

MEETING

PLANNING AND ENVIRONMENT COMMITTEE

DATE AND TIME

WEDNESDAY 18 DECEMBER, 2013

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, NW4 4BG

TO: MEMBERS OF PLANNING AND ENVIRONMENT COMMITTEE (Quorum 3)

Chairman: Councillor Wendy Prentice
Vice Chairman: Councillor Maureen Braun

Councillors

Jack Cohen	Mark Shooter	Andreas Tambourides
John Marshall	Agnes Slocombe	Jim Tierney
Barry Rawlings	Stephen Sowerby	

Substitute Members

Alison Cornelius	Kath McGuirk	Andrew Strongolou
Claire Farrier	Graham Old	Darrel Yawitch
Andreas Ioannidis	Lord Palmer	
Sury Khatri	Brian Schama	

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

Andrew Nathan – Head of Governance

Governance Services contact: Maria Lugangira 020 8359 2761

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

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17.	Any item(s) that the Chairman decides are urgent	

FACILITIES FOR PEOPLE WITH DISABILITIES

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Meeting	Planning and Environment Committee
Date	18 December 2013
Subject	Betting Shops - Change in Use Class
Report of	Head of Governance
Summary of Report	This report informs the Committee of a Member's Item and requests instructions from the Committee

Officer Contributors	Maria Lugangira - Business Governance Officer
Status (public or exempt)	Public
Wards Affected	All
Key Decision	Not Applicable
Reason for urgency / exemption from call-in	Not Applicable
Function of	Council
Enclosures	None
Contact for Further Information:	Contact for further information: Maria Lugangira – Business Governance Service – Tel: 020 8359 2761

1. RECOMMENDATION

- 1.1 **That the Committee's instructions are requested.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 None

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 As and when issues raised in this way are progressed, they will need to be evaluated against the Corporate Plan and other relevant policies.

4. RISK MANAGEMENT ISSUES

- 4.1 None in the context of this report.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 Members' Items allow Members of the Sub-Committee to bring a wide range of issues to the attention of the Sub-Committee in accordance with the Council's Constitution. All of these issues must be considered for their equalities and diversity implications.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 None in the context of this report.

7. LEGAL ISSUES

- 7.1 None in the context of this report.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

- 8.1 The Council's Constitution, Committees and Sub-Committees – Paragraph 6.1 states a Member (including appointed substitute Members) will be permitted to have one matter only (with no sub-items) on the agenda for a meeting of a committee or sub-committee on which he/she serves. Paragraph 6.2 states that Members' Items must be relevant to the terms of reference of the body which will consider the item.

9. BACKGROUND INFORMATION

- 9.1 Councillor Jim Tierney requested that a Member's Item be considered on the following matter:

Recent specialist reports such as the Portas Review into High Streets and a study by London Councils have strongly recommended that it is essential to check the proliferation of Betting shops in our High Streets and this could be achieved by changing their use class from A2 (Financial and Professional services) to a special use class for them. This would mean they would have

to submit a planning application and they could not just move in. Currently, betting shops are in use class A2, grouped alongside banks, estate agents and other financial services. But the increase in permitted development rights introduced recently means they can now move in any premises that were previously in the A2 Use Class or A3 (Restaurants and Cafes), or A4 (Pubs and Bars) or A5 (Hot Food Takeaways) without the need for any planning permission.

The London Councils report said that town centres and high streets were at risk of not meeting the needs of local residents because planning regulations restrict the power of Councils to encourage balanced local economies, including a lack of control on the spread of shops such as money lenders and bookmakers.

In her review, Mary Portas said that “...**the influx of betting shops, often in more deprived areas, is blighting our high streets. Currently, betting shops are oddly and inappropriately in my opinion classed as financial and professional services. Having betting shops in their own class would mean that we can more easily keep check on the number of betting shops on our high streets**”.

In their response to the review, the Government rejected the need for this change in Use Classes, claiming that councils already have the necessary powers.

None of us can fail to have noticed the increase in the numbers of betting shops in our town centres and high streets. But do we ever see a planning application for one? No, because they don't need to submit one. But the Government says **we have** the powers to deal with it? I therefore ask for these issues to be discussed by the Planning & Environment Committee and that the Committee requests the Council to use the powers at it's disposal to take the necessary action to regain control.

10. LIST OF BACKGROUND PAPERS

10.1 Email from Councillor Jim Tierney dated 5 December 2013.

10.2 Any person wishing to inspect the background paper above should telephone 020 8359 2761.

Cleared by Finance (Officer's initials)	Not Applicable
Cleared by Legal (Officer's initials)	Not Applicable

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CS NPPF and CS5 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012), policies 3.4 and 3.5 and 7.6 of the London Plan (adopted July 2011 and October 2013) and the guidance contained in the Barnet Sustainable Design and Construction Supplementary Planning Document (adopted April 2013).

3. The proposal would, by reason of its design and the parameters sought for approval, constitute a cramped form of development that would result in the occupiers of existing dwellings at 12 and 14 Domville Close suffering unacceptable levels of overlooking from a number of the proposed houses, to such an extent that it would cause them to suffer a loss of privacy and be detrimental to their residential amenities. The application would therefore not constitute a sustainable form of development which optimises the housing potential of the site and be contrary to policies DM01, CS NPPF and CS5 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012), policies 3.4 and 3.5 and 7.6 of the London Plan (adopted July 2011 and October 2013) and the guidance contained in the Barnet Residential Design Guidance Supplementary Planning Document (adopted April 2013).
4. Insufficient information has been submitted with the application in respect of the impact of the proposed development on daylight and sunlight at neighbouring dwellings. On the basis of the information provided it is considered that a development built within the parameters sought for consent could result in adequate daylight and sunlight not being received at certain neighbouring residential dwellings to the detriment of the amenities of their occupiers. The application would therefore not constitute a sustainable form of development and is found to be unacceptable and contrary to policies DM01, CS NPPF and CS5 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012), policies 3.5 and 7.6 of the London Plan (adopted July 2011 and October 2013) and the guidance contained in the Barnet Sustainable Design and Construction and Residential Design Guidance Supplementary Planning Documents (both adopted April 2013).
5. The proposed development would, by reason of its design and the parameters sought for approval, result in the direct loss of trees of special amenity value and damage which may be severe enough to cause the loss of further trees of special amenity value, contrary to policies DM01, CS NPPF, CS3, CS5 and CS7 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012) and policies 3.4, 3.5, 7.4 and 7.21 of the of the London Plan (adopted July 2011 and October 2013).
6. The application does not include a formal undertaking to secure a contribution to affordable housing provision to meet the demand for such housing in the area despite it having been found financially viable for the development proposed to make such a contribution. The application is therefore unacceptable and contrary to policies DM10, CS NPPF, CS4 and CS15 of the Barnet Local Plan Core Strategy and

Development Management Policies Document (both adopted September 2012), policies 3.12 and 3.13 of the London Plan (adopted July 2011 and October 2013), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February 2007 and August 2010) Supplementary Planning Documents and the Mayoral Housing (adopted November 2012) Supplementary Planning Guidance.

7. The application does not include a formal undertaking to secure the delivery of highways works which are necessary to provide the proposal with suitable vehicular access arrangements and mitigate the transport impacts of the development proposed. The works concerned comprise the signalisation of the Friern Barnet Lane and A1000 junction; the formation of a new access from the site on to Oakleigh Road North; and modifications to optimise the A1000, Oakleigh Road North and Totteridge Lane junction, which require the making of a financial contribution. In the absence of an undertaking to secure these highways works and make the associated financial contribution the application is found to be unacceptable and contrary to policies DM17, CS9 and CS15 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012) and policies 6.1 and 6.3 of the London Plan (adopted July 2011 and October 2013).
8. The application seeks, through the parking parameter plan submitted, to deliver an excessive number of parking spaces for the new residential dwellings proposed. Having considered the sites access to public transport facilities, on-street parking stress in the surrounding area, the presence of some on street parking controls in the locale, local population density, the car ownership ratio in the surrounding area and the proximity of the site to the facilities provided in Whetstone Town Centre, it is considered that the level of parking proposed would not result in a sustainable form of development. The proposal is therefore found to be unacceptable and contrary to policies DM17, CS NPPF and CS9 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012) and policies 6.1 and 6.13 of the London Plan (adopted July 2011 and October 2013).
9. The application does not include a formal undertaking to secure the delivery of a Travel Plan for the development proposed, to minimise increases in road traffic from the proposal and encourage the use of sustainable modes of transport, and the provision of the funding needed to monitor and review a Travel Plan of this nature. The application is therefore unacceptable and contrary to policies DM17, CS NPPF, CS9 and CS15 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012); policies 6.1 and 6.3 of the London Plan (adopted July 2011 and October 2013); and the Barnet Planning Obligations (adopted April 2013) Supplementary Planning Document.
10. The application does not include a formal undertaking to secure a financial contribution to the enhancement of bus stop facilities in the

area surrounding the site to ensure that mobility impaired occupiers and users of the development would have suitable access to the bus network. The application is therefore unacceptable and contrary to policies DM17, CS NPPF, CS9 and CS15 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012); and policies 6.1 and 6.7 of the London Plan (adopted July 2011 and October 2013).

11. The application does not include a formal undertaking to secure the making of a financial contribution needed to ensure the delivery of the planning obligations which are necessary for the development to be found acceptable. The application is therefore unacceptable and contrary to policy CS15 of the Barnet Local Plan Core Strategy (adopted September 2012) and the Barnet Planning Obligations (adopted April 2013) Supplementary Planning Document.

Informatives:

The informatives that it is recommended be included on the decision notice for this application are set out in **Appendix 3** of this report.

1. MATERIAL CONSIDERATIONS

1.1 Key Relevant Planning Policy

Introduction

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is The London Plan and the development plan documents in the Barnet Local Plan. These statutory development plans are the main policy basis for the consideration of this planning application.

Barnet's Local Plan is made up of a suite of documents, including the Core Strategy and Development Management Policies development plan documents. The Core Strategy and Development Management Policies documents were both adopted by the Council in September 2012.

Since the adoption of the London Plan in July 2011 the Mayor has adopted (in October 2013) 'Revised Early Minor Alterations' to this document. These make a number of changes to policies and other text in the 2011 London Plan. A key objective of these changes is to ensure that the London Plan is consistent with the National Planning Policy Framework. They also seek to update the position on affordable housing (to reflect changes to national policy) and make changes to cycle parking standards. The changes to the London Plan as adopted under the 'Revised Early Minor Alterations' have been used as the basis for the assessment of this application.

A number of other planning documents, including national planning guidance and supplementary planning guidance and documents are also material to the determination of this application.

More detail on the policy framework relevant to the determination of this development and an appraisal of the proposal against the development plan policies of most relevance to the application is set out in subsequent sections of this report dealing with specific policy and topic areas. This is not repeated here.

The officers have considered the development proposals very carefully against the relevant policy criteria and, for the reasons set out in this report, have concluded that that the development proposed would not fulfil them to a satisfactory level. The application has therefore been recommended for refusal on this basis.

The London Plan

The London Plan (2011 and 2013) is the development plan in terms of strategic planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The London Plan policies (arranged by chapter) most relevant to the determination of this application are:

Context and Strategy:

1.1 (Delivering the Strategic Vision and Objectives for London)

London's Places:

2.6 (Outer London: Vision and Strategy); 2.7 (Outer London: Economy); 2.8 (Outer London: Transport); and 2.18 (Green Infrastructure: the Network of Open and Green Spaces)

London's People:

3.1 (Ensuring Equal Life Chances for All); 3.2 (Improving Health and Addressing Health Inequalities); 3.3 (Increasing Housing Supply); 3.4 (Optimising Housing Potential); 3.5 (Quality and Design of Housing Developments); 3.6 (Children and Young People's Play and Informal Recreation Facilities); 3.7 (Large Residential Developments); 3.8 (Housing Choice); 3.9 (Mixed and Balanced Communities); 3.10 (Definition of Affordable Housing); 3.11 (Affordable Housing Targets); 3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes); 3.13 (Affordable Housing Thresholds); 3.14 (Existing Housing); 3.16 (Protection and Enhancement of Social Infrastructure); 3.17 (Health and Social Care Facilities); and 3.18 (Education Facilities)

London's Economy:

4.1 (Developing London's Economy); 4.2 (Offices); 4.3 (Mixed Use Development and Offices); and 4.12 (Improving Opportunities for All)

London's Response to Climate Change:

5.1 (Climate Change Mitigation); 5.2 (Minimising Carbon Dioxide Emissions); 5.3 (Sustainable Design and Construction); 5.5 (Decentralised Energy Networks); 5.6 (Decentralised Energy in Development Proposals); 5.7 (Renewable Energy); 5.9 (Overheating and Cooling); 5.10 (Urban Greening); 5.11 (Green Roofs and Development Site Environs); 5.12 (Flood Risk Management); 5.13 (Sustainable Drainage); 5.14 (Water Quality and Wastewater Infrastructure); 5.15 (Water Use and Supplies); 5.17 (Waste Capacity); and 5.21 (Contaminated Land)

London's Transport:

6.1 (Strategic Approach); 6.2 (Providing Public Transport Capacity and Safeguarding Land for Transport); 6.3 (Assessing Effects of Development on Transport Capacity); 6.4 (Enhancing London's Transport Connectivity); 6.5 (Funding Crossrail and Other Strategically Important Transport Infrastructure); 6.7 (Better Streets and Surface Transport); 6.9 (Cycling); 6.10 (Walking); 6.11 (Smoothing Traffic Flow and Tackling Congestion); 6.12 (Road Network Capacity); and 6.13 (Parking)

London's Living Places and Spaces:

7.1 (Building London's Neighbourhoods and Communities); 7.2 (Inclusive Environment); 7.3 (Designing Out Crime); 7.4 (Local Character); 7.5 (Public Realm); 7.6 (Architecture); 7.7 (Location of Tall and Large Buildings); 7.8 (Heritage Assets and Archaeology); 7.13 (Safety, Security and Resilience to Emergency); 7.14 (Improving Air Quality); 7.15 (Reducing Noise); 7.18 (Protecting Local Open Space and Addressing Local Deficiency); 7.19 (Biodiversity and Access to Nature); and 7.21 (Trees and Woodlands)

Implementation, Monitoring and Review:

8.2 (Planning Obligations); and 8.3 (Community Infrastructure Levy)

Barnet Local Plan

The development plan documents in the Barnet Local Plan constitute the development plan in terms of local planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The relevant documents comprise the Core Strategy and Development Management Policies documents, which were both adopted in September 2012. The Local Plan development plan policies of most relevant to the determination of this application are:

Core Strategy (Adopted 2012):

CS NPPF (National Planning Policy Framework – Presumption in favour of sustainable development)

CS1 (Barnet's Place Shaping Strategy – Protection, enhancement and consolidated growth – The three strands approach)

CS3 (Distribution of growth in meeting housing aspirations)

CS4 (Providing quality homes and housing choice in Barnet)

CS5 (Protecting and enhancing Barnet's character to create high quality places)

CS7 (Enhancing and protecting Barnet's open spaces)

CS8 (Promoting a strong and prosperous Barnet)

CS9 (Providing safe, effective and efficient travel)

CS10 (Enabling inclusive and integrated community facilities and uses)

CS11 (Improving health and well being in Barnet)

CS12 (Making Barnet a safer place)

CS13 (Ensuring the efficient use of natural resources)

CS14 (Dealing with our waste)

CS15 (Delivering the Core Strategy)

Development Management Policies (Adopted 2012):

DM01 (Protecting Barnet's character and amenity)

DM02 (Development standards)

DM03 (Accessibility and inclusive design)

DM04 (Environmental considerations for development)
DM06 (Barnet's Heritage and Conservation)
DM07 (Protecting Housing in Barnet)
DM08 (Ensuring a variety of sizes of new homes to meet housing need)
DM10 (Affordable housing contributions)
DM13 (Community and education uses)
DM14 (New and existing employment space)
DM15 (Green belt and open spaces)
DM16 (Biodiversity)
DM17 (Travel impact and parking standards)

Supplementary Planning Guidance and Documents

A number of local and strategic supplementary planning guidance (SPG) and documents (SPD) are material to the determination of the application.

Local Supplementary Planning Documents:

Sustainable Design and Construction (April 2013)
Residential Design Guidance (April 2013)
Planning Obligations (April 2013)
Affordable Housing (February 2007 with updates in August 2010)

Strategic Supplementary Planning Documents and Guidance:

Accessible London: Achieving an Inclusive Environment (April 2004)
Sustainable Design and Construction (May 2006)
Health Issues in Planning (June 2007)
Wheelchair Accessible Housing (September 2007)
Planning for Equality and Diversity in London (October 2007)
All London Green Grid (March 2012)
Land for Industry and Transport SPG (September 2012)
Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
Housing (November 2012)

Draft Shaping Neighbourhoods: Character and Context (February 2013)

Draft Sustainable Design and Construction (July 2013)

National Planning Guidance

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published in March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and the document includes a 'presumption in favour of sustainable development'.

1.2 Key Relevant Planning History

A full summary of the key planning history of relevance to this proposal is set out in **Appendix 1** of this report. In 2012 it was determined, through a submission requesting a Screen Opinion, that an application for planning permission to redevelop the site (as described in the documents provided with that submission) would not need to be accompanied by an Environmental Statement.

Since the construction of the Sweets Way Estate proposals within the application site area have been mainly of a minor nature and have generally related to alterations to existing buildings. This has included various alterations to existing dwellings and the addition of a side extension to Whetstone Community Centre (171 Sweets Way) in 2006.

There are a number of historic planning consents at properties surrounding the application site which have some degree of relevance to the consideration of the current proposal. These include an application to redevelop the adjoining site at 1230 High Road for mixed use (residential and office) purposes which is currently being implemented; historic applications related to the Lawsons builders merchant at 1208 High Road (adjoining the application site); and applications for developments at the Queenswell School site (adjoining the application site) on Sweets Way.

In the wider area surrounding the application site outline planning permission was granted in 2012 for the redevelopment of land located off the High Road and Chandos Avenue and the Brethren Meeting Hall and Well Grove School. The permission concerned gave outline consent for 70 new dwellings and a 512m² building for purposes falling within Use Class D1. This is therefore a relevant committed development in the Whetstone area. At the time of this report being written applications for mixed use schemes are currently under consideration for both the former BP Garage (1412 to 1420 High Road) and Northway House (1379 High Road) sites in Whetstone.

1.3 Public Consultations and Views Expressed

Public Consultation

1210 local properties and a number of other relevant bodies and elected representatives were consulted on the application by letter and email in July 2013. The application was also advertised on site and in the local press at that time.

Following the submission of revised information a further round of consultation (including letters, emails and site and press notices) was carried out in October 2013. In summary the changes made at this time included:

- Reducing the number of houses proposed by 1.
- Reductions in the maximum height sought for buildings proposed across the site.
- Reductions in the maximum roof pitch proposed for many buildings across the site.
- Increases in the size of the gardens proposed for some of the houses in the scheme.

The revised information also included additional supporting material for the proposal.

The consultation process carried out for this application is considered to have been entirely appropriate for a development of this nature. The extent of consultation exceeded the requirements of national planning legislation and the Council's own adopted policy on the consultation to be carried out for schemes of this nature.

The views expressed on the application are summarised under the headings below. Responses by officers to the points made are provided in the relevant section of the committee report.

Number of Responses from Residents and Businesses

34 responses objecting to the proposal were received from residents and businesses. **4** of these objectors have requested to speak at committee. **1** response supporting the proposal was received from residents and businesses. This supporter did not request to speak at committee. **1** further respondent concluded that they took a neutral stance on the application.

Comments from Residents and Businesses

The comments made in objection to the application are summarised under the headings below.

Highways, transport and Parking:

- Quantity of parking proposed in the development is inadequate.
- Proposal would exacerbate existing parking problems in the area.
- Proposal would be detrimental to highway safety.
- Development would add unacceptably to the vehicles and traffic in the area and exacerbate the existing access and congestion problems in this location.
- Junctions in the area would be adversely affected by the development.
- Surrounding road network does not have capacity for the additional vehicles the development would generate.
- Use of bollards to stop through traffic at the site is inadequate.
- Concerned that a barrier to prevent use of the site by through traffic may not be provided, that they may be asked to pay for the upkeep of the barrier and that adequate systems may not be in place to ensure the correct operation of the barrier.
- Concerned that the roads proposed may not be adopted.
- Sweets Way should have speed controls and pedestrian crossings.

Design and Character:

- Proposal is overly dense and represents an overdevelopment of the site.
- Scale and height of the proposed buildings is excessive.
- Proposal would create an overcrowded and dismal place to live.
- The gardens of the houses proposed are too small.
- The gardens of the houses proposed do not comply with the Council's guidance and this demonstrates that the proposal is an overdevelopment of the site.
- A scheme as cramped as this is not appropriate for the area.
- Proposal is not sympathetic with its context or the surrounding area.
- Proposal would have a detrimental impact on the character of the area.
- Proposal results in the loss of too much existing open space.

Trees:

- Proposed loss of existing mature trees on the site is unacceptable.
- Replacement planting proposed as part of the scheme is inadequate.
- Proposal would hide views of existing trees on the site.

- A significant number of trees are proposed to be felled along boundaries of the site.
- Loss of trees proposed would be detrimental to the amenities of the wider area.
- Proposal would not comply with development plan policy on trees.
- Many large branches fell down in the last storm and these would be a hazard if the site were filled with buildings. The existing large trees on the site should be replaced with smaller trees.

Amenities of neighbouring occupiers and users:

- Development would cause unacceptable loss of light.
- Development would cause unacceptable overlooking and loss of privacy.
- Proposal would be detrimental to their safety and security.
- Proposal would cause unacceptable noise and disturbance.
- Proposal results in the loss of too much open space on the site.
- Proposed use of air source heat pumps is unacceptable as they are noisy and unsightly (and they have low efficiency in cold weather, use large quantities of electricity and are expensive to run).
- Proposal would impact upon their parking facilities.
- Proposal would increase air pollution in the area.
- Building works the development would result in would impact on their amenities.
- New community centre would be detrimental to their amenities.

Comments from Lawsons Timber Merchants:

- Layout of the site at present is compatible with their business, but the proposed layout would bring them into potential conflict with the future occupiers of the new dwellings.
- The adjacent tree buffer within Sweets Way should be retained in its entirety.
- New housing nearest them should be no more than two storeys high, reduced in density and set back a minimum of 14m from their boundary. It would also be advisable for an acoustic barrier to be installed.
- Garden depths and back to back distances between houses are substandard in parts of the site as proposed.
- Consideration should be given to a future redevelopment of their site involving a timber business on the ground floor with residential uses above.

Other objections:

- Support the grounds of objection raised by the Friern Barnet and Whetstone Residents Association (summarised below).
- Development does not provide the infrastructure and facilities (including education and health facilities) needed to support the people it would bring into the area.
- That consideration should be given to other developments in the surrounding area when determining the application.
- Object to the loss of the existing housing and the impact of this on the people who occupy them. Consideration should be given to retaining and improving much of the site and redeveloping a smaller part of the land including the community centre and adjacent areas.

- Consideration should be given to extending the school adjacent the site given the shortage of school places in the area and the demand the development would generate.
- Community centre proposed is unsatisfactory.
- The schemes impact on biodiversity, including nesting birds and endangered bird species, is unacceptable.
- That there are many large trees on the site and that this is in direct contradiction to the use of solar or photovoltaic panels on the development.
- If approved the site should be sold and developed as a whole (not sold off in smaller parts) and the planning permission should not be allowed to change at a later date.
- Proposal may impact on their buildings foundations.
- Living rooms in the proposed dwellings may be turned into bedrooms.
- That their previous objections have not been addressed.

Comments from Elected Representatives

The Rt. Hon. Mrs Theresa Villiers MP:

Requested that the representations made by the Barrydene Phase 11 Residents Association, objecting to the proposal (summarised below), be carefully considered and taken into account before a decision on the application is made.

Has also stated that she shares their concerns about loss of the trees and open spaces at the site and tends to agree with their views in respect of overdevelopment, parking, overlooking and lack of privacy. Believes more could be done to reduce the density of dwellings.

Councillor Brian Coleman:

Supports the application and **requests to speak at committee** as a Ward Member. The application was called in for determination at committee by Councillor Coleman.

Considers that the revised plans are acceptable and have taken on board many of the concerns that he and some local residents had with the original plans. Also identifies that residents of Friern Barnet Lane have raised the issue of removing trees close to their boundaries with him and notes that Barnet's Tree Officer will be providing comments on this.

Comments from Local Associations and Societies

Friern Barnet and Whetstone Residents Association:

Object to the application and **request to speak at committee**. In summary the concerns raised comprise that:

- The proposal would not be compliant with national planning policy and the local development plan.
- The two blocks of flats proposed fronting on to Oakleigh Road North (blocks A and B) would result in an overdevelopment of the site (by reason of their appearance, scale, mass and height); be out of context in the street scene; be excessively obtrusive; result in an unacceptable loss of trees; and reduce the size of open area fronting onto Oakleigh Road North to the detriment of the street scene.

- The block of flats proposed in the north-west corner of the site (block C) would result in an overdevelopment of the site (by reason of its appearance, scale, mass and height); and not relate to the scale of houses proposed to the east and south of the block nor to the existing flats to the north of the block.
- Blocks B and C proposed are a gross overdevelopment of the site and have an excessive density.
- In respect of highways matters are concerned about the incremental effect on the road network from users of the proposed parking spaces; the treatment of the Sweets Way / Friern Barnet Lane junction; the parking implications of school traffic; and the treatment of the High Road Friern Barnet Lane junction and how it will impact upon the High Road (A1000) /Totteridge Lane / Oakleigh Road North junction which is understood to be operating very close to capacity.
- The traffic impact studies carried out should embrace the traffic implications of approved and submitted applications in the locality.
- The infrastructure implications of the proposal, including impacts on school and health provision, may not be adequately addressed by the Community Infrastructure Levy charged on the development.

Barrydene Phase 11 Residents Association:

Have submitted a letter with **13** signatures objecting to the application. In summary the concerns raised comprise that:

- The site is being overdeveloped, the proposal does not represent good planning and the result of the development would be a modern day slum.
- Some dwellings are too close to each other and will lack privacy.
- The density of the area is about 30 dwellings per hectare and this plan would increase this by 50% to 45 dwellings per hectare.
- The flats proposed are too high, especially the block at the centre of the development. Four storeys is the tallest the flats should be allowed to rise to.
- The flats would cause gross overlooking, overshadowing and loss of privacy.
- The type of dwelling proposed does not meet with local needs.
- Parking provided for cars is inadequate and the spaces not within properties curtilages will be untidy and an eyesore.
- Traffic would increase with a significant effect on the roads.
- Believe that 60 trees have been felled to avoid subsequent conflicts or to facilitate the development and that in total 145 trees would be felled as part of the proposals. This will be a great loss to the public.
- No green space of any size is provided.
- That no plans are in place to provide additional school facilities to support the new residents.
- It is probable that medical attendance will suffer with the large increase in population.

Totteridge Residents' Association:

Consider that the amended application has addressed their concerns and that the proposal is now acceptable.

Finchley Society:

Object to the application and support the comments made by the Friern

Barnet and Whetstone Residents Association (summarised above). Also raise concern:

- That the proposal is a gross overdevelopment of this suburban site.
- About the impact of the proposal on traffic and local resources.
- That consultation on the application should have been wider.
- That account should be taken of other proposals in the surrounding area when deciding the application, particularly in respect of traffic.
- That the proposal would be detrimental to highway safety.
- That the proposal should provide more green space for its residents.
- That pressure for school places in the area may make people travel further and increase traffic.

Consultation Responses from Statutory Consultees and Other Bodies

Greater London Authority (GLA):

The stage 1 response (dated 21 August 2013) from the GLA finds that the application does not comply with the London Plan. The conclusions section of the GLA stage 1 report on the application makes the following points:

“Housing mix: Overall the housing unit size and type mix is supported but as the proposals are for an outline application and the reserved matters application will not be referred to The Mayor, the applicant should accept that the stated number of residential units, mix and type proposed in its proposals are secured by condition.

Affordable housing: The development proposals include no affordable housing and this is supported by the applicant’s housing viability assessment. Barnet Council are having the affordability assessment independently reviewed. In this instance it is requested that the viability assessment review be made available to GLA officers and that its findings further discussed with Barnet Council and the applicant.

Community facilities: The applicant should provide more detail of the size and quality of facility to be provided and details of consultation on the type of facility that will be required to meet local needs. The commitment to provide a community facility and the size of building and other qualitative aspects of its design together with use and ownership should be secured within the s106 agreement.

Play space provision: The indicative layouts of play spaces is welcome, the defined locations and sizes of space and minimum quality of facilities should be secured by condition.

Urban design: The overall design layout concept is acceptable however the applicant should provide additional assurance in the securing of urban design and housing design quality through additional design coding; specifically specimen parameter and sketch layouts of each of the housing types proposed.

Access: The applicant should provide additional detail on how the development will integrate inclusive design principles and further information is required on how easy access is provided throughout the development and at all crossing and transition points and proposed

linkages; the number and locations of blue parking spaces should be identified; the applicant commitment that 100% of all new homes will meet the Lifetime Homes Standards and that 10% of homes will be designed to be wheel chair accessible should be secured by condition; additional examples of typical wheelchair residential units should be provided.

Climate change mitigation/energy: The applicant should provide further detail on how the demand for cooling will be minimised; investigation should be made into whether there are any existing or planned district heating networks; the applicant all apartments should consider connect to a site heat network supplied from a single energy centre. A drawing showing the route of the heat network linking all buildings on the site and the location and floor area of the energy centre should be provided; the applicant should indicate which renewable energy option will be taken and provide layout drawings showing the distribution of roof mounted solar PV and/or solar thermal panels throughout the proposed development so that compliance with Policy 5.2 of the London Plan can be determined.

Transport: The applicant should respond to main issues raised in relation to the scheme in particular information on existing use, car parking, junction modelling, and highway accesses will need to be resolved before the application can be considered in line with the transport policies set out within the London Plan (2011)."

The response from the GLA is discussed in greater detail in the relevant parts of this report.

Transport for London (TfL):

Have responded to the consultation and objected to the application on the grounds that the level of parking sought is well in excess of that which is permissible under London Plan policy 6.13. TfL have confirmed that in other regards they find the proposal acceptable subject to the imposition of suitable planning obligations and conditions. The comments from TfL are discussed in greater detail in the relevant sections of this report.

Metropolitan Police Service:

Have responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed upon any grant of consent.

London Fire and Emergency Planning Authority:

Have responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed upon any grant of consent.

Environment Agency:

Have responded to the consultation and have confirmed that they do not have any objections to the proposal subject to the imposition of five conditions. The conditions specified seek to prevent increased risk of flooding, protect water and groundwater quality and to improve habitat and amenity.

Thames Water:

Thames Water have responded to the consultation and not raised any objections to the proposal.

Natural England:

Have responded to the consultation and have not raised any objections to the proposal. Natural England have identified that the application may provide opportunities to incorporate design features which are beneficial to wildlife and has also stated that the Council should consider securing measures to enhance the biodiversity of the site if it is minded to grant permission for the application.

English Heritage Archaeology:

Have responded to the consultation and have not raised any objections to the proposal. They have also recommended that any requirement for an assessment of the archaeological interest of the site be waived in this instance.

Highways Agency:

Have responded to the consultation and confirmed that they have no objections to the proposal.

Network Rail:

Have responded to the consultation and confirmed that they have no observations to make on the application.

National Grid:

Have responded and identified that National Grid apparatus is located within the vicinity of the site. Have not requested that conditions are placed on any consent which may be granted.

Internal consultation responses**Traffic and Development Team:**

The Traffic and Development Team have objected to the application and recommended that it is refused planning permission. In summary they find that the proposal would provide an excessive level of parking for a scheme of this nature in this location. The proposal is also found to be unacceptable in the absence of planning obligations to secure necessary transport related objectives and infrastructure. Transport, parking and highways matters are set out in greater detail in the relevant sections of the report.

Environmental Health Service:

The Environmental Health Service response is set out in greater detail in the relevant sections of the report below. In summary, they have confirmed that subject to the imposition of suitable conditions in respect of air quality, contaminated land and noise matters they would not raise any objections to the application.

Trees Team:

The Trees Team have objected to the application and recommended that it is refused planning permission. In summary they find that the tree related impacts of the proposal are unacceptable and the mitigation proposed in this regard is inadequate. Tree matters are set out in greater detail in the relevant sections of the report below.

2. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL

2.1 Site Description and Surroundings

The application site covers an area of land approximately 6.7 hectares in size situated to the east of the High Road (A1000) in the Totteridge Ward. Whetstone Town Centre is located to the north-west of the site. Oakleigh Road North is situated to the north of the site and Friern Barnet Lane is positioned to the south and south-west of the land. To the east of the site Sweets Way connects through to Domville Close, Millson Close, Attfield Close and Darcy Close. Greenside Close is located to the south of the site and the Queenswell primary schools are situated to the east and south-east of the site (accessed off Sweets Way). Totteridge and Whetstone Underground Station (on the Northern Line) is located to the north-west of the land covered by the application.

The site presently contains 150 dwellings (Use Class C3). These are mainly two storey buildings with mono-pitched roofs which were constructed for the Ministry of Defence (MoD) in the 1970's for members of the armed forces. Typically these buildings are laid out on the site in clusters of terraces with inward facing entrances and back gardens that face the street. The submission identifies that this housing is no longer needed by the MoD and that for the last 3-4 years it has been occupied through assured shorthold tenancies to tenants of the Notting Hill Housing Trust. 4 pairs of two storey semi-detached houses with pitched roofs which front onto Oakleigh Road North also form part of the site. The application documents state that these have been let to MoD occupants.

The Design and Access Statement submitted with the application states that "at the northern end of the site behind Oakleigh Road North there are existing multi-functional community building and two office spaces". The application form accompanying the submission identifies that the site contains buildings in non-residential uses containing 289m² of community floorspace falling under Use Class D1. However, no office space is identified on the application form. Observations on site have found that there is a community building located in the north-east corner of the land to which the application relates. This was in use as a Sure Start Children's Centre. Two other smaller non-residential buildings are located on the site to the south and west of the community building.

Vehicular and pedestrian access to the site is available from Sweets Way. To the west this joins Friern Barnet Lane and to the east it links into the Queenswell school sites. Vehicular and pedestrian access is also possible from the site into Domville Close and the roads which run off of this. However, these streets do not link into the wider surrounding road network. There are also three solely pedestrian access routes into the site from Oakleigh Road North, the High Road and Sweets Way. The submission identifies that the site presently has 300 parking spaces within it. Currently there are no parking controls in place on the site. The majority of the land within the site has a Public Transport Accessibility Level (PTAL) of 3, which represents a medium level accessibility. Part of the north-west corner of the site has a PTAL of 4.

In terms of landscaping the application site contains over 200 trees and also areas of grassland, shrubs, hedging, hard landscaped surface and private rear gardens (to the existing houses). The trees on the site are covered by a Tree Preservation Order (Reference Number TRE/BA/86). To the south of the community building (north- east part of the site) there is an area of land which contains play equipment.

The area surrounding the application site varies significantly in its character, both in terms of the scale of the built form and the use of the buildings and their surrounding spaces. The roads accessed from Sweets Way to the east of the site contain two storeys houses with pitched roofs. Houses are also located in other areas surrounding the site including in parts of Whetstone Close, the southern side of Sweets Way, the southern side of Oakleigh Road North and parts of Friern Barnet Lane. The properties in the High Road adjoining the site and also those located at the western end of Oakleigh Road North contain a range of uses including a builder's yard, offices, bank, medical practice and a postal sorting office. The scale and height of the existing buildings in this location is very varied. The Council has also recently granted planning permission for a 6 storey mixed use building on the High Road (at number 1230) with a significant residential component. This is being constructed at the time of writing this report. Further to the east, on the north side of Oakleigh Road North and on Oakleigh Park North, uses include blocks of flats, houses and a Church. Some of the blocks of flats in this location comprise substantial buildings, up to six storeys in height, positioned in significant landscaped settings.

2.2 Description of the Proposed Development

The description of development identifies that outline planning permission is sought for the:

- Demolition of all the existing buildings on the site.
- Construction of up to 189 houses (all Use Class C3).
- Construction of up to 171 flats (all Use Class C3).
- Construction of a new community building (Use Class D1) providing up to 292m² of floorspace.
- Formation of access from Sweets Way and Oakleigh Road North.

Parameter Plans and Other Submission Documents

All matters other than access into and within the site (so including layout, landscaping, scale and appearance) are reserved for subsequent determination under the application made. In light of this the application is seeking to establish a series of parameters and principles for future reserved matters applications through the use of parameter plans. These parameter plans would form a key basis of and control over any detailed development proposed for the site in subsequent reserved matters applications (should the application be granted outline consent).

The parameter plans are intended to be read in conjunction with other parts of the submission documents. These are set out in further detail below and they include 'Design Guidelines' provided as an appendix to the Design and Access Statement.

The parameter plans submitted cover the following matters:

Site Layout Parameter Plan (874-011B):

This plan defines the position of buildings, spaces, roads, footpaths and access points across the site as proposed.

Maximum Storey Heights Parameter Plan (874-012C):

This plan defines the maximum storey heights sought for all buildings proposed across the site. It also provides details of the maximum eaves and ridge height figures and maximum roof pitch angles for the different types and storey heights of building proposed.

Housing Mix Parameter Plan (874-013B):

This plan defines the buildings within the site as proposed which will be would be developed as houses and those which would be developed as flats. It also identifies maximum total proposed floorspace (Gross Internal Area) figures for the houses and flats.

Parking Parameter Plan (874-014E):

This plan defines a number of parking related parameters for the application. These include the number and location of the car parking spaces proposed for the houses (including spaces which could be upgraded to disabled standard spaces); the number and location of the above ground and basement level car parking spaces proposed for the flats (including spaces which could be upgraded to disabled standard spaces); the number and location of car club spaces proposed; and the zones within the basement parking areas of the flats which would be used to provide cycle parking.

Landscape Parameter Plan (2205-LA-01 Revision D):

This plan sets out a number of landscaping related parameters for the development. These include existing trees proposed for retention; areas of communal space for the flats; areas of proposed public open space (including those with equipped play areas); areas of shared surface; and areas proposed for incidental play. The plan also identifies the roads within the proposal which would be landscaped with tree and shrub planting.

The cover letter from PPML Consulting (dated 28th June 2013) which accompanied the submission states that consent is also sought for the access and highways works shown in plan numbers VN40291-DG-0005 and VN40291-DG-0006 in the Transport Assessment submitted with the application.

In addition to the parameter plans and the plans in the Transport Assessment submitted for approval the application is supported by a number of other documents which seek to explain and assess the proposals in further detail and indicate how subsequent detailed applications for the proposal might come forward. These documents are set out in **Appendix 3** (informative 3) of this report. They are also referred to in the sections of the committee report which appraise the proposals where relevant.

A brief description of key elements of the development proposed is set out below. The relevant sections of the report discuss aspects of the proposal in greater detail where this is appropriate.

Key elements of the proposed development

In general terms the development proposed is laid out so as to create a primary route running north from Sweets Way which terminates with a block of flats up to five storeys in height. Secondary streets (mainly running broadly east to west) would stem off from this route, including a road which veers north-east to connect through to Oakleigh Road North. For clarity a plan showing the layout of the proposed development is included in **Appendix 2** of this report. The layout of the development is based on the principles of 'perimeter block development', with the buildings proposed facing onto the streets and having areas of communal and private amenity space to their rear across much of the land. Areas of new public open space are then positioned in several locations across the site. While this is an outline application, as access is not a reserved matter and a Site Layout Parameter Plan has been submitted for approval, the position of roads and buildings within the site would have been accepted if outline planning permission were to be granted for the development on the basis of the submission made.

The majority of the flats proposed are located on the northern parts of the site (the exception to this are two 'flats over garage' structures proposed). Two of the blocks of flats proposed would front onto Oakleigh Road North and a further block of flats would be located on the north-west corner of the site. The flats proposed would be in buildings ranging between two and five storeys in height (with a roof structure above this). Each of the three blocks would have an area of communal amenity space for its occupiers.

The houses proposed are spread throughout the site and would include terraced, semi-detached and detached dwellings. The houses proposed range between two and three storeys in height (with a further roof structure above). A significant proportion of the houses would be two and a half storeys tall and have a top (third) level of accommodation partially within the roof of building. The Maximum Storey Heights Parameter Plan submitted indicates that many of the houses proposed could have single storey projections from the main building. Each of the houses proposed would have a private garden as amenity space.

Points of vehicular (and pedestrian) ingress and egress for the site would be provided from Oakleigh Road North (to the north) and Sweets Way (to the south). Vehicular (and pedestrian) access would also be possible to the east of the site at Domville Close. Separate solely pedestrian access routes would be provided from the site through to Oakleigh Road North, the High Road and Sweets Way.

The Parking Parameter Plan submitted identifies that the scheme would provide a total of 572 car parking spaces. 336 of these would be provided as parking for the houses proposed. 234 of the car parking spaces would be provided for the flats proposed, with 151 of these delivered at a basement level beneath two of the buildings containing flats. The car parking for the scheme also includes 2 car club parking spaces. 62 of the total car parking spaces proposed are identified as being capable of being upgraded to a disabled parking space standard. Areas are identified (at a basement level) on the parameter plan for cycle storage associated with the flats.

In terms of the mix of dwelling types proposed, the description of development identifies that the application is seeking consent for up to 189 houses and up to 171 flats (all Use Class C3). The Housing Mix Parameter Plan also identifies separate maximum amounts of floorspace which could be constructed under the scheme for houses and flats (22085m² and 12069m² respectively). Supplementary 'advice' in the Design and Access Statement Addendum sets out the following potential mix of dwelling types:

Houses:

- 25 x three bedroom four person houses
- 61 x three bedroom five person houses
- 45 x four bedroom six person houses
- 39 x four bedroom seven person houses
- 19 x five bedroom eight person houses

Flats:

- 44 x one bedroom two person flats
- 36 x two bedroom three person flats
- 81 x two bedroom four person flats
- 10 x three bedroom five person flats

This dwelling mix (or a similar version of it found in the original submission) is referred to in several parts of the application documents. These documents use the dwelling mix identified as a basis to evaluate the submission in various regards.

The application does not seek to provide any of the dwellings proposed as affordable housing. This position is advanced by the applicant on the grounds that it is not financially viable.

The community (Use Class D1) building proposed under the application would be a single storey structure with a pitched roof located in the south-east part of the site. The description of development and application form submitted identify that this building could have a floorspace of up to 292m². However, the Maximum Storey Heights Parameter Plan submitted suggests that the community building would have a maximum gross floor area of 162m².

The areas surrounding the proposed buildings would contain a mixture of hard and soft landscaping. The supporting material which accompanies the application identifies that the scheme would include the planting of 170 new trees. The landscaped areas within the site would also include swale and dry pond features, these form part of the drainage strategy for the development.

The Arboricultural Impact Assessment Report (AIA) submitted with the scheme assesses the impact of the proposed development on 230 trees in and around the application site. Using the approach set out in national guidance on this matter (British Standard 5837:2012) 1 of the assessed trees falls into category A; 126 fall into category B; 40 fall into category B/c; 59 fall into category C; and 4 are assessed as category U. The AIA identifies that the principle primary impact of the scheme would be the felling of 145 of the assessed trees. This includes the loss of 118 of the 166 category B and B/c trees. The AIA also notes that there would be impacts on a further 30 existing trees.

3. PLANNING CONSIDERATIONS

3.1 Principle of redeveloping the site

Principle of redeveloping the existing housing at the site

London Plan policy 3.14 identifies that the loss of existing housing should be resisted unless the housing is replaced at existing or higher densities with at least equivalent floorspace. Policy 3.3 of the London Plan recognises the pressing need for more homes in London and seeks to increase housing supply in order to promote opportunity and provide real choice for all Londoners in ways that meet their needs at a price they can afford.

Barnet Local Plan documents also recognise the need to increase housing supply. For areas such as the application site, which comprise suburbs not identified as locations to which growth will be focused, policies CS1 and CS3 of the Barnet Core Strategy expect developments proposing new housing to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

As is set out in subsequent sections of this report in greater detail there are serious concerns that several aspects of the development put forward are unacceptable and in conflict with the relevant development plan policies and guidance. However, the broad principle of redeveloping the existing 150 dwellings at the site to provide new housing at a higher density and with a greater level of residential floorspace than exists at present is considered to be acceptable, subject to an application being found adequate in other relevant regards.

Matters relating to the density of residential development proposed are addressed separately below.

Principle of redeveloping the existing non-residential uses at the site and providing a new community building

The application form submitted identifies that the site contains 289m² of floorspace (gross internal) for purposes falling within Class D1 of the Use Class Order which would be lost through the development proposed. Page 15 of the Design and Access Statement submitted with the application identifies that “at the northern end of the site behind Oakleigh Road North there are existing multi-functional community building and two office spaces”. However, no office space is identified on the application form.

Observations on site have found that there is a community building located in the north-east corner of the land to which the application relates. This was in use as a Sure Start Children’s Centre. Two other smaller non-residential buildings are located to the south and west of the community building. The lawful use of these two buildings is unclear. Observations indicate that they are used for office and storage related purposes. However, the building to the south of the community building is identified as a ‘Pavilion’ on the site location plan submitted with the application.

The application form submitted states that the proposal includes the provision of 292m² of new floorspace (gross internal) for purposes falling within Class D1. The description of development for the application states that the application includes “a community building (Use Class D1) providing up to 292m² of floorspace”. The parameter plans submitted for approval show a new community building delivered in a single storey structure located in the south-east corner of the application site. More specifically, under the heading “Community Building” the Maximum Storey Heights Parameter Plan submitted states that the “Maximum gross floor area = 162m²”. Scaling off the parameter plans provided it would appear that the maximum floorspace the parameters sought for the new community building could actually deliver on a ground floor level are approximately 162m². However, while the plans do not actually identify this (and show the building to be single storey) it would seem likely that further floorspace could be provided in the roof structure of the building within the parameters sought.

Policy DM13 of the Barnet Development Management Policies document makes it clear that the loss of community uses will only be acceptable in exceptional circumstances where either:

- 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 the site has been marketed effectively for such use.

In this instance no marketing information on the existing facility has been provided and it is understood that it is occupied as a Sure Start Centre.

Under policy DM13 new community or educational uses should be located where they are accessible by public transport, walking and cycling, preferably in town centres or local centres. They should also protect the amenity of residential properties and ensure that there is no significant impact on the free flow of traffic and road safety.

The lack of full clarity over the proposed Class D1 floorspace at the site (and the other existing non-residential uses on the land) is acknowledged to be a negative aspect of the submission put forward. However, a new D1 facility has been proposed and it is considered that if it were suitably controlled the new community building could offer a superior quality of facility to that which is currently on the site. It would also seem likely that a D1 facility with a similar level of floorspace to that in the current community building could be delivered under the parameters sought.

On balance, it is accepted that the proposal, as could be controlled through the use of suitable conditions or a planning obligation, is not in conflict with development plan policy and is adequate in this regard. The controls on the community building envisaged would include matters such as the delivery of the facility at an appropriate phase of the wider sites development; the design of the building (including the level of floorspace delivered); and the management and operation of the new facility (for example covering matters such as hours of opening; pricing policy for users; access, availability and management arrangements; and a mechanism for reviewing the management

and operation of the facility). Such controls would also ensure that the use of this facility was not detrimental to the amenities of neighbouring properties.

The concerns raised by the GLA in respect of community facilities at the site (see section 1.3 of this report) are noted and officers would agree that the lack of detail in some of the areas raised by the GLA in this regard is not a positive aspect of the application. However, for the reasons set out above, on balance, officers consider that a refusal of the application on this basis would not be justified in this instance.

3.2 Dwelling mix

Development plan policies require proposals to provide an appropriate range of housing sizes and types. The council's Local Plan documents (Core Strategy and Development Management Policies) identify 3 and 4 bedroom units as the highest priority types of market housing (which is all that has been proposed) for the borough.

The indicative mix of dwelling types submitted for the buildings across the site is as follows:

Houses (up to 189 houses in total):

- 25 x three bedroom four person houses
- 61 x three bedroom five person houses
- 45 x four bedroom six person houses
- 39 x four bedroom seven person houses
- 19 x five bedroom eight person houses

Flats (up to 171 flats in total):

- 44 x one bedroom two person flats
- 36 x two bedroom three person flats
- 81 x two bedroom four person flats
- 10 x three bedroom five person flats

The indicative dwelling mix set out in the submission is considered to include an adequate range of dwelling sizes and types. A scheme with this mix would contain a suitable proportion of the highest priority types of market housing for the borough and officers recognise that this is a positive element of the proposal.

The GLA Stage 1 response requests that the stated number, mix and type of unit proposed are fixed by condition at the outline stage, as subsequent reserved matters applications would not be referred to the Mayor. This point is acknowledged. However, it is considered that it would not be unreasonable that a developer may want to vary the final dwelling mix to some degree (albeit changes would be expected to be relatively small) at a later date with a scheme of this nature. As such it is felt that it would be more appropriate in this instance to impose conditions requiring full details of the dwelling mix for the site to be provided in advance of the submission of any reserved matters applications (were the application not found to be unacceptable). This would provide an appropriate level of flexibility for a developer, while also ensuring that a policy compliant dwelling mix was delivered. A requirement for consultation with the GLA would be included in the wording of such a condition to ensure full account was taken of any views they may have.

Conditions would also have been used to ensure the scheme did not exceed the maximum number of houses, flats and total units sought (the potential controls set out below on phasing and the habitable rooms and floorspace delivered would also be relevant).

While the application is found to be unacceptable in other regards, it is considered that the development, as could be controlled through the use of appropriate conditions, would be compliant with the objectives of development plan policy on dwelling mix.

Matters relating to affordable housing are addressed entirely separately in section 3.7 of this report.

3.3 Density of development

London Plan policy 3.4 seeks to optimise the housing output of sites taking into account local context and character, the design principles in chapter 7 of the London Plan and public transport capacity. Developments should optimise housing output for different types of location within the relevant density range shown in Table 3.2 (set out below). Development proposals which compromise this policy should be resisted.

Table 3.2 Sustainable residential quality (SRQ) density matrix (habitable rooms and dwellings per hectare)

Setting	Public Transport Accessibility Level (PTAL)		
	0 to 1	2 to 3	4 to 6
Suburban	150-200 hr/ha	150-250 hr/ha	200-350 hr/ha
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
Urban	150-250 hr/ha	200-450 hr/ha	200-700 hr/ha
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
Central	150-300 hr/ha	300-650 hr/ha	650-1100 hr/ha
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 has an overall PTAL of 3 (a small part of the north-west corner of the site has a PTAL of 4). In terms of its 'setting' the site is considered to have predominantly suburban characteristics. Taking these factors into consideration the London Plan density matrix would suggest a range of somewhere between 35 and 95 units per hectare or 150 to 250 habitable rooms per hectare (see table above) is appropriate for the site.

As the site has an area of 6.7ha the 360 dwellings proposed would equate to a density of approximately 54 dwellings per hectare. The proposal therefore falls within the relevant density range in respect of the number of units per hectare proposed. The supplementary information submitted with the application identifies that the proposal would include a total of 1664 habitable rooms. On this basis the scheme would have a density of 248 habitable rooms per hectare. This suggests that the proposal would fall within the relevant density range in respect of the number habitable rooms proposed.

While it is acknowledged that the proposal falls within the relevant density ranges using Table 3.2 in the London Plan, it also needs to be recognised that the ranges specified in Table 3.2 are broad and that the number of habitable rooms proposed in the application is at the top end of what could be considered appropriate for this site using Table 3.2. As the GLA stage 1 response indicates, densities this high are only appropriate where a high quality design is proposed. This approach is also supported by the adopted Mayoral SPG 'Housing'. As other sections of this report set out in greater detail, there are a number of serious concerns with the design of the development proposed in the application. While this is an outline application these concerns relate to matters which the Local Planning Authority would have accepted under the parameter plans submitted for approval (if outline consent was granted). In light of this position officers are unable to conclude that the submission has demonstrated that the density of development proposed is acceptable or compliant with development plan policy.

It would appear from the submission that some of the buildings proposed could, when constructed within the maximum parameters sought for approval, deliver more floorspace than the supporting material submitted with the application indicates they would. This could raise a number of potential issues in respect of the proposals ability to comply with certain relevant design standards, for example amenity space standards (and potentially exacerbate issues raised elsewhere in this report).

In terms of potential controls (this is entirely theoretical as the density proposed is not found to be acceptable) over the quantum and density of development across the site, the information submitted with the application includes details of the:

1. Maximum numbers of houses and flats proposed.
2. Maximum amounts of floorspace for the houses and flats proposed.
3. Total number of habitable rooms for the houses and flats proposed.
4. Buildings within the site which would be houses and those which would be flats.

The application provides this level of detail for 6 'Character Areas' (defined in a plan on page 99 of the Design and Access Statement), which collectively make up the site as proposed. It also gives a floor space figure and number of habitable rooms for each of the individual dwelling types proposed in the scheme. The applicant has advanced that between the site wide information provided and the breakdown of this information for the 6 Character Areas there is sufficient scope for the Local Planning Authority to control development across the site. This would include being able to ensure that the site wide quantum's of new dwellings, floorspace or habitable rooms were not 'used-up' on only part of the site and then further development proposed on a remaining part of the site.

While the application is found to be unacceptable and not compliant with development plan policy, officers acknowledge that in principle the provision of the level of information identified above offers the theoretical scope to control the quantum of a development at the site to a sufficient degree. Examples of the types of controls that could be applied with this level of

information include the use of planning conditions on the phasing of development and to set limits on the total unit numbers of houses and flats, amounts of floorspace for houses and flats and habitable rooms for the houses and flats delivered at the site as a whole and in each of the Character Areas defined in the application. Controls could also be used to ensure that the range of individual dwelling types identified in the supporting material for use in the proposed redevelopment was reflected in the reserved matters which came forward and that the individual units concerned did not exceed the number of habitable rooms or total floorspace identified (for that unit type).

It should be noted that while the applicant has suggested that only floorspace within the roof of the new buildings above a ceiling height of 1500mm can actually 'count' as floorspace, any limitation on floorspace in the proposed buildings imposed as part of the conditions envisaged in the above paragraph would relate to floorspace below a ceiling height of 1500mm.

3.4 Standard of accommodation provided and amenities of future occupiers of the proposed dwellings

Local Plan policies require high quality design in all new development which creates attractive places that are welcoming, accessible and inviting. Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings, outdoor amenity space and play space. Policy DM04 states that buildings should be designed to minimise exposure to air pollutants. The same policy states that proposals to locate noise sensitive development in areas with high levels of noise will not normally be permitted and also that the mitigation of any noise impacts will be expected where appropriate.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new dwellings. These include requirements to provide high quality indoor and outdoor spaces, set minimum internal space standards for different types of unit and achieve accommodation which has an appropriate layout and meets the needs of its occupiers over their lifetime.

The council has adopted SPD's (entitled Sustainable Design and Construction and Residential Design Guidance) providing more detailed guidance on a range of matters related to creating new dwellings that have adequate amenities for their future occupiers. The Mayor has also adopted SPG's (entitled Housing and Shaping Neighbourhoods: Play and Informal Recreation) providing detailed guidance on issue related to designing new housing to achieve acceptable amenities for its future occupiers.

Dwelling size

The London Plan, the associated Mayoral SPG document 'Housing' and the Barnet Local Plan identify a minimum gross internal floor area for different types of dwelling. As this is an outline application the applicant has not committed to specific floor area figures for each of the different dwellings proposed at this stage. However, details provided in the supporting material submitted show acceptable dwelling sizes for each of the different types of residential unit identified. Were the scheme not found to be unacceptable in

other regards, conditions could be used to ensure that all new dwellings proposed at a reserved matter stage were required to meet the relevant minimum gross floor area for a unit of that type. With such controls the development would be adequate in this respect.

Dwelling outlook

Development plan policy requires that new dwellings are provided with adequate outlook. As the application is for outline planning permission with all matters other than access reserved the submission does not include detail on the internal layout of the dwellings sought or the position of windows and other openings in the buildings proposed. However, with the parameters sought for consent the position, use and maximum storey heights of the buildings proposed across the site are known.

Officers acknowledge that there are parts of the development where the layout of buildings and spaces shown in the parameter plans could result in potentially awkward and overbearing relationships within the site. Examples of this include a block of five storey flats sited directly adjacent a two storey house (in the north-west corner of the site) and relatively narrow streets with comparatively large scale buildings (three and two and a half storeys plus roof) located along their length (on the southern part of the site). As other sections of the report identify this approach to the site layout raises other design concerns. However, in terms of dwelling outlook specifically, on balance it is not considered that that the impacts of this on the amenities of the future occupiers, as could be controlled through the reserved matters process, is so great as to justify a refusal of planning permission. The application is therefore found to be adequate in this regard.

External amenity space provision

Private outdoor space for proposed flats:

Mayoral guidance on the provision of private open space in the Housing SPG sets out that new 1 and 2 person dwellings should be provided with a minimum of 5m² of private outdoor space, with an extra 1m² of private open space provided for each additional bed space proposed. Private external spaces should also have a minimum width and depth of 1500mm and level access from the home.

As the application is for outline planning permission with all matters other than access reserved, full details have not been provided on issues such as the design of private open space for each of the flats. However, the submission does include supplementary advice which indicatively shows a potential design approach to the inclusion of private open space for many of the flats proposed.

While it is not possible to fully assess the indicative approach to the provision of private open space shown in the supplementary advice at this stage (and this is not necessary as it is only shown for indicative purposes), officers consider that a design solution to provide each flat with a suitable area of private open space is possible. In some cases this may need to be delivered with a different solution to that shown indicatively in the submission and this may include different design approaches, such as the use of a winter garden to mitigate potential noise or air quality issues on certain parts of the site.

If the application were not found to be unacceptable in other regards conditions would be used to ensure that each flat proposed had a private outdoor space (balcony, terrace or winter garden) of a suitable design. Subject to such conditions the application would be acceptable in this respect.

External amenity space (private and communal) for proposed flats:

Using the Barnet standard of providing 5m² of usable external amenity space per habitable room (including kitchens over 13m² and with rooms over 20m² counting as two rooms) for flats, the development would be required to provide 2850m² of usable private and communal amenity space for the flats proposed for them to comply with guidance set out in the Barnet Sustainable Design and Construction SPD. This figure is based on the total number of habitable rooms for flats (570) identified in the submission.

While layout and landscaping are reserved matters under the application the submission is accompanied by a parameter plan (for which approval is sought) that identifies areas of potential amenity space within the proposed development. Although it is not entirely clear that all of the areas identified in this way on the parameter plan are truly usable amenity space in the sense intended in Barnet's guidance, officers are satisfied that the development could provide sufficient areas of usable private and communal amenity space for the flats proposed to meet the standards set out in Barnet's Sustainable Design and Construction SPD. If the application were not found to be unacceptable in other regards conditions would have been used to ensure that sufficient amenity space was delivered for the flats proposed (using the Barnet approach to calculating amenity space) at the reserved matters stage. Subject to such conditions the application would be acceptable in this regard.

Private external amenity space for proposed houses:

Barnet's Sustainable Design and Construction SPD identifies that for houses external amenity space should be provided in the form of individual rear gardens. The guidance also sets requirements for the size of outdoor amenity space that should be provided for houses. This varies depending on the number of habitable rooms in the house concerned. For the types of house identified in the submission made the requirements are as follows:

- Five habitable rooms: 55m² of space
- Six habitable rooms: 70m² of space
- Seven or more habitable rooms: 85m² of space

In their stage 1 response the GLA identified the private amenity space available for some of the houses proposed as an area where additional design quality needs to be demonstrated.

The submission made includes supplementary material (drawing number 874-016B in the Design and Access Statement Addendum) identifying the extent to which the applicant considers the gardens of the houses proposed would achieve the standards set down in Barnet's supplementary guidance. Based on this information 34 of the houses proposed (approximately 18% of the total) would not achieve the relevant garden space requirement for a dwelling of that type. 21 of the houses proposed would not meet the relevant garden space requirement for a house of that type by 10m² or more and 8 of the houses fall short of the required figure by 15m² or more.

It has not been demonstrated that the layout and landscaping of the proposal could be changed within the parameters sought for approval to deliver more individual external amenity space for the houses which have not met the requirement. There is also no explanation in the information submitted as to how the houses which have not met the requirement could be provided with alternative types of individual amenity space, such as a balcony.

It is recognised that some of the houses proposed would have gardens significantly in excess of the guidance requirements. However, it is not considered that this would assist in addressing officers concerns about the houses which have not met the requirement. It is also noted that the wider site contains areas of public amenity space. However, this is not felt to be an adequate substitute for the provision of adequately sized individual gardens for the types of dwelling concerned (family houses), particularly where dwellings are falling significantly short of the specified figure.

The application is found to be in conflict with development plan policy and local supplementary guidance in respect of providing houses with adequate areas of private external amenity space. No material considerations have been put forward which are sufficient to justify the approach proposed in the submission and the application is considered to be unacceptable in this respect.

Space for play and informal recreation:

London Plan policy 3.6 states that proposals for new housing should make provision for play and informal recreation based on the expected child population generated and an assessment of future needs. Using the approach to play space provision requirements in Mayoral guidance and the indicative dwelling mix provided with the submission the scheme proposed would be expected to provide approximately 1729m² of space for play and informal recreation.

While layout and landscaping are reserved matters under the application the submission is accompanied by a parameter plan (for which approval is sought) that identifies areas of potential play space (both communal and public) within the proposed development. Although it is not entirely clear that all of the space identified in this way on the parameter plan is truly usable space for play and informal recreation, officers are satisfied that the development could provide sufficient and appropriately designed areas of usable space for play and informal recreation (even if there were slight changes to the dwelling mix) to meet the relevant Mayoral standards. If the application were not found to be unacceptable in other regards conditions would have been used to ensure that sufficient space for play and informal recreation was delivered at the reserved matters stage. Subject to such conditions the application would be adequate in this regard.

It is recognised that the scheme would result in the loss of existing play facilities on the site. However, given the schemes potential for re-providing play and informal recreation facilities, such a loss would be acceptable in this instance.

Privacy and overlooking

The Barnet Residential Design Guidance SPD identifies that privacy is an important design issue, particularly for higher density schemes, and notes that all residents should feel at ease within their home. Paragraph 7.3 of this document states that in new residential development there should be a minimum distance of about 21m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5m to a neighbouring garden. It also notes that shorter distances may be acceptable where there are material justifications.

As the application is for outline planning permission with all matters other than access reserved the submission does not include detail on the internal layout of the dwellings sought or the position of windows and other openings in the buildings proposed. However, with the parameters sought for consent the position, use and maximum storey heights of the buildings proposed across the site are known.

Despite the fact that the internal layout and position of windows in the proposed buildings is not known, on the basis of the site wide layout (which is a parameter this application would potentially be approving), there are several areas across the scheme where it is not at all certain how adequate privacy distances between windows to habitable rooms could be achieved and unacceptable overlooking prevented. There are also instances where proposed building facades that would be expected to contain windows (to achieve wider design objectives) are set a distance of less than 10.5m away from the private rear garden of a proposed house. However, this specific issue is likely to be able to be overcome through an appropriate detailed design approach.

On the more southern part of the site there are points where houses are directly facing each other on either side of a street at distances between 12m and 17m apart. In the south-east corner of the site there are houses directly facing each other on either side of a street at distances of less than 10m apart.

At these kinds of distances it is not at all clear how the buildings proposed could be designed to achieve adequate degrees of privacy for future occupiers (based on the Barnet standards identified above) and meet other key design objectives, such as delivering an acceptable appearance for buildings, suitable daylight levels internally and windows that provide adequate surveillance to adjacent streets. At some of the closer distances proposed between houses even if windows were substantially off-set horizontally or vertically (so they were not directly facing each other) it is considered unrealistic to expect that an adequate degree of privacy could be provided for future occupiers.

The applicant has provided some supplementary advice (drawing number 874-042) which seeks to explain a design strategy for elevational treatments to deliver adequate privacy levels. However it is not considered that this information is sufficient to address the concerns raised in the preceding paragraphs. Where it is not at all clear that there is a potential solution within the parameters sought for consent, which could address all the relevant design issues, it is not considered that it would be the correct approach to

grant an outline planning consent and defer concerns to the reserved matters stage.

In the north-east corner of the site there is also an instance where a terrace of three houses is proposed facing an existing terrace of four houses in Domville Close (number 10 to 16) at a distance of approximately 15m apart. At this kind of distance it is not clear how the proposed buildings could be designed to achieve adequate degrees of privacy for the future occupiers of the new dwellings, prevent unacceptable overlooking from 12 to 14 Domville Close on the occupiers of the new properties and meet other key design objectives (such as delivering an acceptable appearance for buildings, suitable daylight levels internally and windows that provide adequate surveillance to adjacent streets). There would also be concerns about overlooking from the proposed dwellings on the existing occupiers of 12 and 14 Domville Close (discussed in further detail in section 3.6 of this report).

The application is found to be in conflict with development plan policy and local supplementary guidance in respect of preventing unacceptable overlooking and providing adequate privacy for the future occupiers of new dwellings. No material circumstances have been put forward which are sufficient to justify the approach proposed in the submission and the application is considered to be unacceptable in this respect.

Daylight and sunlight

As the application is for outline planning permission with all matters other than access reserved the submission does not include any detail on the internal layout of the dwellings sought or the position of windows or other openings in the buildings proposed. However, Officers are satisfied that any potential concerns in respect of the provision of adequate daylight and sunlight for the future occupiers of the proposed dwellings could be adequately addressed through the use of suitable conditions and reserved matters process in this instance. The application is therefore found to be acceptable in this regard.

Noise and air quality

As the application is for outline planning permission with all matters other than access reserved the submission does not include detail on the internal layout of the dwellings sought or the position of windows and other openings in the buildings proposed. However, with the parameters sought for consent the position and use of the buildings and spaces proposed across the site are known.

Environmental Health Officers have assessed the application on the basis of the parameters applied for and have found that it would be possible to mitigate any potential noise and air quality impacts from the surrounding area on the future occupiers of the proposal to an acceptable degree in this instance. Were it not found to be unacceptable in other regards conditions would be used to ensure that appropriate mitigation to deliver this was implemented as part of the development. Examples of the types of mitigation envisaged would include the use of suitably designed acoustic fencing on parts of the site and the installation of mechanical ventilation in the appropriate elements of buildings. Officers conclude that it would not be reasonable to refuse planning permission for the parameters sought on the grounds of noise or air quality impacts on future occupiers.

Objections have been raised by a business adjoining the site (see section 1.3 of this report for further details) that the layout of the proposals would create a situation in which their respective uses (timber merchant and residential buildings and associated spaces) were brought into conflict, particularly in respect of noise impacts. While these points are acknowledged, officers find that with the layout proposed any noise and air quality impacts on the future occupiers of the proposed dwellings could be mitigated to an acceptable degree both within buildings and in outside areas.

Conclusions on the amenities of future occupiers

The application is found to be in conflict with development plan policy and local supplementary guidance in respect of preventing unacceptable overlooking and providing adequate privacy and external amenity space for the future occupiers of a number of the houses proposed. Officers consider the application to be unacceptable in these respects.

It is noted that there are houses on the land to the east of the application site (much of which is under the control of the applicant) which do not comply with elements of Barnet's current planning guidance on residential design quality and the amenities of future occupiers. However, these properties were constructed a significant period of time ago and their existence is not considered to be an adequate justification for new developments failing to achieve the objectives of current guidance.

3.5 Design, appearance and character matters:

The National Planning Policy Framework 2012 makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document states that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It identifies that good design involves integrating development into the natural, built and historic environment and also points out that although visual appearance and the architecture of buildings are important factors, securing high quality design goes beyond aesthetic considerations.

Local Plan policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The London Plan also contains a number of relevant policies on character, design and landscaping. Policy 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the

future character of the area; and is informed by the surrounding historic environment.

As the application is for outline planning permission with all matters other than access reserved the submission made does not include specific details on several aspects of the proposed buildings design, for example their internal layout and appearance. These types of aspects of the design of the buildings proposed would be dealt with through the use of conditions and at the reserved matters stage (if the application were granted consent). However, with the parameter plans submitted the position and maximum storey heights of the buildings and spaces proposed across the site are known and it is these aspects of the design which are being considered at this stage.

As the text at the start of this section identifies design is a broad ranging issue. It needs to be recognised that other sections of this report consider and assess important aspects of the design put forward in the plans submitted for approval. This part of the report focuses on character and appearance related matters in respect of the built form proposed and therefore needs to be read in conjunction with other sections to obtain a full understanding of officers views of the design of the scheme put forward. As some of these sections explain the design approach proposed in the parameter plans sought for approval has been found to be unacceptable and not compliant with the relevant development plan policies or guidance in a number of important regards. Examples of this include the impact of the design proposed on trees of special amenity value and the provision of suitable amenities for future occupiers of a number of the houses proposed.

Notwithstanding the design concerns identified in other parts of this report it is recognised that in broad terms the design approach proposed provides a permeable and legible layout which would create adequately defined streets and spaces. The use of significant parts of the site for houses is a positive aspect of the scheme, which assists the developments relationship with parts of the wider area. From a character perspective the scale and height of building proposed is considered, on balance, to be acceptable across the site. The layout and maximum storey heights parameter plans are found to propose buildings around the edges of the site which respond to their context adequately, in terms of their size, siting and scale, and provide adequate relationships with neighbouring properties (from a character perspective only).

It is noted that buildings in the surrounding area of the order of scale and height proposed for the flatted blocks (on the northern parts of the site) are generally situated in more extensive settings than the scheme proposes. However, subject to the detailed design of these buildings (and their landscaping) being of a suitably high standard these aspects of the proposal are found, on balance, to be adequate. Officers recognise the concerns raised about the scale of these blocks and would acknowledge that they are the maximum which would be acceptable (from a character perspective) with the layout proposed.

The GLA stage 1 response notes the design guidelines for the scheme provided as an appendix to the Design and Access Statement submitted with the application, but expresses concern that the proposal lacks a set of design codes to ensure that important factors in the design of the scheme are

secured. Officers acknowledge this and find the lack of such information with the application to be a negative aspect of the submission made. However, given the nature of the application (outline with all matters other than access reserved), it is accepted that this matter could reasonably be addressed through a condition requiring the submission and approval of a design code for the scheme in advance of the submission of any reserved matters applications. This is envisaged to cover a wide range of design principles and issues and would be subject of consultation with the GLA.

The GLA have also stated that the applicant should provide simplified layout plans of each unit type proposed to demonstrate compliance with the relevant elements of housing quality identified in the Mayoral Housing SPG, to ensure that these can be met (officers have considered the amenities of future occupiers of the proposed dwellings more fully in other sections of this report but the GLA have considered this as part of their response to the schemes urban design approach). A number of particular points are noted including the need to minimise single aspect units, avoid single aspect north facing units altogether, ensuring public facing ground floor flats have their own individual entrances and limiting the number of flats sharing the same landing to no more than 8. However, the applicant declined to provide this level of information as part of their application.

The GLA's concerns are noted and it is accepted that it is an unfortunate aspect of the submission made that this type of information has not been supplied. However, given the outline nature of the application it is not considered that the proposal could reasonably be refused on the absence of this level of detail. Officers conclude that these matters could be adequately addressed through the use of the design code condition identified above (were the proposal not found to be unacceptable in other regards). The design code could also cover matters such as ensuring that reserved matters came forward with a design approach for the appearance of the buildings proposed that was of a suitable standard and appropriate in respect of the character of the wider area.

Subject to the use of conditions of the nature identified above the design of the proposal is found, on balance, to be compliant with development plan policy as it relates to the character and appearance of the buildings proposed.

3.6 Impacts on amenities of neighbouring and surrounding occupiers and users:

Local Plan policies seek broadly to promote quality environments and protect the amenity of neighbouring occupiers and users through requiring a high standard of design in new development. More specifically policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users. Policy DM04 identifies that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Barnet's Adopted Residential Design Guidance SPD (adopted April 2013) provides further guidance on safeguarding the amenities of neighbouring and surrounding occupiers and users.

It is noted that objections have been received from a number of parties expressing concerns that the proposed development would be detrimental to

the amenities of neighbouring and surrounding occupiers and users in a variety of ways. These include impacts on light, visual impacts, increased noise, disturbance and pollution, overlooking and loss of privacy. Concerns over impacts on the security of neighbouring properties have also been raised. These are responded to in section 3.12 of this report.

Overlooking and loss of privacy

The Barnet Residential Design Guidance SPD identifies that privacy is an important design issue, particularly for higher density schemes, and notes that all residents should feel at ease within their home. Paragraph 7.3 of this document states that in new residential development there should be a minimum distance of about 21m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5m to a neighbouring garden. It also notes that shorter distances may be acceptable where there are material justifications.

As the application is for outline planning permission with all matters other than access reserved the submission does not include detail on the internal layout of the dwellings sought or the position of windows and other openings in the buildings proposed. However, with the parameters sought for consent the position, use and maximum storey heights of the buildings proposed across the site are known.

Despite the fact that the internal layout and position of windows in the proposed buildings is not known, on the basis of the site wide layout (which is a parameter this application would potentially be approving), there is an area where it is not at all clear how adequate privacy distances between windows to habitable rooms from buildings in the site to existing neighbouring properties could be achieved and unacceptable overlooking prevented.

In the north-east corner of the site a terrace of three houses are proposed facing an existing terrace of four houses in Domville Close (number 10 to 16) at distances of approximately 15m apart. At this kind of distance it is not at all clear how the proposed buildings could be designed to achieve adequate degrees of privacy for and prevent unacceptable overlooking of neighbouring occupiers at 12 to 14 Domville Close and meet other key design objectives (such as delivering an acceptable appearance for buildings, suitable daylight levels internally and windows that provide adequate surveillance to adjacent streets). There would also be concerns over the impact of overlooking from 12 and 14 Domville Close on the future occupiers of the proposed terrace of three new dwellings (discussed in further detail in section 3.4 of this report).

At the distances proposed even where windows are off-set horizontally or vertically (so they are not directly facing each other) it is considered unrealistic to expect that an adequate degree of privacy could be provided for neighbouring occupiers at 12 and 14 Domville Close (using the standards identified in guidance). Where it is not at all clear that there is a potential solution within the parameters sought for consent, which could address all the relevant design issues, it is not considered that it would be the correct approach to grant an outline planning consent and defer addressing concerns to the reserved matters stage.

The application is found to be in conflict with development plan policy and local supplementary guidance in respect of preventing unacceptable overlooking of and providing adequate privacy for neighbouring occupiers. No material circumstances have been put forward which are sufficient to justify the approach proposed in the submission and the application is considered to be unacceptable in this respect.

It is noted that there are existing houses on the land to the east of the application site (much of which is under the control of the applicant) which would not comply with elements of Barnet's present planning guidance on residential design quality in respect of overlooking and privacy distances to a similar degree to that found in the instance identified in the previous paragraph. However, this in itself is not considered to be an adequate justification for a new development failing to achieve the objectives of current guidance. In this case the impacts identified would be on existing residents who are not presently affected in this way and result from a scheme providing privacy distances below that sought by current guidance.

It is recognised that there are other places, beyond 12 to 14 Domville Close, where elevations of a proposed building, which would be expected to contain windows, are situated less than the relevant distance to a neighbouring building which contains windows to habitable rooms or a garden. While this is not a positive aspect of the scheme, officers are satisfied that in these other cases an adequate design solution to prevent unacceptable overlooking of a neighbouring property (building or associated space) taking place could be delivered. In some cases the distance to a neighbouring property would be shorter than that sought by guidance (albeit to a lesser degree than at 12 to 14 Domville Close), but would also offer greater opportunities to mitigate this, for example the distance of approximately 18.5m from a proposed dwelling to a neighbouring retained house on the south side of Sweets Way. In this instance the careful placement of windows and use of features such as angled windows and appropriate landscaping could be used (alongside the benefit gained from the increased distance) to ensure that adequate privacy is maintained and overlooking of neighbouring properties prevented.

There are further instances where proposed buildings could have windows overlooking a neighbouring property at shorter distances than those identified in the previous paragraph. Nonetheless in these cases it is considered that this could be addressed through a careful approach to design at the reserved matters stage. For example they are instances where windows could be omitted or high level or obscured windows used. This combined with the use of suitable conditions (for example to prevent new windows which would cause overlooking being installed at a later date under permitted development) would be sufficient to achieve the objectives of policy in these cases. However, officers consider that it is important to recognise that in accepting the above position greater pressure will inevitably be placed on the need for windows on elevations of the proposed buildings looking internally within the site. This is deemed to exacerbate the privacy and overlooking concerns, outlined in section 3.4 of this report, in respect of the amenities of the future occupiers of the proposed dwellings.

Daylight and sunlight

Development plan policies require that new developments allow for adequate daylight and sunlight at neighbouring properties. The Building Research Establishment (BRE) publication '*Site Layout Planning for Daylight and Sunlight, a Guide to Good Practice*' sets out procedures for assessing impacts on daylight and sunlight at neighbouring properties. As the application is for outline planning permission with all matters other than access reserved the submission does not include specifics on the detailed design and appearance of the buildings sought. However, with the parameters sought for consent the position and maximum storey heights of the buildings proposed across the site are known and could be examined.

The application is not accompanied by a full assessment of the daylight and sunlight impacts at neighbouring properties using the relevant criteria from the BRE publication. However, on the basis of the information that has been provided by the applicant it is reasonable to conclude (using the BRE criteria) that some buildings situated within the positions shown on the Site Layout Parameter Plan and constructed at the maximum height parameters sought for approval (on the Maximum Storey Heights Parameter Plan) warrant a fuller examination of their daylight and sunlight impacts than has been provided. In the absence of this fuller assessment officers do not consider that they are able to reasonably conclude that the impacts of the proposal on daylight and sunlight at neighbouring properties would not be unduly harmful to the amenities of their occupiers. The application is therefore found to be unacceptable and not compliant with development plan policy in this respect.

The applicant has suggested that impacts of the development in these respects could be addressed through the use of conditions. However, officers consider that it would not be reasonable for the Local Planning Authority to seek to impose conditions that could outright prevent the development from being able to achieve parameters (most likely to be maximum building height in this case) which have been specifically sought for approval. The correct approach in this instance would have been for the application to be accompanied by sufficient information to demonstrate that the maximum (height) parameters sought for approval would be compliant with development plan policies in the relevant regards.

Outlook and visual impact

Development plan policy requires that new developments provide neighbouring occupiers with adequate outlook. As the application is for outline planning permission with all matters other than access reserved the submission does not set out the detailed design of the buildings proposed. However, with the parameters sought for consent the position, use and maximum storey heights of the buildings proposed across the site are known.

It is considered that new buildings constructed within the parameters sought for consent (as could be controlled through the use of suitable conditions) would have an acceptable visual impacts and would not result in any significant loss of outlook at neighbouring properties. The application is therefore considered to be adequate in these regards.

Noise and disturbance

The residential dwellings proposed in the development are of a nature that they would not be expected to generate unacceptably high levels of noise and disturbance to an extent that they would harm the amenities of the occupiers of neighbouring properties (which include residential uses) in the normal course of their occupation.

Officers consider that, were the scheme not found to be unacceptable in other regards, any possible concerns over noise and disturbance from the new community building proposed could be adequately addressed through the use of conditions imposing controls on the operation and management of this facility (of the type set out in greater detail in section 3.1 of this report).

Conditions could also be used to ensure that the construction of the development itself did not result in unacceptable levels of noise and disturbance and also to minimise the amenity impacts arising from the construction of the development more widely. This would include conditions requiring the carrying out of the works within certain hours and in accordance with a Construction Management and Logistics Plan that has been previously agreed with the Local Planning Authority.

It is noted that concerns have been raised about the impact of the construction of the proposed development on the foundations and structural integrity of neighbouring properties. Officers consider that in this instance such matters are addressed under the requirements of other legislation and are not material to the assessment of this scheme.

Air quality

Barnet Local Plan policies seek to ensure that new development is not contributing to poor air quality.

The application is accompanied by an Air Quality Assessment. This report finds that the operational phase of the proposal would have negligible impacts on nitrogen dioxide, PM₁₀ and PM_{2.5} levels in the area. Environmental Health Officers have concluded that the proposal would be adequate in these respects subject to the use of appropriate conditions. The same conclusion is also reached when the potential air quality impacts of the development proposed are considered cumulatively with the expected air quality impacts of other committed developments in the surrounding area.

If the proposal were not being recommended for refused on other grounds conditions would have been used to ensure that the construction of the development did not result in unacceptable air quality impacts. These would have included the carrying out of the works in accordance with a Construction Management and Logistics Plan that has been previously agreed with the Local Planning Authority.

3.7 Affordable Housing

London Plan Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought when negotiating on individual residential schemes, having regard to:

- 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.

- Affordable housing targets adopted in line with Policy 3.11.
- The need to encourage rather than restrain residential development (Policy 3.3).
- The need to promote mixed and balanced communities (Policy 3.9).
- The size and type of affordable housing needed in particular locations.
- The specific circumstances of individual sites.
- The resources available to fund affordable housing and maximise affordable housing output
- The priority accorded to family housing provision

It also suggests that negotiations should take account of a sites individual circumstances, including development viability, the resources available from registered providers, the implications of phased development and other scheme requirements. The policy makes it clear that affordable housing should normally be provided on site and off site contributions to affordable housing will only be accepted in exceptional circumstances.

This approach is reflected in Local Plan policy DM10 which requires the maximum reasonable amount of affordable housing to be provided on site, subject to viability, having regard to a borough wide target that 40% of housing provision should be affordable.

The application is accompanied by a Viability Report prepared by Turner Morum Chartered Surveyors. This advances that with the proposal making no contribution to affordable housing provision the scheme remains 'non-viable'. This is put forward on the basis that even with no affordable housing provided the return to the developer from the proposal would be below the industry norm of 20%. However, the submission states that the applicant is prepared to take a chance on the basis of current high demand for housing and market conditions.

In their stage 1 response the GLA identify the lack of any affordable housing in the scheme as a concern.

The Council commissioned Deloitte Real Estate to independently review the viability report provided and examine its findings. Following extensive engagement with the applicant Deloitte have concluded that they are unable to recommend the applicant's position to the Council.

Key differences in the stances adopted include Deloitte's view that:

- The applicant's opinion of the sales values for the proposed units is too low and based on a single scheme a significant distance from the application site.
- The applicant's opinion of the sales values for the existing units on the site are too high and based on very limited evidence.
- The applicant's assumption that all of the gross rent used in the Current Use Value can be 'valued' and that no allowance needs to be made for bad debts, voids and maintenance and management costs is incorrect.
- The applicant's assumption on the number of existing units which could be sold each month is unrealistic.

Having considered all the evidence available at the time of writing (including the applicant's original submission and the information that they have provided subsequently) Deloitte have advised that the proposal could viably deliver 33% affordable housing (with a policy compliant mix of tenures). In reaching this conclusion Deloitte have made allowance for an appropriate return for the applicant. They have also taken account of the fact that there is an 'opportunity cost' associated with the development, because the applicant is demolishing existing properties which provide a rental income.

In light of these findings the absence of a secured contribution to the delivery of affordable housing in the borough is not considered to be justified or compliant with development plan policy. The application is therefore considered to be unacceptable in this regard.

3.8 Trees, Landscaping and Biodiversity:

Trees and landscaping

Policy DM01 identifies that proposals will be required to include hard and soft landscaping that:

- Is well laid out in terms of access, car parking and landscaping.
- Considers the impact of hardstandings on character.
- Achieves a suitable visual setting for buildings.
- Provides appropriate levels of new habitat including tree and shrub planting.
- Contributes to biodiversity including the retention of existing wildlife habitat and trees.
- Adequately protects existing trees and their root systems.
- Makes a positive contribution to the surrounding area.

Policy DM01 also states that trees should be safeguarded. When protected trees are to be felled the council will require replanting with trees of an appropriate size and species where appropriate.

In terms of landscaping the application site currently contains over 200 trees and areas of grassland, shrubs, hedging, hard landscaped surface and private rear gardens (to the existing houses). The trees on the site are covered by a Tree Preservation Order (Reference Number TRE/BA/86). The Arboricultural Impact Assessment Report (AIA) submitted with the application assesses the impact of the proposed development on 230 trees in and around the site. Using the approach set out in national guidance on this matter (British Standard 5837:2012) 1 of the assessed trees 1 falls into category A; 126 fall into category B; 40 fall into category B/c; 59 fall into category C; and 4 are assessed as category U.

The trees on the site are prominent, contain a good mix of species and age ranges and a number of them are of a significant size. As such they make a significant positive contribution to public amenity. The trees are visible from around the site and contribute to the character of the area, where they create a green enclave behind the High Road. The trees are also visible above and between the buildings from Oakleigh Road North, High Road, Greenside Close, Darcy Close, Attfield Close, Domville Close and Millsom Close. At

present the trees provide significant screening, both within the site and between the site and surrounding residential housing. They also tie the Sweets Way estate into the wider surrounding residential area, in which trees form a significant part of the character.

The AIA identifies that the principle primary impact of the scheme would be the felling of 145 of the assessed trees. This includes the loss of 118 (approximately 71%) of the 166 category B and B/c trees. The AIA also notes that there would be impacts on a further 30 existing trees. A substantial number of the affected trees are large mature specimens which contribute significantly to the area. It would take a considerable number of years for any replacement mitigation planting to achieve such stature and this many never be possible given the constraints that would be imposed by the proposed form of development. It is also felt that, if retained, large mature trees could provide a sense of scale to some of the taller elements of the built form proposed.

In addition to the direct loss of trees there are concerns that a number of the trees shown as 'retained' are likely to be affected by proposed construction in very close proximity to them resulting from the development. For example features such as driveways, parking bays, roads, paths are identified as having varying levels of impact on category A, B and B/c trees (ranging from low to high) without adequate allowance having been made for construction working space and the impact of existing site constraints on likely root protection areas. The suggested no-dig construction may also not be feasible for certain roads in the development and there has been no allowance made for services. Should (as would seem plausible) trees get damaged, with the resultant affects on their health and appearance, it may be very difficult to resist further pressure to treat or remove them. This is especially the case where trees are in proximity to built form and roadways. The AIA also notes that crown reductions may be required to mitigate shading impacts.

Whilst it is acknowledged that some of the arboricultural impacts of the proposal may be difficult to fully assess at this stage (being an application for outline planning permission), it needs to be recognised that if an outline planning permission is granted (subject to reserved matters and other potential conditions) significant tree implications are inevitable. More than 60% of the trees surveyed are shown as direct losses, with more than 75% likely to be adversely affected in some way by the proposal. In this respect it is considered noteworthy that the AIA submitted identifies that "with suitable mitigation and supervision the scheme is viable, but would be better still if some reductions in impact could be made wherever practicable."

The AIA states that "The cumulative loss of these trees will be mitigated both by new landscaping proposals and the delivery of a successful scheme. The retention of the boundary trees also means that the potential impact on the wider landscape will be largely screened from public viewing. Thus the proposed felling is justified as rationalising the site interior, in recognition of the fact that the existing layout is not altogether suitable for 21st century needs. We appreciate that sympathetic schemes should seek to consider the existing tree constraints, but consideration is just that, not an overriding presumption of absolute retention. New landscaping can provide opportunities for a more integrated tree scheme in the long run, where preservation of the site interior may simply deliver short-term benefit. The illustrative landscape

masterplan currently identifying areas for approximately 170 new trees. Some semi-mature tree planting will be required for more immediate canopy replacement.”

The suggestion that the cumulative loss would be mitigated by new landscaping and delivery of a successful scheme are both challenged. The shortcomings of other aspects of the scheme (i.e. the failure of delivery of a successful scheme) are addressed elsewhere in this report. However, the following points are of note in respect of the illustrative landscaping submitted.

More than 40 of the proposed trees are shown to be immediately adjacent to car parking spaces and less than 7m from the front of proposed new dwellings. Where they are surrounded by hard surface and close to buildings there will be significant constraints on the potential size, form, and species of tree that would stand a realistic chance of survival. In such locations there is also likely to be significant pressure for future treatment (in the event of establishment and growth). Similarly some 37 of the proposed trees are shown to be on podium decks. Trees in these locations will be considerably restricted in the potential size, form, and species of tree that would stand any realistic chance. The same is true of 6 proposed trees which are shown surrounded by hard surfacing in the ‘formal shared surface public square’. None of the proposed new tree planting is shown in residential rear gardens where there would be much more available soil rooting volume.

The proposal would result in direct loss of more than 60% of trees surveyed, with more than 75% of trees surveyed being adversely affected in some way (all of which are covered by a Tree Preservation Order). The direct loss of 71% of the category B and B/c trees (118 of 166) and primary impacts identified to affect 175 of the 230 trees surveyed is considered to be a significant negative impact of the development proposed. Officers find that such tree impacts are excessive and unjustified and that the new planting proposed would fail to provide adequate mitigation for such impacts. Where tree impacts are of the scale and nature identified it is not considered that it would be sufficient or appropriate to seek to address the matter through the imposition of tree and landscaping conditions. The tree impacts of the development proposed are found not to be compliant with the objectives of development plan policy and the application is considered to be unacceptable in this regard.

Biodiversity matters

Natural England have responded to the consultation and have not raised any objections to the proposal. They have also confirmed that on the basis of the information available the proposal would not be likely to affect any statutory protected sites or landscapes or bats (which are a statutory protected species).

Natural England have identified that the application may provide opportunities to incorporate design features which are beneficial to biodiversity, including bats and birds, and that the Council should consider securing measures to enhance the biodiversity of the site if it is minded to grant permission for the application. Were the proposal not found to be unacceptable in other regards conditions would have been used to secure design features which benefited biodiversity. Although it was not raised as an issue by Natural England the

existing site contains areas which could provide suitable habitats for nesting birds. As such conditions would also have been used to ensure that suitable measures were taken to prevent unacceptable impacts on nesting birds during the construction phase of the development (if the scheme had not been found unacceptable).

Notwithstanding officers concerns about the loss of trees of special amenity value at the site (see earlier section of this report), it is considered that the proposal would be adequate in respect of biodiversity and nature conservation matters subject to controls which could have been imposed through the use of appropriate conditions.

3.9 Transport, parking and highways matters:

Policy context

Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 (Travel impact and parking standards) of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments. Other sections of policies DM17 and CS9 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

Major development proposals with the potential for significant trip generation will be expected to be in locations which are, or will be made, highly accessible by a range of modes of transport and supported by a Transport Assessment that fully assesses the transport implications of the development across all modes. Schemes are also required to implement and maintain a satisfactory Travel Plan to minimise increases in road traffic and meet mode split targets.

Existing highway conditions

The application site is presently accessible by vehicles from Sweets Way. Sweets Way currently forms a simple priority junction with Friern Barnet Lane to the south of the site. Sweets Way also provides access to Queenswell Infant and Nursery School, Greenside Close and several private roads to the east of the site's boundary (which serve approximately 100 additional residential dwellings outside the application boundary to which no changes are proposed as part of this application). The site is located in close proximity to town centre amenities, such as a post office, local bars, restaurants and a range of other retail facilities.

The site is bound to the north by Oakleigh Road North and to the west by buildings with a mix of uses that front the High Road (the A1000 which is part of the Strategic Road Network (SRN)). Friern Barnet Lane, Oakleigh Road North and the A1000 High Road are all bus routes. There is presently no vehicular access into the site from Oakleigh Road North or from the A1000.

Currently the site is only linked to the A1000 and Oakleigh Road North by solely pedestrian routes.

Waiting restrictions currently operate on parts of the highway network surrounding the site. However, at present there are no Control Parking Zones in the application site itself. Unrestricted parking is available in several sections of the site and the surrounding public highways network.

Public transport accessibility

The Public Transport Accessibility Level (PTAL) of a site is used to assess the extent and ease of access to public transport facilities. Using this measures the range of accessibility levels is defined as low accessibility (PTAL 1 or 2), medium accessibility (PTAL 3 or 4) or high accessibility (PTAL 5 or 6). The Public Transport Accessibility Level for most of the site is 3, which is a medium accessibility level.

More specifically, most of the area along the northern boundary of the site has an accessibility index (AI) of approximately 14.5 (AI's between 10.01 and 15.00 equate to a PTAL of 3). Therefore this area is within the higher end of the PTAL 3 range. A small area along the northern boundary of the site immediately adjacent to the pedestrian access link to the A1000 has a PTAL score of 4. The element of the development containing flats and many of the smaller units proposed is mainly within the area along the northern boundary of the site, where the AI's are higher.

Totteridge and Whetstone Underground station is located 700 metres from the centre of the site, providing services on the Northern Line between High Barnet and Morden via Central London.

Oakleigh Park National Rail Station provides access to First Capital Connect Services between Welwyn Garden City and Moorgate/Kings Cross. The station is located within 1300 m walk from the site (which is outside the walking distance threshold adopted within PTAL assessments).

Several Bus Routes operate in the vicinity of the site. These are summarised below:

<u>Bus Stop</u>	<u>Bus Service</u>	<u>Route</u>
Oakleigh Road North (stops west and east of proposed site access)	34 51	Barnet to Walthamstow Central Arnos Grove to Edgware
Oakleigh Road North and A1000 High Rd	125	Finchley Central to Winchmore Hill
A1000 High Road	234 263	Barnet to Highgate Wood Barnet Hospital to Holloway
Friern Barnet Lane	234	Barnet to Highgate Wood
Friern Barnet Lane and A1000 High Rd	383	Barnet to Woodside Park

Officers and TfL have both concluded that the proposal would be unlikely to have a detrimental impact on the public transport network.

Pedestrian routes and facilities

The site has existing pedestrian access routes from the High Road, Oakleigh Road North and Sweets Way. These would be retained under the proposal and a new access from Oakleigh Road North formed. This new route would reduce the walking distance to bus stops located to the east of the site.

A Pedestrian Environment Review System (PERS) audit has been carried out for the area surrounding the application site. The assessments carried out identified bus stops requiring improvements in close proximity to the site and also potential improvements to signage in the vicinity of the site.

Parking assessment

The Maximum Parking Standards set out in policy DM17 of the Barnet Development Management Policies Document are as follows:

Four or more bedroom units - 2.0 to 1.5 parking spaces per unit

Two and three bedroom units - 1.5 to 1.0 parking spaces per unit

One bedroom units - 1.0 to less than 1.0 parking space per unit

Using the maximum standards set out in policy DM17 the development proposed generates a car parking provision of somewhere between 367.5 and 569.5 car parking spaces. Paragraph 18.8.2 of the Barnet Development Management Policies Document recommends applying flexible standards for residential developments which take into consideration the level of public transport accessibility (PTAL), local parking stress (including the level of on-street parking control), local population density, car ownership in surrounding areas and the nature of the location (for example the proximity of town centre facilities).

In general terms for higher PTAL scores the parking requirement would be expected to be at the lower end of the range. For lower PTAL scores parking provision at the higher end of the range would be required. As identified earlier in this report the PTAL for the site is mainly 3 (with part of the site scoring as a very high level 3), with a small part of the site having a PTAL of 4. This equates to a medium accessibility. The site is not within a Controlled Parking Zone and the roads surrounding the proposed development experience high levels of parking.

The application proposes (on the Parking Parameter Plan) to provide 570 car parking spaces for the residential element of the scheme. Although this is an application for outline planning permission this element of the scheme would be accepted under the parameter plans sought for approval. 2 further car parking spaces are also shown reserved for any car club operator that wishes to implement a car club scheme on the site. While the proposed residential parking provision is (rounding up) within the maximum range that policy DM17 would identify for the site it is not considered that providing such a high number of car parking spaces is appropriate in this instance.

Taking into account the sites close proximity to Totteridge and Whetstone Underground Station, several bus routes and the sites overall medium Public

Transport Accessibility Level, the proposed parking provision is found to be excessive. The existing levels of traffic congestion in the area would also suggest that car parking numbers should be reduced, as the proposed level of parking provision could have an adverse impact on the operation of the highway network.

TfL have stated that the parking provision proposed in the application is well in excess of the range sought under London Plan policy 6.13 "Parking". Under London Plan standards the maximum range would be between 413 and 513 spaces (these comments were made when the scheme included 1 extra dwelling). However, due to traffic congestion in the area, TfL would recommend that parking numbers are reduced to the lower end of the range.

Given the sites PTAL (medium accessibility), local levels of car ownership (1.29 cars per household in Totteridge Ward where the site is located), parking pressures in the vicinity of the site, the possible provision of a car club, the absence of waiting restrictions in several sections of the surrounding road network and the proximity of Whetstone Town Centre a parking provision towards but not at the top end of the maximum range identified in policy DM17 would be considered appropriate by officers.

In order to reflect the particular circumstances of the proposed development at this location (as described in the previous paragraph) it is considered appropriate that the car parking is reduced to a maximum of 511 spaces. This would equate to a provision of 1 space for each of the 1 and 2 bedroom units, 1.5 spaces per 3 bedroom unit and 2 spaces for each 4 and 5 bedroom unit.

TfL have also recommended that the applicant fund the consultation, assessment and potential introduction of a controlled parking zone (CPZ) in the area to discourage overspill parking. However the council is not currently considering introducing parking restriction measures, such as Controlled Parking Zone, in this area. This position was taken into consideration when assessing the appropriate level of parking provision for the proposal (as set out above).

Although they are not actually numbered on the Parking Parameter Plan the proposed class D1 use is shown as having 3 parking spaces. This is considered to be an adequate amount.

If the application were not found to be unacceptable conditions would have been used to control a range of aspects of the parking facilities provided for on the site. This would include elements such as the delivery of (an acceptable number of) parking spaces, the provision of suitable levels of electric vehicle charging points and disabled standard parking spaces and the provision of a car parking management plan.

Cycle Parking Provision

571 cycle spaces are proposed as part of the development, including 10 cycle parking spaces for residential visitors. The number of cycle parking spaces is in accordance with London Plan Cycle Parking Standards and in this respect the application is deemed to be adequate. If the application were not found to be unacceptable conditions would have been used to control a range of aspects of the cycle parking facilities provided for on the site

Internal site layout

Access is not a matter which has been reserved for subsequent determination and the submission shows details of the proposed internal highways layout. The internal road layout shown provides minimum carriageway widths of 4.8m in the main internal carriageways. This is the minimum recommended carriageway width in Manual for Streets to allow a car and Heavy Goods Vehicle to pass. While the internal road layout is considered to be adequate for planning purposes in broad terms (from a transport perspective) the roads do not meet the requirements for adoption as a Public Highway and the Council would not consider these roads for adoption. To prevent the site being used as a through route while still allowing it to provide access for emergency vehicles it is proposed that movable (and lockable) barriers be used.

TfL initially requested that internal roads be widened in order to allow two Heavy Goods Vehicles (HGV's) to pass each other. However, given the nature (mainly residential) of the proposal it is not considered that widening the internal roads to allow these movements is necessary. Intense HGV movements are not expected as part of the proposal.

If the application were not found to be unacceptable conditions would have been used to control a range of aspects of the internal roads within the site. This would have included details of the barriers to be installed (and the management of these features) and the refuse and recycling facilities provided at the site.

Proposed vehicular access points

The vehicle access strategy proposed includes the retention of the existing Sweets Way vehicular access and the introduction of an additional vehicular access from the Oakleigh Road North, in the form of a simple priority junction. Following the introduction of barriers, to prevent the use of the site as a through route (which would have been ensured through conditions), the proposed access onto Oakleigh Road North would provide vehicular access for 93 new dwellings. Vehicular access for the remainder of the development would be through the existing access from Sweets Way.

The new site access has been located to achieve a reasonable junction spacing (45m) from the Oakleigh Park North junction and a Road Safety Audit and a swept path analysis have been carried out (for a large refuse vehicle) for the junction. Subject to the carrying out of detailed design work (including the provision of suitable road safety mitigation measures), the new junction is found to be acceptable.

As the works for this are taking place partially off the application site itself and are necessary for the application to be found acceptable a planning obligation is the most appropriate means of securing the delivery of them. In the absence of a means (such as a planning obligation) to secure the delivery of these works the application is found to be unacceptable in this respect.

Local highway traffic conditions

The Transport Assessment (TA) submitted has carried out an analysis of the following junctions which are likely to be affected or form part of by the proposed development:

- A1000 High Road / A109 Oakleigh Road North / A5109 Totteridge Lane signalized junction.
- A1000 High Road / Friern Barnet Lane priority junction.
- Friern Barnet Lane / Sweets Way existing site access.
- A109 Oakleigh Road North / Oakleigh Park North priority junction.
- Proposed new site access from A109 Oakleigh Road North.

The analysis carried out found that at present:

- The A1000 High Road / A 109 Oakleigh Road North / A5109 Totteridge Lane signalized junction is operating close to capacity on the A1000 High Road South arm during the AM peak, with all other approaches exceeding practical capacity during this period. During the PM peak the A1000 and A5109 operate above capacity and Oakleigh Road North operates within theoretical capacity.
- The A1000 High Road / Friern Barnet Lane priority junction currently operates over the practical capacity during both peak periods.
- There are no concerns over capacity or queuing at either the Friern Barnet Lane / Sweets Way priority junction or the A109 Oakleigh Road North / Oakleigh Park North priority junction.

Trip Generation

The trip generation associated with the existing 150 residential dwellings on the site (and the further additional 100 dwellings which access the wider road network through the site) has been based on TRAVL database calculations. This method was used as survey counts were not found to be representative of the current traffic generated by the existing residential development due to the presence of other vehicle movements at this location not associated with the dwellings.

An assessment has been carried out in the TA to estimate the number of additional multimodal trips expected to be generated by the proposals and identify their distribution profile. The impact analysis has been based on the proposed residential units with no additional trip generation or traffic impact associated with any relocated community facility. This is considered acceptable by officers as the new community facility (which replaces existing facilities similar in size) would not be expected to have a significant impact on trip generation.

The development traffic profile was added to the baseline traffic flow scenario with the traffic associated with the existing 150 dwellings on the site (which are to be demolished) removed in order to calculate the net impact of the development proposed.

The all mode trip generation for the proposal has been calculated based on the TRAVL database. This is summarised below:

All Mode Trip Generation Rate and Trips

	AM Peak			PM Peak		
	IN	OUT	TOTAL	IN	OUT	TOTAL
All mode Trip Rate	0.14	0.54	0.67	0.31	0.21	0.53
All Mode Trips (361 units)	49	194	243	114	78	191

Applying the census 2011 data regarding Method of Journey to Work for the average of Totteridge, Oakleigh and Woodhouse wards the anticipated car trip assessment with the proposed development is summarised below:

	Car Trip Rate					
	AM Peak			PM Peak		
	IN	OUT	TOTAL	IN	OUT	TOTAL
Car Trip Rate	0.06	0.23	0.28	0.13	0.09	0.22
Car Trips (361 units)	21	82	102	48	33	80

The total number of car trips generated by the residential development proposals has been distributed from each access point based on residents' census data.

It should be noted that the analysis set out here has been carried out on the basis of the original submission made, which included one additional dwelling when compared to the submission under consideration here. However, it is not considered that this change to the scheme would have any significant impact on the conclusions drawn.

Junction capacity analysis with the proposed development

A1000 High Road / Oakleigh Road North / Totteridge Lane Junction:

The TA states that with existing saturation flows and cycle times maintained and the green times optimised the impact of the development at this junction can be mitigated with the signal optimisation.

Officers find that this junction is operating above capacity and to allow further development to progress in the area (such as that proposed) would require mitigation measures. A contribution of up to £50,000 is therefore sought towards junction improvement measures. This sum would comprise £10,000 towards a feasibility study for the works and £40,000 towards the implementation of measures identified in the feasibility study. Subject to the provision of this mitigation officers find the impact of the scheme on this junction to be acceptable. TfL have confirmed that they support this position.

As these works would be taking place off site, involve the payment of a financial contribution and are necessary for the application to be found acceptable a planning obligation is the most appropriate means of securing the delivery of them. In the absence of a means (such as a planning obligation) to secure the delivery of these works the application is found to be unacceptable in this respect.

Friern Barnet Lane / A1000 High Road Junction (with proposed signalization):

Analysis carried out by the applicant's transport consultant has identified that the development would impact adversely on the A1000 High Road / Friern Barnet Lane priority junction, which is known to already experience significant queuing on Friern Barnet Lane during the AM and PM peak periods (as well as at other times of a typical day). These queues form due to the volume of through traffic on the A1000 High Road preventing traffic from Friern Barnet Lane entering the junction. The analysis has identified that the performance of this junction is expected to worsen under future baseline scenarios, taking into account background traffic growth. The additional traffic movements

associated with the proposed development would exacerbate this situation and potential additional traffic generation from other development sites which may come forward in the future would also be expected to increase pressure at this junction.

The signalisation of the junction has been proposed as a solution which would mitigate the impact of the traffic associated with the development, improve the operation of the junction under the future baseline scenario and improve pedestrian connectivity and safety.

Predicted traffic movements for a signalised junction option are detailed on in the TA submitted. The modelling work carried out for this indicates that with signalisation the junction would operate within capacity. More specifically the results show the Friern Barnet Lane approach operating with 13% and 22% spare capacity and queues of between 15 and 11 vehicles in the AM and PM peak hours respectively. On the A1000 the predicted queues are of 14 (AM) and 19 (PM) vehicles southbound and 26 (AM) and 18 (PM) vehicles northbound. Most of the movements on the A1000 have a degree of saturation below 80%. Expected average delay per arriving vehicle results for the signalised junction compared to those for the existing priority junction operation show a small increase of up to 31 seconds on the High Road and a considerable decrease in delay time of up to 421 seconds in the Friern Barnet Lane approach. Officers conclude that the proposed signalisation of this junction would provide a substantial improvement in its operation.

The proposed signals would include staggered pedestrian crossings on both Friern Barnet Lane and the southern arm of the A1000 High Road. The next adjacent set of crossing facilities on the A1000 are located some 200m to the north at the crossroads, or a zebra crossing facility 160m to the south. Pedestrians currently undertake unsafe crossing movements over the 15m wide A1000 High Road, particularly when trying to access the northbound bus stop (there is currently only a 1.2m wide informal kerbed central margin offering some degree of pedestrian refuge). The proposed pedestrian crossing facilities should increase the safety of pedestrians crossing at this location and the scheme is found to be acceptable from this perspective.

Officers conclude that, subject to the carrying out of detailed design work (including the provision of suitable road safety mitigation measures), the proposed signalization of this junction is acceptable. As the works for this are taking place off the application site itself and are necessary for the application to be found acceptable a planning obligation is the most appropriate means of securing the delivery of them. In the absence of a means (such as a planning obligation) to secure the delivery of these works the application is found to be unacceptable in this respect.

Friern Barnet Lane / Sweets Way Junction:

The TA submitted with the application finds that the Friern Barnet Lane / Sweets Way priority junction continues to operate within capacity with the proposed development. Officers accept these findings.

A109 Oakleigh Road North/ Oakleigh Park North Junction:

The TA submitted with the application finds that the Oakleigh Road North / Oakleigh Park North junction continues to operate within capacity with the

proposed development. Officers accept these findings.

Proposed A109 Oakleigh Road North / New Northern site access Junction:

The development proposes the introduction of an additional access for the site in the form of a simple priority junction onto Oakleigh Road North. The TA submitted with the application finds that there are no concerns with capacity or queuing at this proposed junction. Officers accept these findings.

Travel plan and construction management plan

A Framework Travel Plan is included in the documentation submitted with the application. This is welcomed by Officers and TfL. However, a fully policy compliant Travel Plan that seeks to reduce reliance on the use of the private car and promotes sustainable means of transport would be required for the application to be found acceptable and compliant with development plan policy in this respect. It is considered that a planning obligation is the most appropriate means of securing the delivery of this important mitigation. To enable the Council to monitor the scheme to ensure the development is making reasonable endeavours to meet travel related sustainability objectives, in accordance with development plan policies, a contribution of £15000 is required towards the monitoring of the Travel Plan. As it relates to the provision of a financial sum a planning obligation is the most appropriate means of securing the delivery of this.

In the absence of a sufficiently enforceable means to secure the delivery of the Travel Plan and the associated monitoring contribution the application is found to be unacceptable in these respects.

If the scheme was not found to be unacceptable a Construction Management and Logistics Plan would need to be prepared and implemented in respect of the development, to mitigate any adverse impacts from construction traffic on the road network surrounding the site. The delivery of this would have been secured through the use of a condition.

Financial contributions requested by Transport for London

The nature of the development, which would include a community facility and also be likely to contain a number of wheelchair accessible dwellings, is such that it is anticipated to directly increase the number of wheelchair users within the local area who may wish to utilise the public transport system. The assessments carried out as part of the submission include a Pedestrian Environment Review System (PERS) audit. This identified that none of the six bus stops nearest the site included raised kerbs. New buses are required to be capable of deploying a ramp, giving a 1:8 or 12 percent (7 degree gradient), onto a kerb of at least 125mm in height (a raised kerb). This requirement is referenced within TfL's Accessible Bus Stop Design Guidance, the implementation of which is promoted within London Plan policy 6.7. The PERS audit also notes that the nearest London Underground station (Totteridge and Whetstone) does not benefit from step free access.

In light of these circumstances TfL has requested a contribution of £10000 towards upgrading bus stop facilities in the vicinity of the site. This would involve implementing raised kerbs to the sufficient heights for deficient bus stops. Raised kerbs allow the bus ramps described above to function

appropriately and ensure that mobility impaired users can access the bus system with dignity. This obligation is also sought in accordance with policy DM17 of the Barnet Development Management Policies document, which states that development should provide improved and fully accessible interchange facilities where necessary. As it relates to the provision of a financial sum a planning obligation is the most appropriate means of securing the delivery of these works. In the absence of a means (such as a planning obligation) to secure the delivery of this the application is found to be unacceptable in this respect.

TfL have also requested a contribution of £15000 towards the provision of a Legible London sign as part of the application. Legible London is a pedestrian wayfinding system designed to encourage walking. While it is recognised that the provision of such signage is extremely beneficial and to be commended, at the time of writing it is not considered that TfL have provided an explanation as to why it is necessary for the development to be found acceptable in this instance. In such circumstances it is not appropriate to refuse the application on the basis of the absence of a means to ensure such a contribution is delivered. Should TfL provide further explanation as to why this contribution is appropriate the Council would be willing to revise its position on this matter.

3.10 Creating inclusive environments for all members of the community:

Planning policies make it clear that new developments should be accessible, usable and permeable for all users. Statements should be submitted with proposals explaining how the principles of inclusive design have been integrated into the development for which consent is sought.

It is noted that the GLA have expressed concerns (see section 1.3 of this report) that the applicant has not provided details of how the development would integrate inclusive design principles, deliver easy access throughout the development and example wheelchair accessible units. Officers fully accept that the limited information provided in the submission in respect of creating inclusive environments for all is not a positive aspect of the submission made.

However, given the outline nature of the consent sought it is considered that these and other matters related to the creation of accessible environments for all members of the community could reasonably be dealt with through the use of conditions, if the scheme were not found to be unacceptable in other regards. This would include conditions covering issues such as the delivery of:

- All new dwellings to the relevant Lifetime Homes standards.
- At least 10% of the new dwellings to wheelchair accessible standards (or be easily adaptable to meet such requirements).
- At least 10% of the proposed car parking spaces as disabled standard spaces.
- Appropriate levels, surfaces and landscaping across the site.
- A suitable inclusive design approach for the new community building proposed.

On balance in the specific circumstances of this application officers find that the limited information provided in respect of matters relating to the creation of accessible environments for all would not constitute a justifiable reason to

refuse planning permission, as it could be adequately addressed through the use of conditions.

3.11 Contaminated land and water quality issues:

The Council's Environmental Health Service has confirmed that any potential concerns they have regarding contaminated land issues at the site could be adequately addressed through the use of conditions. The Environment Agency has also confirmed that any concerns they have in respect of contaminated land issues and potential impacts on water quality arising from the sites redevelopment could adequately be addressed through the use of conditions.

Having evaluated the information submitted, it is considered that the application, as could be controlled through the use of conditions, would be adequate and compliant with development plan policy in respect of contaminated land and water quality matters.

3.12 Safety and security matters:

Development plan policies require new developments to provide a safe and secure environment for people to live and work in and reduce opportunities for crime and fear of crime.

The London Fire and Emergency Planning Authority and Metropolitan Police Service have not raised any objection to the proposal or requested that conditions are placed upon any grant of consent. The Metropolitan Police Service have commented that they would wish to see the applicant seek advice on designing out crime at the site as proposed at the earliest appropriate opportunity. Conditions would be used to ensure that an appropriate strategy for designing out crime was in place and implemented for the development, were the proposal not found to be unacceptable in other regards. Subject to such controls the application would be adequate in respect of creating a safe and secure environment for people to live and work in that reduce opportunities for crime and fear of crime.

3.13 Flooding and water infrastructure matters:

The application site does not fall within an area identified as being at risk of flooding. However, as the area that the site covers exceeds 1 hectare a Flood Risk Assessment has been submitted as part of the application. The Environment Agency has responded to the consultation and has not raised any objection to the proposal. However, they have requested that conditions be placed on any consent to ensure that surface water is managed appropriately and does not increase flood risk. Officers conclude that the conditions recommended by the Environment Agency would adequately address potential concerns that the proposal could result in an increased risk of flooding at the site. The application is therefore found to be adequate in this regard.

Thames Water has responded to the consultation and not raised any objections to the proposal or requested that conditions are placed on any grant of consent.

Were the submission not found to be unacceptable in other regards conditions would have been used to ensure that the development included appropriate

drainage infrastructure and make certain that suitable water efficiency measures were provided in the scheme to minimise water usage. Both businesses potentially supplying water to the development (Affinity and Thames Water) have been consulted on the application and neither has raised any objections to the development in relation to water supply matters (or on any other grounds).

3.14 Energy, climate change and sustainable construction matters:

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:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy

This development would be required to achieve a 25% reduction in carbon dioxide emissions (as it was submitted before October 2013) when compared to a building constructed to comply with the 2010 Building Regulations. Policy 5.3 of the London Plan goes on to set out the sustainable design and construction measures required in developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation.

Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrate compliance with the Mayors targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy.

Proposals are expected to comply with the guidance set out in the council's Sustainable Design and Construction SPD in respect of the level of the 'Code for Sustainable Homes' which is achieved and the standard under the Building Research Establishment Environmental Assessment Method (BREEAM) that is met (for the non-residential elements). The council's Sustainable Design and Construction SPD requires that developments of the nature proposed commit to a 'Code Level 4' or above against the Code for Sustainable Homes for their residential elements and achieve BREEAM 'Very Good' or above for their non-residential elements.

Carbon dioxide emissions

Having reviewed the Energy Assessment submitted with the application the GLA have stated (in their stage 1 response) that while the applicant has broadly followed the energy hierarchy to reduce CO₂ emissions they believe further detail should be provided on:

- How the demand for cooling will be minimised.
- Whether there are any existing or planned district heating networks and give consideration to a site heat network supplied from a single energy centre.
- Which renewable energy option will be taken and provide layout drawings showing the distribution of roof mounted solar PV and/or solar thermal panels throughout the proposed development.

The applicant has provided a response to this which states that:

- It is unlikely that the units would require cooling and measures to minimise demand for cooling have not been proposed as they tend to increase heating and lighting demands by more than they reduce cooling demand.
- There is not a district heating system nearby and the development is not within a focus area for such systems or in an area of high thermal demand. They conclude that there is not sufficient heat density from the development (which will be built to a high standard to reduce thermal demand) to recommend such a scheme.
- They would suggest the final renewable energy option to be used for the site is determined at a later date and that different buildings may employ different approaches, as the exact size and locations of systems cannot be determined yet. They also suggest there would be more than sufficient roof area to allow for the technologies required.

It is unfortunate the submission made does not include further detail on the relevant aspects of minimising carbon dioxide emissions. However, given the outline nature of the application, it is considered that the responses which have been provided are sufficient in this instance. It is concluded that the proposal, as could be controlled through the use of suitable conditions (were the application not found to be unacceptable in other regards), would be compliant with the objectives of development plan policy on mitigating climate change and minimising carbon dioxide emissions.

Examples of the types of conditions envisaged would include requirements to achieve the relevant levels of CO₂ emission reductions (the Energy Statement submitted has indicated that this is possible) in a way which accords with the Mayoral energy hierarchy and the provision of full details on how these reductions will be achieved and what on-site renewable energy technologies will be used (including details of the expected reductions in CO₂ emissions that would result).

Matters relating to transport are addressed separately in section 3.9 of this report.

Other aspects of sustainable construction

A Sustainability Statement has been submitted with the application. This identifies a number of sustainable construction features that the proposal could incorporate to mitigate and adapt to climate change, conserve resources and minimise pollution. These include elements such as measures to reduce water consumption, the provision of appropriate waste facilities, the inclusion of energy efficiency measures and the provision of wheelchair accessible housing.

The Sustainability Statement also includes a commitment to achieving Code for Sustainable Homes Level 4 for the residential elements of the proposal and BREEAM 'Very Good' for the non-residential elements of the development. Given the outline nature of the application it is considered that the details provided in the submission are adequate in this regard and that, subject to the imposition of suitable conditions, the application would result in

a development which reaches an appropriate standard in respect of sustainable construction matters.

Examples of the types of condition envisaged would include requirements for the different parts of the development to achieve suitable standards under the Code for Sustainable Homes and BREEAM measures and the requirement for Reserved Matters applications to be accompanied by pre-assessments which demonstrate how the relevant Code for Sustainable Homes and BREEAM standards would be met.

3.15 Archaeological Impacts:

English Heritage Archaeology have responded to the consultation and confirmed that there is no archaeological interest in the site. This is due to the lack of recorded archaeological remains in this location and likely disturbance from previous development of the land. They therefore recommend that any requirement for an assessment of the archaeological interest of this site can be waived. Officers accept this assessment and find the proposal acceptable in this regard.

3.16 Environmental Impact Assessment Regulations:

The development for which consent is sought is not considered to be of a description identified in Schedule 1 of the Regulations (Town and Country Planning (Environmental Impact Assessment) Regulations 2011). However, the development is considered to be of a description identified in column 1 of Schedule 2 of the Regulations. The development described in the submission is deemed to fall within the description of 'urban development projects'. The site identified in the plans accompanying the application is not considered to be in or partly in a sensitive area as defined in Regulation 2. As a development falling within the description of an urban development project, the relevant threshold and criteria in column 2 of Schedule 2 of the Regulations is that the area of development exceeds 0.5 hectares. The area of development identified in the information submitted exceeds this threshold. The proposal is therefore Schedule 2 development.

The characteristics, location and the impacts of the development proposed are described in significant detail in other sections of this report and so are not repeated here. Having considered the characteristics of the development, the location of the development and the characteristics of the potential impacts of the proposal (the criteria set out in Schedule 3 of the Regulations) it is concluded that in each of these respects and taken in totality the proposal would not be likely to give rise to significant effects on the environment in the sense intended by the Regulations. The proposal is not situated in (or partially within) a particularly environmentally sensitive or vulnerable location and is not a development with unusually complex or potentially hazardous environmental effects. This is considered to support the conclusion that the proposal would not be likely to give rise to significant effects on the environment in the sense intended by the Regulations.

Taking account of the criteria set out in Schedule 3 of the Regulations and all other relevant factors it is considered that the development described in the information accompanying the application would not be likely to have significant effects on the environment, in the sense intended by the Regulations. Therefore an Environmental Impact Assessment is not

necessary and an Environmental Statement, in line with the Regulations, is not required to be submitted with the application.

An application (reference H/02048/12) for a Screening Opinion in 2012 found that a proposal for more dwellings on the site than the current application has sought (comprising 407 new dwellings) would not require an Environmental Impact Assessment (and that Environmental Statement, in line with the Regulations, was not required to be submitted with the application for planning permission for that proposal).

3.17 Planning obligation matters:

Policy CS15 of the Barnet Local Plan states that where appropriate the Council will use planning obligations to support the delivery of infrastructure, facilities and services to meet the needs generated by development and mitigate the impact of development.

At present no means (such as a legal agreement) has been provided by the applicant to secure the delivery of the planning obligations identified by the Local Planning Authority as necessary for the application to be found acceptable and compliant with development plan policy (which comprises all those items identified under the headings below, except the item relating to wayfinding and signage). In the absence of a means to secure these items the scheme is considered to be inadequate in these respects. Specific planning obligations are discussed in detail under the headings below.

Affordable Housing

Matters relating to affordable housing are addressed in section 3.7 of this report.

Enhancement to local bus stop facilities

The nature of the development, which would include a community facility and also be likely to contain a number of wheelchair accessible dwellings, is anticipated to directly increase the number of wheelchair users within the local area who may wish to utilise the public transport system. The assessments carried out as part of the submission include a Pedestrian Environment Review System (PERS) audit. This identified that none of the six bus stops nearest the site included raised kerbs. New buses are required to be capable of deploying a ramp, giving a 1:8 or 12 percent (7 degree gradient), onto a kerb of at least 125mm in height (a raised kerb). This requirement is referenced within TfL's Accessible Bus Stop Design Guidance, the implementation of which is promoted within London Plan policy 6.7. The PERS audit also notes that the nearest London Underground station (Totteridge and Whetstone) does not benefit from step free access.

In light of these circumstances TfL has requested contribution of £10000 towards upgrading bus stop facilities in the vicinity of the site. This would involve implementing raised kerbs to the sufficient heights for deficient bus stops. Raised kerbs allow the bus ramps described above to function appropriately and ensure that mobility impaired users can access the bus system with dignity. This obligation is also sought in accordance with policy DM17 of the Barnet Development Management Policies document, which states that development should provide improved and fully accessible interchange facilities where necessary. As it relates to the provision of a

financial sum a planning obligation is the most appropriate means of securing the delivery of these works.

Travel Plan and Travel Plan monitoring

In accordance with development plan policy the applicant is required to enter into a Travel Plan for the development which seeks to reduce reliance on the use of the private car and promotes sustainable means of transport. It is considered that a planning obligation is the most appropriate means of securing the delivery of this important mitigation.

To enable the Council to monitor the scheme to ensure the development is making reasonable endeavours to meet travel related sustainability objectives, in accordance with development plan policies, a contribution of £15000 is required towards the monitoring of the Travel Plan. As it relates to the provision of a financial sum a planning obligation is the most appropriate means of securing the delivery of this.

Wayfinding and signage

TfL have requested a contribution of £15000 towards the provision of a Legible London sign as part of the application. Legible London is a pedestrian wayfinding system designed to encourage walking. While it is recognised that the provision of such signage is extremely beneficial and to be commended, at the time of writing it is not considered that TfL have provided an explanation as to why it is necessary for the development to be found acceptable in this instance. In such circumstances it is not appropriate to refuse the application on the basis of the absence of a means to ensure such a contribution is delivered. Should TfL provide further explanation as to why this contribution is appropriate the Council would be willing to revise its position on this matter.

Highway works associated with the development

A number of key works to the highway are proposed as part of the submission. These are needed to provide the development with suitable access and mitigate its transport impacts. The works include:

- Delivery of the signalisation of the Friern Barnet and A1000 junction.
- The formation of a new access from the site on to Oakleigh Road North.
- Modifications to the A1000, Oakleigh Road North and Totteridge Lane junction (requiring a financial contribution of £50000).

These works are discussed in further detail in section 3.9 of this report.

As the works are taking place either entirely or partially off the application site and, in one case, involve the payment of a financial contribution it is considered that a planning obligation is the most appropriate means of securing their delivery.

Monitoring of the Section 106 Agreement

The planning obligations associated with a planning application are a key part of the way in which it mitigates its impacts and provides the infrastructure needed for it to take place. Ensuring the delivery of this takes considerable time and resources. As the Council is party to a large number of planning obligations, significant resources are required to project manage and ensure the implementation of schemes funded by planning obligation agreements.

The Council therefore requires the payment of a sum of £1800 towards the costs of undertaking the work relating to securing the delivery of the planning obligations identified here. This figure is calculated using the approach set out in Barnet's adopted Supplementary Planning Document for Planning Obligations. As it relates to the provision of a financial sum a planning obligation is the most appropriate means of securing the delivery of this item.

3.18 Barnet Community Infrastructure Levy

The Community Infrastructure Levy (CIL) potentially applies to all 'chargeable development'. This is defined as development of one or more additional units or development seeking an increase to existing floor space greater than 100 square metres.

Barnet Council is a charging authority for the purposes of Part 11 of the Planning Act 2008 and may therefore charge a Community Infrastructure Levy in respect of development in The London Borough of Barnet. Barnet Council adopted a CIL charge on 1st May 2013. This set a rate of £135 per square metre on residential and retail development within the borough. All other uses and undercroft car parking areas are exempt from this charge.

If an outline planning permission was to be granted for the development proposed it would be liable for charge under the Barnet CIL. The calculation of the Barnet CIL payment would be based on the floor areas of the residential elements of the development (except for any potential undercroft car parking areas). As the application is in outline form any Barnet CIL charges would be made on a phase-by-phase basis. Once received any payments made under the Barnet CIL would be potentially available to deliver infrastructure (for example new educational facilities) needed to support the development proposed.

3.19 Mayoral Community Infrastructure Levy

The Community Infrastructure Levy (CIL) potentially applies to all 'chargeable development'. This is defined as development of one or more additional units or development seeking an increase to existing floor space greater than 100 square metres.

The Mayor of London is a charging authority for the purposes of Part 11 of the Planning Act 2008 and may therefore charge a Community Infrastructure Levy in respect of development in Greater London. The Mayor of London adopted a CIL charge on 1st April 2012. This set a rate of £35 per square metre on all forms of development in Barnet, except that which is for education and health purposes (which are exempt from this charge).

If an outline planning permission was to be granted for the development proposed it would be liable for charge under the Mayoral CIL. The calculation of the Mayoral CIL payment would be carried out on the basis of the floor areas of the residential and other elements of the development (except for potential education and health uses in the scheme). As the application is in outline form any Mayoral CIL charges would be made on a phase-by-phase basis.

4. EQUALITIES AND DIVERSITY ISSUES

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need 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 considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to refuse planning permission for the proposed development would not conflict with the Council’s statutory duty under this legislation, the Council’s Equalities Policy or the commitments set out in Barnet’s Equality Scheme.

5. COMMENTS ON GROUNDS OF OBJECTIONS

The objections raised are all considered in the appraisal and analysis set out in the relevant parts of the report.

6. CONCLUSION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine an application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within The Mayor’s London Plan and the Barnet Local Plan, as well as other relevant guidance and material planning considerations, have been carefully considered and taken into account by officers in their assessment of this application.

For the reasons identified in the reasons for refusal set out at the start of this report and explained in further detail in the planning considerations section of the main body of the report it is found that the proposed development fails to comply with a number of important development plan policies and planning guidance documents. As there are no material planning considerations which are sufficient to overcome these conflicts with development plan policy and guidance it is considered that there are material planning considerations which justify the refusal of planning permission.

The application is therefore recommended for REFUSAL for the reasons set out at the start of this report.

APPENDIX 1: KEY PLANNING HISTORY FOR THE SITE

Sweets Way, Whetstone

B/02627/12 'Environmental impact assessment screening opinion'
ENVIRONMENTAL STATEMENT NOT REQUIRED (August 2012).

Whetstone Community Centre 171 Sweets Way, Whetstone

N14537A/06 'Single storey side extension to community centre to provide a creche' APPROVE SUBJECT TO CONDITIONS (2006).

N14537/05 'Single storey side extension to community centre to provide a creche' APPROVE SUBJECT TO CONDITIONS (2005).

1230 High Road, Whetstone

N01078X/06 'Demolition of all existing buildings and erection of a six storey building comprising basement car park ground and first floor offices and 28 self-contained flats on upper 4 floors.' APPROVED SUBJECT TO CONDITIONS (February 2007).

B/02471/11 'Erection of six storey building to provide 1,015 sqm of ground floor offices and 39 no. self-contained flats on the upper five floors plus roof top plant room, external amenity space at first floor level. Basement car park for 45 no. cars with cycle storage provision and associated works.' APPROVED SUBJECT TO CONDITIONS (February 2012).

B/02684/12 'Variation of condition 1 (Plan Numbers) and removal of conditions 25 (Noise Report for Site Plant) and 31 (Biomass Boiler) of planning permission B/02471/11 dated 21/02/12 for 'Erection of six storey building to provide 1,015 sqm of ground floor offices and 39 no. self-contained flats on the upper five floors plus roof top plant room, external amenity space at first floor level. Basement car park for 45 no. cars with cycle storage provision and associated works.' Variation to include additional internal escape staircase; revision of vehicular ramp and basement layout; increase in ground floor height; omission of top floor plant room; adjustments to the design of roof, parapet edges to fifth floor, fenestration and rear elevation; location and levels of front entrances adjusted: dwelling mix adjusted.' APPROVED SUBJECT TO CONDITIONS (February 2013).

B/02128/13 'Erection of six storey building to provide ground floor offices and 42 no. self-contained flats on the upper five floors, external amenity space at first floor level, a basement car park for 44 no. cars with cycle storage provision and associated external works.' WITHDRAWN (September 2013).

Lawsons, 1208 High Road, Whetstone

N00986M 'Demolition of existing workshop and saw mill and construction of new covered sawmill and timber store and additional free standing external racking.' APPROVED SUBJECT TO CONDITIONS (November 1997).

N00986N 'Noise attenuation measures for covered store pursuant to condition 2 of planning permission N00986M dated 11.11.97.' APPROVED (AUGUST 1998).

N00986P 'Details of noise report and noise attenuation scheme pursuant to condition 2 of planning permission ref: N00986M dated 11.11.97 for new sawmill and store.' APPROVED (DECEMBER 1998).

N00986Q 'Installation of wood fuel fired heating system incorporating external flue to existing warehouse.' APPROVED SUBJECT TO CONDITIONS (February 1999).

Queenswell Schools, Sweets Way, Whetstone

N01346W/00 'Demolition of existing Infant and Nursery School. Erection of new part single part two storey Infant and Nursery School with associated car parking, landscaping and mini football pitch, protective fencing and means of enclosure.' APPROVED SUBJECT TO CONDITIONS (January 2001).

N01346Z/01 'Alterations and extensions to form 6 new classrooms to Junior School. Demolition of 3 blocks of demountable classrooms and amended parking layout.' APPROVED SUBJECT TO CONDITIONS (February 2002).

Land off High Road/Chandos Avenue and the Brethren Meeting Hall and Well Grove School, Well Grove, Whetstone

B/03068/11 '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).' APPROVED SUBJECT TO CONDITIONS (March 2012).

Former BP Petrol Filling Station, 1412 to 1420 High Road, Whetstone

N16024/08 'Demolition of former petrol filling station forecourt shop building, and erection of a seven storey mixed use building, comprising class A1, A2, A3 and B1 commercial floorspace at ground floor and 40 residential units on upper floors with associated car parking at basement level.' REFUSED (May 2008).

B/01561/13 'Mixed use redevelopment of former petrol station to erect a six-story building to provide 22 self-contained units and 2 retail units at ground floor level. Provision of basement car and cycle parking.' APPLICATION UNDER CONSIDERATION.

Northway House, 1379 High Road, Whetstone

B/03173/12 'Environmental impact assessment screening opinion' ENVIRONMENTAL STATEMENT NOT REQUIRED (September 2012).

B/00421/13 'The extension, refurbishment, alteration and change of use of Northway House to provide for a residential led mixed use development comprising a total of 191 new dwellings (use class C3); 340 square metres of retail (use class A1 or A3) floorspace; 190 square metres of flexible education or community use (use class D1) floorspace; 618 square metres of office (use class B1) floorspace; together with ancillary reception floorspace and associated landscaping, car parking and access.' APPLICATION UNDER CONSIDERATION.

B/02148/13 'Application for determination as to whether the prior approval of the Local Planning Authority is required for the change of use of the existing office floorspace (Use Class B1 (a)) to a residential use (Use Class C3), comprising 95 dwellings.' NOT PERMITTED DEVELOPMENT AND THE PRIOR APPROVAL PROCESS IS NOT APPLICABLE (July 2013).

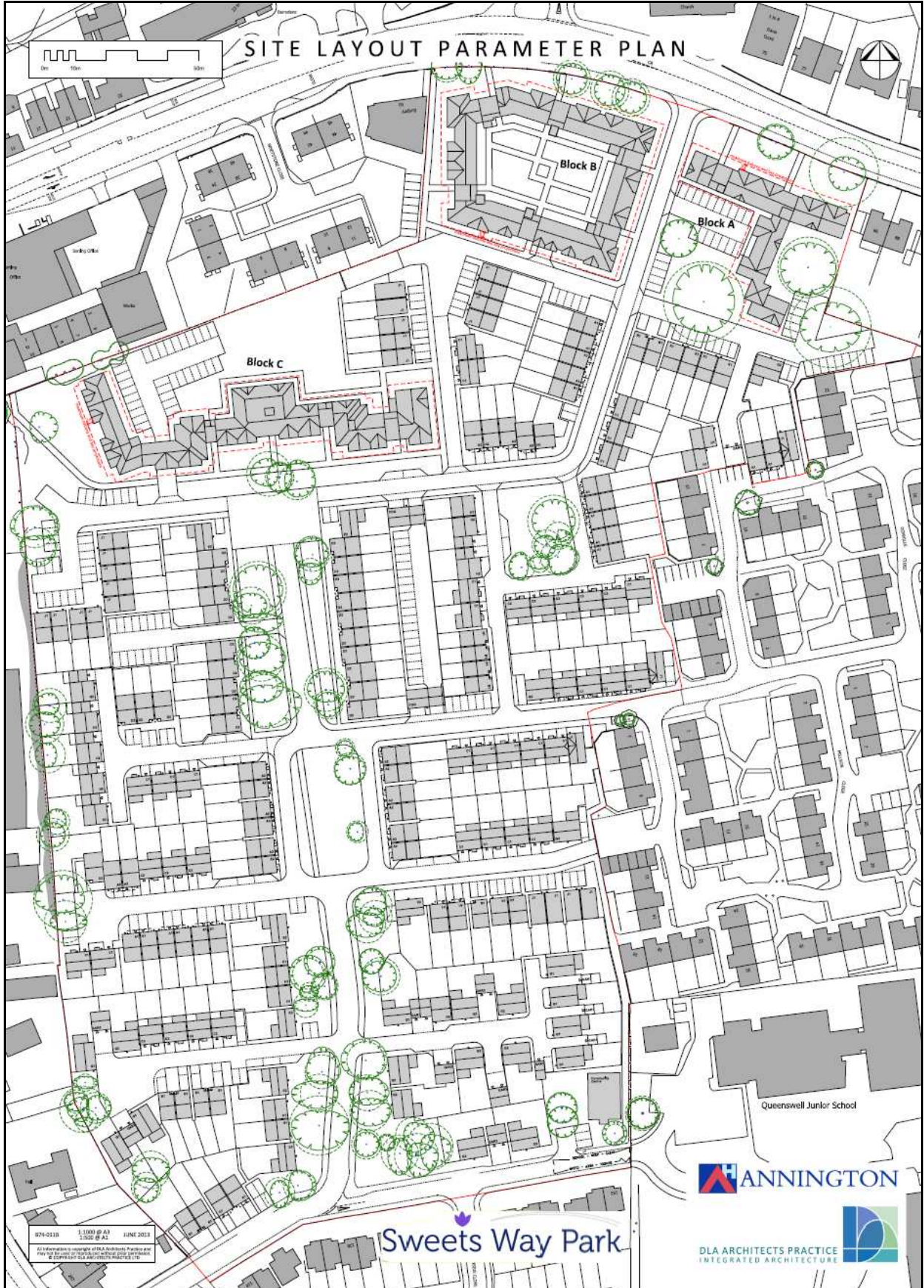
B/02158/13 'Application for determination as to whether the prior approval of the Local Planning Authority is required for the change of use of the existing office floorspace (Use Class B1 (a)) to a residential use (Use Class C3), comprising 95 dwellings.' NOT PERMITTED DEVELOPMENT AND THE PRIOR APPROVAL PROCESS IS NOT APPLICABLE (July 2013).

B/03322/13 'Application for determination as to whether the prior approval of the Local Planning Authority is required for the change of use of the existing office floorspace (Use Class B1 (a)) to a residential use (Use Class C3), comprising 74 dwellings.' NOT PERMITTED DEVELOPMENT AND THE PRIOR APPROVAL PROCESS IS NOT APPLICABLE (September 2013).

B/03490/13 'Application for determination as to whether the prior approval of the Local Planning Authority is required for the change of use of the existing office floorspace (Use Class B1 (a)) on the eighth floor of the building to a residential use (Use Class C3), comprising 4 dwellings' NOT PERMITTED DEVELOPMENT AND THE PRIOR APPROVAL PROCESS IS NOT APPLICABLE (September 2013).

B/05674/13 'The extension, refurbishment, alteration and change of use of Northway House to provide for a residential led mixed use development comprising a total of 145 new dwellings (use class C3); 2,045 square metres of floorspace for business use (use class B1) or non-residential institutional use (use class D1); together with ancillary reception floorspace and associated landscaping, car parking and access.' APPLICATION UNDER CONSIDERATION.

APPENDIX 2: PROPOSED SITE LAYOUT PLAN



APPENDIX 3: INFORMATIVES

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals the Local Planning Authority has produced planning policies and written guidance. These are all available on the Council's website. A pre-application advice service is also offered. In this instance the applicant sought formal pre-application advice, which was provided.

During the processing of the application there was significant engagement with the applicant to try and achieve an acceptable proposal. Unfortunately amendments to overcome important planning concerns with the application were not submitted. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through its pre-application advice service.

2. National Grid has advised that they have gas apparatus in proximity to the site. The applicant is therefore advised to contact National Grid at the earliest opportunity to discuss this matter with them directly. The National Grid Plant Protection Team can be contacted at on 0800 688 588 and at plantprotection@nationalgrid.com or at Plant Protection, National Grid, Block 1 Floor 1, Brick Kiln Street, Hinckley LE10 0NA.

3. The plans and documents accompanying this application are:

874-010; 874-011B; 874-012C; 874-013B; 874-014E; 2205-LA-01 Revision D; VN40291-DG-0005; VN40291-DG-0006; Design and Access Statement; Design and Access Statement Addendum; 874-024; Planning Statement; Letter from PPML Consulting dated 28th June 2013; Email from Ian Hudson of Annington Developments dated 1st November 2013 entitled 'Sweetest Way, Whetstone'; Sweets Way – Post Planning Application Submission Revisions Note; Transport Assessment; Travel Plan; Email from SKM responding to TfL Comments dated 22nd October 2013; Arboricultural Impact Assessment Report (and associated plans); Supporting Information Relating to Existing and Proposed Trees Reference 2205-FN07a; Illustrative Landscape and Public Realm Strategy with Drawing Number 2205-LA-02 Revision D; Archaeological Desk Based Assessment; Desk Study; Extended Phase 1 Habitat Survey and Bat Inspection; Stage 2 Bat Survey; Flood Risk Assessment; Letter from SKM dated 30th August 2013 proposing a revised drainage strategy; Surface Water Conceptual Drainage Layout Drawing Number VN40291-ECC-SK-0001 Revision E; Accommodating SUDs into the Amenity and Play Space Strategy 2005-FN06a; Drawing 2100-LA-03; Noise Assessment; Air Quality Assessment; Land Quality Assessment; Sustainability Statement; Energy Assessment; Energy Technical Note; Statement of Community Involvement; Viability Report

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LOCATION: Chandos Lawn Tennis Club, Chandos Way, Wellgarth Road,
London, NW11 7HP
REFERENCE: F/01319/12 **Received:** 05 April 2012
Accepted: 19 April 2012
WARD: Garden Suburb **Expiry:** 19 July 2012 **AGENDA ITEM 8**

**Final
Revisions:**

APPLICANT: BDW Trading Limited

PROPOSAL: Erection of 45 self-contained units with associated car parking, cycle storage, amenity space, landscaping, refuse/recycling access, following demolition of existing building and structures

APPROVE SUBJECT TO COMPLETION OF 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**
No development shall commence (other than for Site Investigations, Groundworks, Site Preparation Works and Mobilisation) until the new tennis club at East End Road has been constructed in its entirety and has been handed over to the club in accordance with planning application F/01320/12.
- 4 **Special Site-Specific Obligation** **£0.00**
No residential units shall be occupied until the off site units at the Stonegrove and Spur Road Estate Regeneration Area identified on the approved plan and schedule listed in condition 1 pursuant to the permission have been completed and handed over to Family Mosaic acting as registered provider. This off site provision shall consist of 19 Affordable Rented units as follows:

9 x 2 bed flats
2 x 3 bed flats
5 x 3 bed houses
3 x 4 bed houses

5 Special Site-Specific Obligation £0.00
The off site affordable housing units shall be retained for such purposes in perpetuity.

6 Monitoring of the Agreement £1,500.00
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: F/01319/12 under delegated powers subject to the following conditions: -

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

- Drawings 2830_0100, 2830_1000A, 3170_1101D, 3170_1102D, 3170_1103E, 3170_1104C, 3170_1105C, 3170_1100B, 3170_2110B, 3170_2111B, 3170_2112B, 3170_2113B, 3170_2114B, 3170_2100B, 3170_2101B, 3170_2102A, 3170_2103A, 3170_2104A, 2830_3009B, 2830_4000B, 2830_4001B, 2830_6001A, 2830_6002A, 2830_6003A, 3170_2105A, 3170_3001A, 3170_3000A, 3170_3010A, 3170_3011A, 3170_3003A, 3170_3002A, 3170_4000A, 3170_4001A, 3170_4002A, 3170_4010B, 3170_4011B, 3170_4012A, 3170_1153A
- Access Statement (within D&AS) (David Bonnett Associates) 23.08.13
- Air Quality Assessment (URS) 05.04.12
- Arboricultural Implications Assessment (Middlemarch Environmental Ltd) 23.08.13
- Arboricultural Survey (Middlemarch Environmental Ltd) 05.04.12
- Daylight and Sunlight Report (Savills Ltd) 23.08.13
- Design and Access Statement (AWW Architects) 23.08.13
- Extended Phase 1 Habitat Survey (Middlemarch Environmental Ltd) 05.04.12
- Heritage Impact Assessment (Purcell UK) 23.08.13
- Updated Initial Bat Survey (Middlemarch Environmental Ltd) September 2013
- Landscape Design Report (within D&AS) (Townshend Landscape Architects) 23.08.13
- Noise and Vibration Assessment (SRL Technical Services Ltd) 23.08.13
- Planning Statement (bptw partnership) 23.08.13
- Playspace Assessment & Amenity Space Schedule (AWW Architects) 23.08.13 (within DAS)
- Preliminary Construction Method Statement (within PS) (Barratt Homes) 05.04.12
- Site Investigation Report (RSA Geotechnics Ltd) 05.04.12
- Statement of Community Involvement (HardHat) 23.08.13
- Sustainability Statement, incl. Energy Statement and CfSH Pre-Assessment (BBS Ltd) 12.09.12
- Transport Assessment (Mayer Brown) 05.04.12 / (SKM Colin Buchanan)

23.08.13

- Verified Views Report (within D&AS) (Animated Remedy) 23.08.13
- Viability Assessment (Allsops) 01.11.13

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

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

Reason:

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

3. Notwithstanding the details shown on the plans otherwise hereby approved the development hereby permitted shall not commence (other than for Ground Investigations, Groundworks, Site Preparation Works and Mobilisation) unless and until details and appropriately sized samples of the materials to be used for all the external surfaces of the proposed buildings and the new hard surfaced areas at the site have been submitted to and approved in writing by the Local Planning Authority. The Development shall thereafter be implemented in accordance with such details and samples as so approved before the dwellings approved are first occupied.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the development is constructed in accordance with policies CS5, DM01 and DM06 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

4. Notwithstanding the details shown in the drawings submitted and otherwise hereby approved the development is not to commence (including any works of demolition) unless and until details of the levels of the buildings, roads and footpaths in relation to adjoining land and highways 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 development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

5. Notwithstanding the details submitted with the application and otherwise hereby approved, before the development hereby permitted is brought into

use or occupied details of the:

- enclosures, screened facilities and/or internal areas of the proposed buildings to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable;
- satisfactory points of collection; and
- details of the refuse and recycling collection arrangements

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and the refuse and recycling facilities provided in full accordance with the details approved under this condition before the development is occupied and the development shall be managed in accordance with the approved details once occupation of the site has commenced.

Reason:

To ensure a satisfactory refuse and recycling facilities are provided at the development in accordance with policies CS5, CS9, CS14, DM01, DM04 and DM17 of the Barnet Local Plan.

6. 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 permitted shall not be extended or altered in any manner whatsoever.

Reason:

To ensure the development does not prejudice the character of the locality and the enjoyment by existing and/or neighbouring occupiers of their properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

7. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no installation of any structures or apparatus for purposes relating to telecommunications shall be installed on any part the roof of the building(s) hereby approved, including any structures or development otherwise permitted under Part 24 and Part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any equivalent Order revoking and re-enacting that Order.

Reason:

To ensure that the development does not impact adversely on the townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with policy DM01 and DM18 of the Adopted Barnet Development Management Policies DPD (2012).

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

Reason:

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

9. The hereby approved flats and houses shall be used as self-contained units as shown on the hereby approved drawings under Class C3 (a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

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

10. Notwithstanding the details submitted and otherwise hereby approved, prior to the commencement of the development (other than for Groundworks and Site Preparation Works) a detailed scheme of hard and soft landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The details of landscaping submitted shall include but not be limited to the following:

- The position of any existing trees to be removed.
- New tree, hedge and shrub planting including species, plant sizes and planting densities as well as planting for green roofs including herbaceous / climbers / grasses / ground cover plants.
- Means of planting, staking and tying of trees, including tree guards as well as a detailed landscape maintenance schedule for regular pruning, watering and fertiliser.
- Existing contours and any proposed alterations such as earth mounding.
- Areas of hard landscape works including paving, proposed materials samples and details of all techniques to be used to provide conditions appropriate for new plantings.
- The timing of planting.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

11. 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

12. 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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

13. 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

14. No site works or works on this development shall be commenced before temporary tree protection has been erected around existing trees in accordance with documents submitted with this application and listed in condition 1. 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

15. The development hereby approved shall not be occupied unless and until a Landscape Management Plan, including details of the long term design objectives, management responsibilities and maintenance schedules for the landscaped parts of the site (other than for privately owned domestic gardens) shall have been submitted to the Local Planning Authority and approved in writing. The management of the landscaping at the site shall be carried out in full accordance with the details in the approved Landscape Management Plan.

Reason:

To ensure a satisfactory appearance to the development and protect the amenities of the area and neighbouring occupiers in accordance with policy DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.

16. 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) and achieve full Lifetime Homes credits. No dwelling shall be occupied until evidence that the Lifetime Homes credits have been achieved and 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 DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).

17. Before the development hereby permitted commences details of the location within the development and specification of the 4 units to be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users shall be submitted to and approved in writing by the Local Planning Authority. The specification provided for the 4 units shall demonstrate how the units will be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users. The development shall be implemented in full accordance with the details as approved prior to the occupation of the development.

Reason:

To ensure that the development is accessible for all members of the community and to comply with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and policies 3.8 and 7.2 of the London Plan 2011.

18. Prior to the first occupation of the apartments a scheme detailing all play equipment to be installed in the communal amenity space on the part of the site identified in drawings listed in condition 1 shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the details as approved prior to the first occupation of the apartments.

Reason:

To ensure that the development represents high quality design and to accord with policies CS7 of the Core Strategy and DM02 of the Development Management DPD and policy 3.6 of the London Plan 2011.

19. The dwellings hereby approved shall have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters.

Reason:

To encourage the efficient use of water in accordance with policies DM02 of the Development Management DPD (2012) and 5.15 of the London Plan 2011.

20. The development hereby permitted shall not commence unless and until a Drainage Strategy detailing all on and off site drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning. No foul, surface or ground water shall be discharged from the development hereby approved into the public sewer system until the drainage works and Sustainable Urban Drainage System features identified in the approved Drainage Strategy have been implemented in their entirety.

Reason:

To ensure that the development provides appropriate drainage infrastructure and to comply with policy CS13 of the Barnet Local Plan and policies 5.13 and 5.14 of the London Plan.

21. The only toilets to be installed in the development hereby approved shall be dual flush (6 to 4 litres) toilets and all taps fitted in the development shall be spray or flow restricted taps.

Reason:

To encourage the efficient use of water in accordance with policy CS13 of the Barnet Local Plan and policy 5.15 of the London Plan.

22. Notwithstanding the details shown on the plans submitted and otherwise hereby approved prior to the commencement of the development (other than for Groundworks and Site Preparation Works) full details, including annotated scaled plans, of all proposed boundary treatments, walls, fencing, gates or other means of enclosure to be erected at the site (both to enclose the site and to divide areas within the site) shall have been submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved details prior to the first occupation of the dwellings hereby approved and be permanently retained as such thereafter.

Reason:

To ensure that the development protects the amenities of the occupiers of neighbouring and future properties, provides a safe and secure environment and to protect the character and visual amenities of the site and wider area in accordance with policies CS5 and DM01 and DM02 of the Barnet Local Plan and policies 1.1, 7.3, 7.4, 7.5 and 7.6 of the London Plan.

23. 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.

24. Prior to the first occupation of the dwellings hereby approved full plans, details and specifications of all external lighting to be installed as part of the development shall be submitted to the Local Planning Authority and

approved in writing. The development shall be implemented in full accordance with the approved details prior to the first occupation of the development.

Reason:

To ensure that appropriate lighting is provided as part of the development in accordance with policy DM01 of the Barnet Local Plan and policy 7.13 and 5.3 of the London Plan.

25. Notwithstanding the details shown in the plans submitted and otherwise hereby approved prior to the first occupation of the dwellings hereby granted consent details of the security and crime prevention measures to be included within the development shall be submitted to and approved in writing by the Local Planning Authority. The information submitted in this respect shall include (but not be limited to) details in relation to:

- The postal arrangements for communal entrances.
- The measures to be used to prevent unauthorised access to the undercroft parking areas.
- The means of enclosing the site.
- The contribution that the landscaping of the site can make to security and crime prevention.

The development shall be implemented in full accordance with the approved details prior to the first occupation of the development.

Reason:

To ensure that appropriate security and crime prevention measures are provided as part of the development in accordance with policy DM01 and DM02 of the Barnet Local Plan and policy 7.13 of the London Plan.

26. Car and cycle parking spaces shall be provided in accordance with the drawings listed in condition 1 pursuant to this consent. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

27. No development shall take place until a 'Demolition & Construction Method Statement' has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution. Throughout the construction period the detailed measures contained within the approved Statement shall be strictly adhered to.

Reason:

In the interests of highway safety and good air quality in accordance with Policy DM17 and DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.21 of the London Plan (2011).

28. For every five parking spaces provided, one parking space should have provision or be future proofed to provide a suitable electrical charging point.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with policies 6.13 of the London Plan (2011) and Policy DM17 of Barnet's Local Plan (Development Management Policies).

29. 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 in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF of the Adopted Barnet Core Strategy DPD (2012) and 5.21 of the London Plan 2011.

30. A noise assessment, by an approved acoustic consultant, shall be carried out 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.

Reason:

To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

31. 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 in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

32. 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 in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

33. A scheme for acoustic fencing between the site and Golders Green Depot 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.

Reason:

To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their home(s) in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

34. 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.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

35. Development shall not begin until a scheme for protecting the proposed development from vibration, has been submitted to and approved by the Local Planning Authority. The vibration protection scheme include such combination of land separation, vibration control techniques and other measures, as may be approved by the Local Planning Authority, in the light of current guidance on vibration levels. The said scheme shall include such secure provision as will ensure that it endures for so long as the development is available for use and that any and all constituent parts are repaired and maintained and replaced in whole or in part so often as occasion may require. The relevant parts of the approved mitigation scheme shall be implemented before each of the units is occupied.

Reason:

To ensure that the amenities of occupiers are not prejudiced by rail and / or road traffic vibration in the immediate surroundings.

36. Before the development hereby permitted commences, details of the following 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.

- a. details of dormer windows
- b. details of chimney stacks
- c. details of eaves
- d. details of parapets
- e. details of balconies
- f. details of doors including garage doors
- g. details of door canopies
- h. details of window aprons and heads
- i. details of tile creasing
- j. details of rainwater goods
- k. details of boiler flues and other extract/intake terminals
- l. details of roof ventilation
- m. details of gates
- n. details of signage and lighting

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies DM01 and DM06 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

37. Before house 2 hereby permitted is occupied the proposed first floor windows facing Waterlow Court shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

38. Before house 1 hereby permitted is occupied the proposed second floor window facing Waterlow Court shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

INFORMATIVE(S):

1.
 - i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.
 - ii) In this case, formal pre-application advice was sought prior to submission of the application.

2. Highways informatives:

The applicant is advised that prior to any alteration to the public highway (including pavement) will require consent of the local highways authority. You may obtain an estimate for this work from the Chief Highways Officer, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

Any provision of a new crossover or modification to the existing crossovers will be subject to detailed survey by the Crossover Team in Environment and Operations, Crossover Team as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. An estimate for this work could be obtained from London Borough of Barnet, Environment and Operations, Crossover Team, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP

Refuse collection points should be located within 10 metres of the Public Highway; otherwise, unobstructed access needs to be provided for 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.

Any details submitted in respect of the 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.

3. Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.

4. 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 or by telephoning: 0208 359 7294.

5. Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
6. Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.
7. 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.
8. Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £283,990 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £872,100 payment under Barnet CIL.

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

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

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

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

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

10. 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.

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

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

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: 1) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and measurement of environmental noise; 2) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 3) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 4) Department of transport: Calculation of road traffic noise (1988); 5) Department of transport: Calculation of railway noise (1995); 6) Department of transport : Railway Noise and insulation of dwellings.

RECOMMENDATION III

That if an agreement has not been completed by 31 January 2014, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application F/01319/12 under delegated powers for the following reasons:

1. The development does not include a formal undertaking to secure the necessary affordable housing contributions and the associated monitoring costs which would be incurred by the community as a result of the development; contrary to Policies CS4, CS10 and CS11 of the Local Plan Core Strategy DPD (Adopted) 2012 and DM10 of the Local Plan Development Management Policies DPD (Adopted) 2012; and the adopted Supplementary Planning Documents "Affordable Housing" and "Planning Obligations".

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan: July 2011

- Policy 3.3 – Increasing Housing Supply
- Policy 3.4 – Optimising Housing Potential
- Policy 3.5 – Quality and Design of Housing Developments
- 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 3.14 – Affordable Housing Thresholds
- Policy 3.19 – Sports facilities
- Policy 5.2 – Minimising carbon dioxide emissions
- Policy 5.3 – Sustainable design and construction
- Policy 5.14 – Water quality and wastewater infrastructure
- Policy 5.15 – Water use and supplies
- Policy 6.12 – Road network capacity
- 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 7.14 – Improving air quality

Core Strategy Policies 2012

- Policy CS 1 Barnet's Place Shaping Strategy – The Three Strands Approach
- Policy CS 3 Distribution of growth in meeting housing aspirations
- Policy CS 4 Providing quality homes and housing choice in Barnet

- Policy CS 5 Protecting and Enhancing Barnet's character to create high quality places
- Policy CS 9 Providing safe, effective and efficient travel
- Policy CS13 Ensuring the efficient use of natural resources
- Policy CS14 Dealing with our waste
- Policy CS 15 Delivering the Core Strategy

Development Management Policies 2012

- DM01 Protecting Barnet's character and amenity
- DM02 Development standards
- DM03 Accessibility and inclusive design
- DM04 Environmental considerations for development
- DM06 Barnet's Heritage and Conservation
- DM08 Ensuring a variety of sizes of new homes to meet housing need
- DM10 Affordable housing contributions
- DM13 Community and education uses
- DM16 Biodiversity
- DM17 Travel impact and parking standards
- DM18 Telecommunications

Local Supplementary Planning Documents (SPDs):

- Planning Obligations (2013)
- Residential Design Guidance (2013)
- Sustainable Design and Construction (2013)
- Affordable Housing (updated 2010)
- Hampstead Garden Suburb Character Appraisal (2010)

Strategic Supplementary Planning Documents and Guidance:

- Accessible London: Achieving an Inclusive Environment
- Wheelchair Accessible Housing (September 2007)
- Planning for Equality and Diversity in London (October 2007)
- All London Green Grid (March 2012)
- Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
- Mayor Housing SPD

Relevant Planning History:

Application Number: C01684L
Application Type: Full Application
Decision: Approve
Decision Date: 09/01/1974
Proposal: **Transfer of tennis club from land adjoining Wellgarth Road**

Application Number: C01684M
Application Type: Full Application
Decision: Approve
Decision Date: 05/06/1974

Proposal: Details of tennis clubhouse pursuant to outline approval.

Application Number: C01684S
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 25/02/1976
Proposal: **Construction of new tennis club building, incorporating club room, changing room and groundsman's accommodation with associated parking provision.**

Application Number: C01684AK
Application Type: Full Application
Decision: Refuse
Decision Date: 06/01/1988
Proposal: **Inflatable airdome over two tennis courts**

Application Number: C01684BB/04
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 07/06/2005
Proposal: **Installation of flood-lighting to court 2.**

Application Number: F/02283/09
Application Type: Full Application
Decision: Not yet decided
Decision Date: Not yet decided
Proposal: **Installation of 12 floodlights to tennis courts 1, 7 and 8 (3 floodlights to court 1 and 5 floodlights to courts 7 and 8).**

Consultations and Views Expressed:

Neighbours Consulted: 234
Replies: 85
Neighbours Wishing To Speak 14

The 80 objections raised may be summarised as follows:

Amenity:

- Excessive height and scale
- Excessive density resulting in noise and disturbance
- Impact on views from Waterlow Court
- Overlooking and loss of privacy to properties on Reynolds Close, Waterlow Court and The Bungalow
- Loss of light
- Noise and fumes at night
- Impact on the garden of The Bungalow
- Inadequate provision of screening between the site and the Hampstead Garden Suburb Conservation Area
- Noise from traffic affecting properties on Britten Close
- A gate should not be allowed at the entrance of the development as it could result in noise
- Disturbance during construction caused by excessive working hours
- Poor amenity for future occupiers due to proximity of phone mast, vibration and pollution

Character:

- Inappropriate use for the area
- Overdevelopment of the site
- Impact on Hampstead Garden Suburb Conservation Area generally
- Impact on the setting of listed buildings within the Hampstead Garden Suburb Conservation Area including buildings on Reynolds Close, Waterlow Court and The Bungalow
- Excessive height, scale and poor appearance
- Loss of environmental character
- Impact on views from Hampstead Heath

Highways:

- New and dangerous traffic patterns
- Risk of accidents
- Dangerous increase in traffic
- Visitor parking should be relocated
- Insufficient number of parking spaces
- Disturbance during construction caused from traffic

Other matters:

- The relocated club is too far from its existing location
- Loss of community facility
- Effect on nature conservation
- Accuracy of the information submitted including misleading information and inaccurate comparative sections, ground levels and views
- Applicant failed to identify all heritage assets
- Increased floodlighting
- Luxury housing not catering for working people
- Health and safety due to access by London Underground

General comments part of the objection letters:

- Trees screening should be retained
- Trees should not be pruned
- Reduction in the height of the proposed block of flats is welcome
- No objection if the top floor was removed
- Support the provision of housing in principle

The Hampstead Garden Suburb Residents Association has objected on the following grounds:

- Impact on Conservation Area including Waterloo Court and The Bungalow
- Impact on the setting of Reynolds Close and 150 adjacent residents
- Loss of privacy and overlooking
- The tennis club should contribute towards the refurbishment of nearby play areas

The Waterlow Court Residents Association has objected on the following grounds:

- Impact on the setting of Waterlow Court
- Impact on The Bungalow
- Appreciate the efforts of the developer to build environmentally friendly buildings that fit in with their surroundings
- Height of development is excessive

- Level views are inaccurate

The Reynolds Close Residents Association has objected on the following grounds:

- Impact on the setting of Reynolds Close and the Hampstead Garden Suburb Conservation Area

Mike Freer MP has objected on the following grounds:

- Impact on Conservation Area and the setting of listed buildings
- Overlooking and loss of privacy

The Hampstead Garden Suburb Trust has no in-principle objection but has recommended amendments (when compared to the first scheme):

- Concern about height of block of flats – a reduction would minimise the impact of the development on the Conservation Area and setting of buildings
- Relayed Reynolds Close and Waterlow Court residents' concerns
- Adequate planting along the boundary with the Conservation Area should be provided
- All existing boundary trees should be retained and not harmed during construction

Comments can be summarised as follows:

The London Parks and Garden Trust wrote to advise that Waterlow Court has opened as part of the Trusts Open Garden Squares and that the Council should carefully consider the setting and character of Waterlow Court.

The Hertfordshire Gardens Trust and Association of Gardens Trusts wrote to advise that the Council should consider the impact that the proposed density, layout and design would have on the setting and character of Waterlow Court.

The Council should have regard to construction traffic

The 2 supporting letters can be summarised as follows:

- The design is sensitive to the surrounding built environment
- Every effort has been made by the developer to consult
- Objections from the Waterlow Court Residents Association does not necessarily reflect the opinions of all Waterlow Court residents

Internal /Other Consultations:

- Urban Design & Heritage – No objection raised
- Traffic & Development – No objection raised
- Transport for London – No objection
- Environmental Health – No objection raised
- Trees and Landscape – No objection raised subject to planning conditions
- Thames Water – No objection

Date of Site Notice: 03 May 2012

2. MATERIAL CONSIDERATIONS

Site description:

The application site is a tennis club located at the end of Chandos Way which is a cul de sac accessed from Wellgarth Road. The site has relatively good access to public transport and local amenities located in nearby Golders Green town centre.

The site has an area of 0.95 hectares and currently consists of eight full sized tennis courts of which two are covered, two mini courts and a club house. 45 car parking spaces are currently provided at the south-eastern corner of the site.

Transport for London (TfL) has a secondary vehicular access to their train depot that runs along the south western boundary of the site. TfL require this access to be maintained.

The site is bordered by tube tracks operated by TfL to the east and south, four-storey apartment blocks on Chandos Way to the west and residential properties on Reynolds Close, Waterloo Court and Corringway to the north.

Properties on Reynolds Close, Waterloo Court and Corringway are located within the Hampstead Garden Suburb Conservation Area and the boundary of the conservation area runs along the north of the site. No part of the site is located within the conservation area. Waterloo Court is a Grade II* listed building, properties on Reynolds Close are grade II listed buildings and properties on Corringway closest to the site have no specific designation.

There is a group of mature trees separating the site from the conservation area. Whilst none of the trees on site are protected by a Tree Preservation Order (TPO), a number of trees within the conservation area are. Some of the protected trees have branches and roots overhanging or within the application site.

The club was established in 1977 as a private members club. The club's lease on the land expires in 2018 and the applicant has advised that the club wishes to ensure that it will have longer term security of tenure, and that there is necessary investment in the facilities to the long term benefit of its members.

Proposals:

The proposal seeks planning permission for the demolition of the existing buildings and structures and the construction of 45 self-contained units with associated car parking, cycle storage, amenity space, landscaping.

The residential accommodation is proposed to be set out as follows:

- 6 two storey detached houses to the north of the site
- 39 apartments in a three/four storey U-shaped building to the south of the site

The houses have been individually designed in the Arts and Craft style commonly found in the nearby Hampstead Garden Suburb Conservation Area. Five of the houses provide two levels of accommodation, and the sixth house (Plot 1) provides additional habitable space in the roof. Each house is set within a private garden and

has access to private on site car parking.

The 39 apartments are split into 14 two-bedroom flats and 25 three-bedroom flats. Whilst the building is more contemporary in design than the houses, it has been inspired by features found in the Arts and Crafts buildings found in the nearby Hampstead Garden Suburb Conservation Area. Parking and refuse facilities are provided within a basement accessed via car lifts. Most ground floor units have access to private amenity space and some upper floor flats have access to private balconies. A central courtyard provides additional amenity space including an area identified as Children Play Space.

The application has been the subject of extensive pre-application discussions detailed in the Design Development section of the Design and Access Statement forming part of the applicant's submission.

Early proposals included 9 houses and 2 five storey blocks of flats. The scheme evolved over a number of pre-application meetings including a consultation with Urban Design London.

Changes to the scheme since submission:

During the course of the planning process both at pre-application and application stage, the scheme has undergone statutory consultation and additional consultation undertaken by the applicant with residents and local groups. This has resulted in a number of comments and suggestions, to which the applicant has responded. Two main sets of revisions have occurred to the scheme since its submission in April 2012.

The first round of consultation responses from residents and the Council's Highway Officers prompted the following revisions, submitted in September 2012:

- Reduction in height of the northern wing of the apartment block by one storey, to reduce the visual impact as viewed from the Hampstead Garden Suburb Conservation Area;
- Reduction in floor area of two duplexes in the northern wing to create apartments, to accommodate the change in height;
- Removal of balconies and juliet balconies at roof level of the apartments;
- Minor changes to the gradient of the basement car park ramp;
- Minor changes to the road layout following tracking updates; and
- Minor detail changes to the houses and apartments, including chimneys, balconies, windows and dormers.

The second round of consultation on this revised scheme prompted further comment from Transport for London (TfL), which currently has access through the site in order to access the railway sidings to the south. These revisions, submitted in August 2013, involved the following:

- Re-routing of the proposed TfL vehicular access back to the existing location along the eastern site boundary;
- Replacement of the basement car park ramp with two car lifts and a bicycle lift;
- Shifting of the apartment block by approximately 6.5m to the northwest of the site, but remaining the same distance from the northern site boundary, and a minor shift of the southern wing of the apartment block closer to the southern site

boundary;

- Marginal shift of the houses closer together, with the house at Plot 3 staying in the same location;
- Minor internal layout revisions to three apartments on the southern wing of the apartment block to improve outlook for residents;
- Relocation of the sub-station to the eastern side of the apartment block, adjacent to the car lifts;
- Increase in size of three private gardens on the western side of the apartment block and relocation of 3 car parking spaces where the previously proposed TfL access is removed; and
- Improved boundary treatment along eastern site boundary, and along the south western site boundary between the houses and the railway sidings.

Relocation of the club / Loss of community facilities

Policy 3.16 of the London Plan relates to the “Protection and enhancement of social infrastructure”. The policy states that the net loss of such facilities must be resisted and increased provision sought.

The Council’s Core Strategy policy CS10 on Enabling Inclusive and Integrated Community Facilities and Uses aims to ensure that the Council provides the right community facilities for Barnet’s communities. The Council plans to protect existing community uses across the borough and to ensure that new facilities are in accessible locations.

The Core Strategy’s definition of community facilities includes (but is not restricted to) recreational and leisure uses which is considered to encompass the existing use on site.

The preceding text to policy DM13 states that protecting all community and education uses without exception could reduce the possibilities of developers or community use promoters coming forward with proposals to mix and/or intensify community uses or relocate them to more accessible locations.

Policy DM13 relates to community and education uses and states that the loss of community use will only be acceptable in exceptional circumstances where new community use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location

The applicant proposes the relocation of the tennis club to a new site in East End Road which is the subject of planning application F/01320/12. The East End Road site is located within the same ward and would provide better facilities for existing and future members as well as the wider community. Members are referred to the committee report relating to planning application F/01320/12 for more details on how the club is proposed to operate on the new site as well as legal requirements to provide access to the wider community.

In order to ensure the delivery of the tennis club facility at East End Road as a pre-requisite to development at the Chandos site subject to this application, a legal agreement is required to ensure that no development shall commence at Chandos Way before the tennis club at East End Road has been constructed and handed over to the tennis club. It is considered that the proposed loss of community facility on site will be compliant with policies details above subject to compliance with the legal agreement.

Principle of the residential use proposed

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. One of the chief objectives of the NPPF 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 NPPF advocates the adoption of a sequential approach to selecting sites for housing to ensure that green field sites are used only when no appropriate sites exist inside urban areas. The sequential approach identifies previously developed sites within urban areas as being the most suitable for development.

The site is previously developed land and therefore is sequentially preferable for residential development.

Policy CS5 states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'. Policy DM01 requires that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The development standards set out in Policy DM02: Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

Furthermore, the Residential Design Guidance SPD advises that the design and layout of new development should be informed by the local pattern of development. The continuity of building lines, forecourt depths, road layout, space about the building and rear garden areas are all likely to be significant factors when redeveloping sites within existing residential areas,

The principle of demolishing the existing buildings and structures is not considered objectionable. As explained above, the site is not within a conservation area and the buildings and structures have no particular architectural merit to warrant their retention.

London Plan policy 3.4 seeks to optimise the housing potential of sites with reference to the density matrix contained in Table 3.2 which provides a guide to appropriate density ranges for particular locations, depending on accessibility and character. The application site benefits from a PTAL of 2. It is considered to fall within a suburban setting as defined in the London Plan. The London Plan Density Matrix therefore suggests a range of 35 to 95 units per hectare and 150-250 habitable rooms per hectare. Taking the site area of 0.95 hectare, the proposal for 45 flats would equate to a density of 47 units per hectare (207 habitable rooms per ha).

Development plan policies require proposals to provide an appropriate range of dwelling sizes and types, taking account of the housing requirements of different groups. The Council's Local Plan documents (Core Strategy and Development

Management Policies DPD) identify 3 and 4 bedroom units as the highest priority types of market housing for the borough.

The dwelling mix proposed, including 68% of the total dwellings which would have 3 or more bedrooms, is considered to include an appropriate range of dwelling sizes and types that would make a useful contribution to meeting the needs of the growing and diverse population of the borough.

Design, character and conservation matters:

The National Planning Policy Framework 2012 makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document states that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It identifies that good design involves integrating development into the natural, built and historic environment and also points out that although visual appearance and the architecture of buildings are important factors, securing high quality design goes beyond aesthetic considerations.

Local Plan policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Local Plan policy DM06 of the Development Management Policies (Adopted) 2012 states that development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

The preamble to policy DM06 states that if a site lies within a Conservation Area or is located nearby, planning permission will not be granted where development proposals neither preserves nor enhances the character or appearance of that area. Proposals will need to consider the Council's conservation area character appraisals and suite of Supplementary Planning Documents.

The London Plan also contains a number of relevant policies on character, design and landscaping. Policy 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.

Background to neighbouring Hampstead Garden Suburb Conservation Area

The Character Appraisal for the nearby conservation area is the Hampstead Garden Suburb Conservation Character Appraisal (2010).

The Supplementary Planning Document for the nearby conservation area is the Hampstead Garden Suburb Conservation Area Design Guidance (2010). The Council Guide 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of a supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council.

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the Greater London Development Plan, and subsequently in the Unitary Development Plan, as an "Area of Special Character of Metropolitan Importance". The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a 'who's who' of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 – 1939.

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

Assessment:

The buildings and spaces proposed in the application respond positively to the context of the site and are found to have an acceptable relationship with the neighbouring buildings, streets and spaces. This is achieved in a number of ways.

The layout of the proposals has been the subject of extensive pre-application discussions and it is considered that the provision of the block of flats and houses would respect the general pattern of development in this part of the Borough. The scale of the buildings would also be in keeping with the general grain of development here and provide a good transition between the larger scale flatted blocks on Chandos Way and the lower scale residential development of the Hampstead Garden Suburb Conservation Area.

As explained above, the site lies between the Hampstead Garden Suburb Conservation Area to the north and the Golders Green Town Centre Conservation Area to the south. To the north-east of the site, within the Hampstead Garden Suburb Conservation Area, are a large number of listed buildings, both houses and flats as follows:

- Reynolds Close by Parker and Unwin, grade II
- Heathcroft on Hampstead Way by JBF Cowper, listed grade II
- Waterlow Court by M.H Baillie Scott at Heath Close, grade II* listed
- Corringway by Parker and Unwin, listed grade II

These buildings were constructed between 1908 and 1924. The existing tennis club site does not feature any buildings of merit and consequently, no objection is raised to the removal of the existing buildings/structures on the site.

The design of the residential buildings proposed on the Wellgarth Road site have been directly influenced by the Arts and Crafts architecture of the historic buildings on the adjoining sites within the Hampstead Garden Suburb Conservation Area. The original scheme included a flatted development of 5 storeys in a modern style, with 8 detached houses of a traditional style, although this proposal was considered to be unacceptable. Subsequently, the scale, siting and design of both the flatted block and the detached houses were revised following discussions with officers and a public consultation exercise. Further modifications were made to the scheme including removal of one storey from the north east wing of the apartment block, to prevent overlooking.

The current proposed C-shaped apartment block, in the south of the site, rises between 3 and 4 storeys with a steeply pitched roof, staircase towers, gabled entrances, dormer windows and tall chimney stacks. It has a central courtyard garden with amenity space, seating and water feature. Balconies are provided to those flats facing south-west. Basement level parking (40 spaces) for the apartments is provided below the courtyard with two car lifts and a bicycle lift providing access, close to the site entrance. Refuse will be stored in the basement and moved to the site entrance on collection day by the management company.

The six detached houses are of traditional design, two storeys in height (one with additional habitable roof space) with gable ends, steep pitched roofs and tall chimney stacks. The detailing on the houses is reminiscent of detailing on Hampstead Garden Suburb houses and includes the use of decorative brickwork laid in an English bond, tile creasing, sprocketed eaves, bonnet tiling and cast iron rainwater goods. The houses are sited on either sides of a central access road and each has a front and rear garden. Surface level car parking spaces and garages are provided for the individual houses. Evergreen hedges and brick walls define the site boundaries.

The type and quality of windows used both on the flats and the houses will be critical to the success of the development. Consequently, a condition is recommended to require the submission of window samples before construction starts on site. The use of good quality facing materials including handmade brick and clay tiles will be of equal importance. Attention to the detailing of architectural features such as chimneys, eaves/parapets, door canopies, window aprons etc, and the use of high quality hard and soft landscaping will also be essential and those matters are also recommended to be conditioned.

Although the site is not within a conservation area, it adjoins the boundaries of both Hampstead Garden Suburb and Golders Green Town Centre conservation areas. A Heritage Impact Assessment has been prepared by the applicant to consider the impact on the conservation areas and the listed buildings within the Hampstead Garden Suburb Conservation Area. This included an assessment of the impact of the proposed development on a number of views from different positions outside the site. A series of wire-line and photo-montage views have been undertaken in accordance with established non-statutory guidance. The conclusions reached were that although the development would be visible in certain views, it would not detract from the significance of those heritage assets, and in particular the listed buildings and their garden settings at Reynolds Close and Waterlow Court. The presence of an established tree screen along the boundary between the site and Hampstead Garden Suburb helps to mitigate any visual impact. Taking account of the submission material and following detailed officer assessment and analysis, the Urban Design and Heritage team have advised that they have no reason to disagree with the findings in the heritage impact assessment and that they consider that the proposed development would not harmfully affect the significance of the heritage assets within the Hampstead Garden Suburb Conservation Area.

Assessment specific to Waterlow Court and buildings on Reynolds Close

Following their initial advice, the Urban Design and Heritage team have provided supplementary comments in relation to the Waterlow Court and buildings on Reynolds Close. The proposed re-development of the tennis club site will introduce new residential buildings on land that is presently open. Consequently, this new built form will be evident in some views from the listed buildings at Waterlow Court and Reynolds Close, and also from their gardens. The bank of mature trees close to the boundary between the two sites will, however, limit any visual impact, particularly in summer months when the trees are in leaf. In terms of the impact on the setting of the listed buildings, the proposed development of flats and houses is considered to be sufficiently far away so as not to be harmful. At its closest point to Waterlow Court, house 2, which is the nearest of the six houses to the listed building, would be some 26.8m away. At its closest point, the new flatted block would be over 47m from No.16 Reynolds Close, which is the closest in the group of listed houses and over 33m from the Bungalow, which is physically linked to Waterlow Court. The modest scale of the proposed development and the distance to the listed buildings does not give rise to concerns about an adverse impact on their setting. It should also be recognised that the design of the new buildings has been well-considered to be respectful of its conservation area setting and its listed neighbours. In accordance with paragraph 132 of the NPPF, the significance of the listed buildings will not be harmed or lost as a result of the proposed development. Furthermore, there is an existing two tennis court canopy cover that occupies a central position within the site. This, unlike that proposed at East End Road, is an 'off the shelf' structure that has no architectural merit, whilst being very visible from adjoining residential buildings. The proposals would result in the removal of this feature and replacement with lower rise structures.

In summary, officers consider that the size, scale, siting and design of the buildings and layout of the scheme proposed are such that they would adequately respect the character of the surrounding area including the Hampstead Garden Suburb Conservation Area and Golders Green Town Centre Conservation Area. The scheme would make effective and efficient use of previously developed land. The overall design quality of the development responds to the site context. The proposal

is therefore considered to comply with the relevant design policies set out above.

Impacts on amenities of neighbouring and surrounding occupiers and users:

Local Plan policies seek broadly to promote quality environments and protect the amenity of neighbouring occupiers and users through requiring a high standard of design in new development. More specifically policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users. Policy DM04 identifies that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted.

Barnet's Residential Design Guidance Supplementary Planning Document provides further guidance on safeguarding the amenities of neighbouring and surrounding occupiers and users. This includes stating that there should be a minimum distances of about 21m between properties with facing windows to habitable rooms and 10.5m to a neighbouring garden, in order to avoid overlooking in new developments.

Overlooking, Privacy and Outlook

The nearest existing residential properties to the application site are flats within Chandos Way, Corringway and Waterloo Court and houses on Reynolds Close.

The flatted block overall does not include windows to habitable rooms which directly face existing habitable windows in neighbouring residential buildings that are set apart a distance of less than 21 metres and distances from directly facing habitable windows in the development proposed to a neighbouring properties garden are not less than 10.5 metres.

Houses 1 and 2 have proposed windows facing Waterlow Court. The distance between those windows and the boundary of the site is less than the required 10.5 metres. In order to prevent unacceptable overlooking to the outdoor amenity area enjoyed by the residents of Waterlow Court, the window in question at house 2 has been changed to a high-level roof light, and a planning condition requiring the window at house 1 to be obscured glazed is recommended.

As conditioned, these parts of the proposal would therefore comply with planning policy in these regards. The position of the proposed terraces and balconies would also comply with overlooking standards.

The documents submitted with the application include extensive information showing the relationship of the proposed buildings with neighbouring properties and spaces that enable an assessment of the proposals on residential amenity. It is considered that the design, size and siting of the buildings are such that they would not have an unacceptable visual impact or result in any significant loss of outlook at neighbouring properties and spaces.

The applicant has submitted a sunlight and daylight assessment. Technical analysis was carried out in relation to properties located on Chandos Way, Waterlow Court and Reynolds Close and it confirms that the results of the daylight and sunlight study comply with BRE guidance.

The application is therefore considered to be acceptable and compliant with development plan policy in these regards.

Noise and Health

The residential dwellings proposed in the development are of a nature that would not be expected to generate unacceptably high levels of noise and disturbance to the extent that they would harm the amenities of the occupiers of neighbouring properties in the normal course of their occupation. The Council's Environmental Health Officer has no objection on this ground. The use of the new vehicular access point to the basement is also not anticipated to cause undue harm to the residential amenity of neighbouring occupiers.

A condition has been recommended to ensure that the construction of the development does not result in unacceptable levels of noise and disturbance. This includes the carrying out of the works in accordance with a Construction Management Plan that has been previously agreed with the Local Planning Authority. Subject to these conditions the proposal is considered to be acceptable in terms of the noise impacts.

Impacts from Lighting Associated with the Development

Policy DM01 of the Barnet Local Plan requires new lighting schemes to not impact upon amenity. A condition has been recommended requiring the implementation of the development in accordance with details of the external lighting installed as part of the development. Subject to this condition the proposal is considered to be acceptable and compliant with the objectives of policy in terms of preventing unacceptable lighting impacts from new development.

Conclusion

The proposed development is considered to be acceptable and compliant with the relevant development plan policies as they relate to the protection of the amenities of neighbouring and surrounding occupiers and users.

Standard of accommodation provided and amenities of future occupiers of the proposed units

Local Plan policies require high quality design in all new development that creates attractive places which are welcoming, accessible and inviting. Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings, outdoor amenity space and play space. Policy DM04 states that buildings should be designed to minimise exposure to air pollutants. The same policy states that proposals to locate noise sensitive development in areas with high levels of noise will not normally be permitted and also that the mitigation of any noise impacts will be expected where appropriate.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new dwellings. These include requirements to provide high quality indoor and outdoor spaces, set minimum internal space

standards for different types of unit and seek accommodation which has an appropriate layout and meets the needs of its occupiers over their lifetime.

The Council's adopted supplementary planning documents (SPDs), Sustainable Design and Construction and Residential Design Guidance, and the Mayors adopted supplementary planning guidance, Housing, provide more detailed guidance on a range of matters related to creating new dwellings that have adequate amenities for their future occupiers.

The Residential Design Guidance SPD identifies that there should be a minimum distance of about 21m between properties with facing windows to habitable rooms and 10.5m to a neighbouring garden, in order to avoid overlooking in new developments.

Dwelling size

Table 3.3 in the London Plan provides a minimum gross internal floor area for different types of dwelling. All the proposed units comply with or exceed these minimum standards.

Dwelling outlook

Development plan policy requires that new dwellings are provided with adequate outlook. The design approach proposed is considered to maximize the outlook of occupiers of the new dwellings, while also taking account of the need to prevent unacceptable levels of overlooking at neighbouring properties. Most of the proposed flats would be dual aspect and would have appropriate fenestration throughout. There would be adequate setting space around each of the proposed buildings to ensure that outlook from the units would not be unduly constrained by other buildings or trees and the level of outlook provided would therefore be adequate for future occupiers of the development.

External amenity space provision

Barnet Local Plan policy DM02 and London Plan policy 3.6 state that proposals for dwellings should make provision for play and informal recreation based on the expected child population generated and an assessment of future needs.

The requirements for provision of play space in new development are defined by policy 3.6 of the London Plan and the London Mayor's Shaping Neighbourhoods: Play and Informal Recreation Supplementary Planning Guidance. London Plan policy 3.6 states that proposals for housing should make provision for play and informal recreation based on the expected child population generated and an assessment of future needs. All developments with an estimated child occupancy of ten children or more should seek to make appropriate play provision on site to meet the needs arising from the development. The benchmark standard of the SPG recommends a minimum of 10m² of dedicated play space per child as a basis for assessing existing provision within an area. The area for Childs Play identified on the submitted drawings fully meets the requirements of the SPG. Further details are required by planning condition.

Guidance in Barnet's Residential Design Guidance SPD sets out minimum standards for outdoor amenity space provision in new residential developments. Flats are

expected to be provided with 5m² of usable outdoor communal or private amenity space per habitable room proposed. Houses of the size proposed are expected to be provided with 85m² of usable outdoor private amenity space. For both houses and flats kitchens over 13m² are counted as a habitable room and habitable rooms over 20m² are counted as two habitable rooms for the purposes of calculating amenity space requirements.

The provision of a mixture of private balconies, gardens and communal garden space would ensure that the flatted section of the development meets the minimum standards in the SPD. Most of the flats would also have private outdoor space, in the form of a balconies / roof terraces or small gardens, to meet the requirements in the Residential Design Guidance.

Each of the houses is set within plots which significantly exceed minimum requirements. The quality of the space provided is also considered acceptable.

The proposal is considered to be compliant with the objectives of planning policy on the provision of outdoor amenity space.

Privacy and overlooking

The distance between directly facing windows to habitable rooms in the new dwellings would not be less than 21m. The distance from a habitable room window to a directly facing private garden area within the development would not be less than 10.5m. Subject to the conditions recommended it is considered that the design and layout of the windows, doors and amenity areas in the proposal are such that the new residential units would all be provided with an acceptable level of privacy and not suffer unacceptable overlooking. The proposal is therefore found to be acceptable in this regard.

Noise and air quality

As explained above, there is an existing access to the TfL land that adjoins the site. This is a secondary access to its operational land and is only used occasionally. It is not, as a result, considered that the use of this access would be detrimental to residential amenity of future occupiers. Following the amended layout arrangements, the access road would be separated from the residential that would also be protected and screened by boundary wall to the rear of the flatted block.

The Council's Environmental Health Service considers the site to be suitable for residential use and has not raised any objection to the scheme. They have however, recommended the inclusion of planning conditions in relation to the protection of future occupiers of the development. The proposal is therefore found to be acceptable in respect of the noise and air quality environment that it would provide for the occupiers of the flats proposed.

Conclusions on the amenities of future occupiers

The scheme is found to be compliant with development plan policy as it relates to the amenities of the future occupiers of the dwellings proposed and the design approach is considered, for the reasons outlined above, to provide future occupiers with acceptable amenities.

Affordable Housing

London Plan Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought when negotiating on individual residential schemes, having regard to:

- Current and future requirements for affordable housing at local and regional levels identified in line with policies 3.8, 3.10 and 3.11.
- Affordable housing targets adopted in line with Policy 3.11.
- The need to encourage rather than restrain residential development (Policy 3.3).
- The need to promote mixed and balanced communities (Policy 3.9).
- The size and type of affordable housing needed in particular locations.
- 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 and other scheme requirements. It also makes it clear that affordable housing should normally be provided on site and off site contributions to affordable housing will only be accepted in exceptional circumstances.

This approach is reflected in Local Plan policy DM10 which requires the maximum reasonable amount of affordable housing to be provided on site, subject to viability, having regard to a borough wide target that 40% of housing provision should be affordable. To explain and justify this position the applicant has submitted a confidential report which evaluates the economic viability of the proposed development making a contribution to affordable housing provision. The Council has then commissioned Deloitte to independently review the viability report provided and examine its findings.

The application proposes to deliver 19 Affordable Rented units at the Stonegrove redevelopment. These would comprise of:

- 9 x 2 bed flats
- 2 x 3 bed flats
- 5 x 3 bed houses
- 3 x 4 bed houses

Taking account of the costs associated with bringing the development forward, including the associated planning obligations and likely CIL payments, and the value that the applicant would be likely to generate from the scheme, Deloitte have concluded that the proposed contribution represents the maximum reasonable amount of affordable housing that it is financially viable for the development to provide.

While development plan policy identifies that an off site contribution to affordable housing provision will only be acceptable in exceptional circumstances, it has been shown (through the review of the scheme's viability) that in this instance the off site contribution proposed results in a greater contribution to affordable housing provision than an on-site approach would viably deliver.

For these reasons in this instance the proposed contribution to affordable housing is considered to be acceptable and compliant with the objectives of planning policies and the NPPF in regard to development viability.

Trees and Landscaping:

Policy DM01 identifies that proposals will be required to include hard and soft landscaping that:

- Is well laid out in terms of access, car parking and landscaping.
- Considers the impact of hardstandings on character.
- Achieves a suitable visual setting for buildings.
- Provides appropriate levels of new habitat including tree and shrub planting.
- Contributes to biodiversity including the retention of existing wildlife habitat and trees.
- Adequately protects existing trees and their root systems.
- Makes a positive contribution to the surrounding area.

The policy also states that trees should be safeguarded and when protected trees are to be felled the Council will, where appropriate, require replanting with trees of an appropriate size and species.

A number of objections have been raised with regards to the loss of tree screening between the site and the Hampstead Garden Suburb Conservation Area. All mature trees along this boundary would remain following completion of the development and they would be afforded sufficient protection during construction subject to the planning conditions listed above. The applicant's initial landscaping proposals have identified the position of new trees to be planted along this boundary and this matter is conditioned.

The application submission includes an Arboricultural Implications Assessment and an Arboricultural Survey. The documents identify all trees within and immediately adjacent to the site as well as measures to protect their roots, trunks and canopies during construction. The proposals have been designed to ensure that the construction of the buildings would not result in the removal of any tree of special amenity value. The proposed layout and position of habitable room windows in relation to tree canopies would not lead to unacceptable future pressure for treatment. The application has been reviewed by tree officers who raise no objection subject to planning conditions.

Conditions have been recommended to ensure that the trees and wider landscaping implemented as part of the proposal would be of a sufficient quality, including new trees of a suitable size and species. The conditions recommended also include requirements to ensure that appropriate measures are taken to protect the trees immediately adjacent to the application site. Officers take the view that adequate consideration has been given to trees in this instance.

More generally the indicative landscaping proposed for the site is considered to include an adequate balance of hard and soft surfaces, given the constraints of the scheme. Conditions have been recommended to ensure that the landscaping finally installed is of an appropriate quality and makes a positive contribution to the area.

It is concluded that the scheme provides adequate mitigation for the existing protected trees and other landscaping which would be lost as part of the works

proposed and that the development is acceptable and compliant with policy in respect of tree and landscaping matters with the conditions recommended.

Transport, parking and highways matters:

Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) identifies that the Council will seek to ensure more efficient use of the local road network, seek more environmentally friendly transport networks, ensure that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 (Travel impact and parking standards) of the Barnet Development Management Plan Document sets out the parking standards that the Council will apply when assessing new developments. Other sections of policies DM17 and CS9 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

Major development proposals with the potential for significant trip generation will be expected to be in locations which are, or will be made, highly accessible by a range of modes of transport and supported by a Transport Assessment that fully assesses the transport implications of the development across all modes.

The parking provision of 65 car parking spaces in the revised scheme is unchanged since the first submission but the parking layout has been revised to take into consideration the amendments to access to the basement. 40 parking spaces are being provided in the basement of the flatted development and the rest of the parking spaces are being provided for the residential houses including 5 visitor parking spaces. Two of the visitors parking spaces by the planting on the access road within the development appears to be less than 6 metres in length therefore are sub standard therefore they need to be revised or relocated. 64 cycle parking spaces are also being provided in the basement with 2 dedicated lifts for cycle access.

The proposed parking provision is in accordance with the parking standards set out in the Barnet Local Plan (Development Management Policies DM17). In order to comply with London Plan policy, there is a requirement of 20% active and 20% passive Electrical Vehicle Charging Points that will need to be provided. A condition to this effect will be placed on the application.

The application was submitted in 2012 and has since been revised to take into account changes to the access arrangements as follows.

Revised Access arrangements:

Access to Golders Green Depot:

In order to maintain the vehicular entrance to the Golders Green Depot at its current location, it is proposed to provide a new vehicular access road to the south-east of the proposed apartment block building. To restrict access to the depot a line of electronically operated rising bollards will be installed.

Access to Basement Car Park:

In order to maintain access to the depot, previously proposed two-way access ramp to the basement car park has been replaced by 2 car lifts. Car park layout has also been amended to ensure that it operates acceptably. SKM Colin Buchanan, consultants appointed by the applicant undertook swept path analysis of a large car to and from the car lifts to demonstrate that it operates acceptably. 40 car parking spaces are still being provided as proposed before with the revised car park layout.

Access to Basement Cycle Store:

Dedicated cycle lift is provided adjacent to the car lifts. The cycle parking is revised to provide 64 cycle parking spaces.

Trip Assessment:

The Transport Statement (TS) was prepared by transport consultants SKM Colin Buchanan appointed by the applicant. They carried out traffic surveys to assess the impact of the existing use. To assess the likely impact of the proposed development on public highway they have used industry standard TRVL database. The following table summarises the results of their assessment.

Traffic Attraction	AM Peak (0800-0900)		PM Peak (1700-1800)		Daily	
	Arrival	Departure	Arrival	Departure	Arrival	Departure
Existing Use Tennis Club	7	1	8	13	119	118
Proposed Use Residential	2	7	5	4	54	51
Net Traffic Attraction	-5	+6	-3	-9	-65	-67

It can be seen from the table above that the proposed residential use is likely to generate less trips than the existing use of the site therefore the proposed development is unlikely to have any additional detrimental impact on public highway.

A number of objections have been received on highways grounds. Objections have been carefully reviewed by highways officers who have made the following comments:

New and dangerous traffic patterns

Traffic survey Data for the operation of the Tennis Club was included in the Transport Statement as part of the application submission. The surveys demonstrated the trip generation as shown in the table above. The table demonstrates the proposed development unlikely to have any additional detrimental impact on public highway.

Risk of accidents

Interrogation of the Council's personal Injury accident records for Chandos Avenue and Wellgarth Road in the vicinity of site has indicated that there have been no

personal injury accidents in the last 3 years to 31 July 2013. Considering the proposed residential development is likely to generate fewer trips it is unlikely that this will result in increased accidents.

Dangerous increase in traffic

The assessment of trip generation carried out by the consultants for the proposed residential development when compared to the existing traffic flow has demonstrated that the traffic flow generated by the residential development is likely to be less.

Insufficient number of parking spaces

The parking provision for the proposed development is in accordance with the parking standards as set out in Barnet's Local Plan, Development Planning Policies approved in September 2012.

Disturbance during construction caused from traffic

A planning condition will be applied to the proposed planning application for the provision of a Construction Management Plan to ensure that the impact of the construction is minimised on public highway.

Creating inclusive environments for all members of the community:

Planning policies make it clear that new developments should be accessible, usable and permeable for all users. Statements should be submitted with proposals explaining how the principles of inclusive design have been integrated into the development for which consent is sought.

Policy requires all the proposed dwellings (houses and flats) to meet the relevant Lifetime Homes standards and also that more than 10% of the dwellings proposed to be designed to meet wheelchair accessible standards or be easily adaptable to meet such requirements. A sufficient number of parking spaces proposed would be provided to a disabled parking space standard.

Conditions have therefore been recommended to ensure that all the proposed dwellings would meet the relevant Lifetime Homes standards and not less than 10% of the dwellings proposed would meet (or be easily adapted to meet) wheelchair accessible standards. Subject to these controls and the requirements in place under other legislation officers conclude that the design and layout of the proposal is such that it is acceptable in terms of creating a development that is accessible, useable, permeable and inclusive for all members of the community.

Flooding and water infrastructure matters:

The application site is located within Flood Risk Zone 1 which is classified as an area identified as being at risk of flooding. The submission of a Flood Risk Assessment is not required by the Environment Agency for site of less than 1 hectare in area within zone 1.

A condition has been recommended to ensure that suitable drainage infrastructure is

implemented as part of the development proposed. Conditions are also recommended to ensure that water use by the development is minimised. Subject to these conditions the development is not objectionable in this respect.

Energy, climate change, biodiversity and sustainable construction matters:

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:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy

Residential developments are currently required to achieve a 25% reduction in carbon dioxide emissions when compared to the 2010 Building Regulations. Policy 5.3 of the London Plan goes on to set out the sustainable design and construction measures required in developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation.

Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrate compliance with the Mayor's targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy. Proposals are also expected to comply with the guidance set out in the council's Supplementary Planning Documents (SPD) in respect of the requirements of the Code for Sustainable Homes. The council's adopted Sustainable Design and Construction SPD provides that schemes such as this should achieve Code Level 4 or above against the Code for Sustainable Homes.

Carbon dioxide emissions

The application is accompanied by a Sustainability Statement which includes an Energy Statement and Code for Sustainable Homes Pre-Assessment. The Sustainability Statement includes an assessment of the options considered under the Mayor's hierarchy. This document sets out the applicant's commitment to achieving level 4 under the Code for Sustainable Homes. As part of reaching this level under the Code for Sustainable Homes the dwellings proposed will need to achieve an improvement of 25% over the Target Emission Rate under the 2010 Building Regulations. Such an improvement is adequate for the scheme to comply with the requirements of policy on reductions in carbon dioxide emissions. A condition has been recommended to ensure that the development achieves Code Level 4 and this level of carbon dioxide reductions as a minimum. Subject to this condition the proposal is found to be acceptable and policy compliant in respect of reducing carbon dioxide emissions.

The Energy Statement submitted with the application identifies that the houses will be heated by ground source heat pumps and the flats with a community heating system. The use of these systems would result in a net reduction of carbon monoxide emissions by 14.81% and 9.47% respectively. Together with the use of

passive energy saving and energy efficiency measures that would reduce emissions by 9.57%, the total reduction would be 30.26%, in line with policy.

Therefore the conditions recommended include requirements for the details of the CHP to be installed to be submitted and agreed with the Local Planning Authority.

The submission includes a preliminary Code for Sustainable Homes assessment for the scheme. This makes it clear that the proposal could meet Code for Sustainable Homes Level 4. It is considered that the details provided in the submission are acceptable in this regard and that the application would result in a development which reaches an appropriate standard in respect of sustainable design and construction matters. To ensure that the commitment to reaching Code Level 4 and certain other key elements of developing sustainably are carried through to implementation conditions on these aspects of the proposal have been recommended. Such an approach allows a degree of flexibility as to the precise sustainable design and construction measures to be incorporated in the development, while ensuring that, taken in the round, the scheme achieves an appropriate level of sustainability.

To address policies on urban greening specifically the development includes areas of planting and soft landscaping at a ground level, including new areas of communal amenity space and private rear gardens for each of the houses proposed. Conditions have been recommended to ensure that the site is appropriately landscaped at the implementation stage of the development

Biodiversity matters

Barnet Local Plan policy DM16 states that when it is considering development proposals the council will seek the retention, enhancement or creation of biodiversity. The application site has no specific designation relating to wildlife or habitat conservation, nor are there any nearby. Due to the nature of its use it consists mainly of hardstanding areas and buildings.

Notwithstanding this an Extended Phase 1 habitat survey was undertaken. The tree and wider landscaping conditions recommended are considered sufficient to ensure that the scheme makes appropriate contributions to biodiversity generally and that the new planting which takes place provides suitable levels of habitat.

Subject to the controls in place under the conditions recommended and the requirements in place under other legislation the proposal is found to be acceptable and compliant with the objectives of planning policy on biodiversity and nature conservation matters.

Environmental Impact Assessment Regulations:

The development for which consent is sought is not considered to be of a description identified in Schedule 1 of the Regulations (Town and Country Planning (Environmental Impact Assessment) Regulations 2011). However, the development is considered to be of a description identified in column 1 of Schedule 2 of the Regulations. The development described in the submission is deemed to fall within the description of 'urban development projects'. The site identified in the plans accompanying the application is not considered to be in or partly in a sensitive area

as defined in Regulation 2. As a development falling within the description of an urban development project, the relevant threshold and criteria in column 2 of Schedule 2 of the Regulations is that the area of development exceeds 0.5 hectares. The area of development identified in the information submitted exceeds this threshold. The proposal is therefore Schedule 2 development.

The characteristics, location and the impacts of the development proposed are described in detail in other sections of this report and so are not repeated here. Having considered the characteristics of the development, the location of the development and the characteristics of the potential impacts of the proposal (the criteria set out in Schedule 3 of the Regulations) it is concluded that in each of these respects and taken in totality the proposal would not be likely to give rise to significant effects on the environment in the sense intended by the Regulations. It is considered that the proposal is not a major development which is of more than local importance, is not a proposal situated in (or partially within) a particularly environmentally sensitive or vulnerable location and is not a development with unusually complex or potentially hazardous environmental effects. This is considered to support further the conclusion that the proposal would not be likely to give rise to significant effects on the environment in the sense intended by the Regulations.

Taking account of the criteria set out in Schedule 3 of the Regulations and all other relevant factors it is considered that the development described in the information accompanying the application would not be likely to have significant effects on the environment, in the sense intended by the Regulations. Therefore an Environmental Impact Assessment is not necessary and an Environmental Statement, in line with the Regulations, is not required to be submitted with the application.

Planning obligation matters:

Policy CS15 of the Barnet Local Plan states that where appropriate the Council will use planning obligations to support the delivery of infrastructure, facilities and services to meet the needs generated by development and mitigate the impact of development.

As detailed in the above sections and in accordance with development plan policies and the Council's supplementary planning documents the following obligations are required to be secured through a legal agreement with the developer:

- No development shall commence until the new tennis club at East End Road has been constructed in its entirety and has been handed over to the club in accordance with planning application F/01320/12.
- No residential units shall be occupied until the off site units at Stonegrove identified on the approved plan and schedule listed in condition 1 pursuant to the permission have been completed and handed over to Family Mosaic acting as registered provider. This off site provision shall consist of 19 Affordable Rented units as follows:
 - 9 x 2 bed flats
 - 2 x 3 bed flats
 - 5 x 3 bed houses
 - 3 x 4 bed houses

- The off site affordable housing units shall be retained for such purposes in perpetuity.

With these obligations secured the proposal is considered to be acceptable in terms of delivering the infrastructure, facilities and services needed to mitigate the impacts it would generate. It is noted that education, healthcare and library provision is covered by the Barnet Community Infrastructure Levy.

Monitoring of the Section 106 Agreement

The delivery of the planning obligation from the negotiations stage to implementation can take considerable time and resources. As the Council is party to a large number of planning obligations, significant resources to project manage and implement schemes funded by planning obligation agreements are required. The Council therefore requires the payment of £500 per non-financial obligation towards the costs of undertaking the work relating to securing the planning obligations in line with the adopted Supplementary Planning Document for Planning Obligations. This amounts to £1,500 in this case.

Barnet Community Infrastructure Levy

The proposed development is liable for charge under the Barnet CIL (at a rate of £135 per square metre). Because of the nature of the way in which CIL is calculated it is only possible to estimate the contribution which will finally be made through the Barnet CIL at the time applications are determined. The existing floorspace on the site has been occupied lawfully for 6 of the last 12 months. As such it is possible that only additional floorspace generated by the development (less the area of underground car parking proposed) would be potentially liable for charge under Barnet CIL. The development might be expected to generate a Barnet CIL charge of £872,100.

Mayoral Community Infrastructure Levy

The proposed development is liable for charge under the Mayoral CIL (at a rate of £35 per square metre). Because of the nature of the way in which CIL is calculated it is only possible to estimate the contribution which will finally be made through the Mayoral CIL at the time applications are determined. The existing floorspace on the site has been occupied lawfully for 6 of the last 12 months. As such it is possible that only additional floorspace generated by the development would be potentially liable for charge under Mayoral CIL. The development might be expected to generate a Mayoral CIL charge of £283,990.

4. EQUALITIES AND DIVERSITY ISSUES

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need 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 considering this application and preparing 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.

The new buildings proposed as part of the application would be required to comply with current legislative requirements in respect of equality and diversity related matters, for example access for the disabled under Part M of the Building Regulations. In addition to this the development, as controlled by the conditions recommended, would ensure that in several regards the building constructed would exceed the minimum requirements of such legislation. Examples of this would include all the proposed residential units being constructed to meet the relevant Lifetime Homes standards, the provision of level or appropriately sloping access within the site, not less than 10% of the residential units proposed being constructed to be wheelchair accessible or easily adaptable for residents who are wheel chair users and the inclusion of disabled standard parking spaces (as set out in greater detail in earlier sections of this report).

With the conditions recommended the proposal is found to accord with development plan policies as they relate to the relevant equalities and diversity matters, by providing a high quality inclusive design approach which creates an environment that is accessible to all and would continue to be over the lifetime of the development. The design of the proposed development is such that the site would, as an area of land, become significantly more accessible to all members of the community. In this sense the development would have a positive effect in terms of equalities and diversity matters.

It is considered by officers that the submission adequately demonstrates that the design of the development and the approach of the applicant are acceptable with regard to equalities and diversity matters. The proposals do not conflict with either Barnet Council’s Equalities Policy or the commitments set in our Equality Scheme and support the council in meeting its statutory equality responsibilities.

5. COMMENTS ON GROUNDS OF OBJECTIONS

Planning matters are considered to have been covered in detail in the above

appraisal.

6. CONCLUSION

The proposed use of the site for residential purposes is policy compliant subject to the relocation of the tennis club to the East End Road site. The replacement of the existing courts and structures with new residential development of the nature proposed would provide a high quality design approach which relates acceptably to its neighbouring properties, would be in keeping with the character of the area and the setting of the Hampstead Garden Suburb Conservation Area and Listed Buildings and would not cause any unacceptable harm to the amenities of the occupiers of neighbouring properties and would provide its future occupiers with a good standard of accommodation is considered to accord with policies that seek to optimise the use of sites such as this.

The design and layout of the development has been influenced significantly by the need to create a scheme that relates acceptably to the character of the nearby Hampstead Garden Suburb Conservation Area and which provides a suitable residential environment, while not impacting unacceptably on the setting of the Hampstead Garden Suburb Conservation Area, its listed buildings and the amenities of neighbouring occupiers.

More generally the proposal includes a number of measures to achieve a good standard in respect of sustainable design and construction, with the new dwellings all meeting Code for Sustainable Homes Level 4.

The scheme provides an appropriate level of car parking on site for the number and type of dwellings proposed. All vehicular access to and from the site would be from the single existing access from Chandos Way. The scheme has been designed to provide appropriate and safe access for all users and would not be expected to result in any significant adverse impacts to the local road network (including when the transport impacts of other committed developments in the surrounding area are taken into account).

The landscaping proposed for the site is considered to include an adequate balance of hard and soft surfaces (including new areas of lawn and shrub planting), provides an appropriate setting for the buildings proposed and provide opportunities for the planting of new trees. No trees outside the application site are proposed for removal as part of the works.

A number of conditions and planning obligations have been recommended to ensure that the development achieves a suitable quality of residential environment, does not cause any unacceptable harm to the amenities of neighbouring occupiers, achieves the benefits that the submission advances in support of the scheme and mitigates any potential adverse impacts from the proposal. The development would also be liable for a charge under both the Mayoral and Barnet Community Infrastructure Levy regimes.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within The Mayor's London Plan and the Barnet Local Plan, as well as

other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development accords with the relevant local plan policies. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to the satisfactory completion of the Section 106 Agreement, **APPROVAL** subject to conditions is recommended, as set out in the recommendations section at the beginning of this report.

SITE LOCATION PLAN: Chandos Lawn Tennis Club, Chandos Way, Wellgarth Road, London, NW11 7HP

REFERENCE:

F/01319/12

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6 Special Site-Specific Obligation £0.00

Community access strategy to include the following terms:

- Liaising with a nominated local school, within the East Finchley or Garden Suburb wards, willing to partner with Chandos to develop a programme whereby a Chandos tennis coach spends at least five hours a week during the whole of the school summer term providing free coaching at the school. The cost of such a coach would be at current rates around £35 per hour. The aims would include ensuring that:
 1. Children at the school play tennis, keep fit and learn skills, all in an environment where there is a proper code of sporting conduct, fair play and respect for the opponent;
 2. Talent is identified and nurtured; and
 3. The children of that school are encouraged to play tennis at Chandos.
- In order to further encourage the school children to play tennis at Chandos and further their tennis career, Chandos would provide ten school children, selected on the criteria of talent and desire, with a scholarship so that each one would pay half of the standard yearly rate for a junior Chandos membership. Any three of those ten who have exceptional talent or need will be eligible for an entirely free junior membership.
- In order to ensure access to the club for junior members, the tennis club has agreed that at all times there will be 100 junior memberships on offer at not more than the current rate of £120 per annum subject to an annual increase of not more than any proportional increase in the senior membership rate for that year.
- The club would make available four of the courts, the car park and part of the clubhouse for charities to run open days on not less than two days in any calendar year.
- Chandos would host organised tennis tournaments for members of the club and non-members who are also LTA registered members (or members of an equivalent tennis organisation of a similar kind), such tournaments to take place on no less than five days in any year.
- Chandos is to make available access on at least two tennis courts during the summer (1 May - 30 September) for not less than six hours each during school hours for every week of a school term so as to be used by such nominated local school(s) within the East Finchley or Garden Suburb wards who are prepared to partner with Chandos.
- Chandos is to make available access on at least two tennis courts between 1 October and 30 April for not less than four hours each during school hours for every week of the school term so as to be used by such nominated local school(s) within the East Finchley or Garden Suburb wards who are prepared to partner with Chandos.

RECOMMENDATION II:

That upon completion of the agreement the Assistant Director of Development Management and Building Control approve the planning application reference: F/01320/12 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 0000 rev D, 3001 rev G, 3002 rev F, 3003 rev E, 3010 rev D, 3011 rev D, 3020 rev D, 3152 rev G1, 3153 rev G, 3162 rev G, 3164 rev D, 4040 rev F, 4055 rev G, 4100 rev G, 4120 rev C, 4121 rev C, 4150 rev D, 4152 rev D, 4160 rev D, 4200 rev D, 4205 rev D, 4300 rev D, 4351 rev D, Air Quality Assessment, Aboricultural Impact Assessment, Aboricultural Survey, Chandos LTC Sequential Test Assessment, Design and Access Statement, Extended Phase 1 Habitat Survey, Foul Drainage and Utilities Statement, Heritage Impact Assessment, Updated Initial Bat Survey, Light Obtrusion report, Noise Impact Assessment, Planning Statement, Statement of Community Involvement, Surface Water Drainage Strategy, Sustainability and Energy Statement, Transport Assessment, Transport Assessment Addendum and PERS Audit, Energy Statement Addendum.

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

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

Reason:

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

3. 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 character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

4. The premises shall be used for a private members tennis club and no other purpose (including any other purpose in Class D1 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.

5. Notwithstanding the plans submitted, before development commences, car and cycle parking spaces shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with 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 in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

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 development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

7. 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

8. 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 in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF of the Adopted Barnet Core Strategy DPD (2012) and 5.21 of the London Plan 2011.

9. 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

10. 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

11. 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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

12. Before the development hereby permitted is commenced a scheme indicating the provision to be made for disabled people to gain access to the club house, changing facilities and tennis courts shall have been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use.

Reason:

To ensure adequate access levels within the development in accordance with policies DM03 of the Adopted Barnet Development Management Policies DPD (2012) and 7.2 of the London Plan 2011.

13. The non-residential development is required to meet the following generic environmental standard (BREEAM) and at a level specified in the adopted Sustainable Design and Construction Supplementary Planning Document (2013). 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 in accordance with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).

14. No development shall take place until a 'Demolition & Construction Method Statement' has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution. Throughout the construction period the detailed measures contained within the approved Statement shall be strictly adhered to.

Reason:

In the interests of highway safety and good air quality in accordance with Policy DM17 and DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.21 of the London Plan (2011).

15. The development hereby approved shall not be occupied until the existing redundant crossover(s) is reinstated to footway by the Highway Authority at the applicant's expense.

Reason:

To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety on the public highway and in accordance with the policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

16. Before the club house hereby permitted is constructed written details of the proposed green roof for the club house shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

17. 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 any neighbouring property which existed at the time of this decision notice. 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 any existing neighbouring property at the time of this decision notice.

Reason

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

18. Before the development hereby permitted is occupied secure cycle parking facility as shown on Drawing No. A/CHTC 3152 rev G1 shall be provided before the development is occupied.
- Reason:
To ensure that cycle 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.
19. Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall have been submitted to the local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the approved parking spaces to be provided with electric vehicle charging facilities. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter shall be maintained as such.
- Reason:
To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with policies 6.13 of the London Plan (2011) and Policy DM17 of Barnet's Local Plan (Development Management Policies).
20. 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.
21. The branches shall be pruned in accordance with the recommendations in British Standard BS3998: 2010 *Tree work – Recommendations*.
- Reason:
To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011.
22. A noise assessment, by an approved acoustic consultant, shall be carried out 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 in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

23. The use hereby permitted shall not be open before 7am or after 11pm on weekdays and Saturdays or before 7am or after 10pm on Sundays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

24. Tennis shall not be played before 7am or after 11pm on the indoor courts and before 7am or after 9.30pm (summer) or before 7am or after 9.30pm (winter) on the outdoor courts.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

Informative:

For the purposes of this condition summer is defined as the period during which British Summer Time operates.

25. The floodlights for the outdoor courts hereby permitted shall not be operated before 7am or after 9.30pm on weekdays and Saturdays or before 8am or after 9.30pm on Sundays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

26. The club house facilities hereby approved shall be ancillary to the use of the premises as a tennis club and shall not be let or hired for private or public functions or be made available to non-club members .

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

INFORMATIVE(S):

- 1
- i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.
 - ii) In this case, formal pre-application advice was sought prior to submission of the application.
- 2
- The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional

units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £36.04 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a **£96,594.41** payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £0 payment under Barnet CIL.

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

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

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

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

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

3. The applicant is advised that prior to any alteration to the public highway (including pavement) will require consent of the local highways authority. You may obtain an estimate for this work from the Chief Highways Officer, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

4. Any provision of a new crossover or modification to the existing crossovers will be subject to detailed survey by the Crossover Team in Environment and Operations, Crossover Team as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. An estimate for this work could be obtained from London Borough of Barnet, Environment and Operations, Crossover Team, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.
5. Please ensure that appropriate dropped kerbs are provided for the pedestrian access and that the appropriate markings are provided on the access road to inform the vehicle drivers of the pedestrian crossing point.

RECOMMENDATION III

That if an agreement has not been completed by 18/02/2014, that unless otherwise agreed in writing, the Director of Development Management and Building Control should REFUSE the application F/01320/12 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 the costs of monitoring the traffic assessment scheme contrary to DM17 of the Local Plan Development Management Policies (Adopted) 2012; and contrary to Policies CS9 of the Local Plan Core Strategy (Adopted) 2012.
2. The development would require a section 106 and no formal undertaking is given to the Council, as a result the proposed development would, by reason of the developer not meeting the costs of the commitment to the energy efficiency savings level of carbon dioxide be contrary to policy DM05 of the Local Plan Development Management Policies (Adopted) 2012; and contrary to Policy CS13 of the Local Plan Core Strategy (Adopted) 2012.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework:

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

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published on 27 March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible.

The London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in

favour of sustainable development'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

The Mayor's London Plan July 2011:

Policies 3.19, 5.2, 6.13, 7.1, 7.4, 7.17

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London.

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

The Mayor for London has introduced a Community Infrastructure Levy. This applied from 1 April 2012 to most developments in London where the application is determined by the Local Planning Authority.

Within Barnet the levy will be charged at a rate of £35 per square metre of net additional floorspace.

Barnet's Local Plan (Adopted) September 2012:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD).

Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS7, CS10, CS11, CS13

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy.

Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM13, DM14, DM15, DM17

Relevant Supplementary Planning Documents:

In June 2005 the Council published its "Three Strands Approach", setting out a vision and direction for future development, regeneration and planning within the Borough. The approach, which is based around the three strands of Protection, Enhancement and Growth, will protect Barnet's high quality suburbs and deliver new housing and successful sustainable communities whilst protecting employment opportunities. The second strand of the approach, "Enhancement", provides strong planning policy protection for preserving the character and openness of lower density suburbs and conservation areas. The Three Strands Approach will form the "spatial vision" that will underpin the Local Development Framework.

The Council has also adopted (May 2013), following public consultation, an SPD "Sustainable Design and Construction". The SPD provides detailed guidance that supplements policies in the Local Plan, and sets out how sustainable development will be delivered in Barnet.

The Council Guide 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of a supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

Relevant Planning History:

Site Address: Finchley Manor Garden Centre 120 East End Road London N2 0RZ
Application Number: C16534B/06
Application Type: Material Minor Amendment/Vary Condition
Decision: Refuse
Decision Date: 18/09/2006
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Variation of Condition 9 of planning permission reference C01315H dated 03.02.1987 to allow growing, wholesaling, distribution and retailing of plants, trees, shrubs and garden requisites as well as the sale of associated garden products, gardening books, pictures, DVD's, outdoor clothes, garden clothing, protective footwear, patio furniture, conservatory furniture and furnishings, garden ornaments including wooden toys and animals, a fresco dining items, Christmas trees, Christmas lights, Christmas decorations, Christmas candles, crackers and nativity scenes for the months of November and December. Additional retail use (Class A1) in part of existing detached building adjoining north western boundary for the sale of greeting cards, pictures, children's toys, non-gardening books, CD's, DVD's, toffees and sweets, drinks and snacks for consumption off the premises.**
Case Officer: Karina Conway

Site Address: Finchley Manor Nurseries 120 East End Road London N2 0RZ
Application Number: C16534/06
Application Type: Full Application
Decision: Refuse
Decision Date: 31/03/2006
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Change of use from Gardens Centre (Sui Generis) to retail (class A1).**
Case Officer: Karina Conway

Site Address: Finchley Manor Garden Centre, 120 East End Road, London, N2 0RZ
Application Number: C16534A/06
Application Type: Full Application
Decision: Refuse
Decision Date: 25/07/2006
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing building and erection of new building comprising Class B1 office space and one Class A1 retail unit.**
Case Officer:

Site Address: Finchley Manor Garden Centre East End Road London N2 0RZ
Application Number: C16534E/07
Application Type: Full Application
Decision: Refuse
Decision Date: 30/09/2008
Appeal Decision: Withdrawn
Appeal Decision Date: 30/09/2008
Proposal: **Conversion of existing buildings to form medical centre. Demolition of**

**glass houses to form gardens with single storey day visitor centre.
Formation of 41 car parking spaces.**

Case Officer: Karina Conway

Site Address: Finchley Manor Garden Centre 120 Eastend Road Finchley London N2 ORZ

Application Number: C16534F/07

Application Type: Material Minor Amendment/Vary Condition

Decision: Refuse

Decision Date: 28/01/2008

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: **Variation of Condition 9 of planning permission reference C01315H dated 03.02.1987 to allow growing, wholesaling, distribution and retailing of plants, trees, shrubs and garden requisites and associated garden products, gardening books, pictures, DVD's, gardening gloves, gardening aprons and wellington boots, patio furniture, garden ornaments including wooden toys and animals, Christmas trees, Christmas lights, Christmas decorations, Christmas candles, crackers and nativity scenes for the months of November and December. Additional retail use (Class A1) in part of existing detached building adjoining north western boundary for the sale of greeting cards, pictures, toffees and sweets, and drinks and snacks for consumption off the premises.**

Case Officer: Karina Conway

Site Address: Finchley Manor Garden Centre, 120 East End Road, London, N2 ORZ

Application Number: F/02672/08

Application Type: Full Application

Decision: Approve with conditions

Decision Date: 18/09/2008

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: **Conversion of existing buildings to form medical centre. Demolition of glass houses to form gardens with single storey day visitor centre. Formation of 41 car parking spaces.**

Case Officer: Fabien Gaudin

Site Address: Finchley Manor Garden Centre, 120 East End Road, London, N2 ORZ

Application Number: F/04665/09

Application Type: Full Application

Decision: Approve with conditions

Decision Date: 17/03/2010

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: **Demolition of existing buildings and erection of a one storey building (with additional accommodation in basement) for use as a medical centre together with formation of 49 car parking spaces within landscaped forecourt.**

Case Officer: Fabien Gaudin

Site Address: Finchley Manor Garden Centre, 120 East End Road, London, N2 ORZ

Application Number: F/02460/09

Application Type: Full Application

Decision: Refuse

Decision Date: 15/10/2009

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: **Demolition of existing buildings and erection of a one storey building (with additional accommodation in basement) for use as medical centre together with formation of 41 car parking spaces within landscaped forecourt.**

Case Officer: Fabien Gaudin

Site Address: Finchley Manor Garden Centre, 120 East End Road, London, N2 0RZ
Application Number: F/01320/12
Application Type: Full Application
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of non-listed buildings and structures and redevelopment to provide a private tennis club with four full-sized open clay court, four full-sized covered courts, one open mini-court, a single storey clubhouse including restaurant and changing facilities, storage, car and cycle parking, landscaping, and other associated works and relocation of gate on the listed north boundary wall and associated reinstatement and repair works.**

Case Officer: Junior C. Moka

Site Address: Finchley Manor Garden Centre, 120 East End Road, London, N2 0RZ
Application Number: F/01405/12
Application Type: Conservation Area Consent
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of non-listed buildings and structures and redevelopment to provide a private tennis club with four full-sized open clay court, four full-sized covered courts, one open mini-court, a single storey clubhouse including restaurant and changing facilities, storage, car and cycle parking, landscaping, and other associated works and relocation of gate on the listed north boundary wall and associated reinstatement and repair works. (CONSERVATION AREA CONSENT)**

Case Officer: Junior C. Moka

Consultations and Views Expressed:

Neighbours Consulted: 266
Replies: 5
Neighbours Wishing To Speak 0

Of the five replies received one letter of objection related to the proposed redevelopment of the site in Chandos Way.

Two letters of objection and one with comments were received which raised the following concerns:

- Inappropriate development within a conservation area.
- Over intensive use of the site.
- Increased traffic for a narrow section of East End Road.
- Medical/garden centre is a much more appropriate use of this site.
- Concerns regarding potential parking on the road, residents would not want a repeat of what happens around LA fitness - more parking should be provided on site.
- Some of the facilities should be made available for community use.

Two letters of support were received which made the following points:

- The area could do with sport and social facilities and the use is much better than another block of flats.
- The current garden centre is an eyesore and has a negative impact on the area.

Internal /Other Consultations:

Greater London Authority -
No objections following receiving additional information

Natural England -
No objections

Urban Design & Heritage -
No objections

Environment Agency -
No objections

English Heritage -
No objections

Hampstead Garden Suburb Trust -
No objections

Date of Site Notice: 19 April 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site is situated on the south side of East End Road adjacent to St Marylebone Cemetery and has an area of 0.7 hectares. The site is currently occupied by a disused garden centre and is covered almost entirely by hard standing or buildings. There are four main buildings on the site: a house (occupied); a large greenhouse (largely derelict); a boiler house building (largely derelict); and two outbuildings. All are in a dilapidated state.

Along the northern boundary of the site, fronting onto East End Road, runs a Grade II listed wall and railings. There is a break towards the centre of the wall which currently provides the vehicular access to the site. Furthermore there are a number of listed buildings and features in close proximity to the site including the Gate Lodge, the Anglican Chapel and the Monument to Thomas Tate (all Grade II listed) within the adjoining cemetery and on the opposite side of the road the Convent of the Good Shepherd (also Grade II listed). The cemetery itself is Grade II* listed under the Historic Parks and Gardens register.

The site is designated as Metropolitan Open Land (MOL) and is situated along the boundary with the Hampstead Garden Suburb Conservation Area. The site itself is not within the Conservation Area but it is surrounded by it. The site falls within Flood Risk Zone 1, which means that there is a low risk of the site flooding. The adjoining cemetery is also designated as MOL and a Site of Local Importance for Nature

Conservation. The cemetery also contains a number of trees and groups of trees that are the subject of Tree Preservation Orders.

The site has a public transport accessibility level (PTAL) of 1b (out of a range of 1 to 6, where 6 is the highest and 1 the lowest).

The area surrounding the Garden Centre site is predominately residential in character, with the Hampstead Garden Suburb to the south, and residential uses on the opposite side of East End Road, to the north. The residential accommodation in the area is characterised by large detached and semi-detached family houses, particularly within the Hampstead Garden Suburb Conservation Area, with some more recent flatted developments located immediately opposite the site providing 2 and 3 storey buildings for D1 and B1 uses with basement parking. There are also a number of community uses and sports facilities in the immediate area, including Finchley Cricket Club and LA fitness Centre to the north east, as well as several schools and colleges and the crematorium and cemetery to the south of the site.

Proposal:

The application is for the relocation of the Chandos Lawn Tennis Club which is currently located on Chandos Way within the same ward. The proposal is that the club's current site will be redeveloped for housing once a replacement new facility is constructed at this site. The Chandos Way site is subject to a separate planning application (ref: F/01319/12).

The development description of the proposal is:

Demolition of non-listed buildings and structures and redevelopment to provide a private tennis club with four full-sized open clay court, four full-sized covered courts, one open mini-court, a single storey clubhouse including restaurant and changing facilities, storage, car and cycle parking, landscaping, and other associated works and relocation of gate on the listed north boundary wall and associated reinstatement and repair works.

A separate application for Listed Building Consent (ref: F/01405/12) has been submitted for:

Relocation of gate on the listed north boundary wall and associated reinstatement and repair works.

The application site is approximately 24% smaller than the current Chandos Way site. However, the aim of the proposal is to reprovide the same facilities albeit in a more efficient layout.

The proposal will provide:

- 4 full sized covered acrylic courts;
- 4 synthetic outdoor clay courts;
- 1 synthetic outdoor mini clay court;
- a single storey club house with sedum roof;
- surface parking for 41 cars (including 4 for blue badge holders); and
- changes to entrance gate and railings.

The Lawn Tennis Association (LTA) have a number of set requirements regarding the layout and location of tennis courts which have predicated how the site could be laid out. In particular external tennis courts are required to be positioned in a north-south orientation and achieve a minimal size.

The four full-sized open clay tennis courts will be situated towards the front of the site, with parking and landscaping to the front of them which will create a buffer between the courts and the northern boundary of the site. These courts will be floodlit for use on winter afternoons and evenings.

The proposed covered courts would be located at the rear of the site. The rear boundary would be formed by the existing boundary wall that forms both the boundary for the adjoining cemetery and the Hampstead Garden Suburb Conservation Area. The proposal will utilise the metre drop in levels between the cemetery and the site, enabling the courts to be sunk into the ground by 1m. The courts will be under the cover of a permanent, purpose built, white PVC/PTFE fabric canopy. The LTA require a minimum clear height of 9m across the net for covered courts and the proposal has been designed to achieve this with the minimum height possible. To the east of the covered courts will be a further mini open synthetic clay court.

Separating the open and covered courts, will be a single storey flat roofed club house with a footprint of approx 567sqm. The clubhouse will consist of two blocks linked by an open sided entrance area. The changing block will accommodate members changing facilities and a plant room. The club block will accommodate an office and meeting room and a flexible lounge space and kitchen. The clubhouse will have an overall length of approx 118m; a width of 8m and a height of 4m.

41 on site car parking spaces will be provided along the northern and eastern sides of the site. Four of these spaces are for blue badge holders and are situated closest to the clubhouse entrance. 26 secure cycle storage spaces are also proposed adjacent to the changing block.

A new vehicular access to the site is to be created off East End Road, at the most north-westerly part of the site. This will involve the creation of a new gated entrance to the site in the Grade II listed front boundary wall, removing the listed railings of the eastern most section and closing the gap where the current access gate is situated.

Planning Considerations:

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area.

The main issues are considered to be:

- Impact on Metropolitan Open Land
- Impact on adjoining land (in particular the Hampstead Garden Suburb Conservation Area and adjoining Listed Buildings)
- Loss of employment use
- Highway safety and parking provision
- Impact on the street scene

- Impact on the residential amenity of adjoining properties
- Sustainable design and construction
- Community access

Impact on Metropolitan Open Land (MOL)

MOL is defined as major open spaces that are within the urban area that have more than borough wide significance for their contribution to recreation, leisure and visual amenity, and which receive the same presumption against development as the Green Belt. MOL performs three valuable functions; protecting open space to provide a clear break in the urban fabric and contributing to the green character of London; protecting open space to serve the needs of Londoners outside their local area; and protecting open space that contains a feature or landscape of national or regional significance.

Adopted planning policy requires that MOL is to be protected as a permanent feature, any changes should be exceptional and made through the development plan process. Development that involves the loss of MOL in return for the creation of new open spaces elsewhere will not be considered appropriate. Essential facilities for appropriate uses will only be considered appropriate where they do not have an adverse impact on the openness of MOL.

The NPPF sets out that new buildings are inappropriate in the Green Belt. Some exceptions to this include the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it and limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

There is no definition of 'openness' in the NPPF or elsewhere. In general openness comprises the physical effects of development and its visual impact on the extent to which development can be seen. Thus, openness tends to be defined by footprint, mass and views which must be considered as a whole.

The London Plan and the Council's adopted Local Plan contain policies relating to development in MOL (London Plan Policy 7.17 and Local Plan policies CS NPPF, CS1, CS7, DM15). The adopted Local Plan advocates that applications for inappropriate development will have to demonstrate very special circumstances before the presumption against them is overridden. Where such special circumstances are proven, it will be treated as a departure from the development plan and referred to the Secretary of State.

Although the site is located within MOL, it has a significant amount of built form including large glass houses to the rear and two 2-storey buildings around the forecourt. Furthermore, the majority of the front forecourt has been hardsurfaced. It is therefore considered that the removal of the greenhouses would significantly contribute towards the opening up of the MOL and that the proposed landscaping would enhance this part of the site as well as views from surrounding sites. It is considered that proposed buildings have been designed in such a way as to minimise their bulk and mass to sit sensitively within the site thereby minimising its impact and retaining the 'openness' of the area in accordance with the principles of MOL and would not impact further on the openness of the MOL than the existing use.

Furthermore, given that the use of land is for a tennis club and club house i.e. sports facilities, the development has the potential be considered appropriate development for the purposes of MOL.

The proposed development on this matter is therefore considered to comply with national, London Plan and Local policies.

Impact on adjoining land (in particular the Hampstead Garden Suburb Conservation Area and adjoining Listed Buildings)

The rear boundary of the site forms the boundary of the Hampstead Garden Suburb Conservation Area and therefore whilst the site is not within a conservation area Local Plan Policy DM06 requires that the impact of the proposal on the character and appearance of the Conservation Area needs to be assessed. It is considered that the situation would be enhanced as a result of the current proposals replacing a collection of institutional dilapidated buildings with a holistically designed complex of buildings that have been designed to reflect both their use and setting. The buildings would be of a comparable scale to the existing buildings and the material proposed would reflect the location and use of the building. The landscaped setting and boundary treatment along the edges of the site are considered to enhance the setting of the building. The proposal is therefore considered to comply with the requirements of the NPPF and Policy DM06 of the adopted Local Plan.

The adjoining St Marylebone cemetery forms part of a conservation area but also contains a number of grade II listed buildings and itself is a grade II* listed park. The existing buildings on the site have minimal architectural value and would be removed as a result of the proposals. The site boundary adjoining the cemetery has the benefit of an established mature vegetation screen which would be retained as part of the proposals and would therefore minimise views into the site. To further minimise the visual impact of the proposed development when viewed from the cemetery, the covered tennis courts are to be sunken by 1m to reduce their height and scale. The single storey clubhouse and storage building are to be set back from the East End Road boundary so as to not detract from views towards the adjoining listed lodge. The clubhouse, whilst contemporary in style, is considered to be sensitive to and complement the historic context of the surrounding Conservation Area and listed buildings. Furthermore, the proposal would result in the restoration of the street frontage railings, to match the originals and the similar, listed treatment on the cemetery frontage.

The proposals are therefore considered to be in accordance with the requirements of the NPPF and policies CS1 and DM06 of the adopted Local Plan in that they will have a minimal impact on the surrounding designated heritage assets and will improve the appearance of the site, and the setting of the conservation area..

Loss of employment use

Although currently vacant the last use of the site was as a garden centre and therefore Policy DM14 of the adopted Local Plan needs to be considered. Whilst Policy DM14 relates to the retention of B class uses and a Garden Centre is classified as Sui Generis (without a class) as the use involved the employment of people at the site, elements of the policy are applicable and need to be considered when determining this application.

Whilst the proposed use would not fall within a B Class use it would fall within class D2 (assembly and leisure). People will be employed at the site including staff within the club house; coaches; grounds staff etc. The proposal is therefore considered to maintain an employment use at the site and as a result is considered to comply with the requirements of Policy DM14.

Highway safety and parking provision

It is proposed that the existing vehicular site access on East End Road will be removed as part of the development proposals and a new access will be created on the northwest corner of the site. The new access will be wider than the existing one and will consist of a bell mouth arrangement to improve visibility between pedestrians flow on the footway and vehicles emerging from the site.

It is proposed to provide 41 car parking spaces on site and a total number of 26 cycle parking spaces in the form of Sheffield Stands will be provided. The cycle facilities should be secured covered and can be easily accessed by cyclists to ensure it would fully comply to London Plan Policy 6.9 - Cycling and a condition to secure this is recommended.

TfL officers consider that the proposed level of disabled parking and electrical charge point provision confirmed in the report, as well as the level of on site parking provision overall, when considering the club's increased usage on event days, to be acceptable and in compliance with London Plan policy. Further, the scope of the submitted PERS Audit was agreed with TfL officers prior to undertaking the audit, and officers confirmed that no contribution would be sought from TfL relating to PERS matters.

In terms of public transport impact, given the nature and location of the proposal, TfL accepted that the anticipated increase in demand for passenger transport services resulting from the proposal would be insignificant.

The proposal is therefore considered to conform with the requirements of the London Plan and Policy DM17 of the adopted Local Plan.

Impact on the street scene

Good design is central to all objectives of the NPPF, London Plan (2011) and Local Plan.

The requirements of NPPF, states in policy 57, 'It is important to 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'.

London Plan Policy 7.1 sets out a series of overarching design principles for development in London. Other design policies in this chapter and elsewhere in the London Plan include specific design requirements relating to maximising the potential of sites, the quality of new housing provision, tall and large scale building, built heritage and World Heritage Sites, views, the public realm and the Blue Ribbon Network. New development is also required to have regard to its context, and make a positive contribution to local character within its neighbouring (policy 7.4).

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

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The development standards set out in Policy DM02: Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

The proposal provides a well designed tennis club. The proposed clubhouse would have floor to ceiling glazing and timber boards on the external facades. A neutral colour scheme is proposed and the overall appearance of the building would be modern but sympathetic to its surroundings. The roof of the clubhouse is to include a sedum green roof. The proposed court covers would be of a white, lightweight PVC/PTFE fabric which is designed to be durable. The covers are of a bespoke design with the two ends of the covered courts being translucent allowing views through the courts. The external courts would have a natural clay surface and will be surrounded by soft landscaping and box hedging to screen the facilities.

As outlined previously the adjoining St Marylebone cemetery forms part of the Hampstead Garden Suburb Conservation Area and also contains several listed buildings. Existing buildings on the site are considered to have minimal architectural value and would be removed as a result of the proposal. The surrounding cemetery land, which is generally open although punctuated by mature trees, is Metropolitan Open Land (MOL) and is therefore of strategic importance. In this case, given the open character of the affected land and views towards the site, heritage and MOL views considerations are similar.

The views assessment submitted with the application demonstrates that the proposals would not obscure views of important listed structures, from both inside the MOL, and from surrounding public viewpoints. The proposed roof of the covered tennis courts would be the most visible structure, and would appear incongruous in some views from within the cemetery. However, it is considered that the structure's impact is mitigated through the choice of materials and vegetation. The fabric roof of the structure would have a light colour that is likely to be more visible on clear days, but less so when overcast.

Within the site, the layout would be effective and accommodate a similar number of facilities to those found on the club's existing site, even though the application site would be arranged in accordance with the Lawn Tennis Association's guidance. The restoration of the street frontage railings, to match the originals and the similar, listed treatment on the cemetery frontage, is welcomed. Although there would be removal of a small number of reasonably healthy mature trees, the remaining trees and enhanced planting around the site is likely to reduce this impact.

As such the development is considered not to raise any design and openness issues and is considered to be acceptable in this respect.

Impact on the residential amenity of adjoining properties

Whilst the site is located within the Garden Suburb ward it has the benefit of being relatively isolated from adjoining residential properties. With the exception of the Lodge at St Marylebone Cemetery the nearest residential buildings (Thomas More

Way/124 East End Road) are approx 100m away. If Members are minded to approve the application conditions restricting hours of opening; hours of use of the proposed floodlights and sound level conditions are recommended.

The proposals are therefore not considered to detrimentally harm the amenity of existing residents in accordance with national and strategic guidance and Policies DM01 and DM02 of the adopted Local Plan

Climate Change

Development Management Policy DM04: Environmental Considerations for Development and Core Strategy Policy CS13: Ensuring the efficient use of natural resources highlights that reducing carbon dioxide (CO₂) emissions, adapting to future climate change, ensuring resource use is kept within acceptable levels, promoting biodiversity and improving quality of life are all key objectives for Barnet.

The London Plan climate change policies set out in Chapter 5 collectively require developments to make the fullest contribution to the mitigation of, and adaptation to, climate change, and to minimise carbon dioxide emissions. London Plan Policy 5.2 'minimising carbon dioxide emissions' sets out an energy hierarchy for assessing applications, London Plan Policy 5.3 'Sustainable design and construction' ensures future developments meet the highest standards of sustainable design and construction, and the London Plan Policies 5.9 – 5.15 promote and support effective adaptation to climate change. Further detailed policies on climate change mitigation and adaptation are found throughout Chapter 5 and supplementary guidance is also given in the London Plan sustainable design and construction SPG.

Barnet Council has an aspiration for the development to comply with Section 5.2B of the London Plan (July 2011), and achieve a reduction in carbon dioxide emissions of 25%.

The design team have maximised the use of measures to minimise carbon dioxide emissions for the Chandos Tennis Centre, in line with the Mayor of London's Energy Hierarchy, 'Be Lean, Be Clean, and Be Green.

However, these measures do not achieve the 25% threshold. A maximum of 4.1% has been calculated from the modelling carried out during design stage, through measures summarised in the table below:

Hierarchy stage	Design Measures	Reduction in Tonne CO₂/m² emissions and %reduction Chandos Tennis Club (excluding occupant energy use)
'Be lean'	Improved building thermal envelope Natural ventilation strategy	0.0012 Tn CO ₂ / m ² 0.35 tonnes/year 1.74 % reduction
'Be clean'	Gas-fuelled condensing boiler, Low temperature terminal units and distribution	0.0003 Tn CO ₂ / m ² 0.08 tonnes/year 0.41 % reduction

'Be green'	Solar thermal array Photovoltaic array	0.0013 Tn CO ₂ /m ² 0.38 tonnes/year 1.14 % (solar thermal) 0.77 % (PV)
TOTAL	0.0027 Tn CO ₂ /m ² 0.811 tonnes/year	4.1% reduction

As agreed by the GLA and accepted by the Local Planning Authority, although the energy figures didn't quite meet with the 25% savings required, a financial energy contribution of £19 per annum over a 30 year period so £570 has been accepted by the applicant. This is to be secured by means of a Section 106 agreement.

Community Access

The London Plan Policy 3.19 Sports Facilities sets out that proposals for new or enhanced sports facilities will be supported. As such the proposed use is considered acceptable in principle.

Policy CS10 advocates that the Council will work to ensure that community facilities are provided for Barnet's communities. Policy DM13 expands on this by stating that new community uses should be easily accessible to users. Whilst the current Chandos tennis club is a private members club as part of these proposals it is proposed that the facilities will be made available to the wider community in the following ways:

- Liaising with a nominated local school, within the East Finchley or Garden Suburb wards, willing to partner with Chandos to develop a programme whereby a Chandos tennis coach spends at least five hours a week during the whole of the school summer term providing free coaching at the school. The cost of such a coach would be at current rates around £35 per hour. The aims would include ensuring that:
 1. Children at the school play tennis, keep fit and learn skills, all in an environment where there is a proper code of sporting conduct, fair play and respect for the opponent;
 2. Talent is identified and nurtured; and
 3. The children of that school are encouraged to play tennis at Chandos.
- In order to further encourage the school children to play tennis at Chandos and further their tennis career, Chandos would provide ten school children, selected on the criteria of talent and desire, with a scholarship so that each one would pay half of the standard yearly rate for a junior Chandos membership. Any three of those ten who have exceptional talent or need will be eligible for an entirely free junior membership.
- In order to ensure access to the club for junior members, the tennis club has agreed that at all times there will be 100 junior memberships on offer at not more than the current rate of £120 per annum subject to an annual increase of not more than any proportional increase in the senior membership rate for that year.
- The club would make available four of the courts, the car park and part of the clubhouse for charities to run open days on not less than two days in any calendar year.

- Chandos would host organised tennis tournaments for members of the club and non-members who are also LTA registered members (or members of an equivalent tennis organisation of a similar kind), such tournaments to take place on no less than five days in any year.
- Chandos is to make available access on at least two tennis courts during the summer (1 May - 30 September) for not less than six hours each during school hours for every week of a school term so as to be used by such nominated local school(s) within the East Finchley or Garden Suburb wards who are prepared to partner with Chandos.
- Chandos is to make available access on at least two tennis courts between 1 October and 31 April for not less than four hours each during school hours for every week of the school term so as to be used by such nominated local school(s) within the East Finchley or Garden Suburb wards who are prepared to partner with Chandos.

The proposal is therefore considered to enhance community sport provision within the East Finchley area in accordance with the requirements of the NPPF, the London Plan and the adopted Local Plan.

Environmental Impact Regulations (EIA 2011)

The application proposals have been assessed against the environmental impact of the development in accordance with the Environmental Impact Assessment Regulations 1999 as EIA development. A screening opinion concluded that an Environmental Impact Assessment (EIA) was not required.

3. COMMENTS ON GROUNDS OF OBJECTIONS

These have been considered in the planning appraisal.

4. EQUALITIES AND DIVERSITY ISSUES

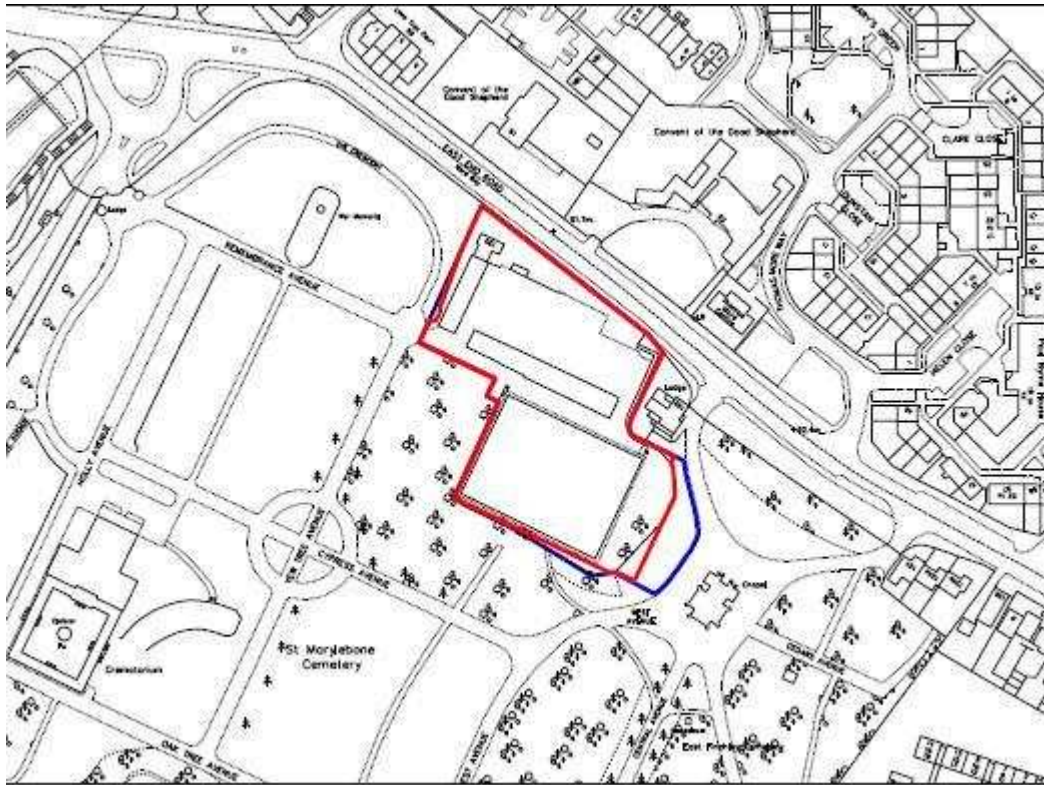
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

The proposals are considered acceptable because of very special site specific circumstances which include the removal of a significant amount of built form (greenhouses), the reduction in the overall amount of hardstanding on site, significant improvements to landscaping and the openness of the land and limited increase in traffic. The proposed building would result in a suitable addition to the site which would blend in effectively with open character. On balance and based on those very special circumstances, the proposals would improve the openness of this particular MOL site without any significant demonstrable harm to the area. The proposals are acceptable on Highways Grounds subject to conditions. **APPROVAL** is recommended.

SITE LOCATION PLAN: Finchley Manor Garden Centre, 120 East End Road, London, N2 0RZ

REFERENCE: F/01320/12



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LOCATION: Finchley Manor Garden Centre, 120 East End Road, London, N2 0RZ

REFERENCE: F/01405/12

Received: 05 April 2012

Accepted: 13 April 2012

WARD(S): Garden Suburb

Expiry: 08 June 2012

AGENDA ITEM 10

**Final
Revisions:**

APPLICANT: BDW Trading Limited & The Chandos Lawn Tennis Club Limited.

PROPOSAL: Relocation of gate on the listed north boundary wall and associated reinstatement and repair works. (Listed Building Consent)

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 0000 rev D, 3001 rev G, 3002 rev F, 3003 rev E, 3010 rev D, 3011 rev D, 3020 rev D, 3152 rev G1, 3153 rev G, 3162 rev G, 3164 rev D, 4040 rev F, 4055 rev G, 4100 rev G, 4120 rev C, 4121 rev C, 4150 rev D, 4152 rev D, 4160 rev D, 4200 rev D, 4205 rev D, 4300 rev D, 4351 rev D, Air Quality Assessment, Aboricultural Impact Assessment, Aboricultural Survey, Chandos LTC Sequential Test Assessment, Design and Access Statement, Extended Phase 1 Habitat Survey, Foul Drainage and Utilities Statement, Heritage Impact Assessment, Initial Bat Survey, Light Obtrusion report, Noise Impact Assessment, Planning Statement, Statement of Community Involvement, Surface Water Drainage Strategy, Sustainability and Energy Statement, Transport Assessment, Transport Assessment Addendum and PERS Audit, Energy Statement Addendum.

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

2. 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).

3. 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 in accordance with policy DM06 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF of the Adopted Barnet Core Strategy DPD (2012).

4. The wall is to be taken down carefully in such a manner that would allow the existing bricks to be used in the rebuild of the wall. All bricks including half batts are to be cleaned, numbered and stored for re-use.

Reason:

To preserve the established character of the Listed wall in accordance with policy DM06 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF of the Adopted Barnet Core Strategy DPD (2012).

5. The wall shall be rebuilt using the stored bricks. Any other bricks needed will be second hand stocks of a similar nature and date and shall be agreed in advance with the Local Planning Authority.

Reason:

To preserve the established character of the Listed wall in accordance with policy DM06 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF of the Adopted Barnet Core Strategy DPD (2012).

6. When the wall is rebuilt the bricks shall be laid in Flemish bond to match the existing bond.

Reason:

To preserve the established character of the Listed wall in accordance with policy DM06 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF of the Adopted Barnet Core Strategy DPD (2012).

7. The pointing is to match that of the existing in colour, mix and style. A sample area of pointing on an inconspicuous section of the wall should be shown to the council prior to works proceeding.

Reason:

To preserve the established character of the Listed wall in accordance with policy DM06 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF of the Adopted Barnet Core Strategy DPD (2012).

8. Written details at a scale of 1:20 of the proposed replacement railings and gate shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved plans.

Reason:

To preserve the established character of the Listed wall in accordance with policy DM06 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF of the Adopted Barnet Core Strategy DPD (2012).

INFORMATIVE(S):

1. i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework:

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

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published on 27 March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible.

The London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

The Mayor's London Plan July 2011:

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London.

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

Barnet's Local Plan (Adopted) September 2012:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD).

Relevant Core Strategy Policies: CS NPPF, CS1

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy.

Relevant Development Management Policies: DM01, DM06

Relevant Supplementary Planning Documents:

In June 2005 the Council published its "Three Strands Approach", setting out a vision and direction for future development, regeneration and planning within the Borough. The approach, which is based around the three strands of Protection, Enhancement and Growth, will protect Barnet's high quality suburbs and deliver new housing and successful sustainable communities whilst protecting employment opportunities. The second strand of the approach, "Enhancement", provides strong planning policy protection for preserving the character and openness of lower density suburbs and conservation areas. The Three Strands Approach will form the "spatial vision" that will underpin the Local Development Framework.

The Council Guide 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of a supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

Relevant Planning History:

Site Address:	Finchley Manor Garden Centre, 120 East End Road, London, N2 0RZ
Application Number:	F/01320/12
Application Type:	Full Application
Decision:	Not yet decided
Decision Date:	Not yet decided
Appeal Decision:	No Appeal Decision Applies
Appeal Decision Date:	No Appeal Decision Date exists
Proposal:	Demolition of non-listed buildings and structures and redevelopment to provide a private tennis club with four full-sized open clay court, four full-sized covered courts, one open mini-court, a single storey clubhouse including restaurant and changing facilities, storage, car and cycle parking, landscaping, and other associated works and relocation of gate on the listed north boundary wall and associated reinstatement and repair works.
Case Officer:	Junior C. Moka

Consultations and Views Expressed:

Neighbours Consulted:	1	Replies:	0
Neighbours Wishing To Speak	0		

Internal /Other Consultations:

Urban Design and Heritage - No objections subject to a number of conditions

Date of Site Notice: 19 April 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site is situated on the south side of East End Road adjacent to St Marylebone Cemetery and has an area of 0.7 hectares. The site is currently occupied by a disused garden centre and is covered almost entirely by hard standing or buildings. There are four main buildings on the site: a house (occupied); a large greenhouse (largely derelict); a boiler house building (largely derelict); and two outbuildings. All are in a dilapidated state.

Along the northern boundary of the site, fronting onto East End Road, runs a Grade II listed wall and railings. There is a break towards the centre of the wall which currently provides the vehicular access to the site. Furthermore there are a number of listed buildings and features in close proximity to the site including the Gate Lodge, the Anglican Chapel and the Monument to Thomas Tate (all Grade II listed) within the adjoining cemetery and on the opposite side of the road the Convent of the Good Shepherd (also Grade II listed). The cemetery itself is Grade II* listed under the Historic Parks and Gardens register.

The site is designated as Metropolitan Open Land (MOL) and is situated along the boundary with the Hampstead Garden Suburb Conservation Area. The site itself is not within the Conservation Area but it is surrounded by it. The site falls within Flood Risk Zone 1, which means that there is a low risk of the site flooding. The adjoining cemetery is also designated as MOL and a Site of Local Importance for Nature Conservation. The cemetery also contains a number of trees and groups of trees that are the subject of Tree Preservation Orders.

The site has a public transport accessibility level (PTAL) of 1b (out of a range of 1 to 6, where 6 is the highest and 1 the lowest).

The area surrounding the Garden Centre site is predominately residential in character, with the Hampstead Garden Suburb to the south, and residential uses on the opposite side of East End Road, to the north. The residential accommodation in the area is characterised by large detached and semi-detached family houses, particularly within the Hampstead Garden Suburb Conservation Area, with some more recent flatted developments located immediately opposite the site providing 2 and 3 storey buildings for D1 and B1 uses with basement parking. There are also a number of community uses and sports facilities in the immediate area, including Finchley Cricket Club and LA fitness Centre to the north east, as well as several schools and colleges and the crematorium and cemetery to the south of the site.

Proposal:

The application is for Listed Building Consent for the relocation a gate on the listed north boundary wall and associated reinstatement and repair works. The works are required as a result of a planning application that has been submitted for the redevelopment of the site to enable the relocation of the Chandos Lawn Tennis Club (our ref: F/01320/12).

Planning Considerations:

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both

the design and form of new development to ensure that it is compatible with the established character of an area.

The key consideration is the impact on a designated heritage asset.

The proposal is for the demolition of and reconfiguration of the listed front boundary wall and railings. The wall would be taken down to the level of the original footings/foundations and then these would be reused as a basis to reconstruct the new wall. It is proposed that the existing bricks will be reused and new railings to match the existing shall be installed the Design and Heritage Officer has requested a number of conditions requiring the bricks to be laid in Flemish bond; the pointing shall match the existing and that details of the replacement railings shall be agreed.

As the wall will match the existing wall it is considered that the integrity of the designated heritage asset would be retained and as a result the proposal is considered to comply with the requirements of the NPPF and Policy DM06 of the adopted Local Plan.

3. COMMENTS ON GROUNDS OF OBJECTIONS

None.

4. EQUALITIES AND DIVERSITY ISSUES

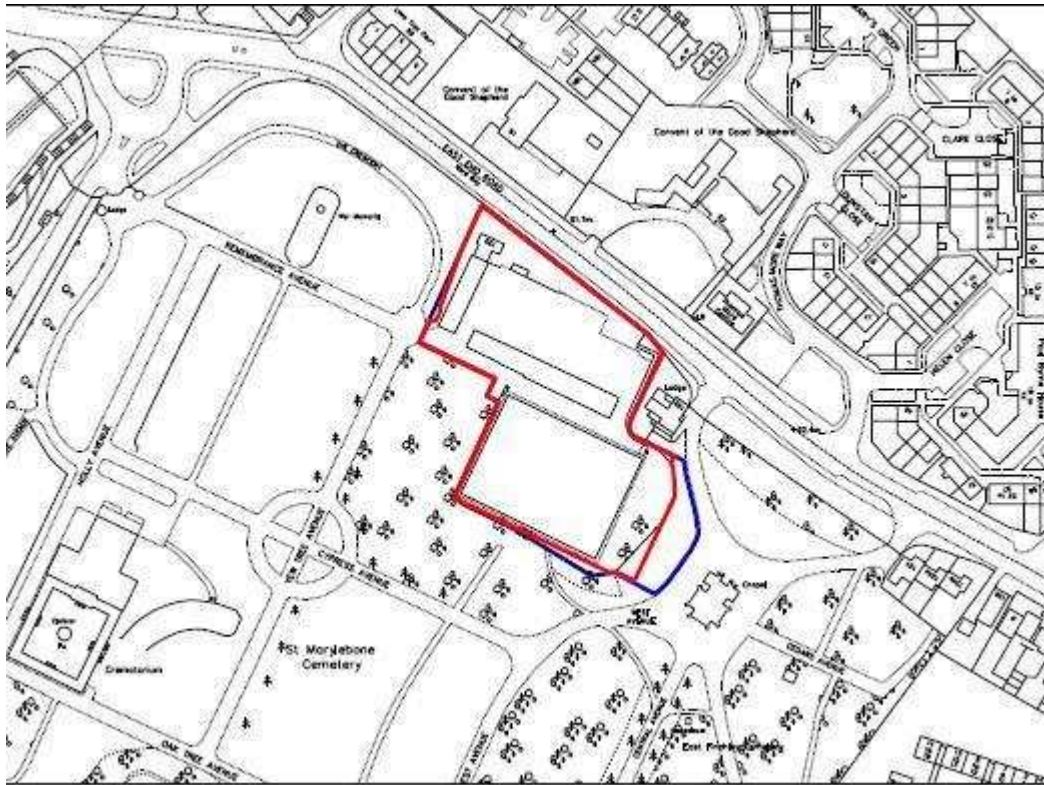
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

The proposal will result in the demolition and rebuilding of a section of listed wall. The existing bricks will be reused and relaid and repointed to match the retained section of the wall. The proposal is therefore considered to maintain the integrity of a designated heritage asset in accordance with the requirements of the NPPF and policy DM06 of the adopted Local Plan. Accordingly, APPROVAL is recommended.

SITE LOCATION PLAN: Finchley Manor Garden Centre, 120 East End Road, London, N2 0RZ

REFERENCE: F/01405/12



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

REFERENCE: F/04552/13

Received: 04 October 2013

WARD: Childs Hill

Accepted: 04 October 2013

Expiry: 03 January 2014

AGENDA ITEM 11

Final Revisions:

APPLICANT: SHREE HARI CONSTRUCTION

PROPOSAL: Variation to condition 1 (Plans) pursuant to planning permission F/04707/12 dated 03/09/13 for "Erection of a part 3, part 4 storey building comprising 25No. self contained flats, following demolition of existing temple, ancillary buildings and 2No residential dwelling houses. Formation of basement parking for 25 cars and cycle storage. Associated landscaping and vehicular access from Helenslea Avenue". Variations include:

1. Ground floor unit to Helenslea Road block redesigned
2. Front door to Helenslea Avenue block relocated
3. Access path leading from Helenslea Avenue between two blocks to the rear garden omitted and replaced with extended terrace to ground floor unit.
4. Proportions of openings to rear façade of Helenslea Avenue block amended.
5. Balconies to first floor flats omitted and added to the area of the flat.
6. Plant rooms at third floor omitted.

APPROVE SUBJECT TO COMPLETION OF DEED OF VARIATION

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 **Health** **£25,876.00**
A contribution towards Health Facilities and Resources in the borough
- 4 **Libraries (financial)** **£2,814.00**
A contribution towards Library Facilities and Resources in the borough
- 5 **Education Facilities (excl. libraries)** **£155,417.00**
A contribution towards the provision of Education Facilities in the borough.

- | | | |
|----------|--|--------------------|
| 6 | Affordable Housing (financial)
A contribution towards the provision of Affordable Housing within the London Borough of Barnet. | £856,000.00 |
| 7 | Monitoring of the Agreement
Contribution towards the Council's costs in monitoring the obligations of the agreement. | £20,802.14 |
| 8 | Highways (traffic order)
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development. | £0.00 |

RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: F/04552/13 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; PL (00) 006; PL (00) 005; PL (00) 004; PL (00) 003; PL (00) 002; PL (00) 001; PL (00) 000; PL (00) 054; PL (00) 053; PL (00) 052; PL (00) 051; GA (00) 022 Revision P4; PL (00) 021.

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 30.04.2013.

Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
3. Prior to superstructure, 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. Prior to superstructure, 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. Prior to superstructure, 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.

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 machinery 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. Prior to superstructure, 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. Prior to superstructure, 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 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 in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

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. PL (00) 000 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.

Reason:

In the interests of highway safety in accordance with Policy DM17 Travel impact and parking standards of the adopted Development Management Policies DPD (2012) 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 prior to superstructure.

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 courtyard, access road and parking areas shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure 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 siteworks or works on this development shall be commenced before a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations are submitted to and approved in writing by the Local Planning Authority 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

24. 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.

25. Detailed drawings of the proposed entrance gates and boundary walls shall be submitted to and approved in writing prior to superstructure. Development shall be carried out in accordance with the approved plans.

Reason:

To preserve and enhance the appearance of the area and to ensure the development is secure.

26. Before the building hereby permitted is occupied the proposed window(s) in the side elevation at first floor level of the Helenslea Road block facing 2 Helenslea Avenue shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

27. Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the approved parking spaces to be provided with electric vehicle charging facilities. The development shall be implemented in full accordance with the approved details prior to the first occupation and thereafter be maintained as such.

Reason:

To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan.

INFORMATIVE(S):

1.
 - i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.
 - ii) In this case, formal pre-application advice was sought prior to submission of the application.
2. In case 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. Estimates for this and any associated work on a public highway may be obtained from the London Borough of Barnet, 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:

- 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.

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.

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £xxxx payment under Mayoral CIL.

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

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

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

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

The Community Infrastructure Levy becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide

such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

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

RECOMMENDATION III

That if the above deed of variation has not been completed by 19 December 2013, unless otherwise agreed in writing, the Assistant Director of Planning and Development Management REFUSE the application ref: F/04552/13 under delegated powers for the following reasons:

- 1) The development does not include a formal undertaking to meet the extra health, education and libraries services costs together with the costs for the amendment to a Traffic Regulation Order and associated monitoring costs arising as a result of the development, contrary to Supplementary Planning Document - Planning Obligations, and Policies CS10, CS11 and CS15 of the Adopted Barnet Local Plan Core Strategy DPD (2012).
- 2) The development would require an element of affordable housing provision and no formal undertaking is given to secure this, contrary to Policy CS4 of the Local Plan Core Strategy (adopted September 2012) and Policy DM10 of the Local Plan Development Management Policies DPD (adopted September 2012).

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

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

The 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan: 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.

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London.

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

Core Strategy (Adopted) 2012: CS1, CS4, CS5, CS10 and CS12.

Development Management Policies (Adopted) 2012: DM01, DM02, DM03, DM04, DM10, DM13, and DM17.

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: Affordable Housing (2007)

SPD: Planning Obligations (2013)

SPD: Sustainable Design and Construction (2013)

SPD: Residential Design Guidance (2013)

Relevant Planning History:

Site Address: 847-851 Finchley Road, London, NW11 8LX

Application Number: F/04707/12

Application Type: Full Application

Decision: Migrated Code

Decision Date: 30/04/2013

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: **Erection of a part 3, part 4 storey building comprising 25No. self contained flats, following demolition of existing temple, ancillary buildings and 2No residential dwelling houses. Formation of basement parking for 25 cars and cycle storage. Associated landscaping and vehicular access from Helenslea Avenue.**

Case Officer: James Stone

Site Address: 847-851 Finchley Road, London, NW11 8LX
Application Number: F/02841/13
Application Type: Conditions Application
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Submission of details of Condition No. 8 (Contaminated Land - Part 1), No.12 (Impact of Noise), No. 16 (Demolition, Construction and Traffic Management Plan), No. 21 (Services in relation to trees), No. 22 (Trees protective fencing), No.23 (Method statement - Trees) and No. 24 (Tree Works - Detailed Specification), pursuant to planning permission Ref: F/04707/12 dated 30/4/2013.**
Case Officer: James Stone

Consultations and Views Expressed:

Neighbours Consulted: 227 Replies: 1 objection
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Noise/Disruption during this project.
- If the pavement is blocked off it may force children to cross the street at unsafe places (as is currently the case on West Heath for another Glentree building development).
- Traffic/Pollution/Noise implications due to Finchley Road. Finchley Road is already a heavily trafficked road especially at this very busy intersection. The road is very narrow (with parking on both sides) and buses/cars are forced to idle for long periods of time thereby polluting the local airspace. With a nursery next door and many young children the impact will be very negative for their health. Currently Sunday mornings are particularly bad (when the Indian Temple has services) so this will be exacerbated with so many new residents. A full environmental and health survey needs to be done for the additional traffic.
- Parking

Internal /Other Consultations:

MPS Designing Out Crime Team - No objection
Transport For London - No objection
Highways - No objection subject to previous conditions, informatives, s106 contributions (from ref: F/04707/12) and new and revised conditions being attached to any permission
Environmental Health - No objection subject to the same conditions being imposed as were on ref: F/04707/12

Date of Site Notice:

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 Helensea 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 members 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 revised current planning application for a residential development.

Proposal:

Planning permission was granted at P& E Committee under ref: F/04707/12 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 25 residential units with private and communal amenity space, secure underground car and cycle parking and associated landscaping. The approved proposal included 25 residential units comprising of three 2 bedroom units and twenty one 3 bedroom units and one 4 bed unit.

The current application seeks permission for the variation of condition 1 (plans) on permission F/04707/12. The new block will also comprise of 25 flats. The revised scheme includes 22 three-bed units, two two-bed units and one four-bed unit.

The changes to the approved plans are:

- 1) Basement floor dropped by 900mm to allow for introduction of new lower ground floor to create a duplex unit
- 2) Helenslea Road block layouts amended resulting in lift and stairs being relocated from the edge of the plan to the centre
- 3) Front door to Helenslea Avenue block relocated from side of building to front
- 4) Access path leading from Helenslea Avenue between two blocks to the rear garden omitted and replaced with extended terrace to ground floor unit
- 5) Proportions of windows and openings in the rear façade of Helenslea Avenue block amended
- 6) The Helenslea Road block has been repositioned and the footprint altered
- 7) Balconies to the first floor flats omitted and added to the area of the flat
- 8) Plant has been relocated from the former plant room at third floor to the basement. The former plant room has been reused as a study to the adjacent duplex units
- 9) Pre-patinated brass used in lieu of terracotta cladding
- 10) The flue from the basement that was previously located on the north elevation has been moved to within the footprint of the building

Since the determination of ref F/04707/12 the Supplementary Planning Documents 'Residential Design Guidance' and 'Sustainable Design and Construction' have been adopted in 2013. The adoption of these documents does not warrant a different recommendation.

Planning Considerations:

Each of the above points have been addressed in turn:

1) The new duplex accommodation in the lower ground floor would provide satisfactory living accommodation in accordance with Policy DM02 and in accordance with the guidance contained in the Residential Design Guidance SPD. All habitable rooms would be served by windows to allow adequate provision of natural light. The creation of an additional floor will improve the living conditions for future occupiers because the previous 2 bed flat would have suffered from a tight and constricted design.

2) The relocation of the lifts and stairs from the edge of the plan to the centre will enable the provision of more windows for habitable rooms which will ensure that better living conditions are provided in accordance with Policy DM02 and guidance contained in the Residential Design Guidance SPD.

3) The side door that would serve the Helenslea Road block will be relocated to the front of the building. By relocating the door a more logical entrance will be provided at the site.

4) The access path leading from Helenslea Avenue between the two blocks to the rear garden has been removed and replaced with an extended terrace at ground floor. The new terrace will provide better amenity space for future residents. Residents will be able to access the garden area via a pathway along the western boundary of the site (to be controlled by a gate) or through lobbies in the proposed blocks. The applicant has amended this part of the scheme for security reasons.

5) The changes to the openings and windows in the rear (northern) elevation of the proposed Helenslea Road building would be in keeping with the design of openings and windows in the main block that faces Finchley Road. There would be no overlooking issues because of the large separation distance between this block and the nearest residential property (853 Finchley Road) to the north.

6) The Helenslea Road block will be repositioned and the footprint altered. The applicant has explained that this is necessary following advice from the contractor regarding safe working distances to boundaries. The west elevation of the block will be moved 900mm to the east and the east elevation by 225mm to the east which will result in a reduction to the width of the block by 675mm. The north elevation will be moved by 900mm into the rear garden to ensure that the loss of floorspace is compensated for elsewhere in the block. It should be noted that the relocated block would not extend beyond the building line currently provided by the rear elevation of 2 Helenslea Avenue. The fact that the block will be moved to the east will reduce the impact of the scheme on the residents at 2 Helenslea Avenue.

7) Balconies to the first floor flats have been removed and added to the floor area of the flats. This change will improve living arrangements for future occupiers by providing large living rooms instead of unappealing north facing balconies that would have suffered from a tunneling effect. It should be noted that the revised scheme involves the provision of full height sliding doors and internal Juliet balconies to ensure that the feeling of a balcony is still maintained. The loss of amenity space provided by the balcony is not considered objectionable because the occupiers of first floor flats have access to a large communal garden.

8) The relocation of the plant room to the basement is considered to be a positive amendment to the original scheme. The plant room will now be situated next to parking spaces and car lifts as opposed to being located in close proximity to habitable rooms. This change will reduce the possibility for noise disturbance at the site and is therefore in accordance with Policy DM04.

9) The use of pre-patinated brass is considered an acceptable substitute for terracotta cladding and is considered more sympathetic to the appearance of other proposed materials at the site.

10) The incorporation of the flue within the building does not change the appearance of the building significantly. However, it is felt that the relocation of the flue to be within the footprint of the building could reduce the possibility of noise disturbance from the site and is in line with Policy DM04.

The original s106 agreement from ref: F/04707/12 will be amended and accompany the new permission. The s106 agreement provides financial contributions towards affordable housing, amendment of a traffic order, education, libraries, healthcare and monitoring.

CIL contributions are required because the variation to the original scheme has increased the provision of floorspace at the site. CIL payments will only be necessary for the additional net gain in floorspace on the revised scheme compared to the previous approval.

3. COMMENTS ON GROUNDS OF OBJECTIONS

- A planning condition will ensure that construction work takes place during daytime hours.
- A demolition, construction and traffic managements plan will ensure that the proposal does not affect pedestrian safety at the site.
- The highways consultant who assessed the application has no objection to the scheme in terms of parking provision.
- There have been no objections from environmental health with regard to pollution and noise. Planning conditions will request a scheme of proposed air pollution mitigation measures and will also request a noise assessment. A noise report for site plant condition will also be attached to any approval decision notice.
- The highways consultant had no objections to the proposal with regard to parking and traffic generation.

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

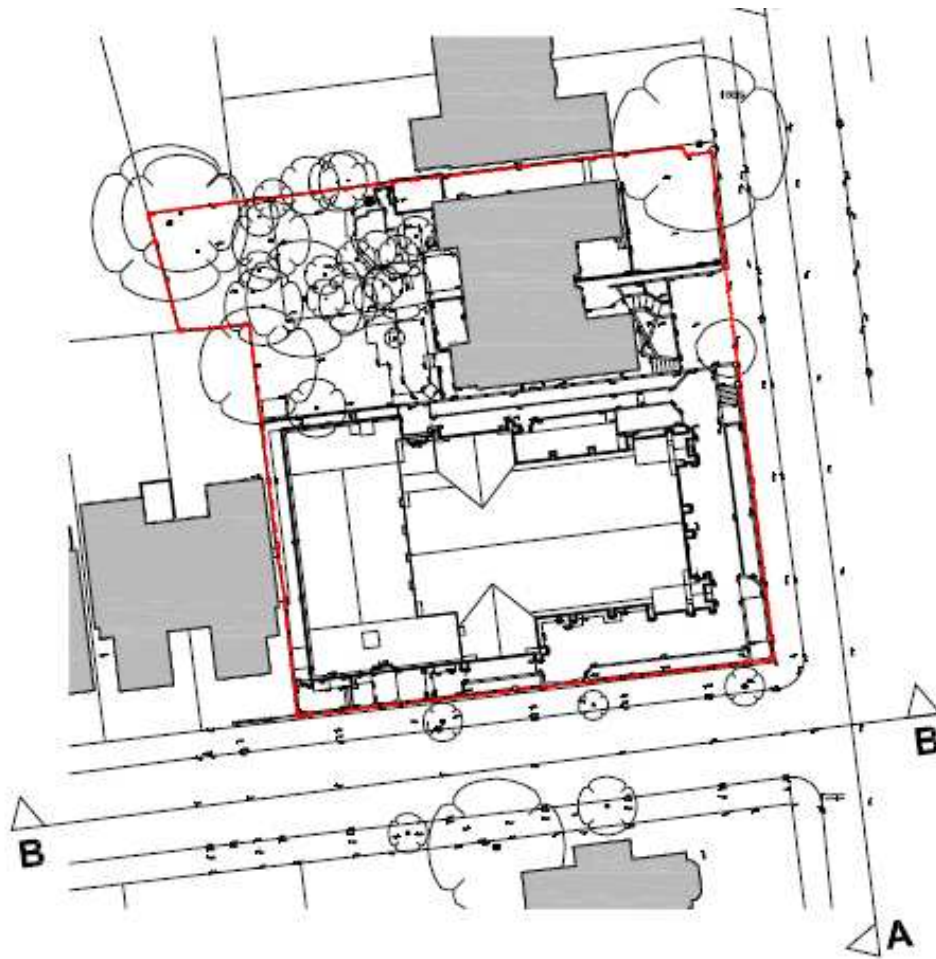
Having taken all material considerations into account, the application would assist in the provision of a high quality community facility which would be enjoyed by Barnet residents whilst at the same time provide a new, high quality residential development which is considered to compliment its immediate 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 subject to a s106 agreement.

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

REFERENCE: F/04552/13



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LOCATION: Archer Academy, Playing Fields, Stanley Road, London, N2

REFERENCE: F/04475/13 **Received:** 30 September 2013

Accepted: 30 September 2013

WARD: East Finchley **Expiry:** 30 December 2013

AGENDA ITEM 12

**Final
Revisions:**

APPLICANT: The Archer Academy

PROPOSAL: Erection of a new three storey educational building, including a new 3-court sports hall, together with provision of a floodlit 3G all weather outdoor sports pitch, a new 2-court hard play area, new car parking provision, drop off zone, bicycle space, new circulatory access and pedestrian access, landscaping and ancillary works.

APPROVE SUBJECT TO REFERRAL TO THE GREATER LONDON AUTHORITY (GLA) FOR CONSIDERATION BY THE MAYOR FOR LONDON.

SUBJECT TO A UNILATERAL UNDERTAKING

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a unilateral undertaking for the purposes seeking to secure the following:

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Highways Improvement (local to the site) £5000.00**
A contribution towards local highway improvements within the vicinity of the development. Including the following:
 - £5,000 for a feasibility study to look at suitable improvements to the crossing on East End Road; and
 - Commitment to provide contributions to implement any measures identified following the feasibility to allow for a possible Zebra Crossing/Pelican crossing; guard rail; road marking etc up to a maximum of £70,000.
- 4 **Requirement to submit Travel Plan £5000.00**
Requirement to submit a Travel Plan for approval by the Council prior to first occupation of the development and the obligation to provide a contribution towards the Council's costs of monitoring the implementation of a Travel Plan.
- 5 **Monitoring of the Agreement £500.00**
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 Development Management and Building Control approve the planning application reference: F/04475/13 under delegated powers subject to the following conditions: -

Plans:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 2544-JW-001 P02, 2544-JW-002 P02, 2544-JW-102 P02, 2544-JW-110 P02, 2544-JW-111 P02, 2544-JW-112 P02, 2544-JW-120 P02, 2544-JW-200 P02, 2544-JW-201 P02, 2544-JW-300 P02, 2544-JW-301 P02, Design and Access Statement.

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

Time Limit:

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.

Pre-Commencement Conditions:

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 development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

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 character and visual amenities of the site and wider area

and to ensure that the building is constructed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

5. 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

6. 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 in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF of the Adopted Barnet Core Strategy DPD (2012) and 5.21 of the London Plan 2011.

7. The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations; piling and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

- Provides detail on all structures.
- Accommodates the location of the existing London underground structures.
- Demonstrates access to elevations of the building adjacent to the property boundary with London Underground can be undertaken without recourse to entering London underground land.
- Demonstrate that there will at no time be any potential security risk to the Northern Line, Property or structures.
- Accommodate ground movement arising from the construction thereof.
- Mitigate the effects of noise and vibration arising from the adjoining operations within the structures.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied

Reason:

To ensure that the strategic rail network is not disrupted as a result of the construction of the development.

Informative:

The applicant is also advised to contact LUL Infrastructure protection in advance of preparation of final design and associated method statements in particular with regard to: demolition; drainage; excavation; construction methods; security; boundary treatment; safety barriers; landscaping and lighting.

Construction:

8. The hours of work for all contractors (including sub-contractors) for the duration of site development, shall be limited to; 8.00am to 6.00pm on Mondays to Fridays, 9.00am to 1.00pm on Saturdays, and no work shall be carried out on Sundays or Bank Holidays.

Reason:

In order to protect the amenities of neighbouring residents

9. 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 submitted to and approved in writing by the local planning authority 1 calendar month prior to commencement of development. Any demolition shall be carried out in complete accordance with the approved scheme.

Any details submitted in respect of the construction traffic management plan above shall control the hours, routes taken and security procedures for construction traffic to and from the site and the method 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; a community liaison contact and details of the screening for scaffolding to prevent overlooking of Holy Trinity School and Playground.

Reason:

In the interests of highway safety and good air quality in accordance with Policy DM17 and DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.21 of the London Plan (2011).

Highways, infrastructure, parking and servicing:

10. Before development hereby permitted is occupied, turning space and parking spaces shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason:

To ensure that parking and associated works are provided in accordance with the council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

11. Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the approved parking spaces to be provided with electric vehicle charging facilities. The

development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan.

12. 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, to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway and to provide acoustic screening to the residential properties adjacent to the access road and car parking area in accordance with policies DM01, DM03, DM17 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

13. Before the development hereby permitted is occupied, shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason:

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

14. Existing vehicular parking spaces shown on drawing No. 3004 Rev. D shall be retained in accordance with the proposed planning application. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with 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 in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

15. Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and agreed by the Local Planning Authority.

Reason:

In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012

and Policy DM17 of Development Management Policies (Adopted) September 2012.

16. The school start/finish times for Archer Academy shall be staggered internally between the years for the academy and with the school start/finish times of the neighbouring Holy Trinity Primary School.

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

17. Before the development is approved Pedestrian Environment Review System (PERS) audit as requested by TfL is to be carried out and the outcome is to be submitted to the Local Planning Authority. The improvements identified in the PERS audit shall be carried out at the applicant's expense.

Reason:

In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

18. Six months prior to first occupation a School Travel Plan Framework and School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The documents shall set out the school's transport policy to incorporate measures to reduce trips to school by the private car and encourage non car modes such as walking, cycling and public transport. Details of the start and finish times for pupils shall also be incorporated in order to minimise conflict on the local highways network. The scheme as submitted shall be approved in writing by the local planning authority and the use shall be carried out in accordance with the School Travel Plan as approved.

The School Travel Plan should include the appointment of a School Travel Plan Coordinator, measurable targets and a clear action plan for implementing any measures.

Reason:

To encourage the use of sustainable forms of transport to the site in accordance with Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

19. An annual review of the School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in the Summer term of the first academic year of the school commencing and thereafter on an annual basis until the school becomes fully operational after which point a bi-annual review will be required. The review will need to revise targets and action plans in line with increases in the number of pupils. The use shall be carried out in accordance with the School Travel Plan as approved.

Reason:

To encourage the use of sustainable forms of transport to the site and in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

Drainage:

20. Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the foul and/or surface water discharge from the site shall not be prejudicial to the existing sewerage system and the amenities of the area to comply with Policies 5.13 and 5.14 of the London Plan 2011.

Landscaping:

21. 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

22. 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

23. 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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

Archaeology:

24. a) No development other than demolition to existing ground level shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of archaeological evaluation in accordance with a written scheme which has been submitted by the applicant and approved by the local planning authority in writing and a report of the evaluation has been submitted to the local planning authority.
- b) If heritage assets of archaeological interest are identified by the evaluation under Part A, then before development, other than the demolition to existing ground level, commences the applicant (or their heirs and successors in title) shall secure the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.
- c) No development or demolition shall take place other than in accordance with the Written Scheme if Investigation approved under Part B.
- d) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part B and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason:

Heritage assets of archaeological interest may survive on the site. The planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results, in accordance with section 12 of the NPPF.

Floodlighting:

25. No external lighting, floodlighting or other means of external illumination shall be affixed to the external elevations of the buildings, or placed/erected within the site without the prior written consent of the local planning authority pursuant to a planning application. Any external lighting, floodlighting or other means of external illumination shall be installed and thereafter retained in full accordance with the approved details.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

26. A report detailing the proposed lux levels and lighting levels at the facade of the closest habitable room window of the nearest sensitive premises shall be submitted to and approved in writing by the Local Planning Authority and the lights installed shall comply with the agreed levels thereafter.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with policies DM04 of

the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

Noise, Odour and Air Quality:

27. Before the development hereby permitted is occupied, 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 in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

28. The level of noise emitted from the site plant (to include new electrical sub station and any other plant) hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

29. 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 in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

Sustainability:

30. The non-residential development is required to meet the following generic environmental standard (BREEAM) and at a level specified in the adopted Sustainable Design and Construction Supplementary Planning Document (2013). 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 in accordance with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (2013) and policies 5.2 and 5.3 of the London Plan (2011).

Other:

31. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority.

The agreement shall apply to the use of the all weather pitch; hard courts and sports hall outside of school hours and during school holidays and shall include details of pricing policy; hours of use; access by non educational establishment users; management responsibilities and mechanisms for review and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any other time other than in strict compliance with the approved agreement.

Reason:

To secure well managed safe community access to the sports and education facilities, to ensure sufficient benefit to the development of sport and to accord with the requirements of the NPPF and Local Plan policy.

32. Notwithstanding the provisions of Part 32, Class A to schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that order) no extensions to the school hereby permitted shall be erected without express planning permission first being obtained.

Reason:

To enable the local planning authority to retain control over these matters in the interests of controlling the intensity of use.

33. The use of the main school buildings for the purposes hereby permitted shall only take place between the hours of 8.00am and 10.30pm on Saturdays and Sundays and between 7.30am and 10.30pm on all other days.

The use of the external sports facilities shall only take place between 8.00am and 6.00pm on Sundays and 8.00am and 9.00pm on all other days. On Saturdays and Sundays the facilities shall not be used for more than 5 hours in any one day.

Reason:

In the interests of the amenity of occupiers of neighbouring residential properties in accordance with Policy DM04 of the adopted Local Plan.

34. Six months prior to occupation of the development a CCTV camera and equipment scheme detailing where CCTV cameras or equipment shall be affixed to the external elevations of the buildings, or placed/erected within the site shall be submitted to and approved in writing by the local planning authority. CCTV cameras shall be placed so as not to impact on the amenities of adjoining residential properties. Any CCTV cameras or equipment shall be installed and thereafter retained in full accordance with the approved details.

Reason: To enable the local planning authority to retain control over these matters in the interests of the amenities of adjoining properties.

35. The number of pupils based permanently at this site shall not exceed 450 and shall not include Year groups 12 and 13.

Reason:

In the interest of highway safety as the current scheme was assessed on the impact of the site being a lower school and accommodating 450 pupils in year groups 7 and 9 in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

36. Before the building hereby permitted is occupied the proposed window(s) in the east elevation facing New Ash Close shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

INFORMATIVE(S):

1.
 - i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.
 - ii) In this case, formal pre-application advice was sought prior to submission of the application.

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £0 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £0 payment under Barnet CIL.

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

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

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

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

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

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:

- 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.

4. Written schemes of archeological investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with English Heritage Greater London Archeology Guidelines. They must be approved by the planning authority before any on-site development related activity occurs.
5. If the development is carried out it will be necessary for any existing redundant vehicular crossover(s) to be reinstated to footway level by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Development and Regulatory Service, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.
6. A1000 High Road East Finchley and East End Road are part of Traffic Sensitive Routes from 8.00am-9.30am and 4.30pm-6.30pm between Mondays to Friday.
7. For construction works affecting the public highways, the applicant must contact the council's First Contact on 0208 359 2000 to obtain any necessary Highways Licenses if required prior to commencing works.
8. 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.
9. In accordance with Transport for London's recommendations adequate shower and changing facilities should be provided for cyclists on site.

RECOMMENDATION III:

That if an agreement has not been completed by 18/02/2014, that unless otherwise agreed in writing, the Director of Development Management and Building Control should REFUSE the application F/04475/13 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 the costs for the feasibility study for suitable improvements to the crossing on East End Road and any measures that would have been identified within the study would be contrary to DM17 of the Local Plan Development Management Policies (Adopted) 2012; and contrary to Policies CS9 of the Local Plan Core Strategy (Adopted) 2012.
2. 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 the costs of monitoring the travel plan be contrary to DM17 of the Local Plan Development Management Policies (Adopted) 2012; and contrary to Policies CS9 of the Local Plan Core Strategy (Adopted) 2012.

RECOMMENDATION IV:

That if after the submission of the revised/additional transport information Transport for London maintain their objection to the scheme then the application be brought back for further consideration by Members at the Planning and Environment Committee.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan: July 2011

Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS7, CS8, CS10, CS11, CS13

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

Relevant Planning History:

Application:	Planning	Number:	F/03172/13
Validated:	23/07/2013	Type:	ESR
Status:	DEC	Date:	13/08/2013
Summary:	ESN	Case Officer:	Jo Dowling
Description:	Environmental impact assessment screening opinion.		

Site Address: Former Herbert Wilmot Youth Centre Eagans Close East Finchley London N2 8DD

Application Number: C06460A/07

Application Type: Full Application

Decision: Approve with conditions

Decision Date: 02/03/2007

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: **Temporary use of site by contractor for essential water main scheme. Office / storage of materials.**

Case Officer: Fabien Gaudin

Site Address: Land adjacent to Holy Trinity Church Of England Primary School, Eagans Close, London, N2

Application Number: F/01538/10

Application Type: Retention/ Contin. Use
Decision: Approve with conditions
Decision Date: 20/09/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Continued use of temporary site offices and materials storage buildings.**
Case Officer: Junior C. Moka

Consultations and Views Expressed:

Neighbours Consulted: 538

Replies: 5 - responses objecting to the application
9 - comments on the application
82 - responses supporting the application

Neighbours Wishing To Speak 2

The objections raised may be summarised as follows:

- Parking in the surrounding roads is already oversubscribed with people parking for the tube station and shopping in East Finchley this will make the situation worse.
- Will lead to additional traffic on a residential road network that is already under strain from people using it as a cut through.
- The surrounding roads are residential and can not take commercial vehicles - how will construction vehicles be able to access the site?
- Whilst Kitchner Road is a two way road it tends to operate as a one way street most of the time, when it is used on a two way basis it causes congestion.
- Poor planning over the years has resulted in a 'land locked' site which is difficult to access without major disruption to existing users/residents of the area.
- During the war bombs were dropped in this area, concern that during construction there may be the possibility of uncovering an unexploded bomb which may be inadvertently detonated causing structural damage to surrounding properties of requiring them to be evacuated.
- Area is very quite particularly at night after the northern line shuts - this quite should be preserved.
- Concern about noise and disturbance from the sports pitches - request that the use stops at 9pm and is limited to only 5 hours use each day at the weekend.
- Concern about light spillage from lights left on at the school building.
- Concern from light pollution from the floodlights - request that they not be allowed to be lit after 9pm at night.
- Security concerns from those properties that back onto the site.
- Frontage of the building looks garish with a huge bright green sign on the roof - this is not necessary.
- Boundary fences to Holy Trinity should be improved as part of the proposals.
- Loss of view and request for additional tree screening along the boundary.
- Footpath link should be improved as a result of the proposals.
- Where possible trees should be kept and wildlife relocated.

The comments received stated that whilst they generally supported the application they had the following concerns:

- Parking in Stanley Road (both during construction and once the school is operational).
- Noise and disturbance.
- Light spillage from the floodlights on the sports pitches.
- Query why the sports pitches are located adjacent to the residential properties and the school buildings are adjacent to the railway line.
- Potential for overspill parking on Leslie Road.
- Request that the hours of construction be controlled.
- Welcome that the sports facilities will be made available to the wider community and request that a condition be attached to ensure this.
- Would it be possible to have a CPZ in the local area from 2-3pm Monday to Friday to limit overspill parking?
- Would it be possible to have a 4 court sports hall as opposed to 3 as this will provide more versatility.

The responses supporting the application made the following points:

- Proposal provides a much needed extra secondary school in Barnet.
- Effective use of land for the benefit of all in the area.
- Improve the area.
- Will help provide sports facilities for the wider community who currently have to go out of the area to play football.
- Community currently has very few mixed, non-selective, non faith schools.
- School is well thought out and will provide outstanding educational and community facilities for the local area.
- The proposal will result in the regeneration of a long neglected piece of land that would otherwise have been sold to housing developers.

Other Consultations:

Sport East Finchley advised that they support the application as they have been campaigning over the last twelve years to protect this site for sports provision. The proposal builds on the community led sports regeneration project led by Sport East Finchley to bring the field back into sporting use. This proposal will ensure that sports and recreational facilities at the school will be made available to the local community outside of normal school hours.

Hendon and District Archeological Society (HADAS) request a proper archeological investigation. The application documents state that an archeology report is not required for this site. However it does not mention a possible medieval hamlet and the proximity of the development to the historic centre of East Finchley. Two areas of archeological significance are adjacent to the site and it is therefore essential that a geophysical survey of the whole area is undertaken. HADAS request that an archeological condition be attached requiring this.

The Governing Body of Holy Trinity C.E. Primary School wrote in advising that whilst they support the proposal they have concerns for the security and safety of pupils at Holy Trinity School during construction and once the development has been completed. These area as follows:

- The school will be overlooked during construction and as a result request that any scaffolding should be covered in monarflex protective sheeting to prevent overlooking.

- Concern over vehicles using the pavement for parking on a short term basis thereby restricting pedestrian access and as a result request that hard railings or bollards are put in place on the pavements to prevent cars mounting the pavement and to protect pedestrians.
- Concerns that access for the Holy Trinity mini bus and for deliveries will be impeded during construction and once the new school is 'live'.

External Statutory Consultations:

Sport England advised that the site forms part of a defined playing field. The aim of Sport England policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. Sport England visited the site in July 2013. Whilst the site has previously been used for playing sport it currently is not in use. The proposal would bring the site back into use with a 3G pitch and 3 court sports hall, whilst Sport England would prefer to see a 4 court sports hall, there is a need for additional sports hall provision in Barnet and a three court hall st provides a welcome addition locally. The site has only ever accommodated a single pitch with no changing/ancillary facilities and has therefore been fairly limited in its ability to offer a high quality sporting offer to the local community. Sport England is satisfied that the application retains a football pitch element, whilst providing a sports hall and changing/ancillary facilities which delivers a site with real sporting benefits to community sport. Sport England are therefore fully satisfied that the sporting benefits of the development outweigh the loss of a grass playing field and that the application significantly enhances the sporting potential of the site. Therefore subject to a condition requiring the submission of a community use agreement they have **no objection** to the proposal.

The **Greater London Authority (GLA)** at the time of writing the committee report had not provided their comments as the application is due to be reported to the Mayor at a meeting on the 12th December after which they will issue their Stage 1 report. Initial discussions with the case officer have indicated that there are no significantly strategic issues and that any comments will be on minor matters. As the application is a referable application ie the Mayor has to be consulted on the proposal and agree the recommendation of the Council, in order to expedite matters it is proposed that the Mayors comments will be reported in an addendum at the meeting and any changes/additional information required would be sought from the applicant prior to referring the application back to the Mayor.

English Heritage - Archeology advised that although the application lies outside the borough's Archeological Priority Areas it involves a substantial development of open land. The site falls between the two part of the EAst End/Park Gate historic settlement in what appears to have been an area of 'old enclosures' associated with the settlement. Appraisal of this application using the Greater London Historic Environment REcord and information submitted with the application indicates the need for field evaluation to determine the application. However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archeological interest and/or practical constraints are such that English Heritage consider that a condition would provide an acceptable safeguard and therefore have **no objection**.

Transport for London (TfL) made the following comments:

- While TfL welcomes that the start and finish times at the Academy will be different from the primary school, it is considered that the Academy should

stagger its start/finish time to minimise highway and traffic impact but this could be secured through condition.

- The London Plan does not identify set standards for car parking provision at schools and TfL have asked for further justification of the number of parking spaces proposed.
- TfL encourages the provision of electric charging points in line with London Plan Policy 6.13 and have requested that this be delivered through condition.
- TfL have requested that the number of cycle parking spaces be increased to encourage pupils to cycle to school and that this be secured through condition.
- Concerns regarding the viability of the proposed walking route between the two school sites. TfL have requested a pedestrian (PERS) audit for the proposed route and that the Council consider securing any necessary pedestrian realm upgrades (including new pedestrian crossing facilities) through the section 278 agreement in line with London Plan policy 6.10.
- The Transport Assessment (TA) does not include a full mode share assessment. TfL have therefore requested a revised assessment.
- As bus route 263 is currently running close to capacity TfL have requested further information on pupil mode share although, given the availability of DfE grant funding toward bus service improvements for free schools they will not be seeking a financial contribution to bus service upgrades through the planning process.
- Due to the proximity of the site to railway infrastructure (the Northern Line) London Underground have requested a number of conditions to ensure that the railway embankment and other infrastructure is not damaged as a result of the proposal.

The applicant is in the process of revising the Transport Assessment and providing the additional information requested by TfL. As the application is a proposal that is referable to the Mayor it is proposed that if Members are minded to approve the application the Council will not start the Stage 2 referral until the amendments/additional information has been received and TfL have been reconsulted. If after being reconsulted TfL maintain their objection then the application will be reported back to Committee for further consideration by Members.

Internal Consultations:

The Council's Policy Officers advised that the area is within an area of deficiency for good quality playing pitches. The pitch has not been used since 2003 and the planning application provides the opportunity for the provision of a better quality, publicly accessible pitch. The proposal complies with policy DM15b and there is no planning policy objection to the outdoor recreational aspect of the proposal.

The Council's Environmental Health Officers have advised that they have no objection to the proposal subject to a number of conditions.

The Traffic and Development Section advised that the application should be recommended for approval on highways grounds subject to a number of conditions; informatives and a Section 106 agreement. Full details of their comments are included in the appraisal section of this report.

Date of Site Notice: 17 October 2013

2. PLANNING APPRAISAL

Background Information:

The Archer Academy is a new parent led free school that has been set up in East Finchley. The school opened in September 2013 and will offer secondary school from years 7-11. There will be a 150 pupils per year group and the school will grow on a year by year capacity until full capacity (750 pupils) is reached in September 2017. The school is a non-denominational, non-selective, mixed secondary school where the majority of pupils are taken on the basis of catchment. The school was over subscribed for 2013 (its first year of entry) showing a strong demand for places.

The school is based in East Finchley and currently operates out of a site that was previously occupied by the Hampstead Garden Suburb Institute in Beaumont Close. Subject to planning, it is proposed that the school will operate on a split site basis with the Upper School (years 10 and 11) being located at the Beaumont Close site and the Lower School (years 7 to 9) being located at the Stanley Road site. It is proposed that each site will be self sufficient (ie in addition to classroom facilities they will each have their own cafeteria and other ancillary uses) with the exception of sport where pupils based at Beaumont Close will need to travel to the Stanley Road site.

Site Description and Surroundings:

The site at Stanley Road consists of two parcels of land that will be combined and reconfigured to create a new school site for the Archer Academy. To the north is an area of land that was formerly a public playing field and to the south is an area of land that was formerly used by the Herbert Willmott Youth Centre and is currently leased to Apollo Construction as a storage depot. Together they form the application site which is approximately 1.3 hectares in size.

The site is bounded to the west by the Northern Line (High Barnet Branch) and residential developments (Leslie Road and Oakridge Drive) surround the northern and eastern edges of the site. An existing public footpath runs along the southern edge of the site and currently between the playing field and the Herbert Willmott site. To the south of the footpath is Holy Trinity Primary School and Nursery.

Vehicular access to the site is provided via Eagans Close a cul-de-sac which is accessed via Park Road. Pedestrian access to the site can be achieved via Eagans Close and via a pedestrian bridge over the Northern Line from Stanley Road. The site has a PTAL of 3 (PTAL scores range from 1(lowest)-6(highest)).

The site is generally flat but the ground does drop very gently from +95m OD in the southern corner (adjacent to Holy Trinity) to +93m OD in the northern corner (adjacent to Leslie Road).

The surrounding area is suburban being predominantly residential with a mix of housing styles and types ranging from the Edwardian terraces found in Leslie Road and Kitchiner Road to the 1960's local authority housing in Park Road; Oakridge Road and New Ash Drive.

The Beaumont Close site is 770m to the south of the application site.

Proposal:

The application is for the provision of a new 3 storey school building and associated external facilities which would comprise of the following:

- A new school building of 3,710sqm (GIA);
- a new external two-court hard court games area;
- a new outdoor flood-lit 3G synthetic turf playing pitch;
- hard and soft play and social areas; and
- new car parking provision, circulatory access and pedestrian access.

Dealing with each of these elements in turn:

New School Building: The new school building would be located in the southwestern corner of the site fronting onto the existing pedestrian footpath that runs between the site and Holy Trinity Primary School. The building would be 'L' shaped and three storeys in height. The building would provide 3,710sqm of floorspace and accommodate 450 pupils. The building would include a new three court indoor sports hall which would form the bottom part of the 'L' and would run along the western boundary with the Northern Line. Access to the building would be through a new entrance plaza on the south eastern side of the site accessed via the existing public footpath and via Egans Close. The building would have a frontage of 69m and a depth of 13.7m. The sports hall which would be located to the rear of the building would have a depth of 32m and a width of 19m this would form the bottom of the 'L'. The building would be 12m high and have a flat roof on top of which would be located 1.5m high lettering spelling out the name of the school on the southern elevation and some plant located centrally within the roof.

The building would be set between 6.2m-10m off the boundary with the Northern Line; 3.4m-4.9m back from the back edge of the public footpath and 13.5m from the eastern boundary of the site. The nearest residential properties are in New Ash Close which would be 16.2m from the flank elevation of the proposed new school. To the rear of the school buildings would be playgrounds; tennis courts and the football pitch. As a result the building would be located approximately 61m to the south of the rear elevations of the Leslie Road properties.

The building would be of a modern design built of brick (at ground floor) and coloured render (predominantly grey and broken up with areas of lime green). Windows would be grey powder coated aluminium. The schools logo (3 longbows) has been incorporated into the design on the public elevations. The sports hall would be 1.5m lower than the main building and would be constructed of brick at ground floor level with composite metal paneling above and for the roof. At ground floor level a small undercroft would be created on the southeastern corner of the building which is where the main entrance to the building would be located. A secondary smaller entrance would be located 11m in from the southwestern corner of the building which would provide out of hours access to the sports hall.

New external two court hard court games area: The proposed hard courts would be located behind the proposed school building close to the eastern boundary of the site. They would be marked out so as to provide 2 x tennis courts and 2 x netball courts. The courts would be hardsurfaced and be enclosed by 2m high ball stop fencing. The proposed courts would be 17.7m wide and 17m long and would be set 2.2m off the eastern boundary of the site. The nearest residential property would be between 4.5-5.5m away in New Ash Close.

New outdoor floodlit 3G synthetic turf playing pitch: The proposed new synthetic pitch would be located at the rear of the site adjacent to the northern boundary which is formed by the rear gardens of properties in Leslie Road. The proposed pitch would be 73m x 46m with a 3m run off which complies with the FA requirements for playing 9 v 9 (Under 13/Under 14) football. The pitch will also include additional marking for 5 v 5 (U7 and U8) and 7 v 7 (U9/U10). The pitch would be enclosed by 4.5m high ball stop fencing. The pitch would be floodlit, details of the floodlighting - location, column height, design, lux values etc have not been provided. However, the electrical services plan (2601049/HL/XX/XX/GA/U/900/0001/P4) indicates that 6 floodlights are proposed and would be located at each corner of the pitch and at the centre line.

Hard and soft play and social areas: The intention is to use the whole site as an educational resource therefore wherever possible the connection between the internal and external areas will be as direct as possible. The school views external spaces as learning environments in themselves this includes an area of informal soft social area that would be located between the rear of the new school building and the proposed all weather pitch. An area of informal hard social area would be located between the side elevation of the proposed new school building and the eastern boundary of the site. This area would include the covered cycle areas and enclosed bin store. The remaining areas of land around the periphery of the site and between the proposed new facilities would be soft landscaped to create habitat areas to enhance the bio-diversity of the site. where possible the majority of the existing vegetation and trees located along the site boundaries will be retained.

New car parking provision, circulatory access and pedestrian access: The proposed parking would be located on the Herbert Willmott site that projects to the south west edge of the site and would be accessed directly from Eagans Close. The staff/visitor car park would be a surface car park providing spaces for 21 vehicles, 2 of which would be for blue badge holders and two of which would be oversized to enable the parking of mini-buses. The parking would be surrounded by soft landscaping. In addition to a new vehicular access a separate 4m wide access would be created off Eagans Close at the start and end of the school day this would be pedestrian only to ensure the safety of pupils and staff. However, it has the ability to accommodate vehicles and would be used for deliveries and maintenance vehicles. The access points have been designed to segregate as much as possible the pedestrian and cycle entrances from cars and service vehicles. The existing public footpath running west to east is retained and would enable pedestrians to access the site from both Stanley Road and Park Road.

Planning Considerations:

- Principle of development
- Loss of playing fields
- Intensification of use
- Highway safety and parking provision
- Impact on the street scene
- Impact on the residential amenity of adjoining properties
- Sustainable design and construction
- Section 106 contributions

Principle of development

The Government issued the 'Planning for schools development' policy statement in August 2011. In this statement the Government pledged its support for the development of schools it stated that the creation and development of state funded schools is strongly in the national interest and that planning-decision makers can and should support the objective, in a manner consistent with their statutory obligations.

The statement outlines the Government's belief that the planning system should operate in a positive manner to schools. The statement requires Local Authorities to apply a presumption in favour of development of state-funded schools. This is further reinforced by para 72 of the NPPF which states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It tasks Local Planning Authorities to take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen the choice in education. Specifically it states that Local Authorities should:

- give great weight to the need to create, expand or alter schools; and
- work with schools promoters to identify and resolve key planning issues before applications are submitted.

The Council has worked collaboratively with the Archer Academy to help with the provision of a site (the Council own the site) and have supported the applicant through the provision of pre-application advice in order to frontload the planning application process.

The NPPF outlines that suitable infrastructure and services are needed in order to support new and existing economic development and to promote strong, stable and productive economies. In addition both the London Plan and the Local Plan recognise that the provision of education facilities are required in order to accommodate growth in a sustainable manner.

The proposals therefore would result in the provision of new education and sports facilities to cater for the needs of current and future populations which is consistent with adopted policy which seeks to ensure that an adequate supply of buildings are available for health facilities to meet the needs of the residents in the borough.

Loss of Playing Fields

The NPPF advocates that local authorities should give careful consideration to any planning applications involving development on playing fields. This is further built upon at a strategic level with Policy 7.18 of the London Plan. At a local level Policies CS7 and DM15 of the adopted Local Plan which seek to protect playing fields in accordance with government policy. The development proposal involves the construction of a new school on existing playing fields. However, as part of the scheme a new all weather pitch, 3 court sports hall and hard courts would be provided at the site which are considered to significantly enhance the quality and accessibility of all year round sports provision at the site.

The proposal will result in the reduction of the quantum of existing grass playing fields through the footprint of the building and the new access drive. The former playing fields consist of approximately 1 hectare whilst the proposed development compromises a footprint of 1,553sqm which would leave approx 0.8 hectares of

open space i.e. a 20% reduction in provision. However, it is considered that the proposals will result in an enhancement of sports provision at the site which have been designed in consultation with local sports groups and in accordance with Sport England and Football Association guidance. The facilities have been designed to be available for use by the wider community outside of school hours and would provide full disabled access.

The proposals have been designed in such a way that the playing pitches and wildlife garden would be easily accessible from the school building, thereby enhancing the access to sporting facilities and opportunities for outdoor learning.

The proposed development will enable the creation of a range of publicly accessible open spaces in an area where currently there is no access to the playing fields in their existing format. The open space provision is seen to form a fundamental part of the creation of the new school and a focal point for the local community. The external spaces created in particular the habitat areas will be used to enhance the learning opportunities for pupils.

To maximise potential community access a Sport England condition requiring a community access management plan is recommended. It is therefore considered that the new facilities will result in significant increase in access to sports facilities by the local community supporting the objectives of Sport England for wider access for all. It is therefore considered that the improvements to the quality of provision outweigh the harm that would result from the loss of total quantity thereby meeting the criteria of NPPF and Policies CS7 and DM15 of the adopted Local Plan.

Intensification of use

The site is currently playing fields with the benefit of floodlighting and therefore the established use of the site is for outdoor sport albeit that they have not been used for a number of years.

The proposal would result in the creation of a new secondary school for 450 pupils including the provision of sports (indoor and outdoor) facilities that would be available to the wider community outside of school hours.

The London Plan advocates that the Mayor is committed to ensuring equal life chances for all Londoner's. Meeting the needs and expanding opportunities for all Londoner's - and where appropriate addressing the barriers to meeting the needs of particular groups and communities (Policy 3.1). Furthermore Policy 3.18 states that the Mayor strongly supports the establishment of new schools and steps to enable local people and communities to do this. The London Plan highlights the need to safeguard sports facilities and that new sites need to be identified to meet additional demands and changes in provision for education.

Policy 3.18 of the London Plan states:

- Development proposals which enhance education and skills provision will be supported, including new build, expansion of existing facilities or changes of use to educational purposes.
- In particular, proposals for new schools should be given positive consideration and should only be refused where there are demonstrable negative local impacts which substantially outweigh the desirability of establishing a new school and which cannot be addressed through the appropriate use of planning conditions or

obligations.

- Development proposals which maximise the extended or multiple use of educational facilities for community or recreational use should be encouraged.

In terms of sports facilities the Mayors Sports Legacy Plan aims to increase participation in and tackle inequality of access to, sport and physical activity in London. Policy 3.19 of the London Plan states that development proposals that increase or enhance the provision of sports and recreation facilities will be supported. However proposal that result in the net loss of sports facilities, including playing fields should be resisted.

A key guiding principle of the adopted London Plan and the Boroughs corporate plan is to sustain the boroughs communities. Policy CS10 of the Local plan states that 'the council will work with our partners to ensure that community facilities including schools and community meeting places and facilities for younger and older people are provided for Barnet's communities'.

Policy DM13 advocates that proposals to develop new community or educational uses will be permitted where they:

- are easily accessible by public transport, walking and cycling, preferably in town centres or local centres;
- would not have a significant impact on the free flow of traffic and road safety; and
- protect the amenity of residential properties

The use of this site for playing sport is well established since the 1960s when Middlesex County Council purchased the sports fields which were then rented to various local clubs and groups. Furthermore, the adjoining site has been occupied by Holy Trinity Primary School since 1975. It is therefore considered that the principle of sports and education provision in this location is well established.

Due to the existing primary school the noise and disturbance generated by its activities already form part of the character of the area. The current proposal would see the erection of new buildings in such a way as to minimise impact upon adjoining residential properties by placing the noise generating activities further within the site. The building would be of high quality and be suitably insulated so as to minimise noise transference for those within the building (in particular in classrooms) and conversely neighbouring properties. However the site is not in a town centre location.

The proposals would result in the development of a new building which would need to comply with Part M of the Building Regulations and be compliant with the Disability Discrimination Act 1995(DDA).

The concerns regarding intensification therefore focus on the issue of accessibility of the site. Concerns have been raised by local residents regarding the impact of pupils travelling to the site and in particular how this would impact on the local highways network.

A Transport Assessment (TA) was submitted in support of the application which details the proposed trip generation and traffic impact of the development on the surrounding highway network. The TA accepts that there will be an increase in overall trips to the development as a result of the proposal. The key issues therefore is whether there is capacity within the surrounding road network to absorb these trips and are there any measures that can be taken to mitigate against the impact of these trips.

The applicant considered a number of options for accessing the site for both future occupation and construction given the acknowledged increase in trips that would be generated by the time the development would be fully operational. However, options are severely limited given the 'land locked' nature of the site.

Two new accesses would be created off Eagans Close, one for vehicles and one for pedestrians however this would result in concentrating vehicular movements in one area of the network.

The next issue that therefore needs to be considered is whether there are any measures that can be taken to mitigate against the impact of these trips. The main mechanism for delivering this would be reducing the need for car borne travel and the means for achieving this is via a Travel Plan (TP). As the school has only just opened a travel plan framework has been submitted at this stage. It is considered to be of a good standard and that the applicant has shown sufficient dedication towards supporting sustainable travel at the site amongst staff, pupils and visitors. If Members are minded to approve the application a condition requiring the submission of a detailed TP and future monitoring and updating is recommended. In particular the TP needs to incorporate robust measures to discourage parents dropping off pupils by car and promote walking and cycling as the preferable modes of transport for both pupils, staff and visitors.

The Councils Traffic and Development Section have also recommended a number of off site measures to improve the access to the site by non-car modes particularly the provision of pedestrian links; links from the public transport network and restrictions on movements into and out of the site and across the network. These measures would include:

- £5,000 for a feasibility study to look at suitable improvements to the crossing on East End Road;
- Commitment to provide contributions to implement any measures identified following the feasibility to allow for a possible Zebra Crossing/Pelican crossing; guard rail; road marking etc up to a maximum of £70,000 (the full cost of a Pelican crossing).
- Submission of a full school travel plan meeting the TfL criteria in 'What a school travel plan should contain' and based on and extending the pre-existing Archer Academy STP to be submitted 3 months prior to the new school being occupied; and
- Monitoring of the Travel Plan

It is considered that if these measures can be put in place, on balance, the impact of the trips generated by the development can be accommodated on the existing highway network.

The site has a PTAL score of 3 indicating limited accessibility to public transport facilities. However, the applicant has indicated how they intend to maximise use of public transport and other non car modes as a result the proposal is considered to comply with policy CS10 of the adopted Local Plan and the intensification of this use within the site is considered when balanced against the wider educational and sports needs for the Borough to be acceptable subject to the proposed mitigation measures and a satisfactory Travel Plan.

It is considered that the impact of construction traffic can be mitigated through the imposition of a Construction Management Plan condition which would control the hours of working/deliveries; routes and times of delivery vehicles and contractors parking.

Finally, this site would provide for the lower school (school years 7-9) although the Archer Academy provides education for school years 7-11. Furthermore, the school currently has no sixth form but proposes to open one by 2018. However, the impact of the proposal has been considered on the basis of the school building accommodating the lower school only (450 pupils). Whilst it may be possible to accommodate additional pupils on the site the impact of this in-particular in terms of impact on the surrounding highways network and on the amenity of adjoining residents would need to be carefully assessed. As a result if Members are minded to approve the application a condition restricting the number and age of the pupils at the school (with the exception of use for sporting activities) is recommended.

Highway Safety and Parking Provision

Proposed Vehicular Access to the site:

The access to the proposed school is via Kitchener Road which is a two way road, from a priority junction with the A1000. Kitchener Road joins Market Place. Market Place operates as a one way street in the South East direction between its junction with Kitchener Road and East End Road and in North West direction from its junction with Park Road. The proposed vehicular access to the site is from Eagans Close which is off Market Place to the North West of its junction with Kitchener Road.

It is proposed that access to the new school will be by a new road off the turning head in Eagans Close which will pass through the existing compound, cross the Stanley Fields path and terminate in the Stanley Road site itself.

It is proposed that the parents will not be permitted to drive their children along this road but will allow access to students cycling to school. The road will have demountable bollards to allow access by emergency, delivery and maintenance vehicles. The Stanley Fields path will give pedestrian access direct to the school.

It is proposed that the school will actively discourage parents from using Eagans Close as a setting down and picking up point.

Eagans Close also serves as an access for the existing Holy Trinity Primary School to the southeast of the site. It is a local authority maintained school with 246 pupils aged 3 to 11. The access to the school is also from Eagans Close.

Access for coaches:

The applicant has stated that the established practice for coaches serving Holy Trinity School is to wait at the end of Eagans Close as they are unable to negotiate the turning circle at its end. It is intended that coaches serving the Stanley Road site will do the same and Archer Academy will aim to co-ordinate coach travel arrangements with Holy Trinity.

Access between the sites:

This will involve service vehicles transferring goods including school meals between sites, Staff including teachers based at Beaumont Close moving between sites and students based at Beaumont Close who travel to and from Stanley Road site, mainly for PE lessons. Therefore one dedicated “transient” parking space is provided for vehicles offering transfer facilities between the sites, and for a minibus.

Proposed Pedestrian Access:

Pedestrian access to the proposed site is from Eagans Close, Market Place and Kitchener Road to A1000 high Road. Pedestrian access to East End Road is via Market Place. A pedestrian footpath links with Market Place and Park Road in the East. To the west it crosses the railway and links with Stanley Road, a cul de sac that leads to a junction with the A504 East End Road. Stanley Road has a hammerhead at its eastern end where vehicles can turn. The footpath is surfaced, has lighting and is approximately two metres wide at its narrowest point. It also gives access to Holy Trinity Primary School via an entry gate direct into its premises just east of the railway bridge.

Cycle Parking Provision:

Initially 40 secure storage spaces are proposed which increase to 50 spaces to meet the cycle parking standards.

Parking:

Parking Provision:

Parking provision of 21 car parking spaces for staff and visitors are proposed on land currently is used by Herbert Willmott with access of Eagans Close turning head. One space will be reserved for a transient vehicle to provide a link with the Beaumont Close site and for one minibus.

Parking Controls:

The site is within the East Finchley Controlled Parking Zone (CPZ) which is in operation for one hour from Monday to Friday 2pm – 3pm. There are various waiting restrictions in place on Market Place including ‘No Waiting at any time’ at its junctions with Eagans Close and at other junctions such as Kitchener Road and Park Road.

Traffic Assessment:

The Transport Assessment (TA) was prepared by Fairhurst GGA for Archer Academy and the assessment on likely trip generation is based TRICS Database which is an industry standard database used for predicting trip rates.

Trip Generation:

The table below shows the likely trips for the proposed school. Considering that there is a lack of space in Eagans Close for setting down and waiting it is likely to discourage parents from using Eagans Close for this purpose.

AM Trips	In	Out
07:00 - 08:00	8	2
08:00 - 09:00	39	18
PM Trips		
15:00 - 16:00	9	21
16:00 - 17:00	3	14

The exiting peak hour traffic flows on the A1000 High Road, East Finchley is as follows:

Two Way Flows	A1000 High Road East Finchley	East End Road
AM Peak(08:00 - 09:00)	1441	742
PM Peak(15:30 - 16:30)	1350	645

Highway impact Assessment:

Based on the information provided, most parents either setting down or picking up students in Eagans Close would approach it from Kitchener Road. Two thirds of the parents would have come from northwest along A1000 and one third from southeast.

When leaving Eagans Close, the two third of vehicles that had approached from the northwest along A1000 would leave via Park Road and turn left at the junction with A1000. The remaining one third would go via Kitchener Road or via Market Place and East End Road to reach A1000.

The typical travel pattern for a secondary school is that students in the close proximity of the school are likely to walk to school. Some are dropped off by parents on their journey to work in the mornings. However, these students may walk home or go by bus in the afternoon.

The junction count carried out by the consultants at the junction of A1000 and Kitchener Road indicated that there was a heavy flow of vehicles turning right into Kitchener Road from the southbound A1000 between 08:00 and 09:00 and even between 15:30 and 16:30. It appears that this may be due to vehicles wishing to access East End Road avoiding the queues on A1000 and creating the 'rat run'.

The queue length surveys under taken by the consultants at the A1000/Kitchener Road junction over the period of traffic counts were as follows:

Morning Peak: The average queue was 11 vehicles. At times there were no vehicle queues. The maximum queue observed was 25 vehicles.

Afternoon Peak: No queues were observed during the afternoon peak.

Taking into consideration the proposed 39 trips resulting from the Academy is unlikely to have any additional impact on the queue lengths and delays on A1000 High Road Finchley and East End Road.

Times of operation:

The start and finish times at Holy Trinity School are 08:50 – 15:30. Archer Academy has proposed times for both sites as 08:30 – 16:00 on Mondays, Wednesdays and Fridays and 08:30 – 17:15 on Tuesdays and Thursdays. This is to prevent clash during the dropping off and pick up times between the Academy and Holy Trinity Primary School. If Members are minded to approve the application then a condition is recommended to ensure that start and finish times are staggered as there is no spare capacity in Eagans Close so drop off and pick up times from Holy Trinity need to be avoided.

Personal Injury Accidents:

The consultants obtained personal injury data from Transport for London for the period 1st March 2008 to 28th February 2013. The personal injury accidents were analysed in order to identify accident hotspots and any local accident trends which might affect the safety of children attending Archer Academy.

115 personal injury accidents were recorded during this period of which 22 accidents occurred at school travel times, between 08:00 - 09:00 or 15:00 – 16:30. Only 3 of the 115 accidents involved children of school age and two of these were on Saturdays.

Therefore, no accident trends or patterns were observed in the vicinity of the school which are likely to be exacerbated by the proposal of new school in the area.

School Travel Plan:

The Councils Travel Plan Co-ordinator has advised that it will be necessary for the crossing point on East End Road by the junction with Market Place to be looked at once the Stanley Road site is open as this will be on the route between the 2 sites. The current island on East End Road is narrow so has limited capacity. There is also a strong desire line to and from the tube station so school staff and pupils arriving by tube will also use that route. Therefore it is recommended that a feasibility study be undertaken to look at what measures could be put in place to ensure the safe passage of students between the two sites and that once the study has been undertaken that its recommendations be implemented. As this involves off-site highways works this would need to be secured through a S106 agreement.

Highways Officers consider that the walking route identified in the Outline School Travel Plan (OSTP) seems to be the most appropriate having been out on site but there may be issues as it passes through the station, station car park and a private housing estate. A PERS audit would be very valuable and should provide weight for the need to improve the crossing facilities at East End Road and if Members are minded to approve the application a condition requiring this to be undertaken is recommended.

As the school only opened in September 2013 a full School Travel Plan will need to be provided. A contribution of £5,000 will need to be provided for the monitoring of the objectives of the Travel Plan.

TfL Comments:

As outlined at the beginning of this report TfL have requested further information/revisions which are in the process of being undertaken. The Council has considered the points that they raised and made the following responses:

- While TfL welcomes that the start and finish times at the Academy will be different from the primary school, it is considered that the Academy should stagger its start/finish time to minimise highway and traffic impact but this could be secured through condition.
Officers consider that this can be addressed by a condition and one is recommended should Members be minded to approve the application.
- The London Plan does not identify set standards for car parking provision at schools and TfL have asked for further justification of the number of parking spaces proposed.
Officers consider that the level of parking proposed is appropriate for the proposed use and in accordance with Local Plan Policy DM17.
- TfL encourages the provision of electric charging points in line with London Plan Policy 6.13 and have requested that this be delivered through condition.
Officers consider that this can be addressed by a condition and one is recommended should Members be minded to approve the application.
- TfL have requested that the number of cycle parking spaces be increased to encourage pupils to cycle to school and that this be secured through condition.
Officers consider that the level of cycle parking provision is appropriate for the proposed use and in accordance with Local Plan Policy DM17. However, it is noted that there is sufficient space on the site for the proposed cycle parking area to be extended should this be required by TfL.
- Concerns regarding the viability of the proposed walking route between the two school sites. TfL have requested a pedestrian (PERS) audit for the proposed route and that the Council consider securing any necessary pedestrian realm upgrades (including new pedestrian crossing facilities) through the section 278 agreement in line with London Plan policy 6.10.
Officers consider that the request for a PERS audit can be addressed by a condition and one is recommended should Members be minded to approve the application. A Section 106 agreement is recommended that would deliver the pedestrian realm upgrades - namely how pupils will cross East End Road safely.
- The Transport Assessment (TA) does not include a full mode share assessment. TfL have therefore requested a revised assessment.
The applicant is in the process of revising the Transport Assessment and providing the additional information requested by TfL. As the application is a proposal that is referable to the Mayor it is proposed that if Members are minded to approve the application the Council will not start the Stage 2 referral until the amendments/additional information has been received and TfL have been reconsulted. If after being reconsulted TfL maintain their objection then the application will be reported back to Committee for further consideration by Members in light of TfL's objection.

- As bus route 263 is currently running close to capacity TfL have requested further information on pupil mode share although, given the availability of DfE grant funding toward bus service improvements for free schools they will not be seeking a financial contribution to bus service upgrades through the planning process.

The applicant is in the process of submitting this information as part of the revised Transport Assessment. As this information is only required by TfL for investment in the bus network it is not material to the determination of this application.

The proposal is therefore considered to be in accordance with the requirements of Policy DM17 of the adopted Local Plan.

Impact on the streetscene

Chapter 7 of the London Plan sets out the strategic framework when considering the issue of design. Policy 7.1 advocates that Boroughs should seek to ensure development that:

- b. is designed so that the layout, tenure, and mix of uses interface with surrounding land and improve people's access to social and community infrastructure (including green spaces);
- c. enables people to live healthy, active lives; maximise the opportunity for community diversity, inclusion and cohesion; and should contribute to peoples sense of place safety and security. Places of work and leisure, streets, neighbourhoods, parks and open spaces should be designed to meet the needs of community at all stages of people's lives, and should meet the principles of lifetime neighbourhoods;and
- d. the design of new buildings and the spaces that they create should help reinforce or enhance the character, legibility, permeability and accessibility of the neighbourhood

Policy 7.4 states that development proposals should have regard to the form, function and structure of an area. In areas of poor or ill-defined character development should build on the positive elements that can contribute to establishing an enhanced character for the future of the area. This is further reinforced by policy 7.6 which advocates that development should be of the highest architectural quality.

At a local level the policies within the Local Plan seek high quality design in all new development which is in keeping with the councils objectives of sustainable development and ensures community safety (policies CS1, DM01 and DM02).

The site is surrounded on three sides by residential properties. Due to the current use as playing fields the current boundary treatment offers little street presence.

One key driver was to establish the new school as being within the community for the community. The Archer Academy consider that they are not just about educating local children; they are also a new community facility bringing together opportunities for the wider community.

The proposed new school has been well thought out; sits well on the site and will have a distinctive character/identity. The analysis of the spaces needed for the school is considered to have resulted in a highly legible building which should be easy to use and will provide light/airy spaces. The form of the building with its

central corridor would give the building an identity. The building will be part two/part three storey at its closest point to the adjoining residential properties.

The proposals are therefore considered to provide a unique stand alone development that reflects the educational use of the building. The bulk and massing of the proposals reflect the surrounding two storey suburban character of the adjoining residential properties. The siting of the building on the edge of the site adjacent to the adjoining school buildings and as far as possible from the adjoining residential properties provides the opportunity to set and integrate the building within the landscape. With the exception of views from Eagans Close the majority of views of the buildings would be 'glimpsed' between existing residential properties.

The design of the new building whilst contemporary is not considered, given the individuality of the site and the adjoining institutional buildings on the site, to be out of character in the street scene. The design of the building is considered to reflect its use. The proposal is therefore considered to comply with the advice contained within NPPF, the London Plan and Policies CS1, DM01 and DM02 of the adopted UDP.

Impact on the residential amenity of adjoining properties

The issues of the intensification of the use and impact on the local road network have already been considered. This section is therefore considering the impact of the building and the sports pitches on residential amenity.

Visual Impact: The impact of the building on neighbouring properties is not likely to be appreciable as the buildings would be located at the furthest point from adjoining residential properties. The existing residential properties would have a back to side relationship with the proposed buildings, however given that the windows in the side elevation facing New Ash Close would be obscure glazed it is not considered that overlooking/loss of privacy would occur. Furthermore, where possible existing boundary landscaping is to be retained and enhanced to mitigate the impact of the proposal on the outlook from adjoining properties. Given the location of the buildings it is considered that they are sufficiently distant from neighbouring properties to ensure that there is no loss of sunlight and daylight or overshadowing to these residents.

The proposed pitches would be floodlit. However, details of the proposed design and location of the floodlights have not been provided. Historically the current playing pitches have been floodlit and therefore it is considered that the use of floodlights subject to the submission of further details is acceptable in this area. A condition is recommended requiring the submission of floodlighting details and restricting their hours of use. The proposals indicate the use of low level lighting within the car park and external areas and conditions restricting the lighting of the building and controlling the detailed design and hours of use of the lighting on the site in general are recommended.

Noise and Disturbance: The site has the potential to generate a noise nuisance to adjoining residents both from activities carried out within the site and from people entering/exiting the site and dispersing into the surrounding area. However, as already highlighted this must be balanced against the noise and disturbance generated by the existing playing fields and the adjoining primary school and its activities which already form part of the character of the area.

The Council's Environmental Health section have advised that the new buildings

should have appropriate sound insulating properties to prevent nuisance from internally generated noise. A condition requiring this is recommended if Members are minded to approve the application.

It is therefore considered that subject to the imposition of these conditions that on balance the proposal would not result in a level of noise and disturbance to adjoining properties to such a level as to warrant a refusal.

The proposals are therefore not considered to detrimentally harm the amenity of existing residents in accordance with national and strategic guidance and Policy DM04 of the adopted Local Plan.

Sustainable design and construction

The NPPF underpins the Government's approach to the planning system through sustainable development, mixed use and design. The NPPF promotes and encourages the use of renewable energy. The concept of sustainable design is further built upon at a strategic level with the policies contained within the London Plan and the Mayors Energy strategy. At a local level there are a number of policies within the adopted Local Plan which seek to ensure that development and growth within the borough is sustainable which has been further enhanced by the Supplementary Planning Document (SPD) on Sustainable Design and Construction which sets out essential and preferred environmental design standards against which planning applications will be considered.

An Energy Strategy and BREEAM Pre-Assessment report accompanied the application taking into consideration these national, regional and local sustainability policies and guidelines.

The proposed development is therefore considered to have taken into account sustainable design, construction and development issues whilst balancing the requirements of social, economic and environmental factors. In preliminary testing it has been indicated that the building would achieve an educational BREEAM rating of 'Very Good' and a condition is recommended to ensure that this is achieved.

The two key ways of reducing carbon emissions are by using less energy and using renewable energy. The proposal would provide the majority of Carbon Dioxide emissions savings by being energy efficient.

The general form of the building allows for natural ventilation of the majority of the space which as well as resulting in energy savings will place less demand on plant and helps minimise the impact on the amenity of local residents.

A full Building Energy Management System (BEMS) is proposed to enable automatic control of internal temperatures, ventilation plant, boilers, pumps and lighting systems.

A number of energy technologies have been considered in terms of their ability to make sufficient reductions to carbon emissions. The proposed combination of a combined heat and power system and solar panels would result in CO2 annual savings.

The proposed measures would give a total contribution from renewable energy sources of approximately 25% which is in conformity with the Mayor of London's policy. Furthermore, it is considered that the proposal would contribute significantly

to sustainable development in Barnet by localising and enhancing access to education and sports facilities thereby reducing the need for residents to travel. As the application was submitted prior to the 1st October 2013 when considering Policy 5.2 of the London Plan the lower requirement of 25% reduction in carbon dioxide emissions applies.

The proposal is therefore considered to be in accordance with national guidance; the Mayors Energy Strategy and Policies 5.2 and 5.3 of the London Plan; policies DM02 and DM04 of the adopted Local Plan and the guidance contained within the Boroughs SPD on Sustainable Design and Construction.

The Three Strands Approach (PEG)

In 2005 the Council developed the Three Strands Strategy (PEG) to protect all that is excellent about Barnet whilst enabling the Council to respond to the needs of the community. The Three Strands approach is based around the three strands of protection, enhancement and growth. The application site falls within the remit of all three strands. For the reasons outlined above the proposal is not considered to adversely impact upon the character and appearance of the surrounding residential (strand one [protection]); the proposal would result in the provision of a high quality, well designed educational establishment (strand two[enhancement]) and provide expanded facilities (strand three [growth]). The proposal is therefore considered to accord with the Three Strands Approach and the priorities of the corporate plan.

The Corporate Plan

Barnet Council's vision and strategy is to create and deliver successful suburbs for a world class city. The provision of access to quality education is a key component of this strategy. To this end the Corporate Plan highlights as a key priorities to create better life chances for children and young people across the borough and to promote family and community well being and encourage engaged, cohesive and safe communities. The proposal provides Barnet with a significant opportunity to help deliver improved educational and sports facilities for residents, contribute to the borough's social, economic and environmental well-being and deliver sustainable development and a public sector exemplar building of quality.

Environmental Impact Regulations (EIA 2011)

The application proposals have been assessed against the environmental impact of the development in accordance with the Environmental Impact Assessment Regulations 1999 as EIA development. The screening opinion concluded that a full Environmental Impact Assessment was not required.

Unilateral undertaking:

In order to improve the access to the site by non-car modes and to ensure pupil safety particularly pedestrian links and links from the public transport network a number of off site mitigation measures are required. Delivery of these measures would be through a Unilateral Undertaking which would deliver the following:

- £5,000 for a feasibility study to look at suitable improvements to the crossing on East End Road;
- Commitment to provide contributions to implement any measures identified following the feasibility to allow for a possible Zebra Crossing/Pelican crossing; guard rail; road marking etc up to a maximum of £70,000 (the cost of a pelican crossing);
- Submission of a full school travel plan meeting the TfL criteria in 'What a

school travel plan should contain' and based on and extending the pre-existing Archer Academy STP to be submitted 3 months prior to the new school being occupied; and

- £5,000 for monitoring of the Travel Plan

The delivery of the planning obligation from the negotiations stage to implementation can take considerable time and resources. As the Council is party to a large number of planning obligations, significant resources to project manage and implement schemes funded by planning obligation agreements are required. The Council therefore seeks the payment of a financial obligation towards the costs of undertaking the work relating to securing the planning obligations. In September 2006 Cabinet approved a Supplementary Planning Document (SPD) for Planning Obligations on the basis of the formula contained within the Councils SPD the contributions highlighted above are sought.

It is considered that both these amounts meet the policy tests set out in circular 05/2005 necessary to deliver sustainable development.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The majority of these have been considered in the main report. However, the following additional specific responses can be made:

- The Councils Traffic and Development Officers are satisfied that there would be sufficient parking on the site to meet the needs of the use.
- The Councils Traffic and Development Officers are satisfied that the Transport Assessment demonstrates that the proposal would not adversely impact traffic flows on the surrounding road network.
- A Construction Management Plan is recommended that will control the routes and times for delivery vehicles.
- Whilst access to the site is constrained the Councils Traffic and Development Officers are satisfied that the site could be adequately accessed.
- An unexploded ordinance survey accompanied the application which highlighted that the site is at medium risk of encountering unexploded bombs during construction and sets out a series of risk mitigation measures that would be put in place to minimise this risk during construction.
- An hours of use condition is recommended to ensure that the amenity of residents is maintained in the evening.
- The sports pitch currently has the benefit of an unfettered use (ie no restriction on hours of use). However, given the proximity of adjoining residential properties Officers consider that an hours of use condition restricting the use of the playing pitches in the late evening is reasonable.
- The building will have a Building Energy Management System that will include timers/motion sensors on the lights so that it should not be possible for them to be left on when the building is not in use.
- Conditions requiring further details of the proposed floodlighting and restricting the hours of use are recommended.
- Due to the security measures necessary to protect children the site will be secure and therefore it would not be possible for unauthorised users to enter the none public areas (ie the area to the rear of the school buildings).
- The design of the building is considered to be appropriate given its educational use and the fact that it is a community use.
- The boundary fence for HolyTrinity is outside of the application site and therefore

it is not considered reasonable to require improvements to this fence as a result of the current application.

- The footpath link will be improved as a result of the proposals by virtue of opening up the boundary of the site and the proposed soft landscaping/public realm improvements to this area.
- A condition requiring the submission and implementation of a landscaping strategy is recommended. The documentation submitted with the application indicates that where possible existing trees will be retained and additional trees planted. The ecology survey submitted with the application shows the site to be of low ecological value with no protected species present.

4. EQUALITIES AND DIVERSITY ISSUES

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies is set out in Section 149 of the Act. The duty requires the Council to have due regard to the need to eliminate discrimination and promote equality in relation to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

The council have considered the above act but do not believe that the application would have a significant impact on any of the groups as noted in the Act.

5. CONCLUSION

The development proposes the erection of a new secondary school that would specialise in providing high quality educational facilities to meet an identified national and borough need. Whilst it is acknowledged that the development would result in the loss of playing fields it is considered given the re-provision of enhance sporting facilities and the overriding community benefits in providing the new school the proposal would be in accordance with current national, strategic and local policy.

Furthermore, the proposal is considered to accord with other relevant planning policies and guidance at national, strategic and local levels. In particular:

- It would deliver the objectives of sustainable development through the use of good design and renewable energies and could contribute significantly to the objectives of sustainable development in Barnet;
- Re-utilises an underused playing field for educational purposes to provide educational and sporting opportunities for the local community;
- Delivers new and accessible facilities that can be used by the wider community;
- Minimises the visual impact of the proposal on adjoining land by the careful use of design and landscaping;
- Enhances the quality of sport and playing pitch provision at the site; and
- Can be accessed in a way as to minimise disruption to the local road network.

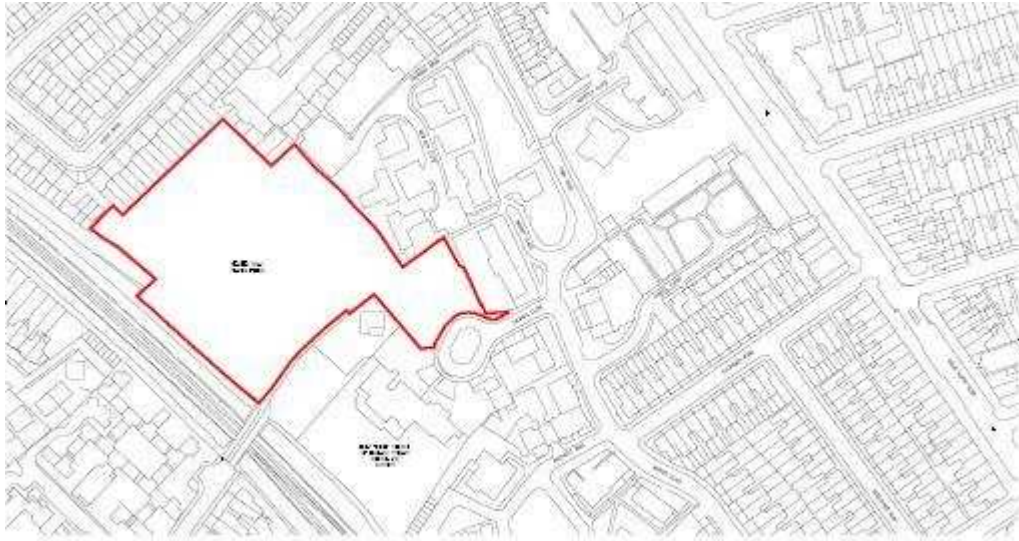
The proposal will enable the Council to control how the site is used in order to minimise the impact on the amenity of adjoining residents. Details of how the site is to be managed and measures to be provided to minimise the potential disruption from activities at the site will be required to be submitted and reviewed on a regular basis.

The proposal is therefore considered to be in line with current national and strategic legislation and subsequently the policies contained within the adopted Local Plan.

Accordingly, subject to the signing of a Section 106 and satisfactorily addressing TfL requests for additional/amended information and the conditions contained within recommendation II of this report, Approval is recommended.

SITE LOCATION PLAN: Archer Academy, Playing Fields, Stanley Road, London, N2

REFERENCE: F/04475/13



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LOCATION: Land at Partingdale Lane, Millbrook Park, Mill Hill East

REFERENCE: H/04096/13 **Received:** 11 September 2013
Accepted: 11 September 2013

WARD(S): Mill Hill **Expiry:** 06 November 2013 **AGENDA ITEM 13**

**Final
Revisions:**

APPLICANT: Linden Homes (Chiltern)

PROPOSAL: Installation of pedestrian access with stairs and handrail point between Partingdale Lane and Phase 3 Millbrook Park.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

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

Reason:

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: LHC 242-2422-PL-LA-01, 02 and Design and Access Statement.

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

1. MATERIAL CONSIDERATIONS

1.1 Relevant Planning Policy:

National Planning Policy Guidance / Statements: The National Planning Policy Framework (NPPF)

On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF replaces 44 planning documents, primarily Planning Policy Statements (PPS's) and Planning Policy Guidance (PPG's), which previously formed Government policy towards planning.

The Mayor's London Plan: July 2011 3.7 (Large Residential Development), 7.5 (Public Realm), 7.18 (Protecting Local Open Space and Addressing Local Deficiency), 7.19 (Biodiversity and Access to Nature), 7.21 (Trees and Woodlands)

Core Strategy (Adoption version) 2012

Development Management Policies (Adoption version) 2012

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD).

Relevant Core Strategy Policies: CS NPPF (National Planning Policy Framework – Presumption in Favour of Sustainable Development), CS5 (Protecting and Enhancing Barnet's Character to Create High Quality Places), CS7 (Enhancing and Protecting Barnet's Open Spaces), CS12 (Making Barnet a Safer Place), CS13 (Ensuring the Efficient Use of Natural Resources).

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.

Relevant Development Management DPD Policies: DM01 (Protecting Barnet's Character and Amenity), DM03 (Accessibility and Inclusive Design), DM04 (Environmental Considerations), DM16 (Biodiversity), DM17 (Travel Impact and Parking Standards)

Mill Hill East Area Action Plan (AAP) 2009

The London Borough of Barnet (LBB) and the Mayor of London have designated the Mill Hill East area as an Area of Intensification in the London Plan.

The Council recognised that Mill Hill East was an area where more detailed policies were required to guide future development and in 2006 commenced work on an Area Action Plan (AAP) which covers an area of 48 hectares focused primarily on the former Inglis Barracks site. The aim of the AAP was to seek to ensure that development takes place in a balanced and coordinated manner by setting out a comprehensive framework to guide the delivery of housing, employment, leisure and associated community facilities, infrastructure, transport initiatives and environmental protection and enhancement.

The AAP was the subject of lengthy public and stakeholder involvement which culminated in an Examination in Public (EiP) in October 2008. Following receipt of the Inspectors decision notice the AAP was amended and in January 2009 the Mill Hill East Area Action Plan (AAP) was adopted by the Council. The AAP therefore forms a material consideration in the determination of Planning Applications in this area.

The relevant policies for the consideration of this application are: MHE7 (Parks and Public Open Spaces), MHE9 (Protection of Green Belt and Biodiversity), MHE10 (Making the Right Connections), MHE13 (Parking), MHE14 (Creating a Sustainable Development), MHE15 (Design), MHE16 (Delivering Design Quality)

1.2 Relevant Planning History:

Application Reference:	H/04017/09
Case Officer:	Jo Dowling
Site Address:	Inglis Barracks, Mill Hill, NW7 1PX
Proposal:	Outline application for the comprehensive redevelopment of the site for residential led mixed use development involving the demolition of all existing buildings (excluding the former officers mess) and ground re-profiling works, to provide 2,174 dwellings, a primary school, GP Surgery, 1,100sqm of 'High Street' (A1/2/3/4/5) uses, 3,470sqm of employment (B1) uses, a district energy centre (Sui Generis) and associated open space, means of access, car parking and infrastructure (with all matters reserved other than access). Full application for the change of use of former officers' mess to residential (C3) and health (D1) uses.
Stat Start Date:	30/10/2009
Application Type:	EIAO
Decision:	APL
Decision Date:	22/09/2011

Application Reference:	H/04655/11
Case Officer:	Colin Leadbeater
Site Address:	Inglis Barracks, Mill Hill, NW7 1PX
Proposal:	Demolition of existing buildings within the curtilage of the Millbrook Park development (formerly Inglis Barracks) as approved under outline application reference H/04017/09 (Approved September 2011)
Stat Start Date:	12/11/2011
Application Type:	Prior Notification (Demolition)
Decision:	PAG
Decision Date:	20/12/2011

Application Reference:	H/04387/12
Case Officer:	Wing Lau
Site Address:	Land between Bittacy Hill and Phase 2 Millbrook Park (Former Inglis Barracks)
Proposal:	Installation of two pedestrian access points comprising ramped footpath and steps and associated landscaping
Stat Start Date:	15/11/2012
Application Type:	Full
Decision:	APC

Decision Date:	22/02/2013
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Application Reference:	H/03904/12
Case Officer:	Wing Lau
Site Address:	Phase 2 Millbrook Park (Former Inglis Barracks)
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 2 of Mill Hill East development pursuant to Condition 5 of Outline planning permission reference H/04017/09 dated: 22/9/2011 involving the erection of 103 dwellings comprising 3 x one bed flats, 20 x two bed flats, 45 x 3 bed houses, 25 x four bed houses and 10 x five bed houses. Approval of layout and landscaping works to Phase 2 public open space (OS2), together with details to discharge the requirements of: Conditions 12 (relating to Plot L only); 57 (relating to plots within Phase 2 only); and 8,26, 27, 29, 48, 52, 70, 80, 83, 85 and 91 all in relation to Phase 2 only.
Stat Start Date:	02/11/2012
Application Type:	Reserved Matters
Decision:	Granted
Decision Date:	28/03/2013

Application Reference:	H/03379/13
Case Officer:	Andrew Dillon
Site Address:	Land between Bittacy Hill and Phase 2 Millbrook Park (Former Inglis Barracks)
Proposal:	Installation of two pedestrian access points to Millbrook Park.
Stat Start Date:	01/08/2013
Application Type:	Full
Decision:	APC
Decision Date:	04/09/2013

Application Reference:	H/03860/13
Case Officer:	Andrew Dillon
Site Address:	Phase 2 Millbrook Park (Former Inglis Barracks)
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 3 of Mill Hill East development pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011 involving the erection of 138 units 7 x 5 bedroom houses, 41 x 4 bedroom houses, 47 x 3 bedroom houses, 26 x 2 bedroom apartments and 17 x 1 bedroom apartments together with details to

	discharge the requirements of: Conditions 5 (Reserved matter details), 8 (Affordable housing), 26(Access points), 29(Internal access roads), 35 (Petrol/oil inceptor), 48(Open space), 52 (Children's playing space), 57 (Boundary treatment/buffer), 70 (Home standards), 80 (Sustainable homes), 83 (Grey water/rainwater recycling) ,85 (Green/brown roofs).
Stat Start Date:	28/08/2013
Application Type:	Full
Decision:	Granted
Decision Date:	12/11/2013

1.3 Consultations and Views Expressed:

Date of Site Notice: 08 August 2013

Neighbours Consulted: 20
Neighbours Wishing
To Speak 0

Replies: 8

At the time of writing eight letters received from neighbouring residents raising the following concerns(in summary):

- Proposal would be detrimental to highway safety as located on narrow section of Partingdale Lane where visibility is limited;
- Proposal would result in overlooking of Partingdale Manor opposite;
- Proposed crossing should be resited closer to Frith Lane;
- Proposed crossing would provide an ingress/egress point for criminals;
- Proposal would result in anti social behaviour;
- Proposal would encourage and enable parking on Partingdale Lane by future residents and visitors.

Internal /Other Consultations:

Highways and Transportation -

- The pedestrian desire line at this location was introduced and part of the Masterplan which and is already approved. This proposal is a detailed design on the already approved location.
- The disabled users are accommodated elsewhere.
- The location of the proposed stairs has clear visibility at both sides.
- Materials are not subject of consideration as this part is not public Highway or to be offered for adoption.

2. Description of the site, surroundings and proposal.

2.1 Site Description and Surroundings:

Millbrook Park

In September 2011 outline planning permission was granted for the redevelopment of a site known as Mill Hill East (now also known as Millbrook Park). This site covers an area of approximately 33.6 hectares (83 acres) and is located within the Mill Hill ward. The site is bounded to the east by Frith Lane, to the north by Partingdale Lane and to the west by Bittacy Hill (B552). Bittacy Business Park is immediately to the south of the site and Mill Hill East Underground station (Northern Line) lies to the south west.

Outline consent was granted for a residential-led mixed use development, involving the demolition of all existing buildings (excluding the Officers' Mess building) and ground re-profiling works, to provide 2,174 dwellings, a primary school, GP surgery, 1,100sqm of 'High Street' (A1/2/3/4/5) uses, 3,470sqm of employment (B1) uses, a district energy centre and associated open space, means of access, car parking and infrastructure in September 2011 (ref H/04017/09).

Site in relation to the outline consent

The specific part of this site is on the strip of land between Partingdale Lane and Phase 3 of the wider Millbrook Park development. The outline planning consent allows the Millbrook Park development to be implemented in a series of phases (split into Development Land Parcels) and Phase 2 is located within the northern part of the site covering an area of 3.06 hectares (Ha) in size. The Parameter Plans and Design Code defined different character areas within the application site where different forms and densities of development would be appropriate. Phase 3 predominantly within the Green Belt Edge character zone, with the southern section of the scene falling within the central slopes east character zone.

An application for reserved matters in relation to Phase 3 involving the construction 138 dwellings (ref: H/03860/13) was submitted on the 28th August 2013 and approved at the Planning and Environment Committee on the 12th November 2013.

2.2 Proposal

The proposal seeks full planning permission for the formation of a pedestrian crossing from the proposed Phase 3 development through to Partingdale Lane to the north. This is achieved through the provision of a set of 12 steps with 1.1m high handrails to either side. The crossing measures 1.6m in width and 4.2m in length. The steps will be constructed out of Marshalls silver grey single solid concrete steps with black visibility strips with resin bound aggregate approaches.

The design of the stairs is similar to two pedestrian accesses which were approved from the Phase 2 portion of the Millbrook Park Development and Bittacy Hill under planning application references H/04387/12 & H/03379/13.

3. PLANNING CONSIDERATIONS

3.1 The Principle of Development

The principle of providing pedestrian accesses along this part of Partingdale Lane has already been established under the outline planning consent (ref: H/04017/09). The approved Parameter Plan 1 (Access and Movement) established the locations of the primary and secondary access points to the site for vehicles, cyclists and pedestrians. This plan indicated one pedestrian access point from Partingdale Lane in a similar position to that proposed on the current application.

The recently approved reserved matters application for the development of Phase 3 (Ref H/03860/13) adjoining the proposed access indicated the creation of a crossing to Partingdale Lane in the same position as that proposed under this application although no consent was specifically sought for the proposed crossing as part of the crossing is located outside of the redline boundary.

It is therefore considered that the principle of the proposed pedestrian access is acceptable provided that the proposal would cause no harm to nearby residents and is acceptable on visual and highway grounds. These points are discussed below.

Impact on Neighbouring Amenity

The proposed access is located between Partingdale Lane and the approved Phase 3 development. The proposal involves building over a bank of existing vegetation connecting to an existing footpath which requires building over an existing bank of vegetation. The proposed crossing is located so that it doesn't directly face the closest residential property located on the opposite side of Partingdale Lane (Partingdale Manor) although the crossing could potentially allow limited views into the side garden of this property however views are limited due to an existing brick boundary wall, trellis and planting. The use of the stairs is in any event likely to be transient in nature and would be over a public highway where anticipations of privacy are correspondingly reduced. Overall it is not considered that the impact of the proposal on the amenities of neighbouring residents would be significant.

Visual Amenity

Partingdale Lane is characterised by a mature landscape screen which provides the opportunity for glimpsed views into the Millbrook Park site. This boundary provides an interface with semi rural green belt edge nature of Partingdale Lane characterised by limited built development and views through to the open countryside located to the north. The current application would not affect any existing trees, involving the introduction of a series of steps from the proposed development at Phase 3 of Millbrook Park down an existing bank through to Partingdale Lane. The crossing will be constructed out of Marshalls silver grey concrete steps incorporating black visibility strips along with black powder coated handrails. The proposed materials are identical to the materials approved pursuant to the construction of two pedestrian

crossings from the western part of the Millbrook Park Site through to Bittacy Hill (Application ref's H/04387/12 & H/03379/13).

The resultant visual appearance of the structure would be visible against the surrounding landscape bank and would be limited in its visual profile, the structure would be constructed out of appropriate materials and is considered to represent an appropriate standard of design in keeping with the character of the surrounding area. It is also not considered that the proposal would adversely affect the character or appearance of the Grade II Listed Building at Partingdale Manor due to the low profile of the structure and position adjoining an existing landscaped bank.

Pedestrian safety and disabled access

The proposed access will have Marshalls silver grey single solid concrete step with black visibility strips with resin bound aggregate approaches, black powder coated handrails are provided on both sides of the crossing. The proposed steps would connect to an existing pedestrian footpath running along this side of Partingdale Lane. It is also noted that the speed limit along this stretch of Partingdale Lane is 20 mph and a chicane is located a short distance to the west further reducing vehicle speed. Due to these factors it is not considered that pedestrian users of the access would be at any greater risk than pedestrians using the existing footpath and the proposal is considered acceptable in regards to highway safety.

In relation to disabled access, the difference of levels in relation to the northern crossing between the Phase 3 Site and Partingdale Lane is approximately 1.8m at present. Due to the short level of the accesspoint (4.2m) it is not possible to achieve satisfactory gradient levels without introducing a more convoluted zig zag arrangement. Such an approach would result in additional loss of vegetation and would result in a more visually obtrusive structure to the detriment of the visual amenities of the area, contrary to the agreed design code. The proposed stepped crossing accords with the principles agreed for the southern crossing and would allow non disabled and ambulant disabled use of the crossing.

Parking

Concern has been expressed by neighbouring residents concerning the potential for visitors for properties within the Phase 3 development to park in Partingdale Lane as a result of the proposed pedestrian crossing. However the recently approved application for the Phase 3 development (ref: H/03860/13) includes the provision of 210 allocated parking spaces along with 11 visitor spaces which accords with the Design Code. With the exception of a single disabled space in close proximity to the crossing there are limited opportunities for parking along Partingdale Lane due to its narrow nature and absence of any identifiable on street parking area and given this and the level of car parking provision within the approved Phase 3 scheme it is not considered that the local highway network will be significantly impacted by the proposal.

Trees and Landscaping

The proposed access is located outside the root protection zones of trees located along Partingdale Lane. As such it is not considered that the proposal would adversely affect trees in the vicinity of the crossing. It is noted that the approved Phase 3 development (H/03860/13) included additional planting along Partingdale Lane and as such it is not considered that any additional landscaping is required under this application.

Other Matters

In relation to concerns relating to the use of the new access as a point ingress and egress from potential criminals, it is noted that all development requires a degree of judgement and balance between the need to ensure secure perimeters as well as the need to allow permeability and social inclusion. The proposed access would connect to houses and apartments located to the north of the Millbrook Park site, which have recently been granted planning permission under planning application (ref: H/03860/13). The submitted plans for this application showed the creation of an access to Partingdale Lane in the submitted drawings. The Metropolitan Police Service was consulted on this application and raised no objections to the scheme subject to the development achieving secured by design accreditation.

In relation to potential anti social behaviour particularly from youths, while the proposal would provide an access through to Partingdale Lane from the new development, given the absence of shops, restaurants or other magnets in Partingdale Lane it is considered that the volume of pedestrian movement is likely to be limited. Should anti social or criminal behaviour occur this can adequately be dealt with through the criminal justice system and is not considered to warrant the refusal of the application.

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. While the provision of a stepped rather than a ramped access would prevent this crossing being used by wheelchair users it is necessary due to the changes in level between the site and Partingdale Lane. The steps are designed to be usable by ambulant disabled persons incorporating handrails either side and incorporates textural differences in services for persons with sensory disabilities. It is considered that the proposals are compliant with legislation under the Equalities Act 2010.

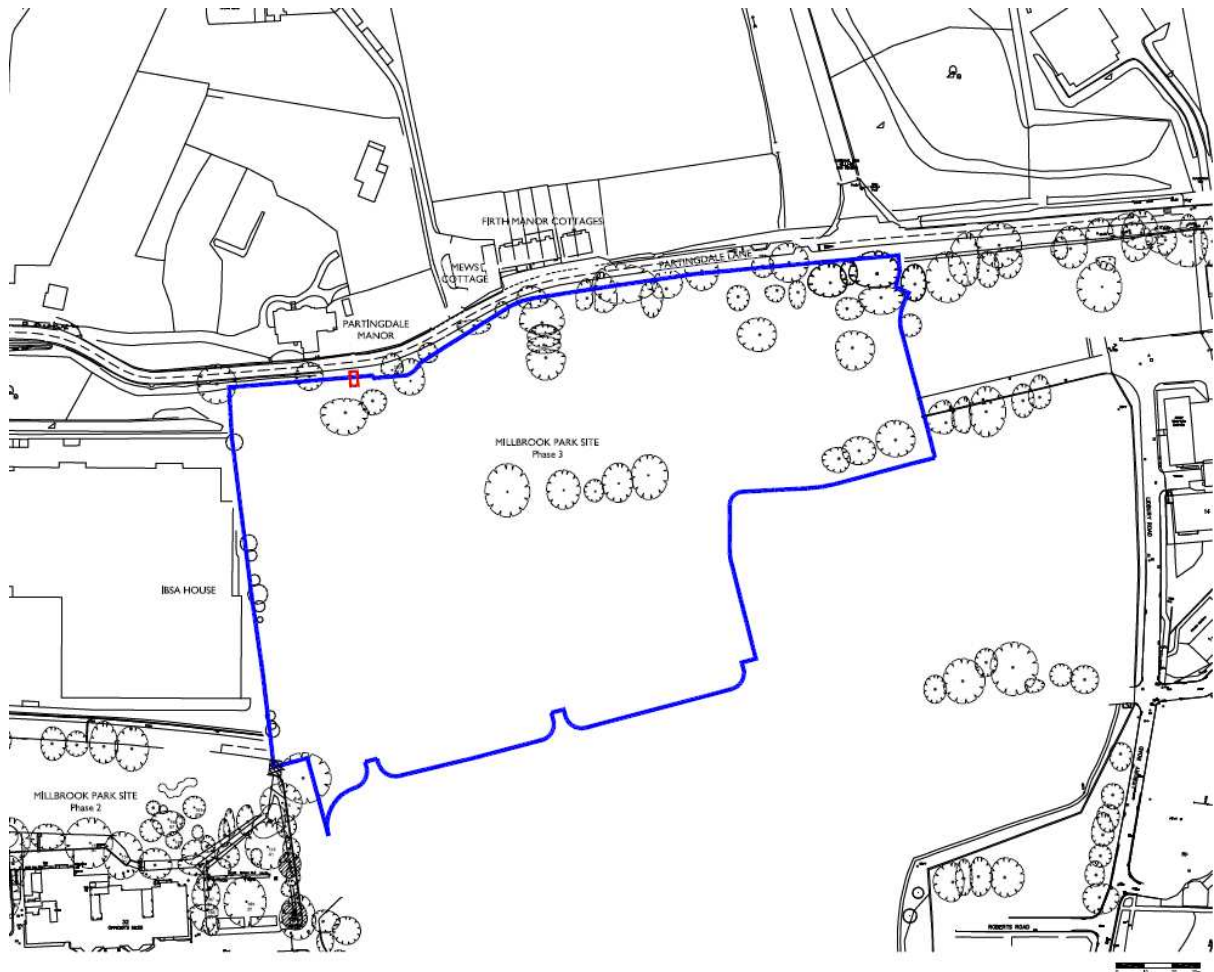
5. CONCLUSION

The proposal is considered acceptable would not compromise the outline planning permission (H/04017/09) for the redevelopment of the wider site or the adjoining Phase 3. It would not cause adverse harm on local amenity nor on highway safety.

It is recommended that the application be approved subject to discharging the attached conditions.

SITE LOCATION PLAN: Land at Partingdale Lane, Millbrook Park, Mill Hill East

REFERENCE: H/04096/13



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LOCATION: Cricklewood Playground, Kara Way, London

REFERENCE: F/04955/13

Received: 24 October 2013

Accepted: 24 October 2013

WARD(S): Childs Hill

Expiry: 19 December 2013

AGENDA ITEM 14

**Final
Revisions:**

APPLICANT: LONDON BOROUGH OF BARNET

PROPOSAL: Alterations to existing park to create a Pocket Park including conversion of existing unfenced basketball court into a fenced multi use games area (MUGA), conversion of existing fenced concrete football pitch into a grassed children's play area, installation of additional children's play equipment, seating, picnic tables, table tennis table, new surfacing and landscaping. Tree planting, new raised beds and a new pedestrian access route between Kara Way and the Depot Approach

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Planning Statement; Drawing no. CPP 01.01; Drawing no. CPP 00.02; Cricklewood Pocket Park Landscape Steps, Cricklewood Pocket Park Fencing; Cricklewood Pocket Park Seating; Cricklewood Pocket Park Materials.

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

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

Reason:

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

3. A scheme of hard and soft landscaping, including details of species, size and siting of new trees 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

4. 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

5. 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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

6. The hours of opening and closing of the park shall remain as existing.

Reason:

To safeguard the amenities of neighbouring residents and wider area in accordance with policies DM01, DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

INFORMATIVE(S):

- 1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning

Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan July 2011:

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London.

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

Relevant Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11th September 2012

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5, CS7, CS12,

Relevant Development Management DPD (2012): Policies DM01, DM03, DM06.

Relevant Planning History:

Application:	Planning	Number:	F/04955/13
Validated:	24/10/2013	Type:	APF
Status:	REG	Date:	
Summary:	DEL	Case Officer:	Denisse Celi
Description:	Alterations to existing park to create a Pocket Park including conversion of existing unfenced basketball court into a fenced multi use games area (MUGA), conversion of existing fenced concrete football pitch into a grassed children's play area, installation of additional children's play equipment, seating, picnic tables, table tennis table, new surfacing and landscaping. Tree planting, new raised beds and a new pedestrian access route between Kara Way and the Depot Approach		

Consultations and Views Expressed:

Neighbours Consulted: 87 Replies: 9
Neighbours Wishing To Speak 1

The comments raised may be summarised as follows:

No objections received.

Letters in support can be summarised as:

- Benefit from greenery
- Appeal to wider user groups
- More attractive space
- Better security
- Support formation of path between Kara Way and Depot Approach
- Relocation of noisy football pitch away from terraces is positive.
- Relocation of football pitch away from public highway is positive with regards to safety
- Increase of natural vegetation will improve space

Comments can be summarised as:

- Ensure the playground is locked at night for noise and security issues
- Preference for fruit trees which some residents are willing to prune and train.
- Concern with through access linking Cricklewood Lane with Cricklewood Broadway as it will also involve the Railway terraces
- Rowan trees being lost at entrance should be replaced with similar.
- Plans have been well-circulated and community informed.
- Recommend that path is accessed separately from park for safety

Internal /Other Consultations:

- London Borough of Camden – raise no objection.
- Green Spaces (inc Allotments) – N/A
- Residents' Community Association – Support the application

Date of Site Notice: 31 October 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is the Cricklewood Playground located on a corner plot at the junction of Kara Way and Depot Approach in Cricklewood. It lies within opposite adjacent to the Railway Terraces Conservation Area (to the north). The site borders a timber yard to the west and Beacon Bingo Hall to the south. To the east of the site is a carpark serving several commercial units.

The playground covers an area of approximately 0.28 ha, which is mostly covered in hardstanding. It is accessed only from Kara Way with no direct or formalised footpath from Depot Approach.

Proposal:

The applicant seeks planning permission for alterations to the existing park comprising of:

- Conversion of existing unfenced basketball court with a fenced multi-use games area (MUGA)
- Conservation of existing fenced concrete football pitch with a grassed children's play area.
- Installation of additional children's play equipment, seating, picnic tables, tennis table
- New surfacing and landscaping including tree planting
- New pedestrian access route between Kara Way and Depot Approach.

Planning Considerations:

Paragraph 70 of the NPPF states that to deliver the social, recreational and cultural facilities and services the community needs, planning decisions should plan positively for the provision of sports venues to enhance the sustainability of communities and residential environments.

Paragraph 73 of the NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

Policy 3.19 of the London Plan states that development proposals that increase or enhance the provision of sports and recreation will be supported. It further states that the provision of floodlighting should be supported unless the floodlighting gives rise to demonstrable harm to local community or biodiversity.

The Pocket Park scheme is part of the Mayor of London's Great Outdoors programme to improve streets, squares, parks, and canal and riverside spaces across London. The Mayor of London is directly supporting the creation and enhancement of 100 pocket parks through a funding programme launched in November 2012. The Pocket Parks initiative aims to provide 100 new or enhanced pocket parks and public spaces across London to be delivered by March 2015.

Policy DM01 (c, d) of the Local Plan states that development proposals should ensure attractive, safe and vibrant areas to reduce the fear of crime. Section (j) requires the adequate distribution of hard and soft landscaping which make a positive contribution to the landscape and contributes to biodiversity including the retention of existing wildlife habitat and trees.

Policy DM03 of the Local Plan states that proposals should demonstrate inclusivity and accessibility and the design should recognise and help balance everyone's needs.

Policy DM06 specifies that development shall preserve and enhance the character and appearance of Conservation Areas.

The general principle of the use of the site for sporting activities is established. The main material consideration is whether the alterations to the park are positive and provide a suitable environment for the community.

Currently the park is only accessed from Kara Way. The proposal includes the provision for new pedestrian access from Depot Approach. This is considered a positive addition which will encourage connectivity with the general area linking Kara Way to Depot Approach.

The existing entrance into the park will be relocated to a more central position on Kara Way and there will be a significant increase in grassed areas. A new MUGA area will replace the existing basketball court to the south and the ball court to the west will be removed to incorporate a play area. The MUGA will be enclosed by a 6metre fence and this will ensure that the play area is safe for those outside. Rubber bounded children's play area will be located to the north of the site.

The proposal involves planting additional trees along the perimeter of the park to enhance the landscape on site. Examples have been provided the seating which are considered positive additions to the park.

The existing perimeter fence will be painted in dark green and a new gate will be added at Depot Approach.

It is considered that the overall alterations to the existing park will revitalise the area and provide a positive space for the nearby community. The Council support the scheme which is compliant with the relevant Local Plan policies and is a positive addition which reflects the character of the nearby conservation Area.

3. COMMENTS ON GROUNDS OF OBJECTIONS

No objections received.

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. The proposals provide level access and will create spaces for a wider variety of users.

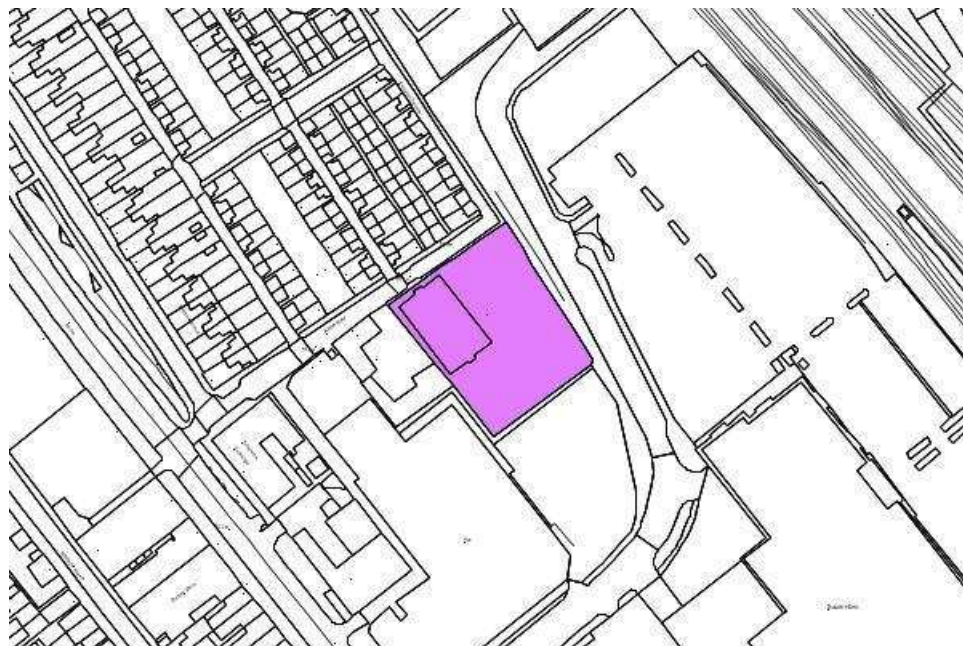
5. CONCLUSION

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would comply with the Council's policies and guidelines and would not cause unacceptable harm to the area, local roads or the amenities of any neighbouring property.

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

SITE LOCATION PLAN: Cricklewood Playground, Kara Way, London

REFERENCE: F/04955/13



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Meeting	Planning and Environment Committee
Date	18 December 2013
Subject	Application to Register Land known as Finchley Garden Village, Upper and Lower Greens, Village Road, N3 1TL as a Town or Village Green.
Report of	Assistant Director - Development Management and Building Control
Summary	This report contains the result of officers' investigations into the relevant facts and legal issues in deciding whether or not to register the subject land as a Town or Village Green under the Commons Act 2006.

Officer Contributors	Lesley Feldman, Hendon Area Planning Manager
Status (public or exempt)	Public (with separate exempt report)
Wards Affected	Finchley Church End
Key Decision	Not applicable
Reason for urgency / exemption from call-in	Not applicable
Function of	Council
Enclosures	Appendix A - Plan showing the subject land
Contact for Further Information:	Lesley Feldman Hendon Area Planning Manager, 020 8359 4974.

1. RECOMMENDATIONS

1.1 That the application for registration as a Town or Village Green under Section 15(2) of the Commons Act 2006 in respect of the land known as Finchley Garden Village, Upper and Lower Greens, Village Road, N3 1TL, as shown on the site location plan 2 is either;

- **REFUSED** as the application cannot meet the requirements of s15(3) of the Act as the applicant's use has been 'by right' and not 'as of right' and it cannot be established that the use of the land by the applicants has been without permission of the landowner which in this case is LB Barnet; or,
- **REFERRED** to a non-statutory public inquiry for an independent Inspector to determine the Village Green status of the land

1.2 That the legal advice contained in the exempt report is noted.

Members should note the following advice in the relevant sections of the report as set out below:

2. RELEVANT PREVIOUS DECISIONS

2.1 None

3. CORPORATE POLICIES AND POLICY CONSIDERATIONS

3.1 The Council is obliged by law to determine applications to register land as a village green.

4. RISK MANAGEMENT ISSUES

4.1 Such matters should not form part of the Committee's considerations.

5. EQUALITIES AND DIVERSITY ISSUES

Equality Duties and the Equality Act 2010

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies is set out in Section 149 of the Act. The duty requires the Council to pay regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

Equality duties require Authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different equality groups. It is an opportunity to ensure better decisions are made based on robust evidence.

Section 149 of the Act states that:

- (1) A public authority must, in the exercise of its functions, have due regard to the need 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.
- (2) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different to the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- (3) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular steps to take account of disabled persons' disabilities.
- (4) Having due regard to the need to foster good relations between persons who share relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-
 - (a) tackle prejudice, and
 - (b) promote understanding
- (5) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.
- (6) The relevant protected characteristics are-
 - age;
 - disability
 - gender reassignment
 - pregnancy and maternity
 - race
 - religion or belief
 - sex
 - sexual orientation

The proposals would not result in any physical alterations to the site. It is not considered that any of the protected groups listed above would be affected by the proposal.

S149 (5) of the Act requires that the Council have due regard to the need to:-

“(5) having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:-

- (a) Tackle prejudice and
- (b) Promote understanding”

The proposals would not result in any physical alterations to or change of use of the site. It is not considered that there would be any change in the type of relation of any protected groups listed above who would remain unaffected by the proposals.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

6.1 None in the context of this report.

7. LEGAL ISSUES

7.1 S.15(1) of the 2006 Act provides that any person may apply to a commons registration authority to register land as a town or village green, where one of subsections (2), (3) or (4) applies.

7.2 This application is made under s.15 (2), which states:

(2) This subsection applies where—

(a) a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, **have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years; and**

(b) they continue to do so at the time of the application. (*Emphasis added*)

7.3 “A significant number”

7.4 There is no statutory definition of a “significant number” of local inhabitants . It does not mean considerable or substantial. What matters is that the number of people using the land in question has to be significant to indicate that their use of the their land signifies that it is in general use by the local community for informal recreation, rather than occasional use by individuals as trespassers. It is considered that the application would meet this criteria.

7.5 “of any locality”

7.6 A “locality” cannot be created by drawing a line on a map. A “locality” must be a division of the county known to the law, such as a borough, parish or manor.

In this application the locality identified in the application is the 'Finchley Garden Village Conservation Area'. There is case law, namely 'Paddico Ltd v Kirklees MC & Ors' [2012] EWCA 250 that a conservation area is not a sufficiently defined locality to sustain an application for registration. In that case it was found that a conservation area, while being a locality with legally significant boundaries, existed only for a specific statutory purpose and without boundaries defined by reference to its characteristics as an area "of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance" rather than by reference to any community of interest on the part of its inhabitants.

The Council informed the applicant on 28 November 2013, that they would be willing to allow him further time to amend the application, as this may be simply an error. He was provided a further seven days to consider whether he wished to amend his application in relation to locality or neighbourhood. At the time of writing the report the Council has not received any further representations from the applicant in respect of the same. The applicant was also informed about a more fundamental problem in respect of the 'as of right' aspect of the application, which is dealt in detail below:

7.7 "or of any neighbourhood within a locality"

7.8 A neighbourhood need not be a recognised administrative unit. A housing estate can be a neighbourhood.

7.9 "As of right during the relevant period "

7.10 To be "as of right" the use must have been without force, without secrecy and without permission. There is open access to the land and the use has not taken place secretly.

7.11 In this case, there is clear evidence that the land was bought by the Borough of Finchley on 4th June 1941 from the Finchley Co-partnership Society Limited. There is a reference in a minute of the Parks and Open Spaces Committee on 29th November 1938 which records that the Finchley Co-partnership Society Ltd is willing to sell the land to the Borough of Finchley "for the use of the public". There is a restriction registered on the title as follows: "RESTRICTION registered on 24th July 1941 – Except under an Order of the Registrar no disposition is to be registered unless authorised by the Public Health Acts 1875 to 1936 or some other Act or Authority".

7.12 The most significant evidence is that found in the Bye-Laws of LB Barnet relating to Pleasure Grounds 1978. These Bye-Laws are explicitly made under s164 of the Public Health Act 1875 and s15 of the Open Spaces Act 1906. In the First Schedule the land is identified as "Village green, Village Road" and is subject to Bye-Laws.

7.13 It is clear that in 1978 with the adoption of the Bye-Laws, whatever the statutory purpose the land had been held for previously, the land became subject to the Bye-Laws and therefore at that point the land was appropriated for that statutory purpose. For almost the whole of the period of 1988-2008 the land has been held by LB Barnet for the purpose of public recreational use under the Public Health Act and Open Space Act. This as a result confirms

that the public were permitted by the Council to use the land for recreational activities for the period in question. Therefore, the use of the land has been 'by right' and not 'as of right' and the application cannot fulfil the requirements of s15(3) of the Commons Act 2006.

7.14 On 28 November 2013, the applicant was also informed that the Council was minded to refuse the application. He was provided a link to the bye-laws on the same date to allow him an opportunity to review the material upon which the Council's considerations have been based. The applicant was provided this information in order to view and respond to the results of the Council's investigations and to possibly allow him the possibility to conduct his own search of archive material. He was provided the opportunity to make further submissions if he thought, for any reason, that the Council's conclusion about 'user by right' is incorrect. He was informed that his responses would then be put for the attention of the committee who will then take his view into consideration before making a final decision. He was requested that he provide his responses by 12 December 2013. The applicant was provided all the remaining evidence, including committee reports and land documents relating to the land on 5 December 2013.

7.15 There are a number of further legal issues which are dealt with in the exempt report.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

8.1 Councils Constitution, Responsibility for Functions, the Planning and Environment Committee Terms of Reference include "Commons registration and town and village greens".

9. BACKGROUND INFORMATION

9.1 The site comprises open space is located on either side of Village Road bounded to the north and east by numbers 31 to 50 Village Road and to the south and west by numbers 9 to 26 Village Road in the Finchley Church End ward. It comprises 2 triangles of land with the road passing through it from north-west to south-east.

9.2 The application is made by the Finchley Garden Village Residents' Association ('the Applicants').

9.3 The application was received on 05 July 2010. It was accompanied by a statutory declaration in support, relevant maps and evidence forms.

10. ANALYSIS OF APPLICATIONS AND REPRESENTATIONS

10.1 The application was advertised by way of press notice, site notice and letters sent to 245 addresses and the Finchley Society and Friends of Windsor Open Space.

10.2 Three representations in support of the application to register the Land as a village green were received. Those representations can be summarised as follows:

- The green was an important part of childhood and provided a safe open space to play
- The green is a locus for community events
- Has been used by residents and non-residents
- It has been used as a village green for 102 years
- Organised events have been set-up and arranged by the residents

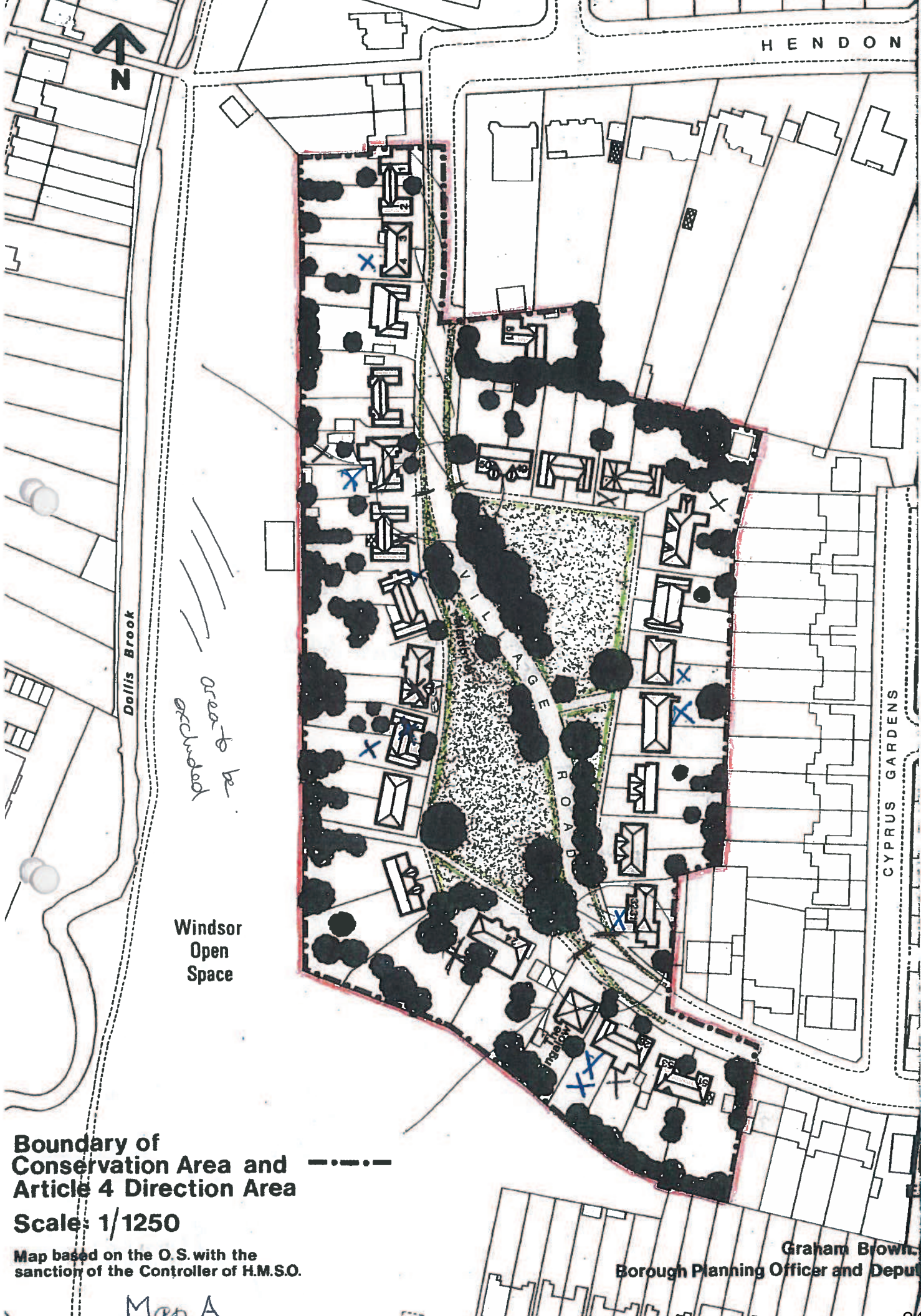
10.3 An objection was originally received from highway officers. However this related to the inclusion of the public highway within the application site. This has subsequently been omitted and the plan amended accordingly.

11. LIST OF BACKGROUND PAPERS

11.1 Plan showing the subject land.

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Cleared by Legal (Officer's initials)	PR

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H E N D O N

Dollis Brook

*area to be
excluded*

Windsor
Open
Space

V I L L A G E
R O A D

CYPRUS GARDENS

**Boundary of
Conservation Area and
Article 4 Direction Area**
Scale: 1/1250

Map based on the O.S. with the
sanction of the Controller of H.M.S.O.

Graham Brown
Borough Planning Officer and Deputy

Map A

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AGENDA ITEM 16

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