borough due to the relocation of the school out of the borough to reflect the current pupil catchment. The impact of the proposed new residential units will be mitigated through a contribution of £662,560 towards school places within the borough in accordance with the Council's adopted Supplementary Planning Document for Education Contributions.*
- *The development will deliver a new community building which will be accessible to a wider proportion of the community and could be used for a range of community activities including badminton, dance-exercise/keep fit classes, martial arts groups, table tennis, small concerts, meetings, private functions, and a play group.*
- *The application includes the provision of an area of open space which will contain an Locally Equipped Area of Play (LEAP) See section 3.11 of this report.*

### Environmental

- Impact on ground water and increased risk of flooding.

### Officer Response

- *Flood risk is addressed in section 3.15 of this report. The site is in Flood Zone 1 therefore residential development is appropriate. A Flood Risk Assessment has been submitted with the application and agreed with the Environment Agency. The development will include Sustainable Urban Drainage measures which will be secured by condition which will attenuate rain water on the site.*

### **Friern Barnet and Whetstone Residents' Association**

A letter of objection was received from the Friern Barnet and Whetstone Residents' Association which makes the following points:

- The proposal includes the loss of a school: i.e. community facility. Your policies resist the loss of such uses. Even though the current school may be private that is irrelevant in planning terms as it could be sold/occupied by other users, including another school, also falling within class D1.
- Loss of open space. This area was originally designated as playing fields, and should remain as such, as there is a need for such an amenity in the neighbourhood. The loss of this open space would be contrary to Government advice, the adopted London plan, and London Borough of Barnet planning policies.



- The proposed development would fail to harmonise with the pattern of development in the immediate locality, detracting from the character and appearance of the general street scene.
- The proposed development, by reason of its proximity to neighbouring houses would result in significant levels of overlooking and subsequent loss of privacy to the rear gardens of neighbouring properties, detrimental to the residential amenities of the occupiers of these properties.
- There is a Restrictive Covenant (Register MX292106[1]) on this site, which while it says that dwelling houses may be built on the site, any dwelling houses erected 'shall be of a like value to those erected...on the land of the vendors in Chandos Avenue and their other adjoining land and in the ...proposed roads'. This Restrictive Covenant may or may not be legally enforceable, but I believe the present owners of the site and Barnet Council should feel morally bound by the covenant which is clearly intended to reassure and protect purchasers of neighbouring houses in Chandos Avenue, Buckingham Avenue and Langton Avenue.
- If this planning application were to be approved, then there would be a resultant increase in the level of traffic and added difficulty in getting out on to the High Road from Chandos Avenue or from the access road adjacent to the Travelodge Hotel. This general increase in traffic will result in danger to pedestrian and highway safety, and cause additional parking problems in Chandos Avenue.
- Planning Policy Guidance 17 - for open space, sport and recreation - states that local authorities should undertake robust assessments of the existing and future needs of their communities for open spaces, sports and recreational facilities, and the developers will need to consult the local community and demonstrate that the proposals are widely supported by them.

#### Officer Response

- *The loss of the existing school is addressed in section 3.2 of this report. Only one of the school buildings (288sqm) benefits from permanent planning permission. The existing school site (0.4ha) is not large enough to accommodate a new school. The loss of this building is considered to be justified by the provision of a new community building within the development which will be accessible to a wider range of the community.*
- *The loss of the private open space is addressed in section 3.3 of this report. The playing fields have not formally been used as a playing field for over 25 years. The Council's The loss of this private open space is considered to be justified through the provision of new public open space within the development and section 106 contributions towards enhancements to sports pitches and recreation facilities within 2.5km of the site. The application is considered to be in accordance with national, regional and local planning policy. Sport England have no objections to the application.*
- *Density is addressed in section 3.8 of this report. The development proposes detached, semi-detached and short terraces of houses. The houses around the perimeter of the site comprise mainly 4 and 5 bedroom detached houses which are considered to reflect the character of the existing houses. The houses in the centre of the site are also arranged in a traditional street pattern. Detailed design and external appearance of the proposed properties is a reserved matter for future consideration.*

- *The development complies with UDP policy H17 in relation to distances to neighbouring gardens and distances between facing habitable room windows to all surrounding neighbouring properties.*
- *Legal covenants are not a material planning consideration.*
- *Traffic, trip generation and parking is addressed in section 3.14. The trip generation assessment for the proposed residential development takes into account the maximum number of trips that could be generated by the existing uses on the site and compares it to the proposed development. The number of trips from the 70 residential units and the D1 use community building will be split 50:50 between the two access points from High Road and Well Grove. It is expected that there will be 27 vehicle movements in the AM and 23 movements in the PM peak hours using the Well Grove access. However it should be noted that the traffic movements associated with the school PM peak between 3pm and 4pm will be removed. The submitted Transport Statement and additional reports have been reviewed by the Highways Officer and the development is not considered to result in significant traffic impact on local roads.*
- *The Council's Open Space, Sports and Recreational Facilities Assessment (2009) identifies 21 facilities (excluding two 'verges') within 1.5km of the application site which provide amenity open space and which include either play space, natural green space and/or areas of value for outdoor sport. An open space assessment submitted with the application demonstrates that by 2021 the amount of open space per 1000 people within the 1.5km isochrone will be 2.73ha which is above the average for the borough.*

### **Residents Against Development (RAD)**

A local residents group has been set up which represents the properties in Chandos Avenue, Buckingham Avenue, Langton Avenue and Temple Avenue. RAD have canvassed the local residents and have coordinated the pro-forma letters which have been submitted.

RAD commissioned a transport consultant to review the transport statement submitted with the planning application. A report by Imda TPE has been submitted by RAD which provides comments on the Hyder (October 2010) Transport Statement and raises a number of comments in relation to transport, access and parking. These are considered to be addressed in the body of the report and in particular in section 3.14. The following responses are provided as a summary.

#### Officer Responses

- Parking Issues

*The proposed parking for the residential development meets the parking standards and the parking proposed for the D1 use is not expected to have a detrimental impact on the public highways.*

- Commuter Parking

*Site observations at different times of the day show on street parking availability in the evenings and early mornings.*

- Visibility at Well Grove/ Chandos Av access

*The Well Grove vehicle access is an existing access and the maximum number of vehicle movements per hour is not expected to exceed the current number of vehicle movements in the morning peak hour. However a contribution is sought to carry out a review of waiting restrictions in Chandos Avenue and High Road adjacent to the site and implement changes to waiting restrictions if appropriate.*

- Recent Accident Data required for the A1000 access  
*Information on the most recent available Accident Statistics for the A1000 access do not show any accidents at the High Road entrance to the proposed development and Hotel/ Retail development since the period considered in the report submitted with the application.*
- Parking within the site outside marked spaces  
*A parking management plan condition has been included to ensure that parking within the development is managed adequately.*
- 70% 30 % split  
*The 70% and 30% figures refer to the number of residential units that will be accessed via Well Grove and High Road respectively (50 units from Well Grove and 20 units from High Road), however the High Road access also serves the proposed D1 use. The number of vehicle movements is approximately the same at peak hours at both accesses in the revised application. The vehicle trip generation is not expected to have a detrimental impact on the public highways.*
- Parking for Disabled  
*A condition has been included to submit detailed parking layout proposal for approval, including details of disable parking spaces.*
- Comments regarding D1 health use  
*A Health Use is no longer proposed for the D1 use building. This building has been assessed based on the use as a 474sqm community centre of which 200sqm could be used as a nursery.*
- Travel Plan measures  
*An obligation within the section 106 agreement will require the submission of a Travel Plan for the residential development. A separate Travel Plan for the D1 use building will be secured by condition.*
- Parking for existing school in Chandos Avenue  
*The existing school will no longer exist if the proposal is implemented.*
- Emergency vehicles within the development obstructed by indiscriminate parking  
*A Parking Management Plan will be secured by condition. The Parking Management Plan should include measures to prevent obstructive parking within the development.*

### **London Assembly Member for Barnet – Brian Coleman**

Cllr Brian Coleman in his capacity as London Assembly Member for Barnet has submitted a letter of objection to the application which makes the following comments.

- I believe that the application wrongly asserts that there will be no impact on traffic in the area of the development. Chandos Avenue and the High Road would see an unacceptable increase in traffic should this application be granted. It is clear that the application as it stands does not provide for sufficient parking space, and visitors, tradesmen, and other officials coming to the area would almost certainly lead to a lack of parking space for residents. On-street parking is already at capacity during business hours, and the application fails to adequately address how it would solve the issue of parking demand.

- The application will lead to a loss of open space. When this land was originally purchased, the applicant made a commitment to ensure "the greater part will be retained as playing fields with associated parking". This commitment should be honoured, and I oppose any loss of much needed open space in the local area.
- This application is an infill development which is inappropriate in the context of a suburban environment in which the site is situated. To allow the development to progress as set out in the application would have a significant negative impact on the homes and roads surrounding the location.
- Finally it is my belief that the proposed development is not in keeping with surrounding properties, as it does not match in scale.

### **1.5 Amended Plans**

The application was originally submitted in July 2011. Following discussions with officers, the scheme was amended as follows:-

- The layout of the main body of housing within the centre of the site has been simplified to provide back to back garden relationships between the houses and to ensure that all houses address the estate road within the scheme;
- The south-western portion of the site has been reconfigured to provide a more formal and usable area of open space which can accommodate a Locally Equipped Area of Play (LEAP) with six pieces of play equipment and the distance from the LEAP and its equipment to the nearest residential buildings within the scheme is in all cases 20 metres or greater;
- The D1 use building and plot it sits on adjacent to the access off the High Road has been enlarged and more detailed information and indicative floorplans for the proposed D1 use building were submitted to demonstrate two scenarios for potential use as either a pre-school nursery or community facility.
- The scheme proposes the same number and mix of flats and houses as before.

### **1.6 Consultation on Amended Plans**

Amended plans were submitted on the 30<sup>th</sup> November 2011. Residents were consulted on the amended plans and amended description by letters on the 2<sup>nd</sup> December 2011.

A total of 31 replies were received in response to the amended plans consultation. Of these, 22 were pro-forma replies which stated the following objections:

"I object to the revised application for the following reasons:

1. The increase in the level of traffic and the added difficulty in getting out to the High Road from Chandos Avenue with this extra traffic using the road is still not addressed.
2. The additional parking problems especially in Chandos Avenue are still not addressed.
3. Loss of open space is still not addressed. This area was originally designated as playing fields, and should remain as such, as there is a need for such an amenity in the neighbourhood.

4. Noise and disturbance to the surrounding properties from the houses and apartments when built is still not addressed.
5. Significant disturbance and inconvenience during the construction phase is still not addressed.
6. The revised plans still propose residential use at a density which remains out of keeping with the character of the neighbourhood and which a future developer could appeal for greater density still.”

The remaining letters raise the same issues that are detailed in section 1.4 above.

### **Wellgrove School Ltd**

A letter has been submitted by Wellgrove School Ltd confirming that Wellgrove Education leases the current site that Wellgrove School occupies from the HGHT. The students attending the School all belong to the same Christian Brethren fellowship as is served by HGHT. The letter confirms that apart from HGHT being consultees to Wellgrove Education Trustee appointments there is no relevant or operational connection between the two.

Wellgrove School has been seeking an alternative site for the school because most of the students currently attending the school have moved out of the local area and the present site is now inappropriately located. The school has confirmed that even if more of the existing Whetstone site were to be made available to the School, as their primary concern is to provide for the educational needs of their own community, they would not be wanting to expand on the Whetstone site. Furthermore, the current lease expires in 2016 and the School have confirmed that they are not expecting to apply for a renewal.

The School did submit an application to start a Free School in September 2012. The application was rejected. Free School status would only be awarded and continued based on demand from within the local area. As Wellgrove School will be moving, and they do not know what the demand will be in the School's final catchment area, they are not expecting to reapply until their long-term location is known.

Whilst Wellgrove Education is not party to the planning application submitted by HGHT, they have confirmed that they have no objection to what is being proposed in their efforts to seek a planning permission for the site with a view to maximizing its long-term potential.

## **1.7 Consultation Responses from Statutory Consultees and Other Bodies**

### **Sport England – no objection**

Sport England have stated that the site is not considered to form part of, or constitutes a playing field as defined in Article 10(2) the Town and Country Planning (General Development Procedure) Order 1995 (as amended by SI 1996/1817 and SI 2009/453). As such, Sport England consider that it is not a statutory consultee to this application and raises no formal objection, but provides the following comments for consideration.

The application proposes 70no residential dwellings on an existing area of open space. The area of open space is 0.83ha in size, all of which will be lost as a result of the proposed development. It is important to note that whilst the development results in the loss of open space, technically the site does not fall within the formal definition of a playing field.

This being the case the local planning authority should assesses the application in the context of relevant development plan policies.

**Environment Agency** – no objection subject to conditions

The Environment Agency (EA) originally objected to the application on the ground that the Flood Risk Assessment did not comply with the requirements of PPS 25. They requested further information in respect of greenfield runoff rates, Sustainable Drainage Systems (SuDS), attenuation for a 1 in 100 year storm event.

Following the submission of information addressing these issues, the EA have confirmed (letter dated 4 November 2011) that they are satisfied with the information provided and can remove their objection as stated in our letter dated 1 September 2011.

The EA have requested the following conditions:

Condition 1

“The development permitted by this planning permission shall only be carried out in accordance with the approved Environmental Impact Assessment (Flooding), Haringey Gospel Hall, Chandos Avenue, Whetstone, Ref: S82317 HAR (Rev B), 19 October 2011 and the following mitigation measures detailed within the assessment:

- Limiting the surface water run-off generated by the 1 in 100 chance in any year critical storm, taking the effects of climate change into account, to 16l/s in order to minimise the risk of flooding off-site.
- Provision storage on site to attenuate all storm events up to and including the 1 in 100 chance in any year event, taking the effects of climate change into account.
- Provision of an alarmed back up power source for the drainage pump to ensure that the drainage system operates without unacceptable breaks, for the lifetime of the development.

Reason:

To prevent increased flood risk by ensuring the satisfactory storage and disposal of surface water from the site.”

Condition 2

“Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason:

To minimise flood risk.”

**Natural England** – no objection

Natural England have advised that the proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. They have no comments to make on the application.

**Transport for London (Surface Transport Strategy)** - no objection

TfL do not believe the development will have a significant impact on the Strategic Road Network of which the A1000 (High Road) forms a part.

### **Thames Water - no objection**

Thames Water have advised that with regard to sewerage infrastructure they have no objection to the above planning application. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services is required. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving network through on or off site storage.

### **Barnet Police - no objection**

Barnet Police has no objections in principle to the outline development proposed. Should the application move toward a full submission the Police recommend consultation with the Barnet Borough Police Crime Reduction Department to fully gauge the proposals' compliance with Secured By Design.

## **1.8 Internal Consultation responses**

### **Highways Group**

The Highways Officer has confirmed that the proposal is acceptable on highway grounds subject to a section 106 contribution of £5,000 to amend the local traffic order and £5,000 for monitoring the Travel Plan as set out in the Heads of Terms of this report. They have requested conditions which are included in the recommendation to this report.

A detailed assessment of traffic, parking and transport matters is provided in **section 3.13** of this report.

### **Greenspaces**

The Council's Greenspaces department have advised that there is a deficiency of facilities for local play within 0.75km of the site as highlighted on Figure 12 of the Barnet Open Space, Sport and Recreational Facilities Assessment (2009) which shows the catchment areas for existing Neighbourhood Equipped Areas of Play (NEAPs) and Locally Equipped Areas of Play (LEAPs). The Greenspaces Officer therefore requested that a LEAP be provided within the development to address the deficiency and fill the gap in play space provision.

The Greenspaces Officer has also advised that there is a need to improve the range and quality of facilities (including pitches) at King George V Playing Fields and Barnet Playing Fields. There is also a need to improve the drainage to a number of pitches in the area. Contributions were requested to be secured through the section 106 agreement.

### **Property Services**

The Council's Property Services have been involved in discussions relating to the proposed community use building. Following consultation with community and sports organisations, they have confirmed that a community hub type facility is needed in this part of the borough and that such a building could be run and managed by a community organisation formed from key users of the centre. They would be supported to establish a social enterprise to run the centre for the benefit of the community. Community and sporting groups would be able to hire the rooms or halls for different classes and functions. A community centre facility of the nature proposed in the application could be used for a range of community activities including badminton, fitness training, dance-exercise/keep fit classes, martial arts groups, table tennis, small concerts, meetings, private functions, and a play group. This would enable some groups to vacate poor quality accommodation which has a limited lifespan, is expensive to maintain and not cost effective to operate. The centre will offer flexible accommodation to maximise income flow and be constructed to ensure energy efficiency and low running costs.

## 1.9 Referral to Secretary of State

The planning application was initially advertised as a departure from the development plan as a precautionary measure in the event it was considered necessary to refer the application to the Secretary of State for Communities and Local Government (“the Secretary of State”). The Council has subsequently assessed the application and concluded that the application is not a departure from the development plan. Therefore it is not necessary to refer the application to the Secretary of State.

### Legislation

The Town and Country Planning (Consultation) (England) Direction 2009 sets out the directions for the Secretary of State under articles 10(3), 14(1) and 27 of the Town and Country Planning (General Development Procedure) Order.

The direction requires local planning authorities in England to consult the Secretary of State before granting planning permission for certain types of development.

This Direction applies to any application for planning permission which:

- (a) is for Green Belt development, development outside town centres, World Heritage Site development, playing field development or flood risk area development; and
- (b) is received by a planning authority on or after 20 April 2009.

Paragraph 7 of the Order states that for the purposes of the Direction, “playing field development” means development of a description where –

- (a) the land (or any part of the land) which is the subject of the application –
  - (i) is land of a local authority; or
  - (ii) is currently used by an educational institution as a playing field; or
  - (iii) has at any time in the five years before the application is received been used by an educational institution as a playing field; **and**
- (b) the English Sports Council (“Sport England”) has been consulted pursuant to article 10(1) of the Order, and has made representations objecting to the whole or part of the development on one or more of the following grounds –
  - (i) that there is a deficiency in the provision of playing fields in the area of the local authority concerned;
  - (ii) that the proposed development would result in such a deficiency; or
  - (iii) that where the proposed development involves a loss of a playing field and an alternative or replacement playing field is proposed to be provided, that alternative or replacement does not match (whether in quantity, quality or accessibility) that which would be lost.

### Assessment

The application site includes an area of private open space which historically used to be part of the Old Owens sports ground. The site has not formally been used as a playing pitch in the last five years.

Sport England have stated that the site is not considered to form part of, or constitute a playing field as defined in Article 10(2) the Town and Country Planning (General Development Procedure) Order 1995 (as amended by SI 1996/1817 and SI 2009/453). As such, Sport England has raised no formal objection to the application. Therefore the



application site does not constitute a playing field under paragraph 7 of the Town and Country Planning (Consultation) (England) Direction 2009, and the application does not require referral to the Secretary of State. The Local Planning Authority can therefore determine the application in accordance with the relevant development plan policies.

## 2. DESCRIPTION OF SITE AND PROPOSED DEVELOPMENT

### 2.1 Description of site and surrounding area

The application relates to a site in Whetstone owned by the Haringey Gospel Hall Trust (HGHT) who are religious charitable trust part of the Christian Brethren. The site is located off the High Road to the rear of Travelodge and Marks and Spencer which forms the western boundary. The site is surrounded on the other three sides by houses on Chandos Avenue, Langton Avenue and Buckingham Avenue.

There are two access points into to the site: one is from the High Road adjacent to the Travelodge / Halfords building; the other is from Chandos Avenue via Well Grove. Both provide vehicular and pedestrian access.

The site extends to approximately 2.44 hectares and comprises four main elements as set out below (see plan at **Appendix 2**):

- *Meeting Halls*  
Roughly a third of the site is taken up by two meeting halls and an associated car park (approximately 0.83ha). The halls comprise a large hall of approximately 650sqm located to the rear of the Travelodge and M&S buildings, and a smaller hall to the north of this. A tarmac car park of 100 spaces surrounds the main meeting hall. The buildings are used by HGHT for their religious worship.
- *Well Grove School*  
Located in the south east corner of the site the school occupies an area of approximately 0.41ha and comprises three single storey buildings including one permanent building of approximately 288sqm and two temporary buildings. These buildings are used as a faith school by the Wellgrove Education Trust which leases the site from the HGHT. The students attending the school all belong to the same Christian Brethren fellowship as is served by HGHT. The current school roll is 85 pupils from a maximum of 95. The school occupies the Study Centre building that was originally approved on the site. It has expanded over the years and includes a number of temporary buildings. The school are looking for alternative premises outside of the borough.
- *Open Space*  
An area of private open space of approx. 0.83ha is located in the north eastern corner of the site. This area was previously used as the playing field for the Well Grove School and is a remnant of the open space from when the site was historically used as the Old Owens Sports Ground over 25 years ago.
- *Existing Bungalows*  
Two single storey bungalows occupy an area of approximately 0.15ha in the south-western corner of the site. These are owned by the applicants and are restricted to occupation by caretaker and dependants related to the Trust.

The remaining area (approximately 0.21ha) is taken up by the shared access road off Chandos Avenue via Well Grove and the access from the High Road.

A line of Plane trees runs north to south through the centre of the site along the western edge of the open space. The north, east and southern boundaries benefit from substantial tree and hedge screens along much of their length. Non of the trees on the site are protected by TPO.

## The Surrounding Area

The northern, eastern and southern boundaries of the site abut the gardens of large semi-detached and detached houses. These houses are traditional in appearance and generally two storeys with a brick and render finish and tiled hipped roofs. Many have accommodation in the roof space.

The western boundary abuts a mixture of commercial properties of 3-5 storeys high and varying commercial designs. These mainly comprise the large warehouse retail unit occupied by Carpet Right and Marks and Spencer and the recently built mixed use Travelodge hotel and Halfords building.

The site abuts the Whetstone Town Centre boundary as defined in the Development Management Policies DPD. Whetstone Town Centre includes shops, a supermarket, doctors, dentist, chemists and a variety of restaurants and cafes.

Totteridge and Whetstone Tube Station is within 750m of the site and Oakleigh Park Train Station is approximately 650m from the site.

The Dame Alice Owen's Playing Fields are located within 150m to the south east of the site. This is a Council owned playing field that provides football and cricket pitches and also includes buildings which house the Pupil Referral Unit. Brook Farm Open Space is located on the west side of the High Road within walking distance of the site and Oak Hill Park is approximately 1km from the site to the east.

## **2.2 Description of Proposed Development**

The application seeks outline planning permission for the demolition of the existing buildings on the site and redevelopment comprising the erection of 70 new dwellings (62no houses and 8no flats) and a class D1 community building.

The outline permission is sought for the change of use of the site to residential, the number and mix of residential units, access and the siting and scale of buildings. The matters of external appearance and detailed landscaping are reserved.

The proposed residential mix is as follows:

<b>Dwelling type</b>	<b>No. of units</b>
<b>Private Housing</b>	
4 bed house	44
5 bed house	6
<b>Total</b>	<b>50</b>
<b>Affordable Housing</b>	
1 bed apartment	4
2 bed apartment	4
2 bed house	2
3 bed house	8
4 bed house	2
<b>Total</b>	<b>20</b>
<b>OVERALL TOTAL</b>	<b>70 Units</b>

### *Layout*

The proposed development is laid out in an arrangement with primarily detached houses around the perimeter of the site with back gardens backing onto the existing back gardens of the surrounding houses. A group of houses is arranged in the centre of the site backing onto one another. The proposed layout plan is included at **Appendix 3**.

### *Site Access*

Vehicular access to the site is provided by way of the two existing access points: one is taken from Chandos Avenue using the existing Well Grove; the other is from the High Road using the existing access in between Travelodge and 1450 High Road. It is proposed to split the vehicular traffic for the site equally between these two accesses. 50% of the vehicular movements would use the High Road and 50% would use Chandos Avenue. This could be controlled by installing bollards on the estate road within the development to prevent vehicles from being able to drive through the development. Access by cyclists and pedestrians will be open to both access points.

### *Car Parking Provision*

A total of 134 car parking spaces would be provided for the residential development comprising 129 allocated spaces and 5 unallocated spaces in Well Grove. This would equate to a ratio of 1:1.9 for the residential element. This is provided largely in the form of garage, curtilage or allocated private parking with some limited off-street visitor parking. A further 15 spaces would be provided for the D1 use community building.

The following documents have been submitted with the application:

- Open Space Assessment (June 2010) RAE
- Design and Access Statement (September 2010) CMYK Ltd.
- Transport Statement & Addendums (October 2010 and May 2011) Hyder Consulting
- Bat Report (October 2010) Ecology Consultancy
- Reptile Report (October 2010) Ecology Consultancy
- Education Provision Report (January 2010) RAE
- Flood Risk Assessment and Addendum (October 2010 and November 2010) JNP
- D1 use Marketing report (May 2011) Jeremy Leaf & Co
- Sustainable Design and Energy Statement (June 2011) DLA

## **2.3 Background to the proposed development**

The applicants have provided a report titled 'A Community Moves' which sets out the background to the HGHT and their plans to vacate the site. The following information is taken from the report.

*Haringey Gospel Hall Trust, or HGHT for short, is a charitable trust that was set up in 1981 to facilitate and provide places of worship for a congregation of Brethren who lived in the London Boroughs of Haringey and Barnet. It has 5 trustees who either are or were members of the local congregation. It was named after the Haringey London Borough as there was already a similar trust named the Barnet Gospel Hall Trust carrying out the same activity for a local congregation in the Barnet area. HGHT is governed by the Charities Act and is obliged to operate in accordance with the guidelines of the Act and its activities are almost entirely funded by charitable giving.*

### Why are HGHT now planning to sell the site?

Since the mid 1990's, many Brethren members started moving out from larger congregations to support smaller congregations. The purpose of this was to strengthen these smaller congregations, many of which would have typically numbered around 50 or less. This process has been successful in raising numbers to sustainable levels in many smaller congregations around the UK.

The Trust have advised that families from the congregation in Whetstone have moved to Maidstone, Biggleswade, Kings Lynn, Lowestoft, Colchester, Loughborough, Reading and Perth, Scotland amongst other places. This has left the current congregation at just over 50 which is not a large enough number to sustain the running costs of the meeting hall indefinitely.

In addition to this, there is already a nearby congregation in Barnet who have a more modern and slightly larger meeting hall in Mays Lane, Barnet. This serves congregation members living in Barnet, Potters Bar and Brookmans Park.

A definite decision has been taken by the Congregation to close the Whetstone meeting hall facility, at which point the remaining Whetstone congregation will merge with the Barnet congregation and use their meeting hall. This means that the Whetstone site will be surplus to the requirements of HGHT who will then sell the land.

### How will the proceeds of the sale be used?

The proceeds of the sale of the land will mainly be used for the upgrading and construction of new meeting hall facilities around the UK. This will be in the places that members of the congregation have moved to as well as other locations.

As the smaller congregations grow in size it is usually the case that the existing meeting hall facilities become inadequate for the increased numbers and needs of the congregation.

### Will Wellgrove School benefit from the sale of the land?

Wellgrove School is run by a separate Trust, Wellgrove Education, who are not party to the planning application nor do they own the land that the school occupies. Wellgrove School have a lease on this part of the site expiring in 2016. However, due to the common ground held between the two trusts, HGHT have stated that they will not put the school into a difficult position by forcing them off the site with no alternative place to go to as this would be detrimental to their local community.

### Background to Wellgrove School

In 1993, a few parents in the congregation took the personal decision to teach their children at home. In 1994, these parents joined up and arranged to use some spare rooms in a large house in Lyonsdown Road belonging to a member of the congregation. They hired tutors to come and assist their children in home study.

In 1995/1996, with permission from HGHT, some members of the congregation applied for planning permission to put up a 'study centre' adjacent to the bungalows on the HGHT site. This was to further facilitate home schooling and provide a better learning environment for the children. Part time tutors were hired at the parent's expense to assist the children with their home study. Wellgrove Study Centre opened in November 1996 with a roll of approximately 30 pupils providing education for years 10 - 12 with exams being taken at local colleges and schools.

*In 1997 Wellgrove expanded its September intake to include years 7, 8 & 9. A year 12 course was also run.*

*In 1998, Wellgrove School gained examination status and in 2000 a satellite facility was opened in Cheshunt to provide for the children of a congregation based in Enfield who had joined the school.*

*In 2003 a national governing Trust was established to oversee curriculum and financial support of many such new schools which were forming. In 2004 16 portable cabins were added to create 6 new classrooms and a hall. The school roll was now around 100 pupils with the Cheshunt facility joining at Wellgrove. 2004 the school registered with the DFES as an Independent School of Religious Character.*

*In 2005 a minibus service was put into operation. In 2006 extra cabins and extensions added to provide space for SEN, art and administration.*

*Wellgrove School is now one of 22 brethren run schools nationally. They are all governed by a central body providing administrative support and funding, and subscribe to a common ethos that is in line with their Christian beliefs.*

#### *The location of Wellgrove School*

*One of the results of the local congregation moving out of the immediate area has been that the catchment area of the School has expanded vastly and extends to students living in Southend-on-Sea, Chelmsford, Buntingford and Hatfield. This has necessitated the majority of the students being brought to school in hired coaches. Wellgrove School is now seeking to relocate to be more central to it's catchment area.*

*In addition to this, the temporary buildings surrounding the original school building are nearing, if not already past, the end of their useful life span.*

*Notwithstanding the foregoing, the School in its current location is cramped and does not provide sufficient facilities for the number of students attending. Sport is undertaken at offsite locations such as Trent Park due to the superior facilities for sport available there. Onsite parking and turning space for dropping of children etc is also limited in Well Grove.*

*The Trustees of Wellgrove School have decided that the best way forward is to combine both junior and senior schools in one location that is more central to the students it serves. This combination of resources will not only make savings in the running of the schools but will also reduce the distances that children have to travel to school.*

#### *Sites for a new school*

*Wellgrove School have not considered any sites or existing schools in Barnet as these would still leave the school peripheral to the catchment area. The ideal location for a replacement school would be north of the M25 on either the A1 or A10 corridors where it would be much more central and accessible to it's students. The Wellgrove Education Trustees have already looked at some potential alternative schools and sites including in Wormley, Broxbourne, Potters Bar, Royston, Letchworth and Hoddesdon. They have confirmed that they are currently actively considering two sites: one is in Biggleswade in Bedfordshire and one is in Hertford in Hertfordshire.*

### **3. PLANNING APPRAISAL**

The planning appraisal is provided under the following headings:

- 3.1 Loss of existing community and religious facilities
- 3.2 Loss of educational land and buildings
- 3.3 Loss of open space / former playing field
- 3.4 Principle of residential use
- 3.5 Summary and conclusions for Loss of education, community, open space and
- 3.6 Principle of residential development
- 3.7 Layout, scale and appearance of proposed development
- 3.8 Residential mix and density
- 3.9 Affordable housing provision
- 3.10 Private amenity space provision
- 3.11 Provision of new public open space and play area
- 3.12 Trees and landscaping
- 3.13 Biodiversity
- 3.14 Traffic impact and parking
- 3.15 Flood Risk Assessment
- 3.16 Energy and sustainability
- 3.17 Section 106 Planning Obligations

#### **3.1. Loss of community / religious facilities**

The existing meeting halls on the site have planning permission for use as a place for religious worship, instruction and prayer within Class D1 of the Use Classes Order (1987) as amended. Their loss as part of the proposed development needs to be assessed.

The applicants have advised that many of the families from the congregation who used the existing meeting hall have moved out of the borough and out of London. This has left the current congregation at just over 50 which is not a large enough number to sustain the running costs of the meeting hall indefinitely. They are therefore seeking to vacate and sell the site.

#### Policy Context

The general thrust of national, regional and local planning policy is to resist the loss of community facilities unless it can be demonstrated that they are surplus to requirements or equivalent or better provision can be made within the area.

London Plan Policy 3.16 states that proposals which would result in a loss of social infrastructure (such as a religious meeting hall or school buildings) in areas of defined need for that type of social infrastructure without realistic proposals for re-provision should be resisted. The suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered.

The London Plan defines social infrastructure as covering a wide range of facilities such as health provision, nurseries, schools, colleges and universities, community, cultural, play, recreation and sports facilities, places of worship, fire stations, policing and other criminal justice or community safety facilities and many other uses and activities which contribute to making an area more than just a place to live.

The council recognises the importance of retaining existing community and religious facilities and will refuse development proposals which result in their loss. Adopted UDP Policy CS3 states:

“The council will not grant planning permission for development which results in the loss of an existing community or religious facility. Exceptions may be considered where:

- i. new community or religious facilities of at least equivalent quality or quantity are provided on the site or at an alternative location more accessible to users; or
- ii. improvements are made to community or religious facilities at other sites; or
- iii. there is an excess of community or religious facilities in the area, and a particular development will not create a shortage of provision.”

Draft Development Management policy DM13 states that the loss of community / educational use will only be acceptable in exceptional circumstances where:

- i. New community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location; or
- ii. There is no demand for continued community or education use, and that the site has been marketed effectively for such use.

#### Planning conditions on existing meeting halls

Both policy CS3 and DM13 require there to be an excess of community or religious facilities in the area and in the case of DM13 this is required to be demonstrated by marketing.

Condition 01 on planning consent reference N/01162N which was granted in 1989 in relation to the main religious meeting hall on the site, states:

“The use hereby permitted shall be carried on only by Haringey Meeting Room Trust and the use shall be discontinued when Haringey Meeting Room Trust ceases to occupy the premises.”

Condition 04 of the planning consent also limits the meeting halls to being used as a place for religious worship, instruction and prayer and for no other purposes within Class D1 of the Use Classes Order (1987). This means that other uses such as health centre, day nursery, training centre, education are not permitted.

The first condition means that the planning permission is personal to the HGHT while the second condition limits use to religious purposes. Therefore upon vacation of the halls by the HGHT, the religious use will discontinue. In land use terms this would mean that this part of the site would cease to have any approved use and therefore it could be considered that Policy CS3 or DM13 do not apply because there are no community or religious buildings being lost and therefore there is no requirement to market the buildings for alternative D1 uses. On this basis the applicants have not marketed the existing meeting halls on the site or sought any alternative users.

Any prospective user who might want to take over the buildings for religious use would have to apply to the Council to have the restrictions on the current personal permission lifted. However as the site has been in use for over twenty years for these purposes it could be argued that the religious worship use of the meeting halls is established and it is likely that favourable consideration would be given for planning permission to lift these conditions as long as any intensification of use will not result in an unacceptable impact on the amenities of surrounding residents. Therefore it could be argued that another religious group could apply



to use the buildings for continued religious purposes. However there is no planning policy to require continued use for religious purposes.

#### Proposed new community building

Notwithstanding the nature of the personal permission of the existing meeting hall, the application includes the provision of a new Use Class D1 building on the site. The building is located in the north west corner of the site at the rear of the existing Travelodge Hotel and would be accessed via the High Road.

Both UDP policy CS3 and Development Management policy DM13 allow the provision of new community facilities of at least equivalent quality or quantity to be provided on the site or at a suitable alternative location as an exception for loss of existing community facilities.

UDP Policy CS2 states that the council will seek to enter into planning obligations, where appropriate, in conjunction with new developments, to secure the provision of community and religious facilities, whilst Policy CS1 states that development proposals for community and religious facilities will be permitted where they:

- Are easily accessible by public transport, walking and cycling;
- If in a town centre location, would not be situated within the primary retail frontage;
- Would not have a demonstrably harmful impact on the character of the surrounding area and the amenities of nearby residential properties and other uses; and
- Are designed to be accessible to people with disabilities.

The application did not originally specify a specific use within Class D1 for this building. However, through discussions with the Council the applicants have amended the plan layout for the proposed development to include the provision of a larger community building on a larger plot which is better integrated with the proposed public open space. Information was also provided with the amended plans in relation to the use of the proposed D1 building. The applicants demonstrated that the building could be used for two options: the first as a pre-school nursery and the second as a community centre. Indicative floorplans have been submitted to show how the building could accommodate these uses. The purpose of this exercise is to demonstrate that a viable D1 use facility could be feasibly provided on the plot of land and to assess the potential traffic impacts.

The pre-school nursery option could be accommodated in a 400sqm building designed to OFSTED standards with space for 65 children as follows:

- Fifteen under 2 year olds,
- Twenty-five 2 year olds, and
- Twenty-five 3 to 5 year olds.
- Toilet facilities for children, together with separate staff toilets, on each floor;
- Staff rest room;
- Kitchen, including separate preparation area and store room;
- General store rooms on each floor;
- An office;
- External, fully enclosed, play area; and
- Car parking for 15 cars, including 5 drop-off/collection spaces.

The community centre option which could be provided on the same plot of land would comprise a building of 512sqm with space for the following:

- A one badminton court size hall measuring approximately 10 metres by 17 metres with an overhead clearance of at least 6.2 metres, where a range of activities could take place;

- A small meeting room;
- Changing accommodation and separate toilet facilities;
- A small kitchen;
- An office;
- Adequate storage facilities;
- Car parking for 15 cars;

The traffic impact for both scenarios has been assessed. This is covered section 3.14 of this report.

The Council's Property Services have been involved in discussions relating to the proposed community use building. Following consultation with community and sports organisations, they have confirmed that a community hub facility is needed in this part of the borough and that such a building could be run and managed by a community organisation formed from key users of the centre. They would be supported to establish a social enterprise to run the centre for the benefit of the community. Community and sporting groups would be able to hire the rooms or halls for different classes and functions.

A community centre facility of the nature proposed in the application could be used for a range of community activities including badminton, fitness training, dance-exercise/keep fit classes, martial arts groups, table tennis, small concerts, meetings, private functions, and a play group. The centre will offer flexible accommodation to maximise income flow and be constructed to ensure energy efficiency and low running costs.

The provision of a new community hub building would enable some community groups and organisations to vacate existing poor quality accommodation which has a limited lifespan, is expensive to maintain and not cost effective to operate.

The community hub use would benefit a range of users and people within the wider community. This would off-set the loss of the existing religious meeting halls and permanent education building. The proposed D1 building will therefore be limited via planning condition to use as a community centre and for no other uses within Class D1.

The land relating to the community building is proposed to be transferred to the Council as a freehold title. The new community building will be constructed to a shell and core standard. The Council will then fit out the building. This will be secured through the section 106 agreement. This would comply with UDP Policy CS2.

The provision of a new community building on the site, within the development would meet the exemption requirements under point i) of UDP Policy CS3 which allows for new community facilities of at least equivalent quality or quantity to be provided on the site. The proposed new community facility will be substantially smaller in size but will be accessible to the wider public and will have a wider benefit. Therefore having regard to the planning permission which is limited to the HGHT only, the new community facility is considered to be sufficient to justify the loss of the existing halls in accordance with UDP Policy CS3 and London Plan Policy 3.16.

### **3.2. Loss of educational land and buildings**

The site contains three separate single storey buildings occupying an area of approximately 0.4ha which are currently in use as a private secondary level faith school run by the Wellgrove Education Trust. The school accommodates approximately 70 children aged from 11 to 18 years.

The 288sqm building that formed the original study centre has permanent planning consent for D1 educational use. The remaining parts of Wellgrove School are the subject of temporary permissions. The original study centre building remains in a reasonable condition but the majority of temporary portacabin buildings that have been added to the study centre to form the temporary school have exceeded their lifespan and should be replaced within the next two or three years. The majority of pupils (approximately 83%) live outside of Barnet, mainly being bussed in daily from outside the M25. Some travel from Hertford; a distance of 22 miles. Others travel from Buntingford, Chelmsford and Southend.

The school has advised that all Physical Education and school sport activities take place off site and there is limited changing accommodation with no showering amenities at the School. The open space adjacent to Wellgrove School is not owned by, nor leased to, Wellgrove Education Trust, and is not available for use by the School.

As detailed in Section 2.3, having outgrown its present location an alternative, permanent, site for Wellgrove School is now being sought. Whilst a new site has not been secured, the School have stated that they are not considering sites in Barnet.

#### Policy context

Adopted UDP Policy CS7 states that the council will seek to identify suitable alternative uses of buildings and land that are surplus to educational requirements. The preferred alternative will be for the buildings and land to be used for community, leisure or recreation purposes.

Policy DM13 of the Development Management Policies Submission Draft states that the loss of community / educational use will only be acceptable in exceptional circumstances where:

- i. New community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location; or
- ii. There is no demand for continued community or education use, and that the site has been marketed effectively for such use.

#### Temporary school buildings

Two of the buildings have temporary permissions which will expire in January 2013. Conditions imposed on the original temporary consent that expired in 2008 required the temporary buildings to be removed and the land reinstated in accordance with details approved by the Local Planning Authority in writing. However the condition imposed on the renewed permission granted in 2009 states that the use shall be for a limited period only, expiring on 8<sup>th</sup> January 2013 when "the use shall be discontinued". This does not impose the requirement for the land to be reinstated.

The loss of the temporary school buildings does not conflict with UDP or draft DM policies.

### Permanent school building

The original study centre building of 288sqm is the only permanent building occupied by the school. This building is restricted to educational use by condition on the original planning consent. There are no specific policies within the UDP which protect existing educational buildings. However UDP Policy CS7 does states that the Council will seek to identify suitable alternative uses of buildings and land that are currently surplus to educational requirements and that the preferred alternative will be for the buildings and land to be used for community, leisure or recreation purposes. Draft policy DM13 of the Development Management Policies DPD Submission Draft does refer to the loss of education uses as well as community uses.

Whilst Wellgrove school are planning to relocate from the site, there may be alternative religious or community groups searching for premises suitable for educational use. Given that the existing school is still operating from the site the applicant has not marketed the permanent school building or the 0.4ha site for any other community, leisure or recreation purposes.

Wellgrove School is a private school and not a site which the Council has identified any alternative uses for. The Council has not identified the existing school site (0.4ha) for a Local Authority school however there may be Free Schools that might wish to use the existing 288sqm building.

The applicants have submitted a report which assesses whether the existing permanent school building and 0.4ha of land is sufficient to meet any of the required standards necessary to enable the development of a new school premises using both Building Bulletin 99: 'Briefing framework for Primary School Projects' (BB99) and Building Bulletin 98: 'Briefing framework for Secondary School Projects' (BB98).

The Government recommended a minimum size of 210 pupils (seven classes) for new primary schools, although it does indicate that a sub-unit based on four classes (90 pupils) relating to Foundation Stage and Key Stage 1 could be developed close to an existing facility. Based on Government guidance, the minimum area for a 90 pupil primary school unit (being the absolute minimum size of educational establishment recommended by National Government) is approximately 5000sqm gross. This is shown in the table below. The table includes calculations for gross areas which includes provision for walls, circulation areas within buildings, toilet area, plant area, delivery area, refuge store, entrance paths and pupil drop off zone. Schools where only the Foundation Stage and Key Stage 1 are taught are not required to include space for outdoor pitches as the informal and social area doubles as playing field area. The recommended calculations exclude any provision for car parking.

*Minimum size of a school for 90 pupils*

	<b>Foundation Stage and Key Stage 1 only</b>	<b>Primary Schools excluding Foundation Stage and Key Stage 1</b>
<b>Net Area (m<sup>2</sup>)</b>	3609	5872.5
<b>Gross Area (m<sup>2</sup>)</b>	5052.6	8221.5

The existing Wellgrove school site is approximately 4000sqm and would not meet current space criteria for a site for primary education, falling approximately 1,000 sqm short of the minimum required. This assessment does not take into account any parking requirements. Given the existing school busses in over 80% of its pupils, the volume of traffic will increase as will the shortfall of parking provision on site.

The space requirements for secondary education establishment would further exceed the existing education space available on the site.

Therefore the existing Wellgrove School site, on its own, would not be suitable for a new school. The only permanent building on the school site has not been marketed for other potential uses. However the application includes the provision of a new 450sqm community building within the development (see section 3.2 below). The provision of a new community facility accords with point i) of draft Development Management Policy DM13 which considers the loss of community or educational uses acceptable where new community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location.

The provision of a new community building is considered to off-set the loss of the existing 288sqm school building. The application is not considered to conflict with the requirements of UDP Policy CS3 or draft policy DM13 of the Development Management Policies DPD Submission Draft.

#### Possible use of the whole site for a primary school

The whole development site comprising the open space, meeting hall, car park, bungalows and existing school has an area of 2.44. This would be sufficient area to fit a 3 form entry primary school in accordance within BB99 guidelines.

The site is not identified or allocated in the UDP or any Education strategies for a Local Authority primary school. The Council's Children's Service have advised that for the purposes of primary place planning Barnet is split up into 6 areas. There is least demand in the Underhill and High Barnet area, which is the only area of the borough with a small amount of surplus capacity. The East Barnet, Brunswick Park & Oakleigh area, which is close to the proposed development site, does have some demand for primary school places. However although there is demand across the majority of Barnet, the Whetstone area is not a priority for the Council at present. Demand is much higher in the west of the borough (especially Burnt Oak, Hale and Colindale). In order to ensure that the Council achieve value for money, where possible, the Council will be looking to maximise land already owned by the Council rather than purchasing new land. Notwithstanding this, Children's Service have confirmed that the site could meet the requirements of a Free School or another private faith school. Officers therefore requested that the whole site be marketed for education use.

The applicants have not marketed the whole site for education use. However there is no planning policy justification on which the Council can require the applicant to do so. Given that the loss of existing community and education buildings is considered acceptable for the reasons set out in the sections above, on balance officers are satisfied with the proposed mix of uses and other planning benefits that the proposed development will provide which includes the provision of 29% affordable housing with 10 houses for affordable rent and a substantial package of section 106 contributions to off-set the development.

Whilst there remains no policy requirement to market the site for a primary school use, the applicants have provided information to compare the traffic impacts of the proposed residential development of the site against a hypothetical scenario for a three form entry primary school. This shows that the traffic implications would be greater than both the existing uses on the site and the proposed residential/community use. An addendum to the Traffic Assessment has been submitted which illustrates the difference. This is provided in the table below. In summary the peak hour flows predicted from a school use of the site would be 167 vehicle movements in the morning (8am-9am) and 29 in the evening (5pm-6pm). However the school afternoon peak (3pm-4pm) would have flows similar to the am

peak. The proposed residential peak flows would be 27 vehicle movements in the morning and 23 in the evening. Furthermore drop off and pick up activity would be likely to be concentrated in Chandos Avenue because access into the school premises is typically not permitted. A primary school uses is therefore likely to have more significant adverse impacts than the proposed residential use.

*Comparison vehicle trips for existing use, proposed residential and hypothetical primary school*

Development Scenario at Land rear of Chandos Avenue	W/day AM Peak Hour 08:00-09:00			W/day PM Peak Hour 17:00-18:00		
	Arr	Dep	Total	Arr	Dep	Total
Existing School (currently 85 pupils)	23	10	33	1	4	5
Hypothetical Primary School – 3 form entry (675 pupils)	107	60	167	2	27	29
Proposed Residential Development (70% of 70 dwellings)	5	22	27	15	8	23

Impact on schools in Barnet

The reason for Wellgrove School moving away from the present site is that families and students that were attending from the local area have moved away outside of the borough and it is becoming untenable to continue in their present location.

Wellgrove School have advised that they are actively looking at sites outside of Barnet which would be in a more suitable location for the students currently attending the school and those who have expressed an interest in enrolling at Wellgrove. Two sites currently being looked at are in Hertford and Biggleswade in Hertfordshire and Cambridgeshire. No sites are being explored in Barnet and the school have advised that it would be very unlikely that they would even be considered.

All the junior and senior children that currently attend Wellgrove School will transfer to the new location. This will ensure that there no requirement for replacement educational places within Barnet Local Authority schools when the school relocates. Therefore the loss of Wellgrove School will have no impact on the education infrastructure in the borough. No school places will be lost and no extra school places will be required as a result of the School's move.

The impact of the proposed new residential units will be mitigated through a contribution of £662,560 towards school places within the borough in accordance with the Council's adopted Supplementary Planning Document for Education Contributions.

### **3.3. Loss of open space/former playing field**

#### Historic use of the site

The application site was formerly the Old Owen's Sports Ground which was a private members only sports facility. The site was acquired by the HGHT in the mid 1980s and in 1986 planning permission was granted for the erection of the religious meeting hall and related change of use on approximately half of the former sports ground.

Permission was then granted in 1996 for the permanent study centre building which now forms part of Wellgrove School which occupies the south east corner of the site. This permission accepted the loss of another section of the former sports ground. The encroachment onto playing fields was considered to be acceptable at the time on the grounds that a football pitch would still be retained. Subsequent temporary planning permissions for additional school buildings were granted on the basis that the land would revert to playing field purposes when the buildings were removed.

The remaining area of the original sports ground (approximately 0.8ha) is in the north eastern corner of the site. As with the rest of the site, this land is in the private ownership of the HGHT. The applicants have stated that the open space has not been used as a playing field or sports ground for at least 26 years. The Wellgrove School has confirmed that they do not use the field for sporting purposes and instead buses its pupils to other facilities off-site. However the Council is aware that during the summers of 2005 and 2006 an athletics track was marked out on the field for use by the School.

The open space now has an established tree within it reflecting the lack of usage over the last 25 year period. The presence of the tree reduces the area that a playing pitch could be marked out on to approximately 75m x 50m. This would only be large enough to accommodate a full size adult football pitch with suitable runoff areas.

#### Policy Context

The general thrust of national, regional and local planning policy is to resist the loss of open space and playing fields unless it can be demonstrated that they are surplus to requirements or equivalent or better provision can be made within the area.

London Plan policy 3.19 states that development proposals that increase or enhance the provision of sports and recreation facilities will be supported. Proposals that result in a net loss of sports and recreation facilities, including playing fields should be resisted. Policy 7.18 states that the loss of local protected open spaces must be resisted unless equivalent or better quality provision is made within the local catchment area. Replacement of one type of open space with another is unacceptable unless an up to date needs assessment shows that this would be appropriate.

The adopted UDP defers to PPG 17 (Planning for open space, sport and recreation) on matters relating to open space and sports fields. Paragraph 10 of PPG17 states, 'Existing open space, sports and recreational buildings and land should not be built on unless an assessment has been undertaken which has clearly shown the open space or buildings and land to be surplus to requirements'.

Policy CS7 of the Core Strategy Submission Document relates to enhancing and protecting Barnet's open spaces. It states that in order to create a greener Barnet the council will enhance and protect Barnet's Open Spaces by:

- protecting designated open spaces, including Green Belt and Metropolitan Open Land, and other suitable land with the potential to be used as open space

It goes on to say that the council will meet increased demand for access to open space and opportunities for physical activity, by tackling deficiencies and under provision through (among other things):

- improving access to open spaces particularly in North and East Finchley and other areas of public open space deficiency identified by Map 10. We will seek to improve provision in these areas of deficiency with the objective of increasing the area of the borough that has access to district and local parks in accordance with the London Plan criteria.
- securing improvements to open spaces including provision for children's play, sports facilities and better access arrangements, where opportunities arise, from all developments that create an additional demand for open space.

Policy DM15 of the Development Management Policies Submission Draft states that open space will be protected from development. In exceptional circumstances loss of open space will be permitted where the following can be satisfied:

- (i) The development proposal is a small scale ancillary use which supports the use of the open space; or
- (ii) Equivalent or better quality open space provision can be made.

Any exception will need to ensure that it does not create further public open space deficiency and has no significant impact on biodiversity.

### Sport England

Sport England have stated that the site is not considered to form part of, or constitutes a playing field as defined in Article 10(2) the Town and Country Planning (General Development Procedure) Order 1995 (as amended by SI 1996/1817 and SI 2009/453). Under this definition a playing field is considered to be land that has been used as a playing field within the last five years and the field encompasses at least one playing pitch of 0.2 ha or more, or for the land is allocated for the use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement.

On the basis that the site does not include a usable playing pitch of 0.2ha, it hasn't been used in the last 5 years and is not allocated in the UDP as a playing pitch, Sport England do not consider that the site constitutes a playing field. Sport England has therefore raised no objections to the application. However they have advised that the proposals should be assessed against relevant development plan policies.

Sport England's 'A Sporting Future for the Playing Fields of England' (1996) provides exception tests under which the loss of playing fields may be considered acceptable. Exception text E1 states that the loss of a playing field may be acceptable if a carefully quantified and documented assessment of current and future needs has demonstrated to that there is an excess of playing field provision in the catchment and the site has no special significance to the interests of sport. Test E4 also states that the loss of a playing field may be acceptable if the playing field or playing fields would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of the development.



Whilst Sport England have no objections to the application, it is useful to consider the application against this test.

### Open Space Assessment

The applicants have submitted an Open Space Assessment prepared by RAE consultants. The report considers the existing site with regards to the potential to return it to a sports ground providing the quality of facilities expected by the general public today, or even for an alternative sporting use such as a private sport and recreation facility. It assesses the accessibility, quantity and quality of the open spaces, as required by PPG 17, within 0.75 and 1.5 kilometres from the site and whether the potential loss of the private open space from the application site would be to the detriment of the local community.

The application site falls within an area identified on Map 6.1 of the adopted UDP which is classed as being of 'deficiency at Local Park Level' within the borough. The site also falls within an area identified on Map 10 of the Core Strategy Submission Document which shows public open space deficiency by plotting the existing Local and District Parks across the borough and overlaying a 400m radius around the Local Parks. Any areas outside of these 400m catchments are classed as deficient at Local Park level.

The site is located just outside the 400m radius of the nearest Local Park ('Whetstone Strays') but is in fact within 400m of Brook Farm Open Space which is classed as a District Park. The site is also located within 1.2km of Oakhill Park which is also a District Park and one of the Council's Premier Parks. This is reflected in Figure 5 of the Council's Open Space, Sports and Recreational Facilities Assessment (2009) which shows the areas of the borough that are within 1.2km of a District Park (see **Appendix 4** of this report).

The Council's Open Space Assessment identifies 21 facilities (excluding two 'verges') within 1.5km of the application site which provide amenity open space and which include either play space, natural green space and/or areas of value for outdoor sport. These are shown on the map extract below and listed in the table in **Appendix 5** of this report. Importantly the application site is not identified as an open space in the Open Space Assessment.

In accordance with criteria laid down in PPG17, and using the Council's Open Space Assessment (2009) the applicants have provided details of the open spaces within 1.5km of the site and the amount of space available for sport and play. The summary is provided in the table below. This indicates that there are 67.3ha of outdoor space available for sport, recreation and informal practice, and 35.1ha of play space available within the 1.5km isochrone. Based on these figures the present amount of open space per 1000 people within the 1.5km isochrone is 2.96ha (based on 2010 population figures), and although by 2021 this is projected to fall to 2.73ha it is still above the average for the borough and the Fields in Trust standard of 2.4ha per 1000 population.

*Facilities for sport and recreation and play within 1.5km of the site*

Open Space	Area available for outdoor sport, recreation and informal practice	Play space
Oakhill	17.6 ha	6.4 ha
Swan Lane	1.2 ha	1.0 ha
Barfield Avenue		1.3 ha
Owen's Centre Playing Field	3.9 ha	
Barnet PF/King George V PF, including Fields A and B	19.5 ha	5.8 ha
Brook Farm/Wyatts Farm	9.6 ha	10.4 ha
Greenhill Gardens		1.6 ha
Others	8.2 ha	8.6 ha
<b>TOTAL</b>	<b>67.3 ha</b>	<b>35.1 ha</b>

The assessment has also looked at educational establishments within, or close to, the 1.5km isochrone of the site. This indicates that presently primary and secondary schools have limited facilities and are a minor resource for community sport and recreation activities.

Provision of new open space and playground

Notwithstanding the provision of open space and sport and recreation facilities within 1.5km of the site, the Council's Greenspaces department have advised that there is a deficiency of facilities for local play within 0.75km of the site. This is highlighted on Figure 12 of the Barnet Open Space, Sport and Recreational Facilities Assessment (2009) which shows the catchment areas for existing Neighbourhood Equipped Areas of Play (NEAPs) and Locally Equipped Areas of Play (LEAPs). (See **Appendix 6** of this report). These are the sorts of local playgrounds that parents can walk their children to from their home.

Draft Development Management Policy DM15 states that in considering exceptions where open space will be lost they will need to ensure that the loss does not create further public open space deficiency and has no significant impact on biodiversity. Draft Core Strategy policy CS7 states that the council seek to improve open space provision in areas of deficiency with the objective of increasing the area of the borough that has access to district and local parks. It also states that the Council will seek to secure improvements to open spaces including provision for children's play.

To address these policies, the development proposals include the provision of a new area of public open space of approximately 1,000sqm on the west side of the site. This small park area will be handed to the Council to maintain which will ensure that it remains publicly accessible and will provide an area of public amenity space for the new residents and residents in the surrounding area. Whilst smaller than the existing 8,000sqm private open space, the proposed area will be accessible to the public.

To address the current deficiency in play provision, the application includes the provision of a Locally Equipped Area of Play (LEAP) within the new open space. The LEAP will have at least six items of play equipment comprising three pieces which cater for 0-6 and three pieces which cater for 6-12 age groups. The provision of the open space and LEAP will be secured through the section 106 agreement which will include the specification of the play equipment and a commuted sum to cover the cost of future maintenance. This is considered

to comply with the requirements of Core Strategy policy CS7. The provision of the LEAP is addressed in section 3.11 of this report.

#### Potential to reinstate a playing field at the site

The site is not allocated in the Adopted UDP as a playing pitch. Notwithstanding this, the submitted Open Space Assessment considers the potential for, and impacts of, the potential reinstatement of sport and recreation facilities on the site. There is a regular slope dropping over 6 metres from the southwest corner towards the north, northeast boundary of the site. Due to the shape of the site, restricted access routes, and requirement for on-site ancillary accommodation (changing rooms, social amenities, etc), there is insufficient space to create more than one pitch. Furthermore, the perimeter of the site is fringed on three sides by residential and properties which could be affected by the installation of floodlighting for sporting facilities. There are also likely to be considerable noise disturbance and regular transport access issues should reinstatement of the site as a modern sport and recreation venue be a serious possibility.

#### Section 106 Contribution towards off-site sport and recreation improvements

The principle of development taking place on the original Old Owens Sports Ground was accepted in 1986 and 1996 when the main meeting hall, car park and permanent school buildings were approved. An assessment of existing open space, sports and recreation facilities and children's play has been carried out using the Council's Open Space Assessment (2009). The quantity of the provision for sport and recreation within 1.5km of the site is considered to be generally above the average national and Council standards.

Given that the site is in private ownership and has not been used as a playing pitch for more than 5 years the site is not considered to have a special significance to the interests of sport. As reflected within national, regional and local planning policy, improvements to the quality of open space are as important as the quantity. Therefore, on this basis it is considered that the loss of the current area of open space would be acceptable subject to the provision of a contribution towards the enhancement of the quality and accessibility of sport and recreation facilities within existing open spaces.

The Council's Greenspaces Officer has advised that there is a need to improve the range and quality of sport and recreation facilities (including pitches) within the area. This includes the football pitches at King George V Playing Fields and Barnet Playing Fields. There is also a need to improve the drainage to a number of pitches in the area. These changes will enhance existing sporting provision in the area.

A contribution of £450,000 has been agreed with the applicant towards the improvement and development of sport and recreational facilities within 2.5km of the site.

The application will result in the loss of circa 0.8ha of private open space which was historically used as a playing field. However the application is considered to meet the exception tests set out in Sport England's guidance and draft Development Management Policy DM15 as follows: an open space assessment has been carried out which demonstrates that there is a surplus of open space within 1.5km of the site; the existing open space is private and has not been used as a playing pitch for over 25 years and therefore has no special significance to the interests of sport; the development proposal includes the provision of a new area of public open space of approximately 1,000sqm which will include a LEAP and will be publicly accessible; and a contribution of £450,000 will be secured towards enhancement of existing sports pitches and recreation facilities in the area which will be accessible to the wider public. Therefore the loss of the existing private open space from the

site is considered to be off-set by the sporting and community benefit that would be derived from the application. The application is considered to be acceptable against the requirements of PPG17, London Plan policies 3.19 and 7.18, Core Strategy Submission Document policy CS7 and draft Development Management policy DM15.

### **3.4. Loss of existing bungalows**

Adopted UDP Policy H3 states that planning permission will not be granted for changes of use from residential to other uses unless:

- i. The proposed use is for a community facility; and
- ii. The location is no longer environmentally suitable for residential use and cannot be improved; and
- iii. The proposal is for an important employment-generating use outside a predominantly residential area, provided that it is not detrimental to residential amenity and does not conflict with other policies of this Plan; and
- iv. The demand for the proposed use cannot adequately be met elsewhere; and
- v. The housing units are not of a type in particularly short supply.

Draft policy DM07 of the Development Management Policies DPD Submission Draft also reiterates the same requirements.

The application will result in the loss of the two existing bungalows on the site which are used in conjunction with the meeting hall and can only be occupied by caretaker and dependants of the HGHT.

The application proposes 70 new residential dwellings on the site, of which 62 will be houses and 20 will be affordable homes. Therefore there will be an overall net gain of 68 new residential units which will off-set the loss of the existing bungalows. The application does not conflict with UDP Policy H3 or draft policy DM07.

### **3.5. Summary and conclusions for Loss of education, community, open space and residential uses**

Prior to 1986 the application site was historically in use as playing fields and was used as a cricket pitch for the Old Owens Sports Club. A series of planning consents have been granted, some personal and some temporary, and the site is now occupied by a mix of uses. These uses include two meeting rooms (one large and one small) and associated car park for religious worship. The permission for these buildings is personal to the occupiers the HGHT. There are two single storey houses occupied by caretaking staff. The other half of the site is occupied by an educational use which is attended by children of the Brethren community who use the meeting halls. There is one small building which has a permanent permission for education use and two additional small buildings which have a temporary permission for education use until January 2013. There is also an area of former playing field which is now a private open space.

#### *Loss of main religious meeting hall*

The planning consent for the main meeting hall (reference N01162N) is personal to the HGHT and when they vacate the site the use will be discontinued. Therefore it could be considered that it is not necessary to apply the tests of Policy CS3 in this case.

Notwithstanding this, the application includes the provision of a new Use Class D1 community hub facility on the site. The proposed new facility will be smaller in size than the existing meeting halls, but will provide multi functional spaces for a variety of community and sporting uses and will be accessible to the wider public. The new facility will therefore have a wider public benefit. The application can therefore be considered against the exemption under point i) of UDP Policy CS3 which requires new community facilities of at least equivalent quality or quantity to be provided on the site. Having regard to the existing planning permission which is personal to the HGHT, the quality of the new facility is considered to be sufficient to justify the loss of the existing Bretheren religious meeting halls.

#### *Loss of open space/former playing fields*

The application will result in the loss of circa 0.8ha of private open space which was historically used as a playing field. However the application is considered to meet the exception tests set out in Sport England's guidance and draft Development Management Policy DM15 for the following reasons: i) an open space assessment has been carried out which demonstrates that there is a surplus of open space within 1.5km of the site; ii) the existing open space is private and has not been used as a playing pitch for over 25 years and therefore has no special significance to the interests of sport; iii) a new public open space of approximately 1000sqm including a LEAP will be provided within the development; and iv) a contribution of £450,000 will be secured towards enhancement of existing sports pitches and recreation facilities in the area which will be accessible to the wider public. Therefore the loss of the existing private open space from the site is considered to be off-set by the sporting and community benefit that would be derived from the application. The application is considered to be acceptable against the requirements of PPG17, London Plan policies 3.19 and 7.18 and draft Development Management policy DM15. Sport England has not objected to the application.

#### *Loss of education building and land*

The existing Wellgrove School site (0.4ha) would not be large enough for a new school. The only permanent education use building (288sqm) on the school site has not been marketed for other potential uses. However the application includes the provision of a new 512sqm community hub building within the development. The provision of a new community facility accords with point i) of draft Development Management Policy DM13 which considers the loss of community or educational uses acceptable where new community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location.

All the junior and senior children that currently attend Wellgrove School will transfer to the new location which the School have advised would be outside of Barnet. This will ensure that there is no requirement for replacement educational places within Local Authority schools when the school relocates. Therefore the loss of Wellgrove School will have no impact on the education infrastructure in the borough. No school places will be lost and no extra school places will be required as a result of the School's move.

The educational impact of the proposed new residential units will be mitigated through a contribution of £662,560 towards school places within the borough in accordance with the Council's adopted Supplementary Planning Document for Education Contributions.

#### *Loss of existing houses*

The application will result in a net gain of 68 new residential units and does not conflict with UDP Policy H3.

### 3.6. Principle of residential development

The main aim of the Government advice in PPS1, PPS3 and PPG13 is the need to promote sustainable patterns of development. Paragraph 36 of PPS1 advises: -

*“In support of its objective of creating mixed and sustainable communities, the Government’s policy is to ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. This should be achieved by making effective use of land, existing infrastructure and available public and private investment, ... to create mixed-use developments. The priority for development should be previously developed land, in particular vacant and derelict sites and buildings.”*

Policy TCR13 of the Adopted UDP (2006) states that housing development in and near town centres, through conversion and redevelopment of existing buildings and new development, will be permitted except on the ground floor of primary and secondary frontages as defined on the Proposals Map.

Policy H2 of the Adopted UDP (2006) states:

“Proposals for residential development on sites not allocated for housing under Policy H1 will be assessed in terms of:

- Whether the site is appropriate, having regard to a sequential test;
- The impact of the proposal on its surroundings (including the environmental impact of developing back gardens);
- The availability of access by a choice of means of transport;
- Access to educational and community facilities; and
- Whether land is required for another use, as identified in this Plan and associated planning briefs.”

The development is just outside the boundary of the Whetstone Town Centre. It does not affect the retail frontages of the town centre and therefore does not conflict with the requirements of UDP policy TCR13. The site has not been allocated in the adopted UDP for any other specific use. The area immediately around the site is characterised by residential uses. The site is located within walking distance of shops and services of Whetstone Town Centre and also within walking distance of Oakleigh Park overland train station and Totteridge and Whetstone Tube Station. Good bus services are also close to the site on the High Road. As such the site is deemed to be acceptable in terms of the availability of access by a choice of means of transport and its links to facilities. In light of these considerations the principle of developing the site for a residential use is deemed to be acceptable in line with local and national policy, subject to compliance with other policies.

Issues around the impact of the proposed development on its surroundings and the compatibility of the design proposed with the character of the surrounding area are discussed in detail further on in this report.

### 3.7. Layout, scale and appearance of proposed development

PPS 1 states that good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. PPS 3 (Housing) addresses design in a number of ways and states that good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities.

London Plan Policy 3.5 states that the design of all new housing developments should enhance the quality of local places, taking into account physical context; local character; density; tenure and land use mix; and relationships with, and provision of, public, communal and open spaces, taking particular account of the needs of children and older people.

The policies in the Built Environment Chapter of the Adopted UDP encourage high quality design based on an understanding of local characteristics and emphasise the need to create accessible, legible environments (GBEnv2, Policies D1 and D2). Policies also emphasise the need for development proposals to respect the constraints of the site to accommodate development and to ensure that new development provides adequate daylight and outlook for adjoining occupiers and uses (Policies D3, D4 and D5). These requirements are carried through into Policy DM01 of the Development Management Policies Submission Draft.

#### Layout

The proposed layout plan is provided in **Appendix 3** of this report. The proposed development is laid out in a formal pattern with the larger detached and semi-detached houses located around the periphery of the site so that their gardens back onto the gardens of the established surrounding housing. This ensures that a sufficient set back from the site boundary can be achieved to ensure that the scheme is not intrusive to the surrounding residential properties.

The main body of housing within the centre of the site is arranged in a block again providing back to back garden relationships between the houses. An estate road completes a loop around the site providing access to all of the houses. All of the houses have frontages facing on to the street. Buildings on corners of the internal street will have frontage on both aspects to provide windows or entrances on both sides and improve overlooking and activity.

The proposed community building is located to the rear of the Travelodge hotel building. The siting will provide it with greatest visibility to the High Street and will provide a 'barrier' between the hotel development and the more sensitive residential parts of the site.

An area of open space is provided on the western side of the site to the rear of the M&S building. This space includes the a playground with play equipment sufficient to qualify as a Locally Equipped Area of Play (LEAP). This is overlooked by houses and is flanked by the community centre building to the north and the block of flats to the south. This ensures that this space will be safe and secure.

The scheme is laid out in a legible pattern that defines the public and private realm clearly. All houses provide active surveillance of the street and private gardens backing onto private gardens to ensure they are secure. The proposed number of houses is considered to be appropriate for the site having regard to the character of the surrounding area.

#### Scale

The detailed external appearance of the proposal remains a reserved matter. However, illustrative elevations and sections have been submitted with the application.

The buildings around the perimeter of the site are all 2 storeys in height with pitched roofs with the exception of one 1.5 storey dwelling (where the first floor accommodation is wholly within the roofspace) in the north eastern corner where there are some levels changes where it is considered appropriate to reduce the scale to prevent overlooking of adjacent houses. The central portion of the site will be largely 3 storeys with one 4 storey building (the only block of flats in the scheme) backing onto the adjoining M&S/Carpet Right building and associated car park.

The three storey houses in the centre of the site would be semi-detached or short terraces of town houses (groups of 3 or 4).

The proposed community centre building will single storey but will rise to 2 storeys where the hall is positioned to the rear of the Travelodge Hotel building.

The scale is considered appropriate for the site having regard to the topography, and heights of surrounding residential properties and commercial properties. A heights plan will be approved as part of the application to ensure that these heights are adhered to at the reserved matters stage.

#### Building design and appearance

The detailed external appearance of the proposed buildings is a reserved matter and not for consideration as part of this outline application. However the applicant has provided indicative elevations to illustrate the types of houses and buildings that could be achieved.

Two different ways of articulating and populating the elevations of the buildings have been illustrated. This shows a traditional style approach which includes gable ended bays, hipped roofs and chimneys. An alternative contemporary approach is also illustrated which includes shallower pitched roofs and parapet walls to bay projections. These are only illustrative and the final design is required to be submitted and agreed with the Council at the reserved matters stage. Bricks, render and roof finishes will need to complement the area and reflect the architecture. A high quality palette of materials and finishes will be secured through condition.

Officers are satisfied that the general form, scale and layout of the development complies with the requirements of Adopted UDP Policies GBEnv2, D1 and D2, D4 and D9 and London Plan Policy 3.5.

### **3.8. Residential mix and density**

#### Mix

London Plan (2011) Policy 3.8 requires new developments to offer a range of housing choices, in terms of the mix of housing sizes and types. It also encourages the provision of affordable family housing.

Core Strategy policy CS4 aims to create successful communities by seeking to ensure a range of dwelling sizes and types are provided in developments. Policy DM08 of the Development Management Policies DPD Submission Draft requires development to provide, where appropriate, a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough. It specifies the following dwelling size priorities:



- ii. For social rented housing – homes with 3 bedrooms are the highest priority
- iii. For intermediate affordable housing – homes with 3/4 bedrooms are the highest priority
- iv. For market housing – homes with 4 bedrooms are the highest priority, homes with 3 bedroom are a medium priority

The scheme proposes the following mix of units:

Dwelling type	No. of units	% of total
<b>Private Housing</b>		
4 bed house	44	63%
5 bed house	6	8%
<b>Total</b>	<b>50</b>	
<b>Affordable Housing</b>		
1 bed apartment	4	6%
2 bed apartment	4	6%
2 bed house	2	3%
3 bed house	8	11%
4 bed house	2	3%
<b>Total</b>	<b>20</b>	
<b>OVERALL TOTAL</b>	<b>70 Units</b>	

The application includes 44 four bed houses and 6 five bed houses for market sale. This meets the highest priority identified in DM08. The affordable rent accommodation includes 6 three bed houses and 2 four bed houses and the intermediate accommodation includes 2 three bed houses, both of which also meet the highest priority identified in DM08. The scheme also includes 8 flats. A condition is included which requires all of the units to meet the minimum space standards in Table 3.3 of the London Plan (2011).

The application therefore includes a mix of dwelling types and sizes and will deliver much needed family sized accommodation in line with the requirements of London Plan Policy 3.9 and draft policy DM08 of the Development Management Policies DPD Submission Draft.

### Density

The Council's UDP policy on residential density (H21) states that the council will favourably consider proposals for higher density, residential development within Barnet's Major and District Town Centres provided such proposals comply with Policy D1 and relate satisfactorily to their surroundings.

London Plan policy 3.4 seeks to optimise the housing potential of sites with reference to the density matrix contained in Table 3.2 (see table below) which provides a guide to appropriate density ranges for particular locations, depending on accessibility and character.

London Plan Table 3.2 Sustainable residential quality density matrix

Setting	Public Transport Accessibility Level (PTAL)		
	0 to 1	2 to 3	4 to 6
<b>Suburban</b>	<b>150-200 hr/ha</b>	<b>150-250 hr/ha</b>	<b>200-350 hr/ha</b>
3.8-4.6 hr/unit	35-55 u/ha	35-65 u/ha	45-90 u/ha
3.1-3.7 hr/unit	40-65 u/ha	40-80 u/ha	55-115 u/ha
2.7-3.0 hr/unit	50-75 u/ha	50-95 u/ha	70-130 u/ha
<b>Urban</b>	<b>150-250 hr/ha</b>	<b>200-450 hr/ha</b>	<b>200-700 hr/ha</b>
3.8-4.6 hr/unit	35-65 u/ha	45-120 u/ha	45-185 u/ha
3.1-3.7 hr/unit	40-80 u/ha	55-145 u/ha	55-225 u/ha
2.7-3.0 hr/unit	50-95 u/ha	70-170 u/ha	70-260 u/ha
<b>Central</b>	<b>150-300 hr/ha</b>	<b>300-650 hr/ha</b>	<b>650-1100 hr/ha</b>
3.8-4.6 hr/unit	35-80 u/ha	65-170 u/ha	140-290 u/ha
3.1-3.7 hr/unit	40-100 u/ha	80-210 u/ha	175-355 u/ha
2.7-3.0 hr/unit	50-110 u/hr	100-240 u/ha	215-405 u/ha

The application site benefits from a maximum PTAL of 3 and is considered to fall within a suburban setting as defined in the London Plan as areas with predominantly lower density development such as, for example, detached and semi-detached houses, predominantly residential, small building footprints and typically buildings of two to three storeys. The proposed development would provide an average of 4.6 habitable rooms per unit due to the mix of houses. Taking all of these factors into consideration, the London Plan Density Matrix suggests a range of 35-65 units per hectare or 150-250 habitable rooms per hectare as highlighted in the table above.

The application proposes 70 residential units on a 2.4ha site which equates to a density of 29 dwellings per hectare. This would fall below the level suggested in the London Plan. However PPS3 (2011) advises that good design should complement the neighbouring buildings and the local area more generally in terms of scale, density, layout and access. The amendments to PPS3 made in 2011 remove the requirement to set minimum density standards. Therefore, having regard to the surrounding area which comprises large detached and semi-detached houses on large plots at an approximate density of less than 15 dwellings per hectare, the proposed density is considered to be acceptable.

### 3.9. Affordable housing provision

London Plan Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought when negotiating on individual private residential and mixed use schemes, having regard to:

- a. current and future requirements for affordable housing at local and regional levels identified in line with Policies 3.8 and 3.10 and 3.11
- b. affordable housing targets adopted in line with Policy 3.11,
- c. the need to encourage rather than restrain residential development (Policy 3.3),
- d. the need to promote mixed and balanced communities (Policy 3.9)
- e. the size and type of affordable housing needed in particular locations
- f. the specific circumstances of individual sites.

It suggests that negotiations on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for reappraising the viability of schemes prior to implementation ('contingent obligations'), and other scheme requirements.

This approach is reflected in UDP Policy H5 which require the maximum amount of affordable housing to be sought having regard to a target of 50% affordable housing overall and to a viability assessment for individual developments.

The application includes the provision of the following affordable housing within the scheme:

<b>Dwelling type</b>	<b>No. of units</b>
<b>Affordable Housing</b>	
1 bed apartment	4
2 bed apartment	4
2 bed house	2
3 bed house	8
4 bed house	2
<b>Total</b>	<b>20</b>

The application includes the provision of 29% affordable housing by unit. This is below the Adopted UDP policy requirement.

#### Affordable housing viability assessment

To explain and justify this level of affordable housing the applicants have submitted an Affordable Housing Viability Assessment prepared by BNP Paribas which sets out a number of development appraisals for the proposed development of 70 residential dwellings comprising 62 houses, predominantly 4 and 5 bed family homes, and eight apartments. The appraisals have been collated using the Greater London Authority Development Control Toolkit ("Toolkit"), commonly referred to as the Three Dragons model. The Toolkit allows the economic implications of different types and levels of planning contributions and, in particular, the proportion of affordable housing to be tested using the Residual Method of Valuation.

The report and appraisals are accompanied by a substantial amount of supporting evidence including site plans, comparable commercial and residential sales and lettings information and a cost plan.

The affordable housing offer, based on the applicant's viability conclusions, is proposed as 6 dwellings for intermediate purposes and 14 dwellings for social rent. The offer is based on no government grant and accounts for a s106 payment of £951,460 for other planning obligations.

Through scenario testing it is possible to determine the maximum reasonable proportion of affordable housing that ensures a scheme remains financially viable and can come forward for development. The applicant has therefore provided appraisals reflecting the following scenarios:

- 70 residential dwellings comprising eight flats and 62 houses, with 50% affordable housing (35 dwellings);

- 70 residential dwellings comprising eight flats and 62 houses, with 31% affordable housing (22 dwellings).
- 70 residential dwellings comprising eight flats and 62 houses, with 29% affordable housing (20 dwellings).

The BNP Paribas report establishes a viability ‘benchmark’ for the site based on the Current Use Value (CUV) for the four main parcels of land: private open space, meeting halls, school, and residential bungalows. This is constructed as follows:

- Private Open Space (POS) (0.83 ha) £830,000
  - Meeting Halls & Schools / Study Centre (0.83 ha) £2,725,080
  - Bungalows £900,000
- Total £4,455,000

A further 30% margin over the CUV has then been added to reflect the incentive to bring the site forward for residential. The benchmark is therefore presented as £5,800,000.

Using this benchmark, the report concludes that for the 50% affordable housing scenario there is a £4.7million deficit. For the proposed level of 29% affordable housing there is an £889,000 surplus. This demonstrates that the scheme could accommodate a marginally higher level of affordable housing.

#### Independent Review

The Council commissioned consultants Drivers Jonas Deloitte (DJD) to independently review the submitted viability toolkit to determine whether the affordable housing offer and Section 106 contributions as proposed have been optimised.

DJD have confirmed that the approach taken by BNP Paribas is in accordance with general best practice.

In terms of the applicant’s CUV calculation, DJD accept the valuations for the meeting hall, school and bungalows. However they questioned the value of the public open space. Based on evidence of collated recent comparable transactions for private open space across London, values range from £25,000 to £130,000 per acre. DJD have assumed an average value for the POS of £100,000 per acre, equating to £205,000 for this element of the application site.

The applicant have allowed for a 6% contractor’s margin within the Toolkit which equates to a contractor’s profit on the affordable housing build contract. There is also a 5% margin within the cost summary, therefore DJD consider that the affordable housing contractor’s margin, at say 5%, has been double counted. The affordable housing contractor’s profit within the Toolkit is included at £236,357. This has therefore been deducted from DJD’s revised model.

DJD have re-run the Toolkit model and the results are as follows. The benchmark value reduces to £5,000,000 on the basis of their down-valuation of the private open space, whilst the residual value for the residential proposal increases to £6,196,000. The revised model therefore generates a surplus of £1,196,000, higher than the £160,000 surplus that the applicant’s Toolkit illustrates. Therefore the development could potentially support additional affordable housing provision on site.

The application needs to address the loss of the existing use class D1 meeting halls, the permanent education building and the private open space/former playing fields. In accordance with policy requirements, equivalent facilities or enhancements are required to be provided by the development in order for the loss to be acceptable. In this instance the application is required to provide substantial contributions towards the provision of a new community building within the site to address the loss of the D1 meeting hall and education buildings; provision of a new LEAP within the site to off-set the current deficiency in opportunities for play in the area; a contribution towards off-site improvements to existing sport and recreation facilities is required to address the loss of the former playing field within the site. The full package of contributions and planning obligations is set out in section 3.17 of this report. The package of contributions and costs total just over £2million pounds. Importantly, without these contributions the application would not be considered to be acceptable.

On this basis, the surplus identified through the viability review is required to meet the necessary planning obligations and address the policy requirements. Therefore the proposed affordable housing provision of 20 units (29%) is considered to be the maximum level that can be delivered on site when the planning obligations are taken into account.

The size and mix of affordable units also needs to be considered. 10 of the 20 affordable units will be 3 or 4 bed houses. This will address a significant demand within the borough.

In accordance with London Plan Policy 3.12 and paragraph 8.3.2.11 of the UDP, the significant level of section 106 contributions being provided by the development, combined with the lack of government housing grant, need to be taken into account when considering the level of affordable housing provision. Therefore in this instance the provision of 29% affordable housing by unit is considered to be acceptable given the other considerable benefits arising from the development.

### **3.10. Private amenity space provision**

UDP Policy H18 provides the following standards for provision of gardens or amenity space in new residential schemes:

- For Flats:
  - > 5 square metres of space per habitable room.
- For Houses:
  - > 40 square metres of space for up to four habitable rooms.
  - > 55 square metres of space for up to five habitable rooms.
  - > 70 square metres of space for up to six habitable rooms.
  - > 85 square metres of space for up to seven or more habitable rooms.

UDP policy H17 sets out the minimum standards for privacy and requires a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. It states that this distance should be increased by three metres for each additional storey over two storeys.

Those houses to the periphery of the site, backing onto the existing houses in Buckingham, Langton and Chandos Avenues, all exceed the minimum garden depth, amenity space and privacy standards, the majority by some considerable amount (some gardens are 320sqm in area).

The garden sizes for the houses in the centre of the site are smaller than those to the periphery. This reflects the terraced and semi-detached nature of these units. However all comply with policy H18 amenity standards. Six houses have 54sqm gardens, these are the smallest gardens proposed. The main group of semi-detached houses have 16.5m deep gardens of 99sqm. Distances between facing windows are either 33m between the closest houses and 58m between the furthest. This complies with policy H17. However 12 of the smaller gardens measure 10m to the nearest garden boundary which is marginally short of the standard. This is not considered to result in significant overlooking and is considered acceptable in the context of the development layout.

The proposed 8 flats would require 100sqm of amenity space based on 5sqm per habitable room. The application proposes approximately 250sqm of communal amenity space.

The application will provide substantial amount of private amenity space in accordance with UDP Policy H18. The application is considered acceptable in relation to privacy distances having regard to UDP Policy H17.

### **3.11. Provision of new public open space and play area**

PPG17 states that open spaces underpin people's quality of life. It identifies that the provision of local networks of high quality and well managed and maintained open spaces help create urban environments that are attractive, clean and safe.

Adopted UDP Policy H20 states that planning permission will only be granted for housing developments if they provide proportionate amounts of public recreational space, facilities and commensurate improvements or contribute towards providing for children's play, sports grounds and general use areas where a deficiency in open space exists as indicated on Map 6.1 and to the standard of 2.43 hectares per 1,000 population.

Policy CS7 of the Core Strategy Submission Document states that the council will meet increased demand for access to open space and opportunities for physical activity, by tackling deficiencies and under provision through (among other things):

- improving access to open spaces particularly in North and East Finchley and other areas of public open space deficiency identified by Map 10. We will seek to improve provision in these areas of deficiency with the objective of increasing the area of the borough that has access to district and local parks in accordance with the London Plan criteria.
- securing improvements to open spaces including provision for children's play, sports facilities and better access arrangements, where opportunities arise, from all developments that create an additional demand for open space.

The site is located within an area of deficiency at local park level as indicated on Map 6.1 within the Adopted UDP and Map 10 of the Core Strategy Submission Document. However Brook Farm Open Space, a district park, is within 400m of the site and Oak Hill Park is within 1.2km of the site. The Open Space Assessment submitted with the application identifies that there is currently 2.96ha of open space per 1000 population within 1.5km of the site, although this will drop to 2.73ha by 2021 based on population growth.

The Council's Greenspaces Officer has advised that whilst there are a number of larger parks and open spaces within 1.5km of the site, there is a deficiency of facilities for local play within 0.75km of the site. This is highlighted on Figure 12 of the Barnet Open Space, Sport and Recreational Facilities Assessment (2009) which shows the catchment areas for existing

Neighbourhood Equipped Areas of Play (NEAPs) and Locally Equipped Areas of Play (LEAPs). Figure 12 is included in **Appendix 6** of this report.

The development proposal includes the provision of a new area of public open space of approximately 1,000sqm located on the west side of the site. This small park area will provide an area of public amenity space for the new residents and will be accessible for residents in the surrounding area. To address the current deficiency in play provision, the application includes the provision of a Locally Equipped Area of Play (LEAP) within the new open space. The LEAP will have at least six items of play equipment comprising three pieces which cater for 0-6 and three pieces which cater for 6-12 age groups.

The open space will be handed to the Council to maintain. This will ensure publicly accessible. The provision of the open space and LEAP will be secured through the section 106 agreement which will include the specification of the play equipment and a commuted sum to cover the cost of future maintenance. The proposed development will fill a pocket of deficiency of play provision as identified in the Barnet Open Space, Sport and Recreational Facilities Assessment (2009). The application is considered to comply with UDP Policy H20 and Core Strategy Submission Document Policy CS7.

### **3.12. Trees and landscaping**

UDP Policy D13 states that when assessing development proposals the Council will seek to ensure that as many trees of value are retained on site as is practical, that existing trees are protected during works and that an appropriate level of new tree and shrub planting is provided.

The majority of the site is taken up by the buildings and hardstanding associated with the meeting hall and school, as well as the grassed area of the open space. The perimeter of the site enjoys a good degree of mature tree planting. A line of 6 Plane trees are located in the centre of the site along the boundary between the existing open space and meeting hall. A medium sized tree is located within the open space which appears to have suffered storm damage. Smaller trees are dotted around the car park, bungalow and school grounds.

The trees around the perimeter of the site will be retained to give a sense of scale and maturity to the development and provide good visual screening to the surrounding residential properties.

In order to achieve a robust and secure urban design layout for the development the arrangement of the proposed houses needs to back onto the surrounding properties around the periphery of the site and houses in the centre of the site need to back onto one another. This creates a secure perimeter block in the centre of the site with sensible garden-to-garden relationships. This layout means that the line of trees within the site cannot be retained. Other trees within the site are required to be removed to facilitate the development. However trees will be replaced with new trees planted in the gardens of the houses, within the open space and along the estate road within the development.

The loss of trees is therefore considered to be acceptable in the context of the urban design layout of the development.

### **3.13. Biodiversity**

PPS9 provides policies and guidance on protection of biodiversity and geological protection. Policy DM16 of the Development Management Policies DPD Submission Draft states that when considering development proposals the Council will, where appropriate, seek the retention and enhancement, or the creation of biodiversity.

Planning authorities are obliged by law (Natural Environment and Rural Communities (NERC) Act 2006) to make sure that they have all the information on the presence of protected species on site before they make a decision on the Planning Permission.

A Phase 1 Habitat Survey and Protected Species Assessment by Ecology Consultancy has been submitted with the application.

The site is not situated within any statutory or non-statutory designated nature conservation sites. The nearest statutorily designated site for nature conservation is the Welsh Harp Site of Special Scientific Interest situated approximately 8km south-west.

On the basis of the Phase 1 survey, the site is considered to have limited wildlife interest. The largest habitat block consists of close mown amenity grassland with trees and scrub confined to the perimeter. The rest of the site comprised hardstanding, buildings, scattered trees and planted shrubs.

With respect to protected species the site is considered to have low to moderate potential to support bats and reptiles and high potential for breeding birds. The report recommends Phase 2 surveys for bats and reptiles. These are dealt with under the relevant headings below.

Advice is provided in the report on the timing of vegetation clearance in respect to breeding birds. Whilst a breeding bird survey is not considered necessary, it is recommended that demolition and site clearance near to shrubbery and hedge areas is undertaken outside of the bird nesting season which runs from March to August inclusive. If this proves impossible then a Watching Brief over clearance should be maintained. If any birds' nests are in danger of being damaged or destroyed by the works, then activities in the vicinity of the nest should cease until young birds have fledged.

Japanese knotweed is present on the site and measures to ensure that it is not spread during the course of the development will be necessary. Japanese knotweed is present at the site. In order to comply with Part II of Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) in respect to Section 14(2) a survey to map the extent and location of the plant at the site and a management plan to ensure it is not spread either on or off the site is required. This will be secured by condition.

A range of ecological enhancement measures recommended for inclusion in the completed development and likely to provide an improvement on base-line conditions are also provided.

Natural England were consulted on the application and have advised that the proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. They have no comments to make on the application. Therefore, subject to conditions recommended, the proposals are considered comply with PPS9.



### Bat assessment

A Bat Assessment report by Ecology Consultancy has been submitted with the application. The report details the findings of a bat assessment that was carried out of the buildings and trees on the site, by The Ecology Consultancy on 13th May 2010, and 1 evening emergence and dawn re-entry survey undertaken on 20th - 21st September 2010.

The bat assessment comprised an internal and external inspection of the roof voids within the main building, two bungalows and the main meeting hall, and an assessment of the suitability of trees within the site. The purpose of the survey was to determine the presence or likely absence of a bat roost(s) within buildings/trees, to assess the need for further bat surveys and identify the potential significance of the proposals on bats.

No bats or bat droppings were found in any of the roof voids of the buildings during the assessment to confirm the presence of a bat roost(s) but the possibility for buildings with low potential to be used by single or low numbers of bats cannot be discounted. In addition, no bats were recorded emerging or re-entering the buildings during the surveys. However, the surveys concluded that the trees on the western boundary are likely to comprise some value to foraging and commuting bats.

Precautionary mitigation measures that should be followed during the development are provided. Recommendations for possible habitat enhancements that could be incorporated into the redevelopment plans to improve the value of the site for bats are discussed. A condition is recommended to secure the installation of these measures.

Using Natural England's Standing Advice Species Sheet for Bats starting at box (i) and working through the flowchart and arriving at box (iii), officer's are satisfied that the submitted bat assessment and recommendations contained within in it are considered acceptable in accordance with PPS9 and Section 40 of the NERC Act.

### Reptile assessment

A Reptile Report has been submitted which details the methodology and findings of the reptile surveys undertaken by The Ecology Consultancy.

A total of seven survey visits were made to the site between 17th May and 28th July 2010 to check refugia for the presence of reptiles. No reptiles were recorded over the course of the seven survey visits. The report concludes that no further reptile surveys are needed.

If, in the unlikely event, reptiles are discovered on the site prior to or during the development works, activities should stop and advice should be sought from a suitably qualified ecologist.

Using Natural England's Standing Advice Species Sheet for reptiles starting at box (i) and working through the flowchart and arriving at box (v) officer's are satisfied that the submitted bat assessment and recommendations contained within in it are considered acceptable in accordance with PPS9 and Section 40 of the NERC Act.

Officers are satisfied that they have sufficient information having regard to European Protected Species to make a decision on the application.

### **3.14. Traffic impact and parking**

#### Policy context

UDP Policy M1 requires major development proposals to be in locations which are, or will be, highly accessible by a range of modes of transport, in particular public transport, walking and cycling. Policy M6 states that developments should be located and designed to make use of the public transport more attractive by providing improved access to existing facilities, and if necessary the development of new routes and services. Policy M13 states that the Council will expect developers to provide safe and suitable access for all road users (including pedestrians) to new developments. Where improvements or changes to the road network are directly related to the development and any planning permission, the Council will seek to secure a planning obligation from the developer.

#### Existing highways and access

The site is currently occupied mainly by Wellgrove School and Brethren Meeting Halls. The school has a maximum pupil role of 95 11-18 year old pupils and employs 27 full time and 37 part time/ caterers members of staff. The two meeting halls have a capacity of 500 and 100 people. A total of 100 parking spaces are provided for the Halls. There are two existing accesses to the site one from Well Grove and the other from the High Road.

The information submitted with the application states that the High Road entrance was the main site access for the meeting hall up until 2005 with only the school being accessed from Chandos Avenue. All access to the site was transferred to Chandos Avenue, with the exception of coaches and large service vehicles after this time, as parking problems at the High Road entrance were occurring with patrons of the adjacent public house parking their vehicles in front of the gates to the site and blocking access. The only use of the High Road access is the daily arrival of the 2 coaches (term time only) which brings the bulk of the students to Wellgrove School.

Bus stops are located on the A1000 High Road and are about on average a 400m walk distance from the site using the existing site access of Well Grove. Oakleigh Park train station, as mentioned above, is located at the eastern end of Chandos Avenue, approximately an 800m distance (10 minute walk time). Totteridge and Whetstone underground station is located 900m (11 minute walk time) to the west of the site, just off the A5109 Totteridge Lane.

Public Transport Accessibility Level (PTAL) is a measure of the accessibility of a location with scores graded from 1 for poor accessibility to a maximum of 6 for excellent accessibility. The PTAL for the site, based on TfL's PTAL website, is at the high end of the PTAL 3 almost PTAL 4 and is therefore within a medium accessibility level area. (The Public Transport Accessibility Levels (PTAL))

Chandos Avenue is used by commuters who travel from Totteridge and Whetstone underground station and Oakleigh Park train station as there are no parking restrictions on the highway apart from its end junctions with High Road and Netherlands Road. As result cars are parked on both sides of the road which reduces the running carriageway width to approximately 4m in places restricting traffic flows to one way working at these locations with vehicles having to wait for opposing vehicles to pass. Consequently, observed speeds were noted to be low.

### Proposed Access

The application proposes to use the two existing vehicle accesses into the site: one from the High Road down the side of the Travelodge, and one from Well Grove accessed off Chandos Avenue. Well Grove will be modified to remove the existing parking bays to provide a minimum 4.8m wide carriageway to allow two vehicles to pass, as well as a separate continuous footpath of 1.5m.

Currently there are three gates installed on the existing access roads: one located at the end of the access road from the High Road, one past the school entrance and the other in Well Grove at the junction with Chandos Avenue. The applicant has confirmed that all gates will be removed. A condition is recommended to prevent gates from being erected at the entrances or anywhere along the access road or internal road layout.

The application has been assessed on the basis that the peak hour vehicular trips from the overall development will be split equally 50:50 between the Well Grove access and the High Road access. The split will be determined by the trips generated from the proposed housing and the proposed D1 community use building. Based on the trip assessment provided, the 50:50 split in vehicle movements equates to 50 of the residential units being accessed via Well Grove and the remaining 20 residential units and D1 community building being accessed via the High Road entrance. Bollards will be installed within the development to control this split and prevent through traffic. The bollards will allow access for emergency services and pedestrians.

### Existing Traffic

To consider the suitability of the potential impact that the proposed development may have on the local highway network, it is necessary to determine the level of additional traffic generation expected during weekday morning and evening peak periods compared to the existing traffic attraction.

The applicants have submitted a Transport Statement prepared by Hyder transport consultants dated October 2010 which assesses the transport and traffic impacts of the proposed development. This has subsequently been supplemented by two further reports prepared by MLM consultants dated 27 November 2011 and 06 February 2012.

The October 2010 Hyder report includes data collected from traffic counts at the Well Grove site access with Chandos Avenue for the AM (0800-0900) and PM (1700-1800) peak periods during the week commencing Sunday 5th September 2010. These are provided in the table below. Traffic counts were not done for the High Road access because this is only used for the daily arrival of the 2 coaches (term time only) which brings the bulk of the students to Wellgrove School.

#### *Existing Vehicle Trips at Well Grove Access in 2010:*

Existing Vehicle Trips	Arrivals	Departures	2-way
AM	23	10	33
PM	1	4	5

The low level of trips in the PM peak reflect the school use of the site and it is expected that the school peak (3pm-4pm) would attract similar numbers to the morning peak.

Traffic generation for the existing meeting halls is not included in the table above because they are used outside of the peak hours. However the week long survey on Well Grove recorded two-way traffic movements of approximately 300 and 150 vehicles for meetings on

the Saturday and Sunday respectively with approximately 150 movements on both the Thursday and Friday evenings.

Traffic data obtained from the DfT indicate that traffic flows on the A1000 High Road in the weekday AM peak hour are approximately 1000 and 900 vehicles in the southbound and northbound directions respectively and for the PM peak hour the corresponding flows are approximately 800 and 1100 vehicles.

#### Development Scenarios Tested

The October 2010 Hyder Transport Statement assessed the traffic impact of the proposed 70 residential units and a use class D1 (non-residential) building of 300sqm.

The internal layout of the development was amended in November 2011 and the size of the proposed D1 building was increased. An additional traffic and parking analysis report for the D1 building was submitted by MLM consultants which provided an updated assessment of the AM and PM peak hour traffic flows at the High Road access of the development for two scenarios for the D1 use:

- i) a pre-school nursery for 60 children (400sqm NIA); and
- ii) a community centre (400sqm NIA).

The actual size of the D1 community centre building as shown on the submitted amended plans is 512sqm Gross External Area (474sqm Net Internal Area). A further traffic and parking report has therefore been submitted by MLM consultants which further updates the trip assessment for a 474sqm (NIA) community centre building of which the traffic assessment assumes that 200sqm will be used as a nursery for 30-35 children during daytime. The report analyses the AM and PM peak hour traffic flows at the High Road access and parking requirements for the proposed community centre building. For these peak hours it has been assumed that the community hall will be in use for the nursery activities described above.

The residential element of the development consists of 70 units. The application proposes that 50 private units will be accessed via Well Grove and 20 affordable units will be accessed via the High Road. As there are a total of 254 rooms, 206 for the private houses and 48 for the affordable units, the split of the trip generation from the residential units only equates to approximately 81% via Well Grove and 19% via the High Road due to the size of the units and trip rates calculated by bedroom. However when the vehicle movements from the D1 community centre (including 200sqm nursery) are added the total number of vehicle movements at peak hours spreads out to approximately 50% at each entrance.

The traffic assessment for this scenario is set out below.

#### Trip assessment for proposed development

Traffic generation for the proposed development has been provided based on the TRAVL and TRICS databases for residential and D1 uses. The residential trips forecasts were based on calculations using TRAVL trip rate per bedroom.

The information provided for the expected trip generation for the residential development has also been checked against trip generation observed on surveys at other residential developments within the borough previously and the results are considered comparable to the predicted traffic generation submitted by the applicant based on TRVL database.

The Hyder (October 2010) Transport Statement (TS) submitted with the application and the MLM Consultants Traffic & Parking Analysis report for the D1 Community Hall / Nursery proposed use, show existing and expected trip generation to the site at the typical 08.00 to 9.00 AM and 1700-1800 peak hour periods.

The Tables below show the anticipated total AM and PM Peak hour Trip Rates for the proposed development as follows:

**Predicted Residential Site Vehicle Trip Generation – 70 units (254 bedrooms):**

Proposed Development Trips	Arrivals (Well Grove/ High Rd)	Departures (Well Grove/ High Rd)	2-way (Well Grove/ High Rd)
AM	6 (5 / 1)	27 (22 / 5)	33 (27 / 6)
PM	19 (15 / 4)	10 (8 / 2)	29 (23 / 6)

**D1 Community Centre (including 200sqm nursery) Predicted Vehicle Trip Generation:  
(All via High Road access)**

Proposed Development Trips	Arrivals (High Rd)	Departures (High Rd)	2-way (High Rd)
AM	11	10	21
PM	7	9	15

**Total Site Traffic Movements 70 units and D1 land use:**

Proposed Development Trips	Arrivals (Well Grove/ High Rd)	Departures (Well Grove/ High Rd)	2-way (Well Grove/ High Rd)
AM	17 (5 / 12)	37 (22 / 15)	54 (27 / 27)
PM	26 (15 / 11)	19 (8 / 11)	44 (23 / 21)

**Resultant Change in Site Traffic Movements**

Proposed Development Trips	Arrivals (Well Grove/ High Rd)	Departures (Well Grove/ High Rd)	2-way (Well Grove/ High Rd)
AM	-6 (-18 / +12)	+27 (+12 / +15)	+21 (-6 / +27)
PM	+25 (+14 / +11)	+15 (+4 / +11)	+39 (+18 / +21)

The above figures indicate that for the whole development there is a predicted increase of 21 vehicles in the morning peak and an additional 39 in the evening peak for the proposed 70 dwelling and community centre (including 200sqm nursery) development. This equates on average to one extra vehicular movement every 3 minutes and about one every 1 ½ minutes in the AM and PM peak hours respectively.

The following changes in vehicular movements are expected at each of the site's entrances:

At the Well Grove/ Chandos Avenue junction a decrease of 6 vehicular movements in the AM peak hour and an additional 18 in the PM peak hour are predicted. This equates on average to one less vehicular movement every 10 minutes in the AM peak hour and 3 extra every 10 minutes in the PM peak hour. Therefore, when comparing with the trip rates shown for the existing school use, the impact of the proposed development on public highway at the Well Grove access during the AM peak is likely to be a decrease in vehicle trip rates with a minor increase in trip rates in the PM peak. However it should be noted that the traffic movements associated with the school PM peak between 3pm and 4pm will be removed. The vehicle movements associated with Well Grove are considered acceptable in highways terms.

For the High Road access an increase of 27 vehicles in the AM peak and 21 vehicles in the PM peak hours respectively are predicted equating to approximately one extra vehicular movement every 2 minutes in the AM peak hour and one vehicle every 3 minutes in the PM peak hour.

The recent development at the former Black Bull Public House consists of 825sqm of retail and a 96 bed hotel. Access to these developments is from the High Road access which also serves as the main access to the proposed D1 community building and 20 of the proposed residential units. A right turn lane has already been provided on the High Road at this access. No additional improvements to turning lane provision are required for the predicted number of additional movements generated by the proposal.

Based on the above analysis, the predicted vehicle trip generation for the proposed development is not expected to have a detrimental impact on the local public highways. The Council's Highways Officer is satisfied with the assessment.

#### Road safety

Personal injury accident (PIA) data has been obtained from Transport for London (TfL) for a period of 3 years up to March 2010 for Well Grove, Chandos Avenue between High Road and Langton Avenue and the A1000 High Road between Buckingham Avenue and Athenaeum Road.

Records show there have been 13 accidents in a recent 3 year period within the study area, only 2 of which have been on Chandos Avenue, the remaining 11 all occurred along the A1000 High Road. Analysis of the data indicates that there was only one PIA at or near to the existing Well Grove / Chandos Avenue junction.

The data does not show any accidents at the A1000 High Road access junction. Furthermore there are no clusters of accidents and this indicates that the local highway network would not in itself appear to be a precipitating cause of the accidents that have occurred during the study period. It is therefore considered that the development is unlikely to have any material negative safety implications within the local highway network.

#### Visibility at access points

Although the total number of trips to the site is not expected to increase significantly during peak times, it is considered that due to the nature of the development, vehicle movements will occur throughout the day. In order to improve visibility at the site entrances it is recommended to carry out a review of waiting restrictions in Chandos Avenue and High Road adjacent to the site. A contribution of £5,000 is sought towards this review and implementation of changes to waiting restrictions if appropriate.

### Car Parking - residential

Policy M11 of the adopted UDP sets the following parking standards for residential development:

for 4 or more bedroom units:	2.0 to 1.5 parking spaces per unit
for 2 and 3 bedroom units:	1.5 to 1.0 parking spaces per unit
for 1 bedroom units:	1.0 to less than 1 parking space per unit

This equates to a parking requirement of between 95 and 133 parking spaces for the proposed residential units based on the mix of 62 houses and 8 flats.

The application proposes a total of 131 car parking spaces for the residential development which equates to a car parking ratio of 1.87 spaces per dwelling. The detailed breakdown is as follows:

102 parking spaces/garages for the 50 four and five bed private houses (2.04:1)
17 spaces/garages for the 12 two, three and four bed affordable houses (1.4:1)
12 spaces for the 8 one and two bed affordable apartments (1.5:1)

The proposed level of car parking for the residential element of the scheme is at the top end of the policy allowance in response to concerns from local residents of parking overspill from the site. Given the reasonable accessibility of the site and its location to nearby shops and services the proposed 134 car parking spaces for the residential element of the proposal is considered acceptable in accordance with Policy M11 of the Adopted UDP.

### Car Parking – D1 community building

The Adopted UDP does not stipulate parking standards for D1 use but instead refers to the London Plan which also does not give specific standards for that use. The original planning submission included a parking provision of 11 spaces allocated for an unspecified D1 use building of 300sqm. The proposed D1 community hall is for an increased area of 474sqm and the parking provision has been increased to 15 spaces.

To determine the suitability of a 15 space car parking provision, the applicant's transport consultants have undertaken car parking accumulations based on the TRAVL and TRICS data respectively for both the nursery use during the day and the general community uses where its peak activity is often later during the evening. These calculations show a maximum on-site car parking accumulation of 22 spaces for the possible community centre use during 19:00-20:00hrs and 3 for the nursery use between 09:30-11:30. It should be noted that most vehicular activity for the nursery use is between 08:00 and 08:30 with 8 vehicles arriving and 7 departing with children being dropped off.

Considering the drop-off nature of the nursery and the robustness of the TRICS community centre sites used for the calculations the proposed parking provision of 15 spaces for the 474sqm of D1 use is considered appropriate and is unlikely to lead to any overspill parking.

On balance, taking into consideration the location of the site which is within walking distance of Whetstone Underground Station and Several Bus Routes and is close to local town centre amenities in Whetstone, the proposed 15 parking spaces for the D1 community building is considered acceptable on highway grounds. The Traffic and Development Team within Highways have been consulted on the application and consider the proposed parking to be acceptable. They have requested a car park management plan be submitted for the development to ensure that the community building does not affect the car parking allocation

for the residential units and cause a detrimental impact on public highway. This will be secured by condition.

### Car Parking – layout

The proposal includes a total of 7 disabled parking spaces. The total number of disabled parking spaces is in principle acceptable on highways grounds, however disabled parking spaces should be provided for across the site. In addition a total of 20% active and 20% passive electric car charging points must be provided, in accordance with recommendations in the London Plan 2011, these charging facilities should be provided for all elements of the proposal. The Highways Officer has requested a condition requiring a detailed parking layout to be submitted which includes details of disabled parking spaces and electric car charging provision.

### Cycle Parking

Details of cycle parking will be provided at the reserved matters stage. Cycle parking will be required for all of the residential units as well as the D1 community building. Cycle parking details will be secured via condition.

### Travel Plan

UDP Policy M3 States that the Council will require developers to develop, implement and maintain a satisfactory Travel Plan to minimise any increase in road traffic and encourage the use of transport modes other than the car.

A Local Level Residential Travel Plan is required for the proposed residential development. This will require the appointment of a Travel Plan Champion. A Travel Plan will also be required for the community building.

In order to ensure that the objectives of the Travel Plans are met a Travel Plan Monitoring Contribution of £5,000 is required under the Section 106 agreement.

## **3.15. Flood Risk Assessment**

UDP Policy ENV9 states that in areas at risk from flooding, new development or intensification of existing development will only be permitted where applicants have properly assessed the flood risk and made arrangements to implement flood prevention measures. Policy ENV10 requires development that will generate significant surface water run-off likely to result in increased flood risk, or changes to natural habitats, to provide appropriate prevention measures as part of the development.

The subject site has an approximate total developable area of 2.3Ha and it should therefore be noted that Table D.1 of PPS25 states the following:

*“For development proposals on sites comprising one hectare or above the vulnerability to flooding from other sources as well as from river and sea flooding, and the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water runoff, should be incorporated into an FRA”.*

The Environment Agency (EA) indicative flood outline map shows the existing site to be entirely located in Flood Zone 1 and is assessed as having an annual probability of less than 0.1% for flooding from rivers.



In accordance with PPS25 Table D.3 “More Vulnerable” development in Flood Zone 1 does not require an Exception Test and is appropriate in Flood Zone 1.

The site does not lie within a Source Protection Zone.

The existing surface water runoff is discharged by a number of systems. Some water is directed to an underground storage tank. The runoff is then pumped to an existing manhole located along Well Grove and assumed to be discharged into the Thames Water sewer network along Chandos Avenue. Some water is discharge by overland flow down the sloping ground to the low point on the northern boundary corner.

The proposed development results in an increase in the impervious surface within the site. Therefore under proposed conditions there is an increase in surface water discharge and PPS 25 guidelines state that there will need to be some attenuation on site.

In accordance with Environment Agency guidelines, the Building Regulations and Water Authorities advice, the preferred means of surface water drainage for any new development is into a suitable soakaway or infiltration drainage system. Sustainable Drainage Systems (SuDS), such as soakaways, storage tanks and permeable paving, can reduce the impact of urbanisation on watercourse flows.

The Environment Agency has been consulted on the application and is satisfied with the submitted information. They have requested a condition requiring a surface water drainage scheme to be submitted for the development, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development.

The proposed development is in Flood Zone 1 and therefore not in an area at risk from flooding. The application does not conflict with UDP Policy ENV9. The development will result in an increase in impervious surfaces and may result in an increase in surface water run-off. Conditions are recommended to require details of sustainable drainage systems and suitable attenuation to be provided within the development to comply with UDP Policy ENV10.

### **3.16. Energy and sustainability**

London Plan Policy 5.2 requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

It requires major developments achieve a 25% reduction in carbon dioxide emissions for residential buildings and commercial buildings based on 2010 Building Regulations.

Policy 5.3 goes on to set out the sustainable design and construction measures required in major developments.

The application is for outline planning permission only. Layout and access are included for consideration but all other matters are reserved. As such, the buildings have not been designed to a detailed level which would enable the applicant to undertake a full energy assessment. A condition is therefore recommended which requires an Energy Strategy to be

submitted at the reserved matters stage which demonstrates that the scheme shall achieve a 25% reduction in carbon dioxide emissions.

### **3.17. Section 106 Planning Obligations**

Policy IMP1 of the Adopted UDP sets out the priorities for planning obligations. Policy IMP2 sets out that the council will seek to ensure through the use of planning obligations, that new development provides planning benefits which are necessary to support and serve it, and which are necessary to offset any consequential planning loss which may result from the development.

The purpose of planning obligations is to make acceptable development which would otherwise be unacceptable in planning terms. Circular 05/2005 supports the use of planning obligations to secure contributions towards community infrastructure to mitigate the impacts of new development, provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind.

Paragraph B5 of the Circular sets out five policy tests that must be met by the Local Planning Authority when seeking planning obligations. In addition, Regulation 122 of the Community Infrastructure Levy Regulations, which came into force on 6 April 2010, states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation meets the three tests. These statutory tests are based upon three of the five policy tests in Circular 5/2005 at paragraph B5 (tests (ii), (iii) and (iv)).

In accordance with the above policies and guidance, the following obligations are required to be secured through a Section 106 legal agreement with the developer:

#### **Affordable Housing**

The policy justification and assessment of affordable housing is provided in section 3.6 of this report. The application is required to deliver 20 affordable housing units on the site as follows:

##### **i) Affordable Rented Accommodation:**

- 1 x 1 bedroom (2 person) flat
- 2 x 1 bedroom (2 person) w/c flat
- 2 x 2 bedroom (4 person) w/c flat
- 6 x 3 bedroom (5 person) house
- 2 x 4 bedroom (6 person) house

##### **ii) Shared Ownership Accommodation:**

- 1 x 1 bedroom (2 person) flat
- 4 x 2 bedroom (3 person) flat
- 2 x 3 bedroom (5 person) houses

This would be expected to be affordable for successive occupiers. Further detail and guidance is provided in the Council's Supplementary Planning Document Affordable Housing.

### Notting Hill Training Initiative

In accordance with paragraph 10.1 and Appendix 6 of the Council's Affordable Housing SPD the developer is required to enter into a formal agreement with the Notting Hill Housing Trust to include provision for the following:-

- (a) The agreed number of trainee places to be provided on the site of the Affordable Housing Scheme and the duration of the each placement;
- (b) A commitment by the Owners to pay a percentage of the build costs in respect of the Affordable Housing Scheme such payment to cover general running costs such as trainees' fees fares and tools;
- (c) a commitments by the Owners to pay a "provisional sum" expressed as a percentage of the build costs in respect of the Affordable Housing Scheme to cover trainees' wages;

### Contributions to Health facilities

The appeal scheme would provide additional residential units that it is considered would generate an increased demand for health facilities in the area. The calculation of additional demand / method of calculating the required contribution (SPD para's 6.1-6.4), existing facilities and capacity (SPD para's 5.7-5.18), and use of the contributions (SPD para's 8.1-8.4) are set out in the Council's SPD "Contributions to Health" adopted in July 2009.

It is considered that a financial contribution towards future health care facilities is justified in terms of Circular 05/2005. To accord with UDP Policy CS13 and the SPD the proposed scheme would require a contribution of **£93,636** towards improvements to health facilities within the borough as identified by the Local Health Authority.

### Education needs generated by the development

Circular 05/2005 supports the use of planning obligations to secure contributions towards the provision of educational facilities, provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind.

The proposed development would provide 70 additional residential units that it is considered would generate an increased demand for educational facilities in the area. The calculation of additional demand (SPD para's 4.6-4.14), existing facilities and capacity (SPD para's 5.5-5.12), method of calculating the required contribution (SPD para's 3.1-3.15 and 4.1-4.5), and use of the contributions (SPD para's 5.13-5.14) are set out in the Council's SPD "Contributions to Education" adopted in February 2008.

It is considered that a financial contribution towards future education facilities is justified in terms of Circular 05/2005. To accord with UDP Policy CS8 and the SPD the proposed scheme would require a contribution of **£662,560** index linked towards education provision in the borough.

### Contributions to library services

The increase in population resulting from development is expected to place pressures on libraries, which are already required to meet all the needs of Barnet's diverse community. Developer contributions are therefore necessary to ensure service provision mitigates the impact of their development activity.

The adopted SPD "Contributions to Library Services" sets out the Council's expectations for developers contributions to the provision and delivery of a comprehensive and efficient library service, with the aim of opening up the world of learning to the whole community using

all media to support peoples educational, cultural and information needs. The SPD provides the calculation of additional demand (para's 4.10-4.12), existing facilities and capacity (para's 1.1-1.4 & 2.5), method of calculation (para's 2.4 & 3.1-3.11), and use of funds (para's 5.1-5.7).

It is considered that a financial contribution towards library services is justified in terms of Circular 05/2005. To accord with UDP Policy CS2 and the SPD the proposed scheme would require a contribution of **£17,716** index linked towards the provision of library facilities within the borough.

### Community Hub Building

To comply with UDP policy CS3 and Development Management Policy DM13 to off-set the loss of the existing Brethren religious meeting halls and permanent Wellgrove School building a new Community Hub building is proposed within the development. The Community Hub Building will provide multi functional spaces for a variety of community and sporting uses. The developer is required to deliver the Community Hub building to Shell and Core standard up to a cost of **£776,000** BCIS index linked.

In order to ensure that the Community Hub Building is accessible to the public, the freehold interest of the Community Hub Land is required to be transferred to the Council.

It is considered that the provision of a new community building is justified in terms of Circular 05/2005.

### Sport and Recreation

Policy CS7 of the Core Strategy Submission Document states that the council will meet increased demand for access to open space and opportunities for physical activity, by tackling deficiencies and under provision through (among other things) securing improvements to open spaces including provision for children's play, sports facilities and better access arrangements, where opportunities arise, from all developments that create an additional demand for open space.

The loss of the former playing fields at the site which were not accessible to the general public will be compensated for by investing and improving existing provision located within parks and open spaces and within the catchment area of the site. There are three key sites for sports provision which are currently under utilised and in cases suspended from use due to vandalism and disrepair. All three sports pavilions that service the sites are in need of investment and upgrading, and in cases entire replacement such as the pavilion at King George V playing fields which was repeatedly vandalised over the last two years and is now beyond economical repair. This pavilion previously served football pitches at the site as well as those at Barnet Playing Fields. As there are now no changing facilities at the site due the pavilion being closed, these football pitches can no longer be used for league football. Improvement of the pitches via drainage installation would also increase provision and playability which is currently restricted to 1 game per day for football.

To provide improvements to the existing sport and recreational facilities within 2.5km of the site, including associated buildings, a contribution of **£450,000** index linked is required from the development. It is considered that a financial contribution to improve sporting facilities in the local catchment is justified in terms of Circular 05/2005.

### Provision and Maintenance of LEAP within the site

To accord with Policy DM15 and to off-set the loss of the existing larger area of private open space the application includes an area of public open space circa 1,000sqm in area. As identified on Figure 12 of the Barnet Open Space, Sport and Recreational Facilities Assessment (2009) there is a deficiency of play provision within 0.75km of the site. To address the deficiency a Locally Equipped Area of Play (LEAP) is required within the new area of open space. The LEAP is required to have at least six items of play equipment comprising three pieces which cater for 0-6 and three pieces which cater for 6-12 age groups.

To ensure that the open space and LEAP are available for the general public, the Open Space Land shall be transferred to the Council. In order to account for maintenance of the open space and LEAP for a 25 year period a contribution of **£250,000** is also required. This is based on the cost of £7,000 per annum to maintain, repair and replace a typical play area of LEAP size (£3,500 for inspections and general maintenance including cleansing, £2,500 capital replacement and £1,000 annual repairs) and a further £3,000 per annum for maintenance of a basic open space comprising of primarily grass.

The provision of the open space, LEAP and LEAP Maintenance Contribution is considered to be justified in terms of Circular 05/2005.

### Amendment to Local Traffic Order

A contribution of **£5,000** Index Linked is required towards a review of waiting restrictions on the public highways adjacent to the access points into the site and to make any necessary amendments to the existing Traffic Management Order. It is considered that a financial contribution to enable the local Traffic Management Order to be amended is justified in terms of Circular 05/2005.

### Travel Plan and Travel Plan Monitoring

A Travel Plan is required for the development. The final Travel Plan is required to be submitted to the Council as part of the S106 agreement. In order to ensure that the objectives of the Travel Plan are met a monitoring contribution of **£5,000** is required. This is proportionate to the complexity of the scheme and the associated travel plan and consistent with developments of this scale. It is considered that a financial contribution towards monitoring the Travel Plan is justified in terms of Circular 05/2005.

### Total S106 Contributions

The total value of the section contributions is **£2,259,912**

### S106 Monitoring Contribution

The recovery of costs for the monitoring of planning obligations is set out in Section 8 (para's 8.3 & 8.4) of the Planning Obligations SPD. A monitoring contribution of **£25,000** is required for the development. The Monitoring contribution is calculated as 1% of the total monetary contributions plus £5000 for monitoring affordable housing. It is considered that a financial contribution towards the monitoring of the planning obligations is justified in terms of Circular 05/2005.

#### 4. EQUALITIES AND DIVERSITY ISSUES

The Section 149 of the Equality Act 2010, which came into force on 5<sup>th</sup> April 2011 imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to:

- “(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”*

For the purposes of this obligation the term “protected characteristic includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Officers have in the preparation of this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council’s statutory duty under this important legislation.

##### Existing users of the site

No existing religious or community groups will be displaced by this application. The current occupiers of the religious meeting hall and Wellgrove School have decided to vacate the site as a result of the congregation and school catchment moving outside of the borough. The congregation who use the meeting halls has significantly reduced in numbers as members have left to support smaller congregations around the country. There is already a nearby congregation in Barnet who have a more modern and slightly larger meeting hall in Mays Lane. This serves congregation members living in Barnet, Potters Bar and Brookmans Park. The HGHT have decided to close the Whetstone meeting hall facility, at which point the remaining Whetstone congregation will merge with the Barnet congregation and use their meeting hall. This site will then be surplus to requirements.

Wellgrove School are looking at new sites in Hertford and Biggleswade which are better related to their pupil catchment.

##### New community facilities

The application includes the provision of a new community building which will be secured through the section 106 agreement. The building will be available to a range of users for a variety of activities. The detailed design of the community building will be required to provide level access for all abilities.

The application also includes the provision of a new area of public open space. This small park will have a playground in it. This open space and playground will provide a facility that is accessible to the wider public and will address the current deficiency in play provision in the

area.

The development is therefore considered to provide community benefits.

### Access

The application is submitted in outline, therefore the detailed design of the buildings is reserved for future consideration. However conditions are imposed to require all of the residential dwellings will be designed such that they can meet the requirements of the Lifetime Homes Standards.

## **5. CONCLUSION**

Prior to 1986 the application site was historically in use as playing fields and was used as a cricket pitch for the Old Owens Sports Club. A series of planning consents have been granted, some personal and some temporary, and the site is now occupied by a mix of uses. These uses include two meeting rooms (one large and one small) and associated car park for religious worship. The permission for these buildings is personal to the occupiers the HGHT. There are two single storey houses occupied by caretaking staff. The other half of the site is occupied by an educational use which is attended by children of the Brethren community who use the meeting halls. There is one small building which has a permanent permission for education use and two additional small buildings which have a temporary permission for education use until January 2013. There is also an area of former playing field which is now a private open space.

### Change of use

The application involves the loss of the existing Brethren religious meeting hall, the remaining area of open space on the site which was formerly playing fields, and the existing Wellgrove school buildings, some of which only have temporary planning permissions. This has been assessed and addresses in this report against relevant planning policies and material considerations as follows:

#### *Loss of main religious meeting hall*

The planning consent for the main meeting hall (reference N01162N) is personal to the HGHT and when they vacate the site the use will be discontinued. Therefore it could be considered that it is not necessary to apply the tests of Policy CS3 in this case.

Notwithstanding this, the application includes the provision of a new Use Class D1 community hub facility on the site. The proposed new facility will be smaller in size than the existing meeting halls, but will provide multi functional spaces for a variety of community and sporting uses and will be accessible to the wider public. The new facility will therefore have a wider public benefit. The application can therefore be considered against the exemption under point i) of UDP Policy CS3 which requires new community facilities of at least equivalent quality or quantity to be provided on the site. Having regard to the existing planning permission which is personal to the HGHT, the quality of the new facility is considered to be sufficient to justify the loss of the existing Brethren religious meeting halls.

#### *Loss of open space/former playing fields*

The application will result in the loss of circa 0.8ha of private open space which was historically used as a playing field. However the application is considered to meet the exception tests set out in Sport England's guidance and draft Development Management

Policy DM15 for the following reasons: i) an open space assessment has been carried out which demonstrates that there is a surplus of open space within 1.5km of the site; ii) the existing open space is private and has not been used as a playing pitch for over 25 years and therefore has no special significance to the interests of sport; iii) a new public open space of approximately 1000sqm including a LEAP will be provided within the development; and iv) a contribution of £450,000 will be secured towards enhancement of existing sports pitches and recreation facilities in the area which will be accessible to the wider public. Therefore the loss of the existing private open space from the site is considered to be off-set by the sporting and community benefit that would be derived from the application. The application is considered to be acceptable against the requirements of PPG17, London Plan policies 3.19 and 7.18 and draft Development Management policy DM15. Sport England has not objected to the application.

#### *Loss of education building and land*

The existing Wellgrove School site (0.4ha) would not be large enough for a new school. The only permanent education use building (288sqm) on the school site has not been marketed for other potential uses. However the application includes the provision of a new 512sqm community hub building within the development. The provision of a new community facility accords with point i) of draft Development Management Policy DM13 which considers the loss of community or educational uses acceptable where new community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location.

All the junior and senior children that currently attend Wellgrove School will transfer to the new location which the School have advised would be outside of Barnet. This will ensure that there no requirement for replacement educational places within Local Authority schools when the school relocates. Therefore the loss of Wellgrove School will have no impact on the education infrastructure in the borough. No school places will be lost and no extra school places will be required as a result of the School's move.

The educational impact of the proposed new residential units will be mitigated through a contribution of £662,560 towards school places within the borough in accordance with the Council's adopted Supplementary Planning Document for Education Contributions.

#### *Loss of existing houses*

The application will result in a net gain of 68 new residential units and does not conflict with UDP Policy H3.

#### Mix, Layout and Density

The application includes a mix of dwelling types and sizes including 3, 4 and 5 bed houses for private sale and affordable and will deliver much needed family sized accommodation in line with the requirements of London Plan Policy 3.9 and draft policy DM08 of the Development Management Policies DPD Submission Draft.

The scheme is laid out in a legible pattern that defines the public and private realm clearly. All houses provide active surveillance of the street and private gardens backing onto private gardens to ensure they are secure. The proposed number of houses is considered to be appropriate for the site having regard to the character of the surrounding area. All of the proposed residential units would have private amenity space in accordance with UDP standards.



The application proposes 70 residential units on a 2.4ha site which equates to a density of 29 dwellings per hectare. This would fall below the density suggested in the London Plan. However PPS3 (2011) advises that good design should complement the neighbouring buildings and the local area more generally in terms of scale, density, layout and access. Therefore, having regard to the surrounding area which comprises large detached and semi-detached houses on large plots at an approximate density of less than 15 dwellings per hectare, the proposed density is considered to be acceptable.

#### Affordable housing

The application includes the provision of 20 affordable units of which 10 will be 3 or 4 bed houses. This equates to 29% by unit number. This has been tested through viability toolkit which has been independently reviewed for the Council. In accordance with London Plan Policy 3.12 and paragraph 8.3.2.11 of the UDP, the significant level of section 106 contributions being provided by the development, combined with the lack of government housing grant, need to be taken into account when considering the level of affordable housing provision. Therefore in this instance the provision of 29% affordable housing by unit is considered to be acceptable given the other considerable benefits arising from the development.

#### Biodiversity and Flood Risk

The site is not situated within any statutory or non-statutory designated nature conservation sites. The application will not impact on protected species.

The application site is in Flood Zone 1 and therefore not in an area at risk from flooding and is appropriate for residential development. Details of sustainable drainage systems and suitable attenuation will be provided with reserved matters.

#### Traffic and parking

The traffic assessment for the application indicates that the proposed development of 70 dwellings and a D1 community centre (including 200sqm nursery) will result in a predicted increase of 21 vehicles in the morning peak and an additional 39 in the evening peak. This equates on average to one extra vehicular movement every 3 minutes and about one every 1 ½ minutes in the AM and PM peak hours respectively.

Therefore, when comparing with the trip rates shown for the existing use, the impact of the proposed development on public highway at the Well Grove access during the AM peak is likely to be a decrease in vehicle trip rates with a minor increase in trip rates in the PM peak. For the High Road access an increase of 27 additional vehicles in the AM peak and 21 additional vehicles in the PM peak hours respectively are predicted. The predicted vehicle trip generation for the proposed development is therefore not expected to have a detrimental impact on the local public highways.

The application proposes car parking for the residential units in accordance with the UDP standards. 15 car parking spaces are proposed for the d1 community centre building which is considered acceptable given the site's accessible location on the edge of Whetstone Town Centre.

#### Section 106 Planning Obligations

A package totalling over £2.25million will be secured as part of the development. This includes: the provision of a community building on the site to a value of £776,000 which will be transferred to the Council; the provision of an area of public open space and locally

equipped area of play (LEAP) which will also be transferred to the council with a commuted payment of £250,000 to cover the future maintenance; contributions of £450,000 towards improvements in playing pitches and sport and recreation facilities in the area; £662,560 towards education provision in the borough; and £93,636 towards health facilities. The application also includes the provision of 29% affordable housing which includes 10 three and four bedroom affordable houses.

All relevant policies contained within national Planning Policy Statements and Supplementary Planning Documents, the Mayor's London Plan (2011), the saved policies of the Barnet UDP (2006), relevant policies in the Core Strategy Submission Document and Development Management Policies DPD Submission Draft have been fully considered and taken into account by the Local Planning Authority. Having regard to these relevant policies and all other material considerations officers consider that the proposal for residential development of the site is acceptable. Accordingly, subject to the satisfactory completion of a section 106 agreement prior to grant of permission and the imposition of conditions detailed in the recommendation to this report, **APPROVAL** is recommended.

## APPENDIX 1 – Policy Audit

### National Planning Policy Guidance

PPG/PPS	Content	Comment
<p>Planning Policy Statement (PPS) 1: Delivering Sustainable Development</p>	<p>Para 5: “Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:</p> <ul style="list-style-type: none"> <li>- making suitable land available for development in line with economic, social and environmental objectives to improve people’s quality of life;</li> <li>- contributing to sustainable economic development;</li> <li>- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;</li> <li>- ensuring high quality development through good and inclusive design, and the efficient use of resources; and</li> <li>- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.”</li> </ul> <p>Paragraph 34:            “Planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.”</p>	<p>The principles and philosophy of PPS1 have been followed in the evolution of the proposal, involving public consultation and debate with local residents. The application provides a mix of houses and flats of different sizes including 20 affordable units. A new community building, public open space and LEAP are also proposed. The development is in close proximity to existing public transport services and shops in Whetstone Town Centre. The development is considered to accord with the principles of providing a mixed, balanced, safe, sustainable, liveable and mixed community.</p>
<p>Planning Policy Statement (PPS) 3: Housing</p>	<p>The policies of PPS3 look to achieve high quality housing and a mix of housing, as well as affordable housing.</p> <p>Under "Effective use of land", the national annual target is to provide 60% of new housing on previously developed land, including land that is vacant or derelict and which is currently in use but has the potential for redevelopment.</p> <p>Paragraph 69 advises that in deciding planning applications, local authorities should have regard to:</p> <ul style="list-style-type: none"> <li>- achieving high quality housing</li> <li>- ensuring developments achieve a good mix of housing reflecting the accommodation</li> <li>- requirements of specific groups, in</li> </ul>	<p>The application would see the development of a brownfield site and small area of open space.</p> <p>The application accords with the objectives of achieving high quality housing, providing a good mix of housing reflecting the accommodation requirements of specific groups, in particular families. The site is considered suitable for housing having regard to environmental sustainability and the surrounding context.</p>

	<ul style="list-style-type: none"> <li>- particular, families and older people</li> <li>- the suitability of a site for housing, including its environmental sustainability using land effectively and efficiently</li> <li>- ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.</li> </ul>	
<p>Planning Policy Guidance Note (PPG) 9: Biodiversity and Geological conservation</p>	<p>PPS9 provides policies and guidance on protection of biodiversity and geological protection.</p>	<p>A Phase 1 Habitat Survey and Protected Species Assessment by Ecology Consultancy has been submitted with the application. The site is not situated within any statutory or non-statutory designated nature conservation sites. The nearest statutorily designated site for nature conservation is the Welsh Harp Site of Special Scientific Interest situated approximately 8km south-west. A separate bat assessment and reptile assessment has been submitted which confirm that neither species are found on site. Mitigation measures are recommended and will be secured at the reserved matters stage.</p>
<p>Planning Policy Guidance Note (PPG) 13: Transport</p>	<p>The objectives of PPG13 are to integrate planning and transport at a national, regional, strategic and local level to:</p> <ul style="list-style-type: none"> <li>(i) promote more sustainable transport choices for both people and for moving freight;</li> <li>(ii) promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and</li> <li>(iii) reduce the need to travel, especially by car.</li> </ul>	<p>The site is located on the edge of Whetstone Town Centre with good access to underground and over ground rail links and bus services. The traffic generation for the development is not considered to impact on the local highway network.</p>
<p>Planning Policy Guidance Note (PPG) 17: Planning for Open Space, Sport and Recreation</p>	<p>Paragraph 10 states that existing open space, sports and recreational buildings and land should not be built on unless an assessment has been undertaken which has clearly shown the open space or buildings and land to be surplus to requirements.</p>	<p>The loss of the open space/former playing field on the site is considered to be acceptable for the following reasons: i) an open space assessment has been carried out which demonstrates that there is a surplus of open space within 1.5km of the site; ii) the existing open space is private and has not been used as a playing pitch for over 25 years and therefore has no special significance to the interests of sport; iii) a new public open space of approximately 1000sqm including a LEAP will be provided within the development; and iv) a contribution of £450,000 will be secured towards enhancement of existing sports pitches and recreation facilities in the area which will be accessible to the wider public. Therefore the loss of the existing private open space from the site is considered to be off-set by the sporting and community benefit that would be derived from the</p>

		application.
Planning Policy Guidance Note (PPG) 25: Development and Flood Risk	PPS 25 sets out the Government's spatial planning policy on development and flood risk.	The site is in Flood Zone 1 considered appropriate for residential development. A Flood Risk Assessment has been submitted with the application and agreed with the Environment Agency.  Details of Sustainable Urban Drainage System for the development will be required at the reserved matters stage.

### London Plan – adopted 22 July 2011

Policy	Content	Comment
3.3: Increasing Housing supply	Boroughs should seek to achieve and exceed the relevant minimum borough annual average housing target. For Barnet the target is 22,550 over the next 10 years with an annual monitoring target of 2,255.	Fully compliant - The proposal will provide 62 new houses and 8 new flats contributing towards strategic housing targets for Barnet and London.
3.4: Optimising housing potential	Development should optimise housing output for different types of location within the relevant density range. However these should not be applied mechanistically as other factors relevant to optimising potential such as local context, design, transport capacity and social infrastructure are also important.	The proposed density of 29dph is below the London Plan suggested density of 35dph. However, having regard to the surrounding area which comprises large detached and semi-detached houses on large plots at an approximate density of less than 15 dwellings per hectare, the proposed density is considered to be acceptable.
3.8: Housing Choice	<ul style="list-style-type: none"> <li>i. New developments should offer a range of housing sizes and types</li> <li>ii. All new housing should be built to Lifetime Homes standard</li> <li>iii. 10% of new housing is designed to be wheelchair accessible, or easily adaptable for wheelchair users</li> </ul>	The application includes a mix of houses and flats of a range of sizes including 1 and 2 bed flats, 2, 3, 4 and 5 bed houses. Conditions will be imposed to require the new units to comply with Lifetime Homes and provide wheelchair housing.
3.12: Negotiating affordable housing	The maximum reasonable amount of affordable housing should be sought for individual schemes. Negotiations should take account of their individual circumstances including viability, availability of subsidy.	The application will provide 29% affordable housing by unit number. This level has been justified by a viability assessment. The level of affordable housing is considered to be acceptable in this instance having regard to the significant package of s106 which includes the provision of a new community building, open space, LEAP and contributions towards off-site sport and recreation improvements.
3.16 social infrastructure	States that proposals which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for re-provision should be resisted. The suitability of redundant social infrastructure premises for other forms of social	The existing meeting halls on the site are limited by condition to use by the HGHT. This use ceases when the Trust leave. The provision of a new community building on the site, within the development is considered to justify the loss of the existing meeting halls.

	infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered.	
3.19 sport and recreation facilities	London Plan policy 3.19 states that development proposals that increase or enhance the provision of sports and recreation facilities will be supported. Proposals that result in a net loss of sports and recreation facilities, including playing fields should be resisted.	The loss of the open space/former playing field is considered to be acceptable for the following reasons: i) an open space assessment has been carried out which demonstrates that there is a surplus of open space within 1.5km of the site; ii) the existing open space is private and has not been used as a playing pitch for over 25 years and therefore has no special significance to the interests of sport; iii) a new public open space of approximately 1000sqm including a LEAP will be provided within the development; and iv) a contribution of £450,000 will be secured towards enhancement of existing sports pitches and recreation facilities in the area which will be accessible to the wider public. Therefore the loss of the existing private open space from the site is considered to be off-set by the sporting and community benefit that would be derived from the application.
5.1: Climate change mitigation	The Mayor expects boroughs to contribute to his target of achieving an overall reduction in London CO2 emissions of 60% (below 1990 levels) by 2025	The application is submitted in outline, therefore full compliance with this policy will be expected to be met at the detailed design reserved matters stage.
5.7: Renewable energy	Within the framework of the energy hierarchy, major development proposals should provide a reduction in expected CO2 emissions through the use of on-site renewable energy generation, where feasible	The application is submitted in outline, therefore full compliance with this policy will be expected to be met at the detailed design reserved matters stage.
6.13: Parking	Sets maximum parking standards as follows: <ul style="list-style-type: none"> <li>• 1-2 beds – less than 1 space per unit</li> <li>• 3 beds – 1 – 1.5 per unit</li> <li>• 4 or more beds - 1.5 – 2 per unit</li> </ul> In addition, developments must ensure that 20% of the spaces provide an electrical charging point.	The application includes a significant proportion of 4 and 5 bed houses. The application therefore provides 1.85 spaces per residential unit. This is considered to be appropriate for the development.
7.18 Protecting local open space and addressing deficiency	Policy 7.18 states that the loss of local protected open spaces must be resisted unless equivalent or better quality provision is made within the local catchment area. Replacement of one type of open space with another is unacceptable unless an up to date needs assessment shows that this would be appropriate.	The loss of the open space/former playing field is considered to be acceptable for the following reasons: i) an open space assessment has been carried out which demonstrates that there is a surplus of open space within 1.5km of the site; ii) the existing open space is private and has not been used as a playing pitch for over 25 years and therefore has no special significance to the interests of sport; iii) a new public open space of approximately 1000sqm including a LEAP will be provided within the development; and iv) a contribution of

		£450,000 will be secured towards enhancement of existing sports pitches and recreation facilities in the area which will be accessible to the wider public. Therefore the loss of the existing private open space from the site is considered to be off-set by the sporting and community benefit that would be derived from the application.
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**London Borough of Barnet UDP – adopted 2006**

<b>Policy</b>	<b>Content</b>	<b>Comment</b>
ENV9	In areas at risk from flooding, new development or intensification of existing development will only be permitted where applicants have properly assessed the flood risk and made arrangements to implement flood prevention measures. The council will seek to ensure this through the use of planning conditions or obligations.	The site is in Flood Zone 1 with low risk of flooding and is considered appropriate for residential development.
ENV10	Policy ENV10 requires development that will generate significant surface water run-off likely to result in increased flood risk, or changes to natural habitats, to provide appropriate prevention measures as part of the development.	A Flood Risk Assessment has been submitted with the application and agreed with the Environment Agency. Details of Sustainable Urban Drainage System for the development will be required at the reserved matters stage.
D1	High quality design - All new development should represent high quality design and should be in keeping with the council's objectives of sustainable development and ensuring community safety.	The general form, layout and scale of the development complies with the requirements of the policy.
D2	Character - The council will encourage development proposals which are based on an understanding of local characteristics, preserve or enhance local character and respect the appearance, scale, bulk, height and pattern of surrounding buildings, surrounding street and movement patterns and the overall character and quality of the area.	The application proposes large two storey detached and semi-detached houses around the perimeter of the site to reflect the existing neighbouring houses. The houses in the centre of the site are arranged in a perimeter block layout with back to back gardens and frontages facing a street. The general form, layout and scale of the development reflects the character of the area.
D4	New development should respect the constraints of the site to accommodate development and should not result in over-development.	The proposed development is of a suitable low density and in keeping with the character of the surrounding area. It is considered to represent an appropriate development of the site.
D5	Outlook - New developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.	The scale is considered appropriate for the site having regard to the topography, and heights of surrounding residential properties. The buildings are positioned with gardens backing onto the gardens of the surrounding houses. This is considered to provide ample distance to prevent overlooking or overshadowing.

D9	<p>New development should be designed to provide safety and security in the environment and reduce opportunities for crime and the fear of crime. Particular regard shall be given to:</p> <ul style="list-style-type: none"> <li>• Ensuring that public areas are overlooked by buildings;</li> <li>• Increasing natural surveillance in public areas at different times by promoting a mix of land uses in an area;</li> <li>• Ensuring that main entrances are visible from the street or other public places;</li> <li>• Ensuring that streets and paths are well and appropriately lit;</li> <li>• Ensuring that buildings, landscaping and planting do not create dark or secluded areas; and</li> <li>• Creating clear boundaries between public and private space.</li> </ul>	<p>The proposed layout provides clear boundaries between public and private space by providing back-to-back relationships to existing and proposed houses. All of the houses and flats face the street. The new open space is overlooked.</p>
D13	<p>States that when assessing development proposals the Council will seek to ensure that as many trees of value are retained on site as is practical, that existing trees are protected during works and that an appropriate level of new tree and shrub planting is provided.</p>	<p>There are no TPO trees on the site. Trees around the periphery of the site will be retained. Trees within the site will be removed but will be replaced with new tree planting within the gardens to the houses, the open space and streets.</p>
M6	<p>Public Transport – Use – Developments Should be located and designed to make use of public transport more attractive by providing improved access to existing facilities, and develop new routes and services</p>	<p>The development is located within easy walking distance of Oakleigh Park train station and Totteridge and Whetstone underground station as well as bus services on the A1000.</p>
M13	<p>Safe Access to New Development – The council will expect developers to provide safe and suitable access for all road users (including pedestrians) to new developments</p>	<p>The proposals will use the two existing vehicular accesses into the site. Safe pedestrian access will also be provided along these routes.</p>
M14	<p>Parking Standards – The council will expect development to provide parking in accordance with the London Plan parking standards, except in the case of residential development, where the standards will be:</p> <ol style="list-style-type: none"> <li>2 to 1.5 spaces per unit for detached and semi-detached houses;</li> <li>1.5 to 1 spaces per unit for terraced houses and flats; and</li> <li>1 to less than 1 space per unit for development consisting mainly of flats.</li> </ol>	<p>The application includes a significant proportion of 4 and 5 bed houses. The application therefore provides 1.85 spaces per residential unit (total of 134 spaces). This fully complies with the parking standards.</p> <p>15 spaces are proposed for the community building. This is considered sufficient.</p>
H2	<p>Housing</p>	<p>The proposal will provide new housing in an accessible and sustainable location on the edge of Whetstone Town Centre and will make a contribution towards strategic housing targets.</p>
H5	<p>Affordable Housing – Should negotiate the maximum reasonable amount of affordable housing</p>	<p>The application will provide 29% affordable housing by unit number. This level has been justified by a viability assessment.</p> <p>The level of affordable housing is considered to be acceptable in this</p>



		instance having regard to the significant package of s106 which includes the provision of a new community building, open space, LEAP and contributions towards off-site sport and recreation improvements.
H16	Residential Development – Character. Integrate with existing patterns of development - <ul style="list-style-type: none"> <li>• Be well laid out</li> <li>• Provide adequate daylight</li> <li>• Provide a safe and secure environment</li> <li>• Maintain privacy</li> <li>• Provide adequate amenity space.</li> </ul>	The general form, layout and scale of the development complies with the requirements of the policy.
H17	Privacy Standards	Distances between facing windows to existing houses surrounding the site exceed the distance required by policy H17. Distances between facing windows to houses in the centre of the site are either 33m between the closest houses and 58m between the furthest. This complies with policy H17. However 12 of the smaller gardens measure 10m to the nearest garden boundary which is marginally short of the standard. This is not considered to result in significant overlooking and is considered acceptable in the context of the development layout.
H18	Amenity Space Standards	All of the houses and flats meet or exceed the amenity space standards.
H20	States that planning permission will only be granted for housing developments if they provide proportionate amounts of public recreational space, facilities and commensurate improvements or contribute towards providing for children’s play, sports grounds and general use areas where a deficiency in open space exists as indicated on Map 6.1 and to the standard of 2.43 hectares per 1,000 population.	An open space assessment has been carried out which demonstrates that there is a surplus of open space within 1.5km of the site. Notwithstanding this, a new public open space of approximately 1000sqm including a LEAP will be provided within the development to address a local deficiency in access to play.
CS2	States that the council will seek to enter into planning obligations, where appropriate, in conjunction with new developments, to secure the provision of community and religious facilities, whilst Policy CS1 states that development proposals for community and religious facilities will be permitted where they: <ul style="list-style-type: none"> <li>- Are easily accessible by public transport, walking and cycling;</li> <li>- If in a town centre location, would not be situated within the primary retail frontage;</li> <li>- Would not have a demonstrably harmful impact on the character of the surrounding area and the amenities of nearby residential properties and other uses; and</li> <li>- Are designed to be accessible to</li> </ul>	The application includes the provision of a new community building on the edge of Whetstone Town Centre within easy walking distance of Oakleigh Park train station and Totteridge and Whetstone underground station as well as bus services on the A1000.  The community building is positioned to the rear of the existing Travelodge building and is not considered to impact on the character or amenities of nearby residential properties.

	people with disabilities.	
CS3	<p>The council will not grant planning permission for development which results in the loss of an existing community or religious facility. Exceptions may be considered where:</p> <ul style="list-style-type: none"> <li>iv. new community or religious facilities of at least equivalent quality or quantity are provided on the site or at an alternative location more accessible to users; or</li> <li>v. improvements are made to community or religious facilities at other sites; or</li> <li>vi. there is an excess of community or religious facilities in the area, and a particular development will not create a shortage of provision.</li> </ul>	<p>The existing meeting halls on the site are limited by condition to use by the HGHT. This use ceases when the Trust leave. The provision of a new community building on the site, within the development is considered to justify the loss of the existing meeting halls.</p>
CS7	<p>States that the council will seek to identify suitable alternative uses of buildings and land that are surplus to educational requirements. The preferred alternative will be for the buildings and land to be used for community, leisure or recreation purposes</p>	<p>The existing Wellgrove School site would not be suitable for a new school. The only permanent education use building (288sqm) on the school site has not been marketed for other potential uses. However the application includes the provision of a new 512sqm community building within the development which is considered to offset the loss of the existing school building.</p>
TCR13	<p>States that housing development in and near town centres, through conversion and redevelopment of existing buildings and new development, will be permitted except on the ground floor of primary and secondary frontages as defined on the Proposals Map.</p>	<p>The development is just outside the boundary of the Whetstone Town Centre. It does not affect the retail frontages of the town centre and therefore does not conflict with the requirements of policy TCR13</p>

**Core Strategy – Publication Stage May 2011**

<b>Policy</b>	<b>Content</b>	<b>Comment</b>
CS1:Barnet's Place Shaping Strategy	<p>Concentrate and consolidate housing and economic growth in well located areas that provide opportunities for development, creating a quality environment that will have positive economic impacts on the deprived neighbourhoods that surround them.</p> <p>New development should fund new infrastructure through S106 and other funding mechanisms.</p>	<p>The development is located on the edge of Whetstone Town Centre in an accessible location.</p> <p>A significant package of section 106 contributions will be secured which includes the provision of a new community building, open space, LEAP and contributions towards off-site sport and recreation improvements.</p>
CS4:Providing quality homes and housing choice	<p>We will aim to create successful communities by seeking to ensure: (A summary list)</p> <p>All new homes to be built Lifetime Homes Standards</p> <p>A range of dwelling sizes and types</p> <p>A variety of housing related support options</p> <p>A minimum of 5,500 new affordable homes by 2025/6 with a borough wide target of 30%</p> <p>A mix of 60% social rented and 40% intermediate affordable housing</p>	<p>The application includes a mix of houses and flats of a range of sizes including 1 and 2 bed flats, 2, 3, 4 and 5 bed houses.</p> <p>The application proposes 20 affordable homes including 10 three and four bed houses.</p> <p>Conditions will be imposed to require the new units to comply with Lifetime Homes and provide wheelchair housing.</p>
CS5:Protecting and enhancing Barnet's character	<p>Seeks to ensure that development respects local context and distinctive local character creating places and buildings of high quality design.</p>	<p>The application proposes two storey</p>
CS7: Enhancing and Protecting Barnet's Open Spaces	<p>In order to create a greener Barnet the council will enhance and protect Barnet's Open Spaces by:</p> <ul style="list-style-type: none"> <li>• protecting designated open spaces, including Green Belt and Metropolitan Open Land, and other suitable land with the potential to be used as open space</li> </ul> <p>Meeting increased demand for access to open space and opportunities for physical activity, by tackling deficiencies and under provision through (among other things):</p> <ul style="list-style-type: none"> <li>• improving access to open spaces particularly in North and East Finchley and other areas of public open space deficiency identified by Map 10. We will seek to improve provision in these areas of deficiency with the objective of increasing the area of the borough that has access to district and local parks in accordance with the London Plan criteria</li> <li>• securing improvements to open spaces including provision for children's play, sports facilities and better access arrangements, where opportunities arise, from all developments that create an</li> </ul>	

	additional demand for open space.	
CS10:Enabling integrated community facilities and uses	<p>States that the Council will seek to:</p> <ul style="list-style-type: none"> <li>• support the enhancement of community facilities ensuring their efficient use and the provision of multi-purpose community hubs that can provide a range of services to the community at a single accessible location.</li> <li>• expect development that increases the demand for community facilities and services to make appropriate contributions towards new and accessible facilities, particularly within the regeneration and development areas of the borough or improving existing provision, particularly within town centres</li> </ul>	The application includes the provision of a new community hub building. This will be secured through the section 106 legal agreement.

### Development Management Policies DPD – Submission Draft

Policy	Content	Comment
DM01 - Protecting Barnet's character and amenity	<p>Requires all development to be high quality design and proposals to 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. Development proposals should ensure attractive, safe and, where appropriate, vibrant streets and should create safe and secure environments and reduce opportunities for crime and minimise the fear of crime. Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.</p>	The general form, layout and scale of the development complies with the requirements of the policy.
DM07 - Protecting housing in Barnet	<p>Loss of residential accommodation will not be granted unless:</p> <ol style="list-style-type: none"> <li>a. the proposed use is for a local facility (children's nursery, educational or health use)</li> <li>b. where need can be demonstrated (provided that it is not detrimental to residential amenity) and;</li> <li>c. the demand for the proposed use cannot adequately be met elsewhere and is in line with other policies or;</li> <li>d. the location is no longer environmentally suitable and viable for residential use or;</li> <li>e. it involves identified regeneration areas with large scale demolition of housing and estates which provides for the net replacement of the total residential units</li> </ol>	The application will result in a Net increase of 68 residential units. The loss of the two existing caretaker bungalows is considered acceptable.
DM08 - Ensuring a variety of sizes of new homes to meet housing need	<p>Development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the</p>	The application includes a mix of houses and flats of a range of sizes including 1 and 2 bed flats, 2, 3, 4 and 5

	<p>borough.</p> <p>Our dwelling size priorities are:</p> <ul style="list-style-type: none"> <li>v. For social rented housing – homes with 3 bedrooms are the highest priority</li> <li>vi. For intermediate affordable housing – homes with 3/4 bedrooms are the highest priority</li> <li>vii. For market housing – homes with 4 bedrooms are the highest priority, homes with 3 bedroom are a medium priority</li> </ul>	<p>bed houses.</p> <p>The application proposes 20 affordable homes including 10 three and four bed houses (8 for affordable rent and 2 for intermediate). The private housing includes 44 four bed houses and 6 five bed houses.</p> <p>The application therefore meets the dwelling sizes that are in most need and are the highest priority for the council.</p>
DM13 - Loss of community / educational use	<p>a. Loss of community / educational use will only be acceptable in exceptional circumstances where:</p> <ul style="list-style-type: none"> <li>viii. New community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location; or</li> <li>ix. There is no demand for continued community or education use, and that the site has been marketed effectively for such use.</li> </ul> <p>b. new community or educational uses should be located where they are accessible by public transport, walking and cycling. New community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety. New community or educational uses will be expected to protect the amenity of residential properties.</p>	<p>The existing meeting halls on the site are limited by condition to use by the HGHT. This use ceases when the Trust leave. The provision of a new community building on the site, within the development is considered to justify the loss of the existing meeting halls.</p> <p>The new community hall is located on the edge of Whetstone Town Centre and is accessible by public transport. The proposed building will be accessed via the High Road (A1000) and the traffic movements have been assessed and considered to be acceptable.</p>
DM15 – Green Belt and open space	<p>States that open space will be protected from development. In exceptional circumstances loss of open space will be permitted where the following can be satisfied:</p> <ul style="list-style-type: none"> <li>(iii) The development proposal is a small scale ancillary use which supports the use of the open space; or</li> <li>(iv) Equivalent or better quality open space provision can be made.</li> </ul> <p>Any exception will need to ensure that it does not create further public open space deficiency and has no significant impact on biodiversity.</p>	<p>The loss of the open space/former playing field is considered to be acceptable for the following reasons: i) an open space assessment has been carried out which demonstrates that there is a surplus of open space within 1.5km of the site; ii) the existing open space is private and has not been used as a playing pitch for over 25 years and therefore has no special significance to the interests of sport; iii) a new public open space of approximately 1000sqm including a LEAP will be provided within the development to off-set the loss of the private open space; and iv) a contribution of £450,000 will be secured towards enhancement of existing sports pitches and recreation facilities in the area which will be accessible to the wider public. Therefore the loss of the existing private open space from the site is considered to be off-set by the sporting and community benefit that would be derived from the application.</p>
DM16 - Biodiversity	When considering development proposals the Council will, where appropriate, seek the	A Phase 1 Habitat Survey and

	retention and enhancement, or the creation of biodiversity.	Protected Species Assessment by Ecology Consultancy has been submitted with the application. The site is not situated within any statutory or non-statutory designated nature conservation sites. The nearest statutorily designated site for nature conservation is the Welsh Harp Site of Special Scientific Interest situated approximately 8km south-west. A separate bat assessment and reptile assessment has been submitted which confirm that neither species are found on site. Mitigation measures are recommended and will be secured at the reserved matters stage.
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**APPENDIX 2 – Components of the existing site and approximate areas**



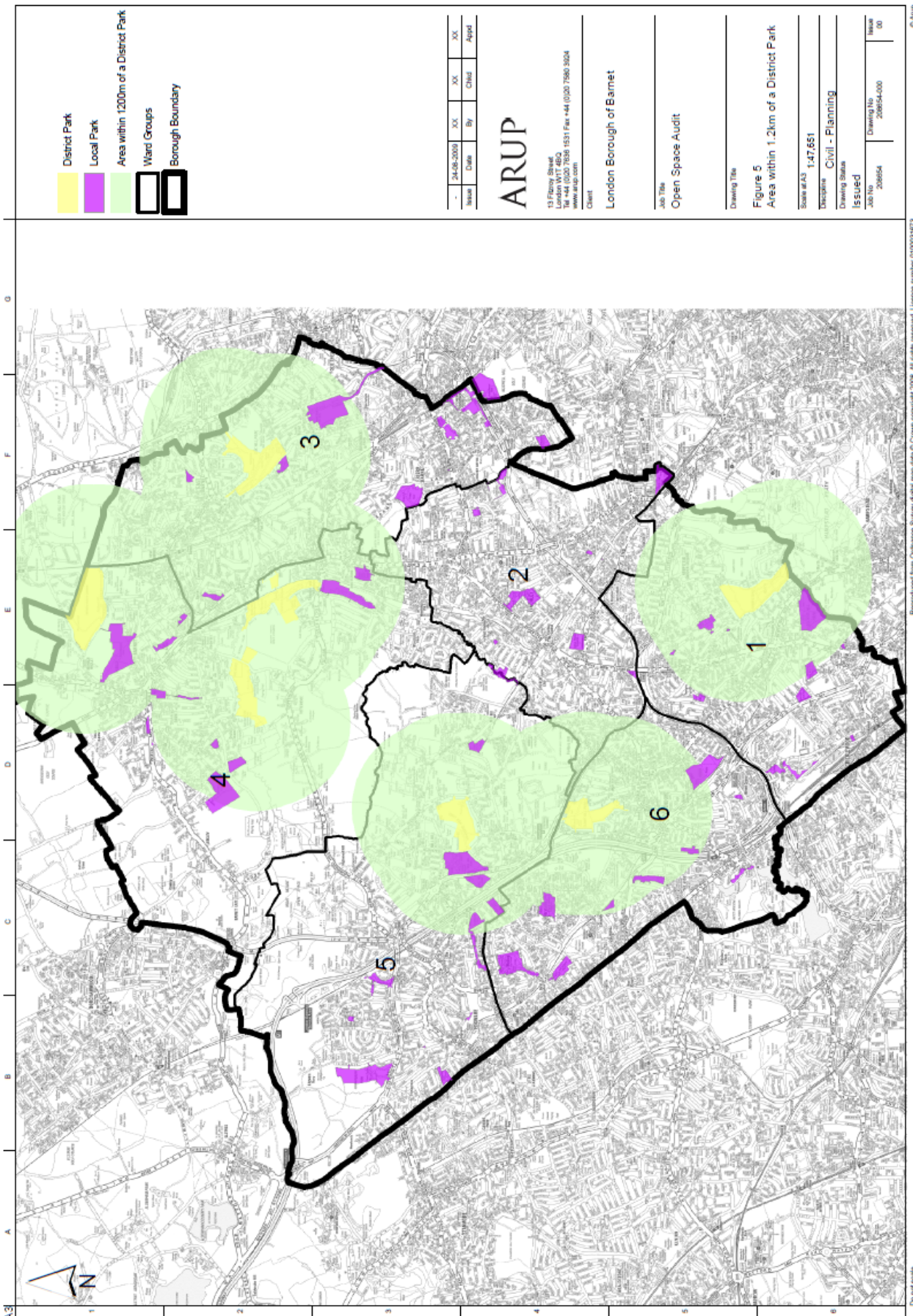


### APPENDIX 3 – Proposed site layout





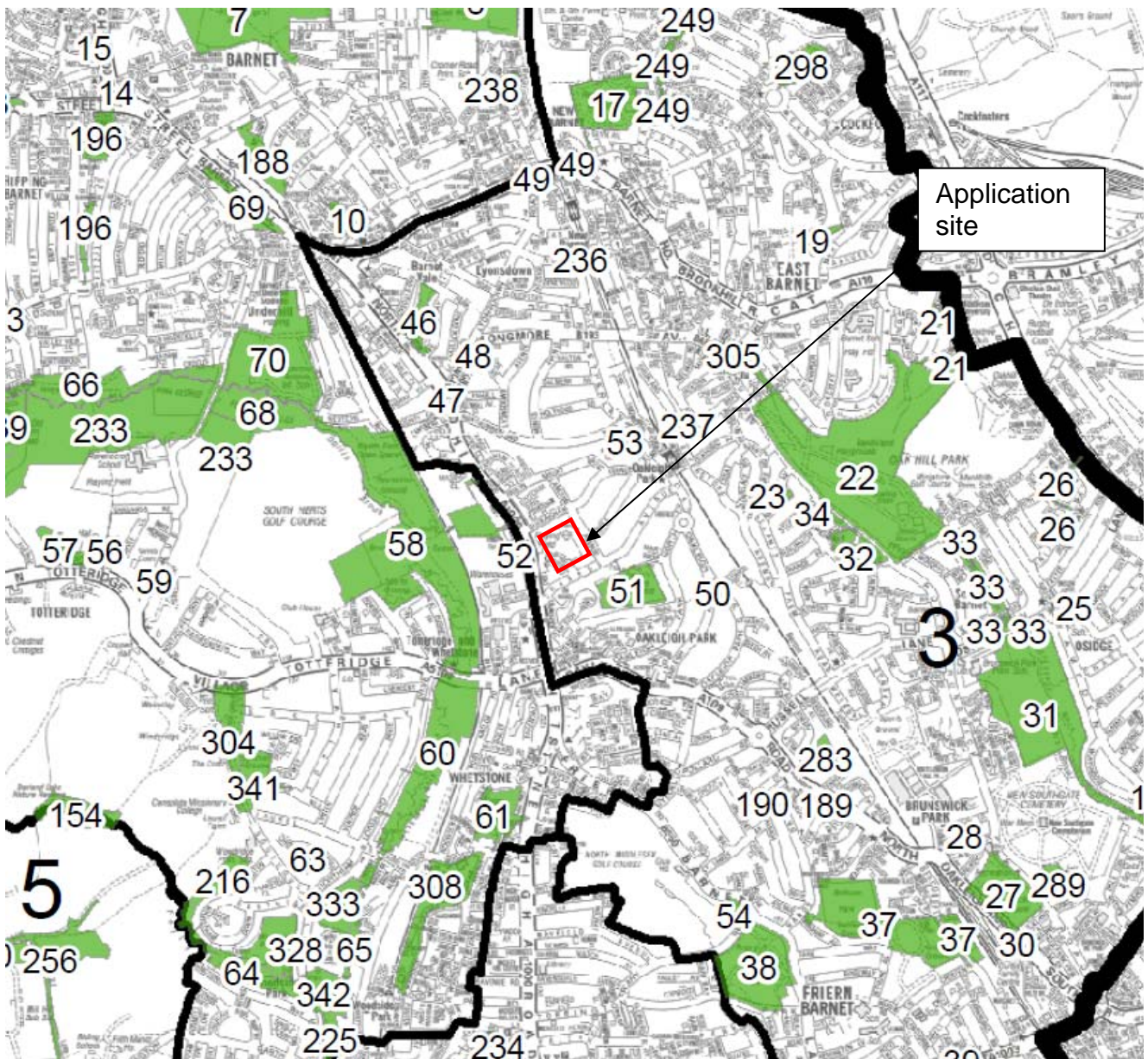
**APPENDIX 4 – Figure 5 taken from Barnet Open Space, Sport and Recreational Facilities Assessment (2009) showing areas within 1.2km of a District Park**





**APPENDIX 5 – Open Spaces within 1.5 km of the development site taken from Open Space Assessment (2009)**

Map extract from Figure 1 of the Barnet Open Space, Sport and Recreational Facilities Assessment (2001) identifying open spaces



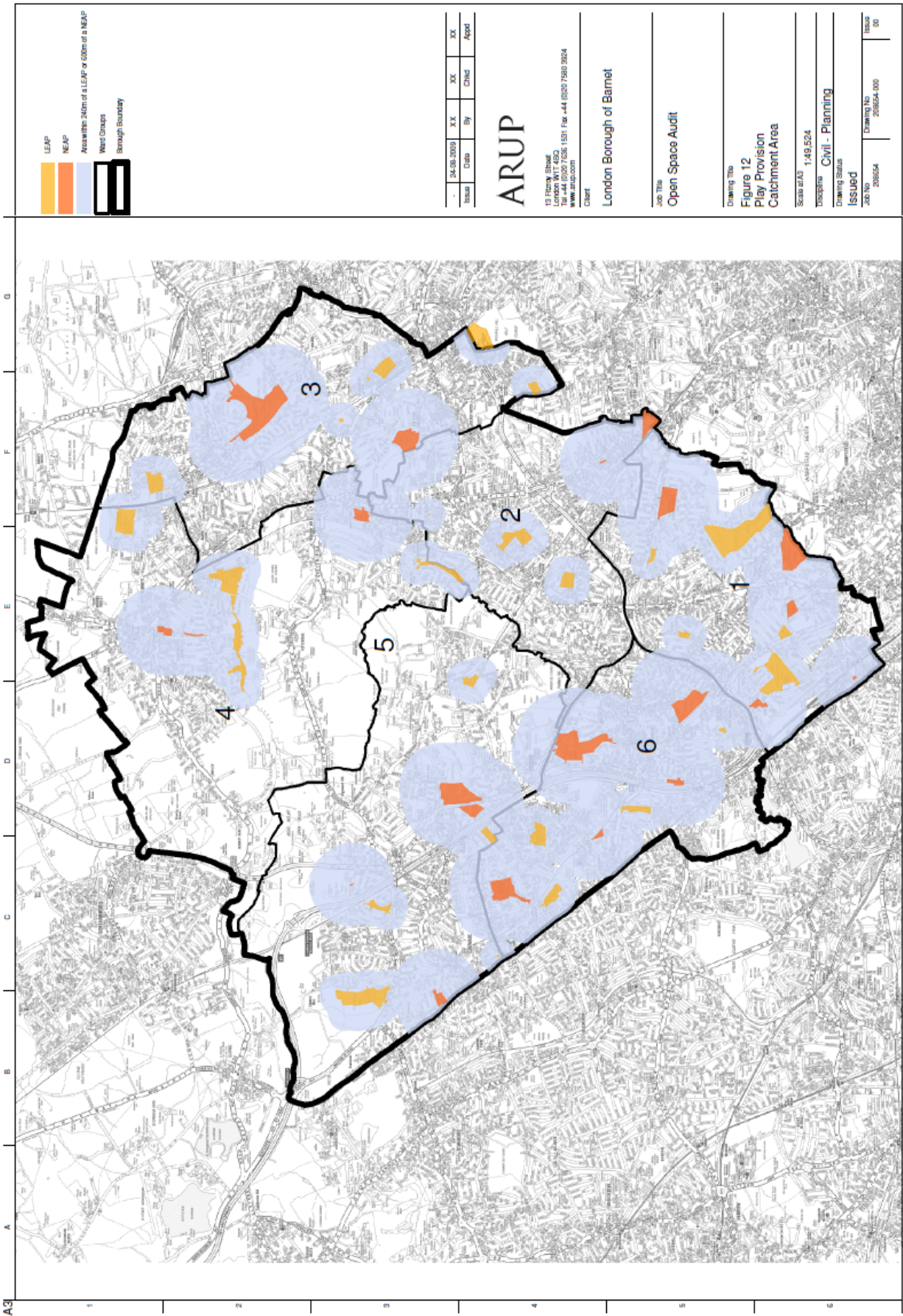
**Summary of Open Spaces within 1.5 km of the development site (numbers correspond to those plotted on map above)**

Key No	Open Space Name	Notes
<b>AREA 3 –</b>		
22	Oakhill Park	A ‘District Park’ of ‘Premier Park’ status which has gained a ‘Green Flag’; covering 33.4 ha, with a NEAP and MUGA. Considered to be of ‘Excellent’ quality and providing ‘High’ value. It has a Borough Grade 1 Outdoor Sports Site classification.
23	Rushbene/Gallants Farm Open Space	A small community open space with no formal play or outdoor sports site value.
32	Church Farm Open Space	A 2.22 ha ‘Local Park’ with no formal play amenities, and ‘Poor’ quality rating.
34	St Mary’s Church Green	A small community open space with no formal play or outdoor sports site value.
46	Greenhill Garden	A ‘Local Park’ considered to be a ‘Natural Green Space’ covering 1.79 ha, classed as having ‘Medium’ amenity value and of ‘Fair’ quality.
47	Lyonsdown Road/Gt North Road Open Space	A small community open space with no formal play or outdoor sports site value.
48	Lyonsdown Road Open Space	A small community open space with no formal play or outdoor sports site value.
50	Oakleigh Park Avenue Open Space	A small community open space with no formal play or outdoor sports site value.
51	Dame Alice Owen’s Ground	A ‘Public Outdoor Sport’ amenity of 3.94 ha, of ‘Medium’ value and a ‘Fair’ quality scoring.
53	Holland Close Open Space	A small community open space with no formal play or outdoor sports site value.
236	York Road Open Space	A small community open space with no formal play or outdoor sports site value.
237	Cranbrook Road Open Space	A small community open space with no formal play or outdoor sports site value.
283	Barfield Avenue Open Space and Nature Park	A formal ‘Natural Green Space’ of 0.44 ha with a LEAP, and considered to be of ‘Fair to Good’ quality and of ‘Medium’ value.
305	East Barnet War Memorial	A small community open space with no formal play or outdoor sports site value.
[NB. Sites number 189 and 190 are classed as ‘verges’ in LBB’s Open Space Assessment]		
<b>AREA 4 –</b>		
52	GNR Open Space	A small community open space with no formal play or outdoor sports site value.
58	Brook Farm/Wyatt’s Farm	A ‘District Park’ covering 31.2 ha, considered to be of ‘Good’ quality and providing ‘High/Medium’ value. A Borough Grade 1 Natural Green Space, which is part of the Upper Dollis Brook.
60	Whetstone Strays	A ‘Local Park’ covering 11.02 ha, considered to be of ‘Fair’ quality and providing ‘Medium’ value. A Borough Grade 1 Natural Green Space, which forms part of the Upper Dollis Brook.
61	Swan Lane Open Space	A ‘District Park’ of ‘Premier Park’ status covering 3.68 ha, with a well equipped NEAP. Considered to be of ‘Good’ quality and providing ‘Medium’ value.

68	King George V Field B	A 'Public Outdoor Sport' facility covering 31.2 ha, considered to be of 'Good' quality and providing 'High/Medium' value. A Borough Grade 1 Natural Green Space, which is part of the Upper Dollis Brook.
70	Barnet Playing Field/King George V Playing Field	A 'District Park' of 19.6 ha, with a LEAP, a formal 'Public Outdoor Sport' facility, and a 'Borough Grade 1' Natural Green Space that form part of the Upper Dollis Brook.
233	King George V Field A	A 'District Park' of 26.19 ha that also provides 'Good' quality 'Public Outdoor Sport' and 'Natural Green Space' amenities.
308	Woodside Park International School	A Private School with 6.76 ha of Outdoor Sport amenities, of very restricted community benefit.



**APPENDIX 6 – Figure 12 take from Barnet Open Space, Sport and Recreational Facilities Assessment (2009) showing catchment areas for existing NEAPs and LEAPs**



**SITE LOCATION PLAN:** Land off High Road/ Chandos Avenue, London N20 and Brethren Meeting Hall & Well Grove School, Well Grove, London N20

**REFERENCE:** B/03068/11

