

MEETING

PLANNING COMMITTEE

DATE AND TIME

MONDAY 18TH MAY, 2015

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF PLANNING COMMITTEE (Quorum 3)

THE MEMBERSHIP FOR PLANNING COMMITTEE FOR 2015/16 WILL BE APPOINTED AT ANNUAL COUNCIL ON 13 MAY 2015

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

Andrew Charlwood – Head of Governance

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ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the last meeting	1 - 4
2.	Absence of Members	
3.	Declarations of Members Disclosable Pecuniary Interests and Non-pecuniary Interests	
4.	Report of the Monitoring Officer (if any)	
5.	Public Questions and Comments (if any)	
6.	Members' Items (if any)	
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10.	Report of the Assistant Director of Development Management and Building Control	
11.	Any Item(s) that the Chairman decides are urgent	

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Decisions of the Planning Committee

26 March 2015

Members Present:-

AGENDA ITEM 1

Councillor Melvin Cohen (Chairman)
Councillor Wendy Prentice (Vice-Chairman)

Councillor Maureen Braun
Councillor Claire Farrier
Councillor Anne Hutton (substitute for Councillor Tim Roberts)
Councillor Sury Khatri (substitute for Councillor Eva Greenspan)
Councillor Barry Rawlings
Councillor Gabriel Rozenberg (substitute for Councillor Mark Shooter)
Councillor Agnes Slocombe
Councillor Stephen Sowerby
Councillor Jim Tierney

1. ABSENCE OF MEMBERS

Apologies were received from Councillor Greenspan (substitute Councillor Khatri), Councillor Roberts (Substitute Councillor Hutton) and Councillor Shooter (substitute Councillor Rozenburg).

2. MINUTES OF THE LAST MEETING

RESOLVED that the minutes of the meeting held on 25 February 2015, be agreed as a correct record and signed by the Chairman, subject to the following amendment:

Granville Road – Minute 9, Resolution 1 (ii) amend to read:

“The proposal would result in the loss of 16 social rented affordable housing units and would fail to make adequate provision of new social rented affordable housing accommodation on-site to compensate for this loss contrary to policies CS NPPF, CS4, CS15 and DM10 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 January 2014), 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.”

3. DECLARATIONS OF MEMBERS DISCLOSABLE PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS

None.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. PUBLIC QUESTIONS AND COMMENTS (IF ANY)

None.

6. MEMBERS' ITEMS (IF ANY)

None.

7. REPORT OF THE ASSISTANT DIRECTOR OF DEVELOPMENT MANAGEMENT AND BUILDING CONTROL

The Committee noted the various amendments listed in the addendum to this item, which were considered under individual items on the agenda.

8. WEST HENDON ESTATE, WEST HENDON, LONDON NW9

The Committee received the Officer's report.

RESOLVED that the application be approved, subject to the conditions detailed in the report and the addendum to the report.

For: 9

Against: None

Abstained: 2

9. VICARAGE AND PHASE 6A, STONEGROVE AND SPUR ROAD ESTATE, EDGWARE, HA8 8BT

The Committee received the Officer's report.

RESOLVED that the application be approved, subject to the conditions detailed in the report.

For: 11

Against: None

Abstained: None

10. 1201 HIGH ROAD, LONDON, N20 0PD

The Committee received the Officer's report.

RESOLVED that the application be approved, subject to the conditions detailed in the report and the addendum to the report.

For: 6

Against: 5

Abstained: None

11. 108 HOLDEN ROAD

The Committee received the Officer's report.

The Committee also heard representations from Mr Sam Jacobs and Ann Tang (Applicant).

RESOLVED that the application be approved, subject to the conditions detailed in the report and the addendum to the report.

For: 6

Against: 4

Abstained: 1

12. ANY ITEM(S) THAT THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 8.50pm

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LOCATION: Land Off Brent Terrace,
London, NW2
(The Brent Terrace Triangles)

AGENDA ITEM 7

REFERENCE: 15/00720/RMA

Received: 05 February 2015

Accepted: 05 February 2015

WARD: Golders Green

Expiry: 17 March 2015

APPLICANT:

PROPOSAL: Reserved Matters application within Phase 1a (North) of the Brent Cross Cricklewood Regeneration Scheme relating to Layout, Scale, Appearance, Access and Landscaping, for the residential development of Plots 53 and 54 comprising 47 Residential Units

1. APPLICATION SUMMARY

The proposal is a reserved matters application for housing development on Plots 53 and 54 (known as the Brent Terrace Triangles) under the Brent Cross Cricklewood Regeneration Scheme.

The application proposes 47 residential units comprising 36 flats and 11 terraced houses. All but one of the units are required to provide accommodation for Whitefield Residents displaced within Phase 1a (North).

The units would provide accommodation for all secure tenants and all owner-occupiers who qualify for re-housing within the first decant of Whitefield Estate Residents (a second larger decant of Whitefield Estate Residents is proposed in Phase 1B (South)). This amounts to 31 Secure Tenants and 15 Owner Occupier Leaseholders. Decant of these residents allows delivery of highways infrastructure enabling Phase 1A (North) of the Brent Cross Cricklewood Regeneration Scheme to be delivered.

The principle of the residential development of Plots 53 and 54 was originally approved in outline in 2010 under planning permission C/17559/08 for the comprehensive redevelopment of the Brent Cross Cricklewood Regeneration area, it was then re-established under the Section 73 Planning application F/04687/13 with its approval in July 2014.

The submission provides details of Layout, Scale, Appearance, Access and Landscaping for the proposed buildings on the two plots. It conforms with all the parameters and principles relevant to these development plots and the residential form of development except the parameter for scale thresholds where it exceeds the 'Width' parameter. This issue is addressed in detail later in the report where it is demonstrated that the form of development proposed is acceptable in terms of its resulting appearance and its impacts upon existing neighbouring residents and future residents of the site.

A separate application has been made against condition 2.4 of permission F/04687/13 to vary this width parameter subject to the scheme being found to be acceptable by the Committee. This condition application (Ref: 15/00834/CON) is also in front of the Committee for consideration. The Variation of this width parameter is applied for in the context of this reserved matters application and approval would not be applicable to any possible alternate application on Plots 53 and 54.

The timescale for the delivery of Plots 53 and 54 has been brought forward from Phase 1C to Phase 1A (North) to provide housing for Whitefield Estate residents displaced by infrastructure works proposed within Phase 1A (North). The variation in phasing was considered and approved under an application against Condition 4.2 (Ref: F/05552/14) of the S73 Consent. The change to the delivery of the plots was anticipated and is referred to within the wording of Condition 4.2. Consideration was given as to whether the proposed change in phasing would result in any significant adverse environmental or transport impacts or would undermine the comprehensive development of the Brent Cross Cricklewood Development. Having concluded that such impacts would not result from the proposed change in phasing the conditions application was approved on 2 February 2015.

Plots 53 and 54 are currently used by local residents as informal open space. The loss of this greenfield land to development has been established within both the 2010 and 2014 outline permissions where it was considered to be compensated for by the provision of temporary replacement open space as well as the permanent provision of high quality new open spaces and public realm. The most immediate such improvements are those to Claremont Open Space and Clitterhouse Playing fields in Phase 1A (North).

The Claremont Park Open Space and Clitterhouse Playing Fields Improvements (Part 1) are currently under consideration under a separate reserved matters application (15/00769/RMA) for Phase 1A (North). This application will come before members for decision later in the summer.

Given the loss of informal space on the Brent Terrace Triangles at an earlier time than considered within the S73 Consent it is considered appropriate to attach a condition to this reserved matters application requiring a committed programme for the delivery of the Open Space Improvements to Clitterhouse Playing Fields (Part 1) and Claremont Park Open Space to be submitted to and approved in writing by the Local Planning Authority prior to the development of these sites. The condition requires delivery of the improvement works prior to occupation of the residential units.

2. RECOMMENDATION

This application is recommended for **APPROVAL** subject to conditions attached in **Appendix 1**.

3. BACKGROUND

3.1 Outline Consent

An outline masterplan for the comprehensive redevelopment of the Brent Cross Cricklewood (BXC) Regeneration area was approved on 28 October 2010 (reference C/17559/08).

Subsequently this approval was revised under a Section 73 Planning application (F/04687/13) described below. The revision was approved on 23 July 2014

Proposal:

Section 73 Planning application to develop land without complying with the conditions attached to Planning Permission Ref C/17559/08, granted on 28 October 2010 ('the 2010 Permission'), for development as described below: Comprehensive mixed use redevelopment of the Brent Cross Cricklewood Regeneration Area comprising residential uses (Use Class C2, C3 and student/special needs/sheltered housing), a full range of town centre uses including Use Classes A1 - A5, offices, industrial and other business uses within Use Classes B1 - B8, leisure uses, rail based freight facilities, waste handling facility and treatment technology, petrol filling station, hotel and conference facilities, community, health and education facilities, private hospital, open space and public realm, landscaping and recreation facilities, new rail and bus stations, vehicular and pedestrian bridges, underground and multi-storey parking, works to the River Brent and Clitterhouse Stream and associated infrastructure, demolition and alterations of existing building structures, CHP/CCHP, relocated electricity substation, free standing or building mounted wind turbines, alterations to existing railway including Cricklewood railway track and station and Brent Cross London Underground station, creation of new strategic accesses and internal road layout, at grade or underground conveyor from waste handling facility to CHP/CCHP, infrastructure and associated facilities together with any required temporary works or structures and associated utilities/services required by the Development (Outline Application).

The application is accompanied by an Environmental Statement.

3.2 Phasing of the BXC Regeneration Scheme

The S73 Consent is a multi-phase scheme for delivery over a period of 16 years.

F/04687/13 proposes the phased delivery of acceptable comprehensive development for the whole site in accordance with the planning policy.

Phase 1 is proposed to be delivered in sub phases which are divided between north and south. This is to reflect the new delivery responsibilities including the Council's intention to procure a new development partner for the area south of the A406. The sub phases are as follows:

- Phase 1A (North) – this includes all the highways infrastructure to support the northern development including the key highways infrastructure to support the Phase 1 South, such as the improvements to the southern junctions of the A5/A407 Cricklewood Lane and the A407 Cricklewood Lane/Claremont Road Junction improvements. In addition the River Brent re-routeing and Bridge works will be delivered as part of Phase 1A (North), along with the Clitterhouse Playing Fields Part 1 (excluding the Nature Park) and the Claremont Park Improvements. The Living Bridge is included in (and its details will be approved before the commencement of) Phase 1A (North). Under the Revised Section 106 Agreement, its delivery will be triggered by the commencement of Phase 1B (North) and its delivery will be programmed to commence and be completed no later than before the occupation of Phase 1B North plots.
- Phase 1A (South) – A number of highway improvements needed to support Phase 1 of the Southern Development will be provided including the Waste Handling Facility (Diverted Geron Way/A5 junction; Claremont Park Road (Part 1); School Lane Works. In addition Waste Handling facility Rail Sidings and Gantry Craneworks and Threshold spaces at Layfield Place, Fenwick Place and Templehof Circus and Access to Plot 28 would come forward.
- Phase 1B (North) – This includes all of the plot development on the north side with the exception of the residential development within the Brent Cross West Zone. The sub phase also includes the new bus station, reconfigured shopping centre, Brent Cross Main Square, High Street North and other northern pedestrian routes, as well as the Riverside Park, Sturgess Park Improvements and around 300 housing units. Commencement of this Sub-Phase will trigger the BXP's obligations to deliver the Living Bridge which will link into the buildings and public realm to be provided on the Plots forming part of this Sub-Phase.
- Phase 1B (South) – This includes the Market Square, the Clarefield Park Temporary Replacement Open Space the replacement food store, the Waste Handling facility, the CHP and the new and expanded Claremont School, in addition to more than 1000 residential units.
- Phase 1C – This will include the remaining plot development on the south side.

3.3 Whitefield Estate Replacement Units

This reserved matters application brings forward the first housing within the Brent Cross Cricklewood scheme. It is sought at this time to rehouse Whitefield Estate Residents displaced by Phase 1A (North) infrastructure, specifically the delivery of the Living Bridge and works to Tilling Road.

Within the context of the S73 Consent these residents occupy the “Whitefield Estate Existing Units (Part 1)” with the residential development of Plots 53 and 54 providing units within the definition of “Whitefield Estate Replacement Units (Part 1)”.

The ‘Whitefield Estate Replacement units (Part 1)’ within the S106 Agreement linked to the S73 Consent is defined as being 85 units of which 60 are from the existing Whitefield Estate and 25 are Extra Care Units within the Rosa Freedman Centre.

The current proposal seeks to rehouse the Whitefield Estate residents. It does not address the 25 Rosa Freedman Extra Care units, though the obligation to facilitate the rehousing of these residents remains with the Phase 1A (North) development partner.

The 60 Whitefield Estate units are located in Dyson Court, Rawlinson Court, Anderson Court, Claremount Way and 1-16 Whitefield Avenue.

The S106 agreement requires re-provision of these 60 units on a like for like basis. Discussions with the Council’s housing officers and an assessment of current need for the 31 Council Tenants has identified a need for larger units than currently occupied by these residents. The development partner has agreed to a change in the obligation requirements that would respond to the identified need for larger units. Such a change requires a deed of Variation of the S106 agreement which would be reported to a later committee.

Of the 29 leaseholders and freeholders 14 are currently not resident in their property. Therefore whilst they remain entitled to compensation they are not entitled to be rehoused within the regeneration area.

The 15 leaseholders and freeholders who are resident in their properties are accommodated with replacement units of a size in keeping with their existing units.

3.4 Phase 1A (North)

This application is one part of the Phase 1A (North) Reserved Matters applications.

Phase 1A (North) is largely an infrastructure phase. It includes necessary highways infrastructure to support the northern development as well as improvements to critical southern junctions including A5/A407 Cricklewood Lane and the A407 Cricklewood Lane/Claremont Road Junction improvements. The River Brent re-routeing and Bridge works will also be delivered as part of Phase 1A (North), along with the Living Bridge, Replacement Templehof Bridge; Clitterhouse Playing Fields Part 1 (excluding the Nature Park) and the Claremont Park Improvements.

The reserved matters for Phase 1A (North) have been broken down into four

separate reserved matters submissions due to the size, scale and complexity of this initial sub phase of the Brent Cross Cricklewood Regeneration scheme.

Four Reserved Matters Applications were submitted to London Borough of Barnet for Phase 1A (North), however as a result of discussions with the Development Partners, it was agreed that the Infrastructure and Central Brent Riverside Park Reserved Matter Applications would be withdrawn prior to registration whilst their design was progressed further.

The reserved matters that make up Phase 1A (North) are shown in the table below:

Table 1.0

No.	Summary Description	Planning Reference	Status
1.	The residential development of Plots 53 and 54.	15/00720/RMA	Subject of this Committee Report
2.	The Open Space Improvements of Clitterhouse Playing Fields (Part 1) and Claremont Park	15/00769/RMA	Currently under Consideration.
3.	Open Space proposals for Central Brent Riverside Park	N/A	To be submitted in May 2015
4.	Infrastructure Proposals including Roads and Junctions, Templehof and Living Bridges and Relocation of the Brent River corridor.	N/A	To be submitted in May 2015

When submitted the Central Brent Riverside Park and Infrastructure applications will each be subject to public consultation and consideration by the Local Planning Authority.

3.5 Pre-Reserved Matters Conditions

The Section 73 consent ('S73 Consent') for the Brent Cross Regeneration includes a number of Pre-Reserved Matters conditions intended to establish key principles of the forthcoming development. The majority of these require submission prior to applications for reserved matters being submitted to the Council. Reserved Matters applications are required to accord with commitments and strategies approved under these conditions where relevant.

There remain a number of pre-reserved matters applications which are yet to be approved. The wording of these conditions does not specifically require their discharge prior to the approval of Reserved Matters but in some instances there is a direct material relationship between the details of the reserved matters submission and the principals being captured within the conditions.

Appendix 3 of this report shows those S73 Consent Pre Reserved Matters Conditions for Phase 1A (North) which have relevance to the Plots but have yet to be formally determined. In some cases this is due to the lack of detail available regarding the outstanding reserved matters for Phase 1A (North); in other instances there remain issues subject to discussion between the development partners and the LPA which have yet to be resolved, a third category includes conditions where agreement has been reached but conditions have yet to be formally discharged. In all of these circumstances those sections relevant to the reserved matters application for plots 53 and 54 have been confirmed in discussions between the LPA and the development partners to be acceptable.

Condition 1.31 allows for the determination of relevant reserved matters applications in circumstances where conditions have yet to be approved:

“Where in these conditions any document strategy plan or other document or information is required to be submitted prior to any Reserved Matters Application or Other Matters Application required under this Permission, the grant of the relevant Reserved Matters Approval(s) or Other Matters Approval(s) shall be subject to the LPAs prior or simultaneous approval or confirmation (as the case may require) of the relevant document strategy plan or other document or information.

Reason: To ensure that an accurate and consistent interpretation is applied in the application and enforcement of these Conditions and the corresponding provisions in the S106 Agreement.”

As the relevant aspects of these conditions are acceptable to the LPA in the development of the Plots, Committee is in position to make a decision prior to the formal approval of these outstanding conditions.

3.6 Early Delivery of Plots 53 and 54 under Condition 4.2

Plots 53 and 54 were originally included in Phase 1C in the Section 73 application approved in July 2014 but have now been brought forward to Phase 1A (North) to accommodate Whitefield Estate residents.

Condition 4.2 allows consideration of a submission to vary any part of an approved sub phase subject to the demonstration that such change would not have significant adverse environmental effects when compared to the assessments contained within the relevant Environmental Statement, (as submitted against the S73 Consent) or subsequent EIA Process. The condition also requires confirmation that such a change to the phasing would not undermine the comprehensive delivery of the Brent Cross Cricklewood Regeneration Scheme.

Any such application is also required to consider consequential changes to: the necessity for the delivery of Critical Infrastructure; the timing of payments

for the Consolidated Transport Fund and the relevant requirements for pre-commencement condition approvals.

Condition 4.2 was drafted with the explicit recognition that the Brent Terrace Triangle sites (Plots 53 and 54) could be selected as an appropriate location for the Whitefield Estate Replacement Units allowing the early submission and determination of such an application prior to key pre-commencement conditions.

An application to change the phasing of Plots 53 and 54 in accordance with this condition was made under planning reference F/05552/14 and approved on 2nd February 2015.

4. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL

4.1 Site Description and Surroundings

The proposal is spread over two roughly triangular sites of informal open space accessed off Brent Terrace. These plots are identified as Plot 53 (0.45ha) to the north and Plot 54 (0.3ha) to the south.

Brent Terrace is a long and straight cul-de-sac to the north of Cricklewood station. On the western side of the road are 19th century railway worker cottages with tiled roofs. These 2 storey brick buildings have single storey extensions facing Brent Terrace.

The eastern side of Brent Terrace is lined by a mixed native hedge, approx 4-5m in height which forms the boundary of the two triangular sites. The hedge is situated upon a bank which varies in height along the frontage of the plots and raises the western side of the triangles to approximately 1m above the Brent Terrace road level.

The western boundary line of the triangles backs onto private gardens of the residential units of Clitterhouse Crescent. Rear gardens vary in depth from 15m to 25m. Properties on Clitterhouse Crescent are at a higher level than those on Brent Terrace with levels rising through the plots and gardens.

The maximum height difference on plot 53 is 2.9m above the Brent Terrace Road Level, on plot 54 this difference in levels increases to 3.3m.

4.2 Proposal

This reserved matters submission provides details of Layout, Scale, Appearance, Access and Landscaping for the Residential Development of Plots 53 and 54 by 47 units.

The size and form of the residential properties are shown in the table below:

Plot 53 – 30 Units	
Number of units	Size and type of unit
14	2 Bed Flats
10	3 Bed Flats
3	3 Bed Houses
3	4 Bed Houses
Plot 54 – 17 Units	
7	2 Bed Flats
5	3 Bed Flats
4	3 Bed Houses
1	4 Bed Houses

Plot 53 includes 2 similar three storey blocks including houses and flats with a pair of houses at the northern end of the site. 2 cycle parking shelters are proposed on this site along with a single storey building containing the plot development's Combined Heat and Power Plant.

Plot 54 includes a further three storey block (again of similar form to those on Plot 53). A terrace of 3 two storey houses are located to the south of this block. A cycle shelter and an extension to the existing substation complete the built form on this site. To the southern end of the two storey terrace an area of doorstep play of 180m² would be located adjacent to an existing pedestrian route linking Plot 54 to Clitterhouse Road.

Amenity space is provided in the form of private garden space or balconies.

Proposals include grading the sites to achieve a ground level of circa 60-70cm above the road level of Brent Terrace. This will result in areas of retaining wall, of up to 2.5m in height to the east of the main parking areas proposed.

The residential units have been designed with their principal frontage facing Brent Terrace with rear gardens presenting to the backs of Clitterhouse Crescent.

The western elevation of the buildings would include a planting strip of 1.5m in width, a pavement of 2m in depth would provide further separation from a replanted hedge to the frontage of these properties.

1:1 parking is proposed within the site areas. Two vehicular access points are proposed on plot 53, one of which has been widened to provide a turning point for refuse and other large vehicles. Three such access points are proposed on plot 54.

Secure cycle storage for 73 bicycles is also proposed.

The proposal includes an extensive scheme of landscaping including the replanting of the hedge to the Brent Terrace frontage with 2m high (at time of planting) native hedge including Hornbeam, Dogwood, Hazel, Hawthorn and Blackthorn.

In areas where rear Gardens back onto Clitterhouse Crescent screen planting is proposed.

5. MATERIAL CONSIDERATIONS

5.1 Key Relevant Planning Policy

In this case, the Development Plan comprises the London Plan (Consolidated with Further Alterations since 2011) (March 2015) at the strategic level and, at the local level, Barnet's Local Plan (Core Strategy (2012)) and the Saved UDP Policies GCRICK and C1-C11, which apply to the application site and are supplemented by the Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework (2005).

The Council's Development Management Policies DPD (2012) states at paragraph 1.4.3 that it will not apply to planning applications for comprehensive development in the Brent Cross unless and until the Core Strategy is reviewed in accordance with Policy CS2 and Section 20:13 of the Core Strategy.

Detailed consideration of the application against key London Plan and London Borough of Barnet policies can be found in **Appendix 2**.

National Planning Policy Framework

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.

In March 2014 the National Planning Practice Guidance was published (online) as a web based resource. This resource provides an additional level of detail and guidance to support the policies set out in the NPPF.

5.2 Public Consultations and Views Expressed

Public Consultation

746 local residents were consulted by letter. The application was advertised in the local press on 12th February and 6 site notices were put up on site on 12/02/2015. The consultation letters allowed a 4 week period to respond with the consultation period expiring on 10/03/2015.

77 Letters of objection were received in response to this initial consultation.

Following the receipt of amendments and clarifications to the submitted plans 753 local residents were re-consulted by letter on 23/03/2015. The 6 site notices were updated accordingly on 23/03/2015. The letters allowed a 3 week period for the re-consultation period expiring on 13/04/2015.

2 Letters of objection were received in response to this second consultation process.

A summary of the objections received and officer comments in response can be found under **Appendix 4** of this report.

The consultation process carried out for this application is considered to be 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.

The S73 Consent includes a requirement under Condition 1.23 for submission of a Public Consultation Strategy This was submitted to the Council and considered under planning reference 14/07891/CON. It was approved on 31 March 2015. The developer's own consultation process are detailed in the Statement of Community Involvement submitted with the Phase 1A (North) Reserved Matters Submission and accorded with the requirements of the approved strategy.

Consultation Responses from Statutory Consultees and Other Bodies

Environment Agency:

No objection raised.

London Fire Brigade:

No objection raised subject to the inclusion of a condition requiring the installation of dry risers within 18 Meters of the main vehicular access points of each site or the inclusion of a domestic sprinkler system.

Highways Agency:

No objection.

Transport for London:

No Objection

Brent:

No Objection Raised

In addition, the following consultees were notified of the application but have not responded at the time of writing the report: London Borough Of Camden, GLA, Met Police

Internal Consultation responses

Environmental Health:

No concerns raised following resolution of potential noise issues associated with the Combined Heat and Power Plant Proposed details of which have been submitted separately against condition 29.1 confirming that noise levels would be 5dB below background levels at 1m from windows for both new and

existing residential units.

Highways team:

Recommends appropriately worded conditions in respect of details of car parking management and bicycle stand and storage design.

Trees and Landscape:

In addition, the following consultees were notified of the application but did not respond: Green spaces, and Policy.

6. PLANNING CONSIDERATIONS

6.1 Assessment Against Parameters of the 2014 Section 73 Consent

The section 73 consent ('S73 Consent') for Brent Cross Cricklewood is a 'hybrid' permission, in that planning permission has been granted in outline for the majority of the proposed development, whilst detailed permission has been granted in relation to the key gateway access junctions.

Parameters and principles are provided in the approved application documents, in particular within the Revised Development Specification and Framework and the Parameter Plans appended to it, to control the nature and timing of reserved matters applications to accord with the assessments undertaken within the EIA of the likely significant environmental impacts of the Scheme.

The S73 Consent is tied to those key parameters and principles in order to ensure that that proposed development is carried out, used and occupied in accordance with the assumptions which underpin the EIA Process and which the Further Information Report demonstrates accordance with.

The revised Development Specification and Framework (the 'DSF (2013)') sets out the updated physical and other parameters and principles to guide and govern the subsequent design and approval of details in accordance with conditions attached to the S73 Consent. The DSF (2013) identifies aspects of the proposed scheme that fall within the parameters and principles approved under the S73 Consent, and those that do not (the Reserved Matters) which are therefore subject to obtaining Reserved matters approval.

As with other large-scale redevelopment schemes, the need for flexibility was anticipated in framing the 2010 Permission in a way which was specifically designed so as to allow the BXC Development to evolve and respond to market forces and opportunities as well as to enable improvements to be made to the design and delivery of the development in accordance with relevant development plan policies and other guidance.

It is considered that the proposed development of Plots 53 and 54 conforms with all the Parameter Plans except for the Scale Thresholds within Appendix

10 of the Revised Development Specification and Framework. A table demonstrating this conformity can be found in **Appendix 5**.

6.2 Application Under Condition 2.4 for the variation of the width parameter associated with plots 53 and 54 within the DSF

An application has been submitted under condition 2.4 to vary the width parameter associated with Plots 53 and 54 (15/00834/CON).

The buildings proposed under reserved matters application 15/00720/RMA for Plots 53 and 54 have a maximum width of 24m which exceeds the maximum width threshold of 12m contained within the Scale Thresholds table contained within Appendix 10 of the Revised Development Specification Framework (October 2013).

The acceptability of such a variation from the approved parameters must be considered in terms of the acceptability of the proposed buildings when assessed against material planning considerations as well as any relevant standards or guidelines. If it is concluded that the development is acceptable in these terms and that it does not raise significant impacts relating to the Environmental Impact Assessment submitted with the S73 application or have implications relating to the comprehensive delivery of the Brent Cross Cricklewood Regeneration Project, then through Condition 2.4 a variation can be agreed to this parameter in line with the flexibility inherent in the S73 Consent.

Assessment of the variation in the context of the proposed scheme as submitted under application 15/00720/RMA

'Width' as a parameter is defined within the RDSF as: "The shortest elevation (defined by reference to the dimensions of the smallest cuboid which can contain the proposed building) of any proposed building within a building zone."

Blocks A, B and C (which are of a similar form to one another) have a maximum 'width' of 24m. The remaining residential buildings (Terrace 1 and Terrace 2) do not exceed the 12m width Parameter.

In considering the extent of the deviation from the parameter, for 54% of their length the proposed buildings are within the 12m width parameter; a further 21% of the length of the buildings measure between 12m and 13m in width with only the remaining 25% of the buildings' length exceeding 13m in width.

The blocks are designed to respond to the triangular shape of the plots. As a result the depth of the blocks decreases where the plot depth is narrowest. The deepest part of the blocks are contained in the centre of each plot where the overall depth of the plot is the greatest and is considered to be able to accommodate a building of the depth proposed. At this point the blocks maintain a minimum distance from the boundary of 9.7m.

The proposed variation to the width threshold in the Scale Thresholds table is considered to be acceptable for the following reasons:

- The Council's 21m privacy distance between windows to habitable rooms as set out in the Sustainable Design and Construction SPD, is still complied with;
- The distance from boundaries of adjoining properties is considered to be acceptable;
- Scale and relationship of proposed buildings to surrounding context is considered acceptable and the appearance is retained of a 3 storey terrace presenting to the Brent Terrace elevation;
- An acceptable residential environment will be provided that meets the relevant standards. The proposed development meets and achieves amenity space standards for future residents as specified in the Design and Access Statement for the S73 Consent and is higher than London Plan amenity space standards, and meets or exceeds the London Plan internal space standards;
- Doorstop playspace is provided on site for Plot 54 in accordance with London Plan;

A full assessment of the buildings proposed under this RMA application is provided under the relevant headings in the remainder of Section 6 below.

It should be noted that the proposed variation has been assessed on the basis of the submitted proposals for Plot 53 and 54 under application 15/00720/RMA. The acceptability of the change to the width threshold is therefore directly linked to the proposed design and layout of this scheme. Any subsequent reserved matters applications or proposals for these plots would still be required to accord with the original width threshold of 12m as contained in the RDSF and any deviation would be required to be assessed afresh against the relevant material considerations and standards.

6.2 Principle of Development

The residential redevelopment of Plots 53 and 54 has been clearly established within the S73 Consent (F/04687/13) within parameter plans 04 and 05 which identify them as housing development sites.

The proposal to re-house residents of the Whitefield Estate within Plots 53 and 54 is necessary to enable the delivery of early phase highways infrastructure.

The principle of the loss of these informal open spaces has previously been assessed and found acceptable as is established within the S73 Consent.

Density

The proposal has a density of 236 habitable rooms per hectare which is below the indicative density of 298 habitable rooms per hectare established for the

Brent Terrace Zone within which the Plots 53 and 54 are located (set out in table 3B of the revised DSF).

Floor Space Thresholds

Parameter Plan 14 (Floor Space Threshold Building Zones) includes within its supporting text a table (Table 6 Floorspace Thresholds for Building Zones) fixing the maximum level of residential floorspace within each Building Zone. For Plots 53 and 54 (Building Zone -BT1) this amounts to 5,575m² but can be subject to a further 15% increase at the cost of other building zones within the wider Brent Terrace Development Zone. The proposal equates to a Gross External Area of 5,456m² which is within the parameter for floorspace on these plots.

Landuse mix

The landuse mix accords with the S73 Consent which identifies Plots 53 and 54 as a residential (Class C3) phase.

It is therefore considered that the principle of development is supported in terms of the S73 Consent.

6.3 Housing Quality

A high quality built environment, including high quality housing in support of the needs of occupiers and the community is part of the 'sustainable development' imperative of the NPPF. This is implicit in London Plan, Barnet Core Strategy Policies and the UDP saved Policies

Unit mix

Schedule 24 of the S106 agreement provides details of the Whitefield Estate Existing Units (Part 1). This schedule includes a breakdown of secure tenants and leaseholders including a prediction of the number and size of units that may be required.

An assessment of the housing need of the Council tenants within the Existing Whitefield Estate Residents (Part 1) has indicated that their current housing need does not match their existing accommodation. The assessment of housing need of the Whitefield Estate Residents has informed the specific mix of units proposed for Plot 53 and 54 and has resulted in a greater number of larger units being provided in response to the Council's Housing Officer requirements to rehouse the secure tenants.

The following housing mix for Plots 53 and 54 was derived following the Needs assessment of Council Tenants and the existing accommodation of resident freeholders/leaseholders:

Unit Size	Number of Units	Percentage Unit Mix
2 Bed Flat	20	42.6%
3 Bed Flat	15	32.6%

3 Bed House	7	15.0%
4 Bed House	4	8.5%
Total	46	

The increase in the number of larger units would meet the needs of the secure tenants and is considered to be an acceptable response to the needs of the residents to be decanted.

The proposal also includes one additional 2 Bed Flat in excess of the requirements of the Relocated residents within the Existing Whitefield Estate Units (Part 1).

Given the outcome of the needs assessment the proposed mix is considered to be acceptable.

Internal Space Standards

Table 3.3 in the London Plan provides a minimum gross internal floor area for different types of dwelling, as set out in the below table, which shows the areas relevant to the unit types in this proposal.

Table 3.3 Minimum Space standards for new dwellings (adapted from London Plan)

	Dwelling Type (bedroom/persons- bed spaces)	Gross Internal Area Standard (m2)
Flats	2 bedroom 3 person	61
	2 bedroom 4 person	70
	3 bedroom 5 person	86
Houses	3 bedroom 5 person (2 Storey)	96
	3 bedroom 5 person (3 Storey)	102
	4 bedroom 6 person (3 Storey)	113
(Units of this type are not included on table 3.3 of the London Plan, however the necessary GIA has been extrapolated and is in line with the	4 bedroom 7 person (3 Storey)	122

Housing SPG)		
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The submitted plans demonstrate that all flats and houses meet these minimum standards with many exceeding them. The individual dimensions and room sizes within the flats comply with the standards set out in Annex 1 of the London Housing SPG.

Lifetime Homes and wheelchair housing standards

Condition 36.5 of the S73 Consent requires all residential properties to be constructed to meet lifetime Homes. The proposed development accords with this requirement.

Condition 36.6 of the S73 Consent requires at least 10% of housing constructed to be constructed or adaptable to meet the needs of Wheelchair users in accordance with standards detailed within the Design and Access Statement.

3 wheelchair adaptable units are proposed equating to 6.4% of the development. This exceeds the existing requirements of the Whitefield Estate residents who it is proposed will be relocated to these dwellings.

The shortfall from the 10% requirement can be accounted for in an increased proportion of Wheelchair units in future residential development and this is therefore considered to be acceptable.

Amenity space and playspace provision

Within the Revised Design and Access Statement the amenity space provision for development within the Brent Cross Cricklewood regeneration area is established. The relevant unit types and requirements are captured in the table below.

Unit Type	Amenity Space Requirement
2 Bed Flat on Ground Level	5m ² Terrace, Minimum Depth of 1.5m
2 Bed Flat on Upper Level	5m ² Terrace or balcony 1.5m deep
3 or 4 Bed Flat on Ground Level	14m ² Terrace, Minimum Depth 1.5m
3 or 4 Bed Flat on Upper Level	8m ² Terrace or Balcony 1.5m deep
3 Bed House	25m ² Private Garden
4 Bed House	45m ² Private Garden

All units are provided with private amenity space which accords with the requirements above. All of the houses and some of the ground floor flats have private back gardens which range in size from 45m² to 100m². Most of the houses also have balconies or roof terraces on the upper floors. All other units have inset balconies of 7m² in the case of 2 bed flats or 8m² for 3 bed flats.

The proposal accords and often exceeds the required amenity space standards established in the S73 Consent.

Plot 53 falls within 100m of the proposed Claremont Park which includes play areas and open space facilities. This distance is in line with the London Plan Play Space Requirements and therefore no separate play provision is required on the northernmost plot.

Plot 54 is in excess of 100m from the proposed Claremont Park but is less than 400m from Claremont Park. In order to comply with the Mayor's standards the scheme includes within the area of Plot 54 180m² of doorstep play space. An illustrative layout is provided for this area and a condition has been applied to ensure satisfactory provision.

6.4 Design

Height, scale and massing

As stated above and demonstrated within **Appendix 6** the height of the proposed development accords with approved scale thresholds. Three storey buildings are permitted under the approved parameter for plots 53 and 54

The proposed development is of 3 storeys in height within the context of existing two storey pitched roof buildings to the east and west of the development site.

Buildings on Clitterhouse Crescent are well separated from the proposal by deep rear gardens. Levels rise towards these properties thereby reducing impact upon outlook.

Properties on Brent Terrace have a lower ridge line to that of the proposed development, however the distance between the main elevations of these is retained at 21m and the proposed grading of levels on the application site minimises any visual impacts along this street view.

Given the distance of separation between the existing and the proposed development the minor height increase between the pitched ridge of Brent Terrace and the flat roof of the proposed development is considered to be acceptable.

The proposal presents as a three storey terrace towards properties on Brent Terrace. The greatest unbroken length at 1st floor level is 44m, occurring at blocks A, B and C. This is significantly reduced from the unbroken lengths of Brent Terrace.

At the second floor towards Brent Terrace the blocks are broken by a roof terrace and two set back balconies which break down the scale of the proposed frontage and Provide Articulation.

When viewed from Clitterhouse Crescent the depth of the gardens and the increase in levels again reduce the apparent scale of the proposals. The roof terraces which extend through the depth of the blocks again break up the scale of the development. A setback has been designed into the rear

elevation to provide a further break to the overall scale of the development.

In terms of height scale and massing it is considered that the proposed development is acceptable in its context in the street scene and its impact upon the outlook of neighbouring properties.

Layout

The layout of the proposed development responds to the roughly triangular form of the sites, maintaining acceptable privacy distances towards Clitterhouse Crescent to the east whilst presenting a terraced frontage towards Brent Terrace to the west.

The Centre of the two plots has in each case been reserved for the large areas of car parking required. This results in a level of overlooking to the car parking area from the proposed properties improving security whilst preventing views of a large area of car parking from the Brent Terrace Frontage.

The proposal is considered to satisfactorily to the application site and adjacent existing residential units in terms of its layout.

Character, and appearance

The proposed development presents a modern response to the existing Victorian form of Brent Terrace and the 1930's terraced and semi-detached properties of Clitterhouse Crescent.

The rhythm of windows within the Brent Terrace frontage along with the spacing of balconies and roof terraces has been designed to respond to the rhythm of housing widths on the Victorian Terrace to the west.

A selection of materials has been made in response to Brent Terrace including a variegated red/brown brick reflecting the colours and tones of the railway cottages with reconstituted Portland stone for use on balustrades cils and lintels. Continuity of materials will provide a link between the existing terrace and proposed development.

Landscaping proposals, including the proposed 2m high hedge to the Brent Terrace Frontage and screening planting to the rear will soften the boundary to the proposed development whilst providing a degree of screening. Details have been provided of paving materials which combined with hardwood timber screens and brick retaining walls will ensure a distinct and bespoke quality finish to the resulting development.

The combination of materials, form of development and proposed soft and hard landscaping are considered to result in an acceptable development of plots 53 and 54.

Safety and security

The existing properties in Clitterhouse Crescent have rear gardens which adjoin the existing informal open spaces. Their boundaries are therefore partly exposed to publicly accessible areas. The proposed development will provide private rear gardens which will back onto the Clitterhouse Crescent Properties in accordance with sound urban design principles. The development will therefore result in a level of security which these properties do not currently benefit from.

The proposed development provides secure facilities for the provision of cycle parking spaces within the plots. Car parking is provided within the site in areas with significant levels of overlooking providing a high degree of security for vehicle owners.

The level of activity resulting from the development along with passive overlooking will improve security within publicly accessible open space to the north of plot 53 as well as to the pedestrian cut through to the south of plot 54.

The Csubmission is considered to accord with secure by design principles.

6.5 Impacts on Amenities of Neighbouring Occupiers

Privacy, overlooking and outlook

The S73 approval does not include any Brent Cross Cricklewood specific controls over privacy distances.

Barnet's standards are laid out in the Sustainable design and Construction SPD where it is stated that "in new residential development there should be a minimum distance of 21m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5m to a neighbouring garden."

The same standards are also captured within the Council's Residential Design Guidance with the proviso that shorter distances may be acceptable between new build properties where there are material justifications.

It is further stated that: "In higher density schemes such as in regeneration areas, where less distance is provided, innovative design solutions should be used so as to avoid overlooking, such as: angled windows, careful choice of window locations, obscured glazing, use of level changes, staggering of windows, screening and single aspect dwellings (only where the above cannot be applied)."

Plots 53 and 54 fall within a regeneration area where local policy accepts breaches of a strict window to window distance of 21m for habitable rooms and overlooking from habitable rooms into gardens of 10.5m from habitable rooms can be accepted subject to material justification.

In relation to Clitterhouse Crescent the proposed development meets the boundary with private rear gardens or car parking. A strip of Native Structure

Planting between the private gardens and Plots 53 and 54 would help to reduce the impact of any privacy concerns.

A significant level change occurs between the properties on Clitterhouse Crescent and Plots 53 and 54. Proposals include the grading of Plots 53 and 54 to reduce the final floor level of the proposed blocks and houses to up to a storey in height below the houses on Clitterhouse Crescent.

In all instances the distance between Windows to habitable rooms on Clitterhouse Crescent and Plots 53 & 54 would achieve a distance of at least 21m. The large depth of many Clitterhouse Crescent gardens results in a significantly greater depth in the majority of locations.

There are instances where the distance of habitable rooms to gardens does fall below 10.5m, however in these cases screening from existing trees/hedges to be retained or from proposed planting is considered to overcome any concerns raised. The reduction in distance is not in excess of 1m at second storey height or 1.5m at the 1st floor and is only occasional with the majority of windows achieving the required privacy distance.

It is considered that there is no significant overlooking that would result from ground floor windows due to the level change between Clitterhouse Crescent and Plots 53 & 54 combined with the proposed fencing and planting to the rear of the sites.

The planting proposed to the boundary includes a variety of native trees to supplement existing vegetation in the rear of Clitterhouse Crescent properties combined with shrub species to provide a robust screen. Wildflower plugs and understory species will also be planted to improve the biodiversity of the site.

A list is provided below of the habitable rooms that breach the 10.5 m privacy distance, with a description of existing screening to be retained or any proposed planting.

Plot 53

Units	Distance to the Boundary	Screening
Block A unit 12 (1 st Floor) and unit 16 (2 nd floor)	9.7m	Retained trees: Lawson Cypress, Silver Birch and Hawthorne
Block B Unit 12 (1 st Floor and Unit 25 (2 nd Floor)	9.8m	Planting of 3 x Wild Service Trees
Block C Unit 31 (1 st Floor)	9m	Retained Trees: Apple, Holly, mixed shrubs and London Plane.
Terrace 2 Unit 47 (1 st Floor)	9.5m	Retained: Leyland Cypress Planted: Common Oak and Field Maple

A number of balconies and roof terraces have the potential to cause privacy issues to Clitterhouse Crescent Properties. The proposed plans and elevations have demonstrated that screening will be used in these locations to prevent loss of privacy. A condition has been applied to the submission to ensure that such provisions are acceptable both in terms of their screening and their impact upon the appearance of the development.

In relation to Brent Terrace these properties again back onto Plots 53 and 54 across the roadway.

The front elevation of the development is set 14m from the rear boundary of Properties on Brent Terrace. In some instances the rear yards of Brent Terrace properties are in use as amenity areas, elsewhere they are utilised for off road parking. Privacy distances from the proposed buildings are therefore acceptable in terms of habitable rooms overlooking amenity spaces as the distance to these properties is in excess of 10.5m.

At ground floor level single storey rear extensions from Brent Terrace extend to the rear of the properties narrowing the distance from elevation to elevation to 17.5m, however a 2m high 'instant' Hedge is to be planted to the western elevation of the plots to replace the existing hedge. This would prevent overlooking from facing ground floor windows to habitable rooms. At upper floors there is a 22m distance between the proposed elevations and those of existing Brent terrace properties, exceeding Barnet's privacy standards.

In terms of privacy it is considered that the combination of planting, level changes and the low frequency of windows to habitable rooms in elevations in the closest proximity to the boundary with Clitterhouse Crescent combined with the hedge planting to the western boundary result in a development which is acceptable in terms of its privacy impacts upon existing residents.

Daylight, sunlight and overshadowing

The application is supported by BRE daylight, sunlight and overshadowing assessments produced by 'GL Hearn Ltd.' and 'BMT Fluid Mechanics'

The GL Hearn assessment considered the potential for the proposed development to impact upon existing residents. The BMT report addresses the acceptability of the proposed development for future occupants.

The following tests were undertaken:

- Vertical Sky Component (VSC) – A measure of the amount of skylight available at the centre of a habitable room window and also, the amount of direct skylight received inside the corresponding habitable room. The BRE guide states that daylighting may be affected if the VSC calculation is less than 27% or less than 0.8 times its former value;
- Daylight Distribution (DD) – A measure that calculates the amount of area of a habitable rooms which receives direct skylight and how much does not. The BRE guide recommends that the minimum DD values

should be achieved for bedrooms (1%), living rooms (1.5%) and kitchens (2%);

- Annual Probable Sunlight Hours (APSH) – Is a measure of the average number of hours per year in which direct sunlight is received by a window. The BRE guide states that rooms may be affected if they receive less than 25% APSH for the year and 5% APSH for the winter;
- Average Daylight Factor (ADF) – Is a measure of the daylight received inside a habitable room. The BRE guide recommends that the minimum ADF values should be achieved for bedrooms (1%), living rooms (1.5%) and kitchens (2%); and
- Shadowing: The BRE guide recommends that at least half the area of an amenity space should receive at least 2hrs of sunlight on the equinox (21 March).

The GL Hearn report concludes that in terms of overshadowing the proposed development would accord with BRE Standards resulting in no significant overshadowing to properties on Clitterhouse Crescent or Brent Terrace.

Daylight and Sunlight Amenity were also considered by GL Hearn. It is identified within the assessment that windows in the ground floor rear extensions of 56 and 58 Brent Terrace would not accord with the 25 degree line test when considering the height and proximity of Block C. However acceptable levels are achieved in terms of the Vertical sky component assessment thereby making these windows BRE Daylight /Sunlight compliant.

In considering the amenities of future occupants of the plots the BMT assessment concludes that as regards Annual Probable Sunlight Hours although there are instances of recessed Ground level windows located Blocks A, B and C falling marginally below the guidelines this would not significantly impact upon the amenities of future occupants.

All amenity spaces achieved at least 2 hours of direct sunlight to 50% of their area on 21st March thereby meeting the standards.

The VSC assessment demonstrated that 89% of the windows achieved the standard required. Of the remaining 35 windows which failed to achieve this standard in 24 cases the value is not achieved due to the set back of windows from ground floor terraces or 1st floor balconies. In the absence of these necessary external amenity areas the windows to these habitable rooms would be flush with the main elevation of the building and would achieve the required standard.

7 of the remaining 11 windows which fail to achieve the standard are to rooms which include a second or third window which does achieve the standard.

Of the 4 remaining sub-standard windows two are to non-habitable rooms (bathrooms).

There are therefore only two windows to Habitable rooms (bedrooms in each case) which fail to meet the VSC assessment these both exceed a level which

is typically considered acceptable in a built up urban area.

Considering the findings of the Sunlight and Daylight assessments above the proposed development is considered to be acceptable both in terms of its impacts upon existing adjacent residents and upon the future occupants of the residential units proposed.

Noise and general disturbance

A detailed Acoustic Design Report was submitted and approved under planning condition 29.1 regarding the potential noise impacts upon Plots 53 and 54. This confirmed that noise levels within the proposed development were acceptable and that good internal noise standards with reference to BS8233 would be achieved for all proposed units.

Environmental Health officers have considered the potential for the proposed CHP plant to impact upon noise levels in adjacent existing properties. Details provided of the noise levels that would result from such plant are not considered to present a significant noise impact upon existing residents.

6.6 Transport, highways and parking

The Phase 1 PTR has been submitted under Condition 37.2. (Ref: The PTR covers the entire Phase 1 area north and south of the A406 which extends to circa 370,000sqm of development floorspace which includes 1,840 residential units.

The 47 units proposed on Plots 53 and 54 represent a very small component of the development floorspace considered, and represent a replacement of existing premises in the Whitefield Residential Estate rather than additional homes within the regeneration area. Given the strategic nature of the PTR it does not deal with Plots 53 and 54 in great detail. Thus the conclusions of the study are considered acceptable in the context of this RMA.

The RMTR sets out in more detail the specific transport characteristics of the Phase 1A North RMAs.

In respect of Plots 53 and 54 it explains that pedestrians and cyclists will be able to access the plots from the north via the new Claremont Park or Brent Terrace North which both provide access to the frontage of the plots on Brent Terrace South.

Cyclists would also be able to access the development plots from the A41 Hendon Way to the east by travelling along The Vale and then Brent Terrace South from the southern end or via the new segregated route across Clitterhouse Playing Fields and through Clitterhouse Crescent as a more direct route from the east.

Pedestrians would be able to access the development plots from the north via Clarefield Park and from the east and south via Clitterhouse Road and Clitterhouse Crescent/Brent Terrace South.

Two areas of cycle parking will be provided within Plot 53 and one area of cycle parking will be provided for Plot 54 to accommodate residents who wish to cycle to / from the development. One cycle space will be provided for each two bedroom unit, and two for each three or four bedroom unit, resulting in a total provision of 73 cycle spaces.

The RMTR explains that there are a number of bus stops located on Claremont Road which can be accessed from the development plots. Two bus stops are situated within an approximate 400m walking distance of Plot 53 located close to the northern junction with Clitterhouse Road and a further two bus stops are situated within an approximate 200m walking distance of Plot 54 in the vicinity of the southern junction with Clitterhouse Road. These bus stops are served by bus routes 102, 189 and C11.

The RMTR describes that vehicles will be able to access the development plots via Brent Terrace South, with a total of 47 parking spaces provided across the two plots. There will be two vehicle access points into Plot 53 which will accommodate 30 parking spaces in total with a main parking area in the centre of the site (22 bays) and a smaller parking area to the south (eight bays). There will be three vehicle access points into Plot 54 which will accommodate 17 parking spaces in total with a main parking area in the centre (twelve bays) and additional areas to the north (three bays) and south (two bays). The main parking area provided for Plot 53 will allow vehicles (including servicing and emergency vehicles) to turn around.

An all mode trip generation has been derived for the development plots using all mode trip rates. The mode share has been based on the existing travel patterns of residents living within the Golders Green ward where the development plots are located using the 'Method of Travel to Work' dataset within the 2011 Census database.

The RMTR shows that the development plots would be expected to generate approximately 28 all mode trips during the weekday AM peak, 19 all mode trips during the weekday PM peak and 11 all mode trips during the Saturday peak period. It is noted that these trips are not new to the network as they will replace those originally generated by the Whitefield Estate dwellings.

In light of the above the transport characteristics of the RMA for Plots 53 and 54 as set out in the RMTR are considered to be acceptable.

Servicing and parking provision

All houses will have their own refuse / recycling bin store, however some are located more than the 10m accessible distance from an entry point to Brent terrace. Site management will need to ensure that these bins are collected and placed in an accessible location within 10m of the carriageway to allow collection from Brent Terrace.

The apartments each have their own communal bin store adjacent to the car park areas. These stores are within 10m of the Brent Terrace carriageway.

Plot 53, the northernmost of the Triangles includes an entranceway which will allow refuse vehicles to undertake a three point turn. As well as bringing the vehicle to a position immediately adjacent to the Refuse stores of Blocks A and B this provides a turning point which will significantly improve the accessibility of Brent Terrace to refuse and other long vehicles.

Refuse vehicles currently have to reverse over 800m to reach all residential properties the introduction of the turning circle at plot 53 would reduce this to little over 80m.

Swept Path Analysis has been undertaken to demonstrate the usability of this turning head.

Parking provision is provided on a 1:1 ratio in accordance with the levels of parking captured under paragraph 2.40 of the DSF.

In terms of servicing and parking provision the proposal is considered to be acceptable.

6.8 Energy, Sustainability, and Resources

The proposed development is required by condition 35.6 of the S73 Consent to comply with the approved Revised Energy Strategy.

A condition has been applied to the reserved matters application for compliance to be demonstrated. This condition allows a degree of flexibility subject to the development continuing to accord with the requirements of the Revised Energy Strategy given the proposed development will be constructed by an Affordable Housing Provider who was not involved in the detailed design of the proposal.

Subject to the inclusion of this condition the proposal is considered to be acceptable in this regard

6.9 Landscaping and biodiversity

The 'sustainable development' imperative of NPPF 2012 includes enhancing the natural environment and improving biodiversity (para 7). London Plan 2011 policy 7.19 states that development proposals, where possible, should make a positive contribution to the protection, enhancement, creation and management of biodiversity.

Ecology

Improvements to the ecological value of the existing site are proposed. The current site includes a poorly maintained area of grassland with intermittent tree and scrub planting to the western boundary of Brent Terrace.

Proposals create new opportunities for local wildlife on the site as part of a green corridor within the local area. Including: use of predominantly native replanting including fruit and flower trees; retained and replanted hedging to the western boundary; provision of a tiered woodland/hedge habitat to the eastern boundary including shade tolerant ground flora; inclusion of green roofs to provide foraging habitats for birds, bats and invertebrates; Placement of Bird and bat boxes in identified locations and the creation of Insect Hotels/log piles within the eastern boundary planting.

Whilst the existing hedge is proposed for removal to the western frontage of Plots 53 and 54 it is retained between the sites. Where removed it will be subject to replacement with a 2m high 3m deep hedge with a more diverse make up in terms of native plant species including: Hornbeam, Dogwood, Hazel, Hawthorne and Blackthorne. Intermittent planting of larger 'Callery Pear' trees would provide a distinct visual feature within the hedge to the plot frontage and this will be combined with a hedgerow Wildflower mix at the margins.

It is considered that the proposed planting strategy and wider approach to biodiversity proposed responds appropriately to the retention of the site's value as a green corridor along Brent Terrace and improves upon the diversity of existing plant life adding to the overall biodiversity of the plots.

6.10 Relationship to Delivery of Open Space Improvements

The London Plan contains revised policies relating to London's open space network, including Policy 2.18 (Green infrastructure: the network of open and green spaces), Policy 3.6 (Children and young people's play and informal recreation facilities) and Policy 7.18 (Protecting local open space and addressing local deficiency).

The Mayor published the 'Shaping Neighbourhoods: Play and Informal Recreation SPG in September 2012. The guidance supports the implementation of the London Plan Policy 3.6 on 'Children and Young People's Play and Informal Recreation Facilities,' and other policies on shaping neighbourhoods (Chapter 7 of the London Plan), in particular Policy 7.1 on Lifetime Neighbourhoods.

Policy CS 7 of Barnet's Core Strategy (adopted September 2012) aspires to create a greener Barnet. The policy aims to meet increased demand for open space through:

- Securing improvements to access, children's play and sports facilities.
- Maintaining and improving the greening of the environment through protection of green space, trees, hedgerows and watercourses and enabling green corridors to link green spaces.
- Ensuring development protects existing site ecology and makes the fullest contributions to enhancing biodiversity, both through on-site measures and by contribution to local biodiversity improvements.

Phased delivery of Open Space

The outline Master Plan for the BXC development approved in 2010 and amended by the Section 73 application in 2014 will result in an increase (from the existing amount of open space) of approximately 9 ha at the end of the development period.

It was recognised that a number of existing parks would be lost to development (e.g. Clarefield Park) as well as a number of informal open spaces such as the Brent Terrace Triangles. New parks will be created such as Eastern Park and Brent Terrace Park (the new park closest to the Brent Terrace Triangles).

Open Space in Phase 1 North

The various Reserved Matter Applications for Phase 1 North will result in the loss of Clarefield Park and the loss of the Brent Terrace Triangle informal open space. Clarefield Park will be lost to enable the construction of highways infrastructure as will a number of properties on the Whitefield Estate.

Condition 20.20 of the S73 consent requires that Clarefield Park cannot be closed to the public or for any part of the park to be redeveloped unless and until the practical completion of Claremont Park and Clitterhouse Playing Fields (Part 1) in accordance with reserved matters currently under consideration under application 15/00769/RMA and other relevant and necessary consents. This will ensure the early delivery of the improvement works to these parks it would not however ensure their delivery prior to the loss of the informal open space at the Triangles.

The early development of housing on the Brent Terrace triangles in order to provide housing for the Whitefield Residents is anticipated in Condition 4.2 attached to the Section 73 permission. This change in phasing was approved on 2nd February 2015.

New and improved open spaces will also be provided as part of the Reserved Matter Applications for Phase 1A (North). These include the Brent Riverside Park and improvements at Clitterhouse Playing Fields and Claremont Open Space.

Open Space Improvements currently under consideration within Reserved Matters application 15/00769/RMA include:

Clitterhouse Playing Fields (Part 1)

- Pavilion including Café, Changing Rooms, Store and public toilets.
- Maintenance Store and Offices for Council's Green Spaces team to manage the improved Playing fields and other nearby facilities.
- Car Park & Cycle Parking
- Recreation and Leisure Facilities: to include Green Corridors, Sports Pitches, Play Provision, Public Gardens and Informal Recreation Facilities

- Biodiversity improvements
- Network of Pathways and Gateways.
- Sports Pitches: Sports pitch provision including the provision of 3 x Senior and 2 junior, 4 formal mini soccer pitches + 3 informal mini soccer pitches; six tennis courts/MUGA
- Play Provision: Provision of a “destination play area” to be a minimum of 5,000 m2 in total with facilities for all age groups.
- Public Gardens: Provision for public gardens to provide space for quiet recreation, separate from intensive sports provision. To include areas of seasonal and attractive planting, trees for shelter, pathways and seating.

Claremont Park Open Space

- Green Corridor: Provision of planting to the southern boundary of the park to form a screen between existing residential properties and the new park area. To be a maximum of 5m width of native hedge planting along the boundary.
- Network of Pathways: Provision of a clear network of pathways through the park to link park entrances and key facilities.
- Play Provision: Provision of a Neighbourhood Play Area to be a minimum of 2,000m2 in total. For all age groups
- Planting, landforms and picnic area (minimum 200 m2) with picnic tables and benches.
- Informal Recreation Facilities.

Officers recognise that residents of Brent Terrace will lose the informal open spaces on the Triangles relatively early in the overall development and are recommending that a condition be imposed on this application to make sure that the qualitative improvements at Claremont Park and Clitterhouse Playing fields are delivered at the same time as the proposed housing development on the Brent Terrace Triangles.

7. ENVIRONMENTAL IMPACT ASSESSMENT

The EIA procedure in the UK is directed by the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 (the ‘Regulations’), EU Directive 85/337/EEC (as amended), as well as the National Planning Practice Guidance (2014).

Regulation 8 of the Regulations requires local planning authorities to consider whether or not the environmental information already before them (i.e. the ES submitted with the 2013 hybrid application F/04687/13 and any additional environmental information) is adequate to assess the environmental effects of the development:

To demonstrate the continued acceptability of the ES associated with

F/04687/13 in the context of the detailed reserved matters applications for Phase 1a (North) an Environmental Statement Further Information Report (the 'ES FIR') has been submitted.

Within the ES FIR it is necessary to consider the impact of all relevant aspects of Phase 1a (north). The report therefore considers all of the Reserved matters submissions to date and their individual and cumulative effects.

The information assessed within the ES FIR is based upon the proposals within the Reserved matters submissions made to the Council in February, including those withdrawn prior to registration. The changes currently being made to Infrastructure and Central Brent Riverside Park Reserved Matters applications will necessitate an update to the ES FIR in order to reflect any changes in Environmental Impacts arising.

The amendments and additional information submitted against the reserved matters application for the Brent Terrace Triangles do not have any new or different significant effects so as to warrant changes to the relevant parts of the ES FIR.

The existing Environmental Statement associated with the S73 Consent supplemented by the ES FIR and the other additional environmental information previously submitted satisfactorily assess and address the impacts of the development for the purposes of determining the Plots 53 and 54 Reserved Matters application.

8. EQUALITY 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; and
- 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 site is accessible by various modes of transport, including by foot, bicycle, public transport and private car, thus providing a range of transport choices for all users of the site.

3 of the flats will be wheelchair accessible and/or able to be modified to accommodate a wheelchair occupier. Whilst this is at a lower level than required under the S73 Consent it exceeds the identified need from the relocated Whitefield Estate units and the shortfall can be made up in future residential development.

The development includes level, step-free pedestrian approaches to the main entrances to the building to ensure that all occupiers and visitors of the development can move freely in and around the public and private communal spaces.

3 dedicated parking spaces for people with a disability will be provided in locations convenient to the entrances to the parking area.

The proposals are considered to be in accordance with national, regional and local policy by establishing an inclusive design, providing an environment which is accessible to all.

9. CONCLUSION

The proposal represents the first reserved matters application for consideration by the Planning Committee for the Brent Cross Cricklewood Regeneration Scheme, in providing housing for the Existing Whitefield Estate residents it unlocks the delivery of infrastructure to be delivered in Phase 1A (North) of the development.

The development of Plots 53 and 54 has been considered against the parameters and controls captured within the S73 Consent. Whilst exceeding a Scale Threshold parameter it has been demonstrated that this would not result in a materially unacceptable proposal and given the flexibility inherent in the outline consent the variation of this parameter can be allowed through the submission against condition 2.4 of the S73 Consent. In all other regards the details submitted are considered to be in accordance with the parameters established by the outline consent including the EIA. The submission is also assessed against relevant policies where applicable to the scheme.

The design would provide a high quality residential environment responding to the character of existing surrounding residential properties. No significant new, additional or cumulative impacts are identified including any potential

impacts to the amenity neighbours or future occupiers. Nor are there any significant impacts identified in transport and parking terms.

The scheme makes provision for waste and recycling, as well as energy efficiency/sustainability and landscaping/biodiversity. The application is recommended for approval subject to appropriately worded conditions.

LIST OF APPENDICES

APPENDIX 1 – CONDITIONS

APPENDIX 2 – POLICY COMPLIANCE

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SPECIFICATION AND FRAMEWORK

SITE PLANS AND CGI

Plot 53 Ground Floor Plan



Plot 54 Ground Floor Plan



CGI Street View of Plot 54 from Brent Terrace



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APPENDIX 1

Conditions

The term 'development' in the conditions below means the development permitted by this consent.

1	<u>Approved plans</u>	
	The development hereby permitted shall be carried out in accordance with the following approved plans (subject to Condition 7) unless minor variations are agreed in writing after the date of this reserved matters consent with the Local Planning Authority:	
	Existing Site Plan	HT-1413-P-1 A
	Proposed Site Plan	HT-1413-P-2 A
	Plot 53 - Ground floor plan	HT-1413-P-3 A
	Plot 53 - Upper floor plans	HT-1413-P-4 A
	Plot 54 - Ground floor plan	HT-1413-P-5 A
	Plot 54 - Upper floor plans	HT-1413-P-6 A
	Terrace 1 and Block A - G+0	HT-1413-P-7 A
	Terrace 1 and Block A - G+1	HT-1413-P-8 A
	Terrace 1 and Block A - G+2	HT-1413-P-9 A
	Terrace 1 - Plans and Elevations	HT-1413-P-10 A
	Block A Houses - Plans and Elevations	HT-1413-P-11 A
	Block B Houses - Plans and Elevations	HT-1413-P-12 A
	Blocks A, B and C - Ground floor plan and Elevation	HT-1413-P-13 A
	Blocks A, B and C - First floor plan and Elevation	HT-1413-P-14 A
	Terrace 2 - Plans and Elevations	HT-1413-P-15 A
	Terrace 2 - Elevations	HT-1413-P-16 A
	Bike Store And CHP - Elevations	HT-1413-P-17 A
	Block B - G+0 and Street Elevation	HT-1413-P-18 A
	Block B - G+1 and Garden Elevation	HT-1413-P-19 A
	Block B - G+2 and Side Elevation	HT-1413-P-20 A
	Block C - G+0 and Street Elevation	HT-1413-P-21 A
	Block C - G+1 and Garden Elevation	HT-1413-P-22 A
	Block C - G+2 and Side Elevation	HT-1413-P-23 A
	Typical Block Sections	HT-1413-P-50 A
	Landscape General Arrangement	1065-10-001 G
	Plot 53 Landscape GA	1065-10-003 C
	Plot 54 Landscape GA	1065-10-004 C
	Tree Retention and Removal with proposed layout	1065-10-011 G
	Sections A-AA and B-BB	1065-10-020 D
	Sections C-CC and D-DD	1065-10-021 D
	Sections E-EE and F-FF	1065-10-022 D

	Sections G-GG and H-HH	1065-10-023	D
	Planting Plan 1	1065-10-201	D
	Planting Plan 2	1065-10-202	D
	Tree Pit in Soft Under 20cm girth	1065-10-401	-
	Tree Pit in Soft over 20cm girth	1065-10-402	-
	Permeable Paving Blocks Setts	1065-10-404	-
	High Quality Concrete Slab Paving	1065-10-405	-
	Low Brick Planter	1065-10-407	-
	Brick Boundary Wall	1065-10-410	-
	Hardwood Timber Screens	1065-10-411	-
	Concrete Plinth Bench	1065-10-418	-
	Light Column Protector	1065-10-419	-
	Entrance Road Detail	1065-10-425	-
	Tree Protector - Knee rail	1065-10-426	-
	<p><u>Reason:</u> 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 application as assessed in accordance with policies CS1, CS4, CS5, DM01 and DM02 of the Barnet Local Plan and policy 1.1 of the London Plan.</p>		
2	<u>Cycle Parking</u>		
	<p>Prior to commencement of development details of the proposed layout for cycle storage areas which demonstrates the accommodation of 73 cycle parking spaces within the proposed storage areas shall be submitted for approval in writing of the local planning authority.</p> <p>Thereafter, the cycle parking and cycle storage areas shall be maintained in good working order and made available to residents at all times for the lifetime of the development unless otherwise agreed in writing by the local planning authority.</p> <p><u>Reason:</u> 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.</p>		
3	<u>Privacy screens and obscure balcony balustrade returns</u>		
	<p>Notwithstanding the details shown on the plans otherwise approved the development shall not be occupied until details of the privacy screens to terraces and balconies and obscure glassed return balustrading to balconies are submitted to and approved in writing by the Local Planning Authority which specify the details of the privacy screens to terraces and balconies and obscure glazed return balustrading to balconies.</p>		

	<p>Before the blocks are occupied the development shall be implemented in full accordance with the approved details and the approved details shall be permanently retained thereafter.</p> <p><u>Reason:</u> To safeguard the privacy and amenities of the future occupiers of the proposed residential dwellings.</p>
4	<u>Dry Riser / Sprinkler</u>
	<p>Prior to commencement of the development details of dry riser or sprinklers associated with each of the blocks shall be submitted to and approved in writing by the Local Authority. The development shall then be implemented in line with the details approved.</p> <p><u>Reason:</u> To ensure the safety of future residents in response to comments from London Fire Brigade</p>
5	<u>Materials</u>
	<p>Notwithstanding the submitted plans, before the development hereby permitted commences samples of the materials to be used for the external surfaces of the building and hard surfaced areas shall be submitted to and agreed in writing by the Local Planning Authority including, though not limited to:</p> <p>Sample glazing with window/door frame(s) Balustrade and edge detail. Roofing materials, including roof parapets and overhangs to flats. Typical rainwater goods (section of gutter, downpipe etc) Sample areas of brickwork and mortar. Areas of parking and paving</p> <p>All works shall conform to those materials approved.</p> <p><u>Reason:</u> To safeguard the visual amenities of the building and surrounding area.</p>
6	<u>Details</u>
	<p>Notwithstanding the submitted plans, before the development hereby permitted is commenced the following construction details at 1:20 scale (except where otherwise indicated) shall be submitted to and agreed in writing by the Local Planning Authority:</p> <p>(i) Balcony doors to flats (ii) Balcony balustrades (iii) Gates and Railings (iv) Main entranceways to flats and live/work units (v) Roof parapets and overhangs to flats and houses (vi) Rainwater goods (gutters, down pipes etc) (1:100) (vii) All plant at roof level - including any Photovoltaics (1:50) (viii) Locations of all service intakes and meters (no meter boxes to be</p>

	<p>visible on front facades).</p> <p>All works shall conform to those details approved.</p> <p>Reason: To safeguard the visual amenities of the building and surrounding area.</p>
7	Revised Energy Compliance
	<p>Notwithstanding the submitted plans, prior to commencement of the development a report demonstrating compliance with the Revised Energy Strategy (submitted and approved against condition 35.6 of planning permission ref: F/04687/13, or any amended Revised Energy Strategy) shall be submitted to and approved in writing by the LPA.</p> <p>The report shall include details of any Carbon reducing measures required, whether via CHP or alternative means, in order to achieve compliance with the Revised Energy Strategy.</p> <p>Details shall clearly demonstrate any resulting visual impact and where necessary include necessary landscaping details resulting from the approach to compliance.</p> <p>Any updates to the submitted plans from those listed in Condition 1 as a result of the report shall be submitted to and approved in writing by the LPA and the development shall be implemented in accordance with these approved details.</p> <p>Reason: To secure the maximum practicable reduction in carbon emissions and optimal use of renewable energy.</p>
8	Landscaping
	<p>a) Soft and hard landscaping and biodiversity measures shall be undertaken in accordance with details in Chapters 3 and 4 of the Landscape Design Development Report (March 2014).</p> <p>b) The soft and hard landscaping and biodiversity measures shall be implemented 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.</p> <p>c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.</p> <p>d) Notwithstanding the submitted sections the height of the hedge</p>

	<p>replanted in areas identified as "Native Hedge Planting" on plan 1065-10-001 revision G shall be of two meters in height in accordance with the Planting Strategy under chapter 3.3 of the Landscape Design Development Report.</p> <p>Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy C1 and C4 of the Chapter 12 saved UDP Policies the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2011.</p>
9	<u>Open Space</u>
	<p>No material operation relating to the construction of the residential units on Plots 53 and 54 shall commence until arrangements have been made to the written satisfaction of the Local Planning Authority for the provision of the Claremont Park Improvements and the Clitterhouse Playing Fields Improvements (Part 1) and submission against this condition must include a clear commitment to a timetable of delivery.</p> <p>No residential units on the Brent Terrace triangles shall be occupied prior to the practical completion and provision of the Claremont Park Improvements and the Clitterhouse Playing Fields Improvements (Part 1) in accordance with the relevant Necessary Consents unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure the loss of open space on the Brent Terrace triangles is mitigated in an appropriate timescale by proportionate improvements to open space.</p>
10	<u>Pedestrian Route Plot 54</u>
	<p>The development approved by this Reserved Matters Approval shall not be occupied until a Section 278 highways agreement has been entered into with the highway authority for the carrying out of cosmetic improvements (ie lighting, resurfacing) to the existing footpath at the south eastern end of plot 54 leading to Clitterhouse Road. Details for such improvements are to be submitted to and approved in writing by the LPA prior to occupation</p> <p><u>Reason:</u> To Improve security and ease of access for existing and proposed residents.</p>
11	<u>Doorstep Play</u>
	<p>Prior to commencement of development details of the proposed Doorstep play area on Plot 54 shall be submitted to and approved in writing by the LPA. The development shall thereafter be implemented in accordance with these approved details.</p> <p><u>Reason:</u> To ensure the satisfactory provision of play space in accordance with the</p>

	Mayor's SPG.
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Informatives

<u>01</u>	<p>PRE-APP</p> <p>In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan and the Approved S73 Consent.</p>
<u>02</u>	<p>In accordance with Reg 3 (4) and Reg 8 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, it is considered that:</p> <p>the submission of Reserved matters reveals , with regard to the subject matter of the application, that there are no additional or different likely significant environmental effects than is considered in the environmental information already before the Council (the Environmental Statement (ES) (BXC02) submitted with the Section 73 application (F/04687/13) and any further and/or other information previously submitted; and</p> <p>the environmental information already before the Council (the ES submitted with the Section 73 application and any further and/or other information previously submitted) remains adequate to assess the environmental effects of the development.</p>

Appendix 2 – Analysis of Scheme Compliance with Regional and Local Planning Policy

Table 2.1: Analysis of the proposals compliance with London Plan (March 2015) Policies

Policy	Content Summary	Extent of compliance and comment
Policy 1.1 (Delivering the strategic vision and objectives for London)	Strategic vision and objectives for London including managing growth and change in order to realise sustainable development and ensuring all Londoners are able to enjoy a good and improving quality of life.	Compliant: As a London Plan Opportunity Area, the approved BXC scheme seeks to make the most of brownfield land to meet wider growth requirements in terms of housing, retail and commercial activities in a location accessible by a range of transport modes. The RMA proposals for Plots 53 and 54 are considered to constitute sustainable development in accordance with the parameters and other relevant development plan policies.
Policy 2.6 (Outer London: vision and strategy);	Work to realise the full potential of outer London and enhance the quality of life for present and future residents.	Compliant: The BXC Opportunity Area represents a significantly underutilised area of accessible brownfield land in Outer London in need of regeneration. It is considered that the proposals for Plots 53 and 54 respect the setting and character of their surroundings whilst maximising the development potential of the land. The proposals include the creation of new homes which meet the requirements of development plan policy.
Policy 2.13 (Opportunity Areas and Intensification Areas)	Seek to optimise residential and non-residential output and densities, provide necessary social and other infrastructure to sustain growth, and, where appropriate, contain a mix of uses Contribute towards meeting (or where appropriate, exceeding) the minimum guidelines for housing. Support wider regeneration and integrate development proposals to the surrounding areas especially for regeneration.	Compliant: It is considered that the proposals for Plots 53 and 54 optimise the development potential of the land. The proposal has a density of 236 habitable rooms per hectare which is below the indicative density of 298 habitable rooms per hectare established for the Brent Terrace Zone set out in table 3B of the revised DSF. The proposed development meets and achieves amenity space standards for future residents as specified in the Design and Access Statement for the S73 Consent and is higher than London Plan amenity space standards, and meets or exceeds the London Plan internal space standards. The submitted plans demonstrate that all flats and houses meet these minimum standards with many exceeding them. The individual dimensions and room sizes within the flats comply with the standards set out in Annex 1 of the London Housing SPG. The units proposed will allow the decant of the Whitefields Estate Residents and will therefore support the wider regeneration. Phase 1A (North) of the BXC development includes highways infrastructure, River Brent re-routeing and Bridge works, Clitterhouse Playing Fields Part 1 (excluding the Nature Park) and the Claremont Park Improvements and the Living Bridge. The proposed development will therefore be well integrated with the surrounding area.

Policy	Content Summary	Extent of compliance and comment
Policy 2.14 (Areas for regeneration)	<p>Boroughs should identify spatial areas for regeneration and spatial policies to bring together regeneration.</p> <p>The loss of housing, including affordable housing should be resisted in individual regeneration areas unless it is replaced by better quality accommodation, providing at least an equivalent floorspace.</p>	<p>Compliant: The wider BXC site is identified as a London Plan Opportunity Area in need of comprehensive regeneration and capable of accommodating significant housing, jobs and community infrastructure. Outline planning consent is in place as per reference F/04687/13.</p> <p>It is considered that the proposal achieves the relevant strategic requirements of this policy. 31 of the 47 units proposed are to be social rented affordable housing with 15 units for existing leaseholder and freeholders to allow the decant of Whitefields Estate Residents in accordance with the latest survey of housing need.</p>
Policy 2.18 (Green infrastructure: the multi-functional network of green and open spaces)	<p>Development proposals should protect, promote, expand and manage the extent and quality of, and access to, London's network of green infrastructure</p>	<p>Compliant: The wider BXC development will deliver a range of green infrastructure, including enhancements to existing open spaces and the creation of new open spaces, an increase of approximately 9 hectares of open space net including natural areas. A network of cycle and pedestrian routes will be provided which will link areas of open space.</p> <p>Improvements will be made to Clitterhouse Playing Fields and Claremont Park as part of Phase 1A (North) which will be easily accessible to future residents of Plots 53 and 54.</p>
Policy 3.1 (Ensuring equal life chances for all)	<p>Development proposals should protect and enhance facilities and services that meet the needs of particular groups and communities. Proposals involving loss of these facilities without adequate justification or provision for replacement should be resisted.</p>	<p>Compliant: The impact of the wider BXC development on existing social infrastructure provision was appropriately considered and approved under the Outline and S73 applications. The proposed provision has been considered to be adequate to meet forecasted need in accordance with this policy. Plots 53 and 54 are currently used by local residents as informal open space. The loss of this green space to development has been established within both the 2010 and 2014 outline permissions and has been found to be acceptable due to the overall increase in open space within the Brent Cross Development in its end state and more immediately by the improvements to Claremont Open Space and Clitterhouse Playing fields in Phase 1A (North).</p>
Policy 3.2 (Improving health and addressing health inequalities)	<p>New developments should be designed, constructed and managed in ways that improve health and promote healthy lifestyles.</p>	<p>Compliant: The RMA proposals are found to be compliant with the objectives of this policy.</p> <p>It is considered that the proposed buildings will represent an improvement in the quality of building design and environment. Plots 53 and 54 form part of the wider BXC development which will make improvements in public realm, provision of new community facilities, such as a new primary school, a secondary and special needs school upgrade and a new primary health centre. Provision of new open space and play areas such as the improvements to Clitterhouse Playing Fields (Part 1 excluding Nature</p>

Policy	Content Summary	Extent of compliance and comment
		Park) and Claremont Park, will also provide opportunities for higher levels of physical activity in accordance with policy requirements.
Policy 3.3 (Increasing housing supply)	Boroughs should seek to achieve and exceed the relevant minimum borough annual average housing target. For Barnet the target is 23, 489 over the next 10 years with an annual monitoring target of 2,349.	Compliant: This RMA application will deliver 47 housing units contributing towards strategic housing targets for Barnet and London.
Policy 3.4 (Optimising housing potential)	Development should optimise housing output for different types of location taking into account local context and character, the London Plan design principles and public transport capacity. Proposals which compromise this policy should be resisted.	Compliant: The proposal has a density of 236 habitable rooms per hectare which is below the indicative density of 298 habitable rooms per hectare established for the Brent Terrace Zone set out in table 3B of the revised DSF. The scheme is considered to comply with the objective of this policy and is found to provide an optimum density of development. The proposal puts forward an acceptable design response which complies with the relevant development plan policies, responds acceptably to the local context and character and takes account of the sites location.
Policy 3.5 (Quality and design of housing developments)	<p>Housing developments should be of the highest quality internally, externally and in relation to their context and wider environment, taking account of the policies in the London Plan.</p> <p>The design of all new housing should incorporate the London Plan minimum space standards and enhance the quality of local places, taking account of physical context, local character, density, tenure and land use mix and relationships with and provision of spaces.</p>	Compliant: The development will maximise the potential of the site in accordance with this policy creating a quality environment that meets the relevant standards. The proposed development meets and achieves amenity space standards for future residents as specified in the Design and Access Statement for the S73 Consent and is higher than London Plan amenity space standards. The submitted plans demonstrate that all flats and houses meet the London Plan minimum internal space standards with many exceeding them. The individual dimensions and room sizes within the flats comply with the standards set out in Annex 1 of the London Housing SPG.
Policy 3.6 (Children and young people's play and informal recreation facilities)	New housing should make provision for play and informal recreation based on the child population generated by the scheme and an assessment of future needs.	<p>Compliant: Plot 53 falls within 100m of the proposed Claremont Park which includes play areas and open space facilities. This distance is in line with the London Plan Play Space Requirements and therefore no separate play provision is required on the northernmost plot.</p> <p>Plot 54 is in excess of 100m from the proposed Claremont Park but is less than 400m from Claremont Park. In order to comply with the Mayor's standards the scheme includes 180m² of doorstep play space within the area of Plot 54. The application is considered to meet the objectives of this policy.</p>

Policy	Content Summary	Extent of compliance and comment
3.8 (Housing choice)	<p>Londoners should have a genuine choice of homes that they can afford and which meet their requirements, inter alia:</p> <ul style="list-style-type: none"> • New developments should offer a range of housing sizes and types. • All new housing should be built to Lifetime Homes standard. • 10% of new housing is designed to be wheelchair accessible, or easily adaptable for wheelchair users. 	<p>Compliant: 31 of the 47 units proposed are to be social rented affordable housing with 15 units for existing leaseholder and freeholders to allow the decant of Whitefields Estate Residents in accordance with the latest survey of housing need. The specific housing mix has been directly informed by an assessment of the housing need of the Existing Whitefield Estate Residents (Part 1) and has resulted in larger units being provided which is a deviation from the unit mix indicated in the S73 Consent.</p> <p>In accordance with Appendix 6 of the DSF of the S73 Consent, all units will achieve Lifetime Homes standards.</p> <p>Three wheelchair adaptable units are proposed within Plots 53 and 54 which equates to 6.4% of the proposed units. This exceeds the housing need identified for the Whitefield Estate residents but is below the site wide target of 10% specified in the S73 Consent. The minor shortfall can be made up across future development plots. The proposal is considered acceptable in this instance on the basis that the housing mix proposed is specifically designed to meet the housing need of the Whitefield Estate Residents.</p>
<p>Policy 3.9 (Mixed and Balanced Communities);</p> <p>Policy 3.10 (Definition of Affordable Housing)</p> <p>Policy 3.11 (Affordable Housing Targets)</p> <p>Policy 3.12 (Negotiating affordable housing on individual private residential and mixed use</p>	<p>Communities mixed and balanced by tenure and household income should be promoted across London. They must be supported by effective and attractive design and enhanced environment</p> <p>Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision. Seek to maximise affordable housing provision and ensure an average of at least 17,000 more affordable homes per year in London. In order to give impetus to a strong and diverse intermediate housing sector, 60% of the affordable housing provision should be for social and affordable rent and 40% for intermediate rent or scale. Priority should be accorded to provision of affordable family housing.</p> <p>Negotiations should take account of a site's specific individual circumstances, including viability, the availability of subsidy, requirements and targets for affordable housing, the need to promote mixed and balanced communities and the need to encourage residential</p>	<p>Compliant: 31 of the 47 units proposed are to be social rented affordable housing with 15 units for existing leaseholder and freeholders to allow the decant of Whitefields Estate Residents in accordance with the latest survey of housing need. This is needed to ensure that land in the rest of Phase 1A (North) can be released to allow necessary infrastructure to be delivered.</p> <p>The proposals are considered to be high quality design creating a quality environment that meets the relevant standards.</p> <p>The scheme is considered to be compliant with policies on the creation of mixed and socially balanced communities.</p>

Policy	Content Summary	Extent of compliance and comment
schemes); Policy 3.13 (Affordable housing thresholds)	development. Boroughs should normally require affordable housing provision a site which has capacity to provide 10 or more homes.	
Policy 3.14 (Existing housing)	Loss of housing, including affordable housing, should be resisted unless the housing is replaced at existing or higher densities with at least equivalent floorspace.	Compliant: The S73 Consent will provide replacement homes for all homes currently situated the wider BXC site which are to be demolished as part of the proposals. This RMA application will provide 31 social rented homes for secure tenants and 15 homes for existing resident leaseholders/freeholders in the Whitefield Estate. This will allow the decant of the Whitefield Estate Residents (Part 1). Whilst this represents a reduction in number of units, the same quantum of floorspace is being provided. This is a direct result of the housing needs assessment which identified that larger units were required for the Whitefield Estate Residents. The proposed re-provision is considered to be acceptable on this basis.
Policy 3.19 (Sports Facilities)-	Development proposals that increase or enhance the provision of sports and recreation facilities will be supported. Proposals that result in a net loss of sports and recreation facilities, including playing fields should be resisted. Facilities should be accessible to all sections of the community and be located within easy reach by walking, cycling and public transport.	Compliant: Plots 53 and 54 are currently used by local residents as informal open space. The loss of this green space to development has been established within both the 2010 and 2014 outline permissions and has been found to be acceptable due to the overall increase in open space within the wider BXC Development in its end state and more immediately by the improvements to Claremont Open Space and Clitterhouse Playing fields in Phase 1A (North).
Policy 5.1 (Climate change mitigation); Policy 5.2 (Minimising carbon dioxide emissions);	Development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the energy hierarchy. The Mayor will seek to ensure that developments meet the following target for CO ₂ emissions, which is expressed as year improvements on the 2013 Building Regulations: 2013-2016 40%	Compliant: The wider BXC development includes a range of climate change mitigation measures based on the Energy and Sustainability Strategies which have informed the Outline application. The proposed development is required by condition 35.6 of the S73 Consent to comply with the approved revised energy strategy. The performance standards of the buildings on-site will be maximised in order to reduce carbon dioxide emissions from the Scheme. A condition is recommended to this reserved matters application for compliance to be demonstrated. The development is considered to be in accordance with this policy.
Policy 5.3 (Sustainable design and construction)	Development proposals should demonstrate that sustainable design standards are integral to the proposal, considered from the start of the process and meet the requirements of the relevant guidance.	Compliant: It is considered that the development will be designed to maximise the use of land close to existing public transport and planned new transport investment. The proposed buildings are designed to achieve Code for Sustainable Homes Level 4 and achieve

Policy	Content Summary	Extent of compliance and comment
		carbon savings in accordance with the relevant London Plan target.
Policy 5.6 (Decentralised energy in development proposals)	<p>Development should evaluate the feasibility of combined heat and power (CHP) systems and where they are appropriate also examine the opportunities to extend the system beyond the site boundary.</p> <p>Energy systems should be selected in the following hierarchy, connection to existing heating or cooling networks; site wide CHP network; communal heating and cooling.</p>	<p>Compliant: The wider BXC planning permission includes provision for CHP(s). There will be a phased approach to the provision of this network with the potential to connect all plots – with the possible exception of those at the southern extremity of the development – as future phases are brought forward.</p> <p>The scheme has been designed and there is commitment to link Plots 53 and 54 with the wider District Heating Network (subject to agreement with the Registered Provider and feasibility).</p>
Policy 5.7 (Renewable energy); Policy 5.9 (Overheating and cooling)	<p>Within the framework of the energy hierarchy proposals should provide a reduction in expected carbon dioxide emissions through the use of on-site renewable energy generation where feasible.</p> <p>Proposals should reduce potential overheating and reliance on air conditioning systems and demonstrate this has been achieved.</p>	<p>Compliant: The proposed development has been designed with a combined heat and power (CHP) plant on sitewhich will provide heat through a district heating network to the proposed units.</p> <p>This will fully comply with this policy to reduce carbon dioxide levels. Should the CHP not be feasible then alternative renewable energy solutions will be explored for these plots to achieve the necessary reduction in carbon dioxide emissions.</p>
Policy 5.10 (Urban greening); Policy 5.11 (Green roofs and development site environs)	<p>Development proposals should integrate green infrastructure from the beginning of the design process to contribute to urban greening, including the public realm. Elements that can contribute to this include tree planting, green roofs and soft landscaping</p> <p>Proposals should be designed to include roof, wall and site planting to deliver as wide a range of the objectives associated with such planting as possible.</p>	<p>Compliant: The proposed development incorporates several areas of new soft landscaping on the site. Details of these would be controlled through the conditions recommended to ensure that they achieve as many of the objectives of this policy as are practical. Improvements to the ecological value of the existing site are proposed. The current site includes low quality amenity grassland with intermittent tree and scrub planting. The proposals create new opportunities for local wildlife on the site as part of a green corridor within the local area including: use of predominantly native replanting including fruit and flower trees; retained and replanted hedging to the western boundary; provision of a tiered woodland/hedge habitat to the eastern boundary; and the inclusion of green roofs.</p>
Policy 5.12 (Flood risk management); Policy 5.13 (Sustainable drainage)	<p>Proposals must comply with the flood risk assessment and management requirements of set out in the NPPF and supporting Technical Guidance.</p> <p>Proposals should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so and should aim to achieve Greenfield runoff rates and ensure that surface water runoff is managed as close to its source as possible. Drainage should be designed and implemented in ways that deliver other objectives of the London</p>	<p>Compliant: The wider BXC development proposals have been based on a comprehensive flood risk assessment that has been accepted by the Environment Agency. It is considered that the application complies with this policy.</p> <p>The wider development includes 25% reduction in surface water runoff against the current 1:100 year return flow plus 30% for climate change. A range of sustainable urban drainage systems are proposed as part of the SUDS strategy to be submitted and approved under conditions 1.27 and 44.5.</p>

Policy	Content Summary	Extent of compliance and comment
	Plan.	
<p>Policy 5.14 (Water quality and wastewater infrastructure)</p> <p>Policy 5.15 (Water use and supplies)</p>	<p>Proposals must ensure that adequate waste water infrastructure capacity is available in tandem with development.</p> <p>Development should minimise the use of mains water and conserve water resources.</p>	<p>Compliant: The development will comply with all relevant criteria.</p> <p>A 105 litres per day water use target will be sought for residential buildings in accordance with condition 33.2. Commitments have been made for rain water harvesting and promoting the use of grey water recycling.</p>
<p>Policy 5.17 (Waste capacity)</p>	<p>Suitable waste and recycling facilities are required in all new development.</p> <p>Minimising waste and achieving high reuse and recycling performance</p>	<p>Compliant: Conditions have been recommended which require the provision of suitable waste and recycling facilities for the proposed units.</p>
<p>Policy 6.3 (Assessing effects of development on transport capacity)</p>	<p>Development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network.</p>	<p>Compliant: The Phase 1 Phase Transport Report has been submitted under Condition 37.2. This covers the entire Phase 1 area north and south of the A406 which extends to circa 370,000sqm of development floorspace which includes 1,840 residential units.</p> <p>The 47 units proposed on Plots 53 and 54 represent a very small component of the development floorspace considered, and represent a replacement of existing premises in the Whitefield Residential Estate rather than additional homes within the regeneration area.</p>
<p>Policy 6.9 (Cycling);</p> <p>Policy 6.10 (Walking)</p>	<p>Proposals should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards and the guidance set out in the London Cycle Design Standards (or subsequent revisions).</p> <p>Development proposals should ensure high quality pedestrian environments and emphasise the quality of the pedestrian and street space by referring to Transport for London's Pedestrian Design Guidance.</p>	<p>Compliant: Two areas of cycle parking will be provided within Plot 53 and one area of cycle parking will be provided for Plot 54. One cycle space will be provided for each two bedroom unit, and two for each three or four bedroom unit, resulting in a total provision of 73 cycle spaces.</p> <p>Officers consider that the scheme proposes a suitable quality of pedestrian environment and the proposal would provide appropriate levels of facilities for cycles and cyclists.</p>
<p>Policy 6.11 (Smoothing traffic flow and tackling congestion)</p>	<p>Take a coordinated approach to smoothing traffic flow and tackling congestion through implementation of the recommendations of the Roads Task Force report.</p>	<p>Compliant: The Phase 1 Phase Transport Report has been submitted under Condition 37.2. This covers the entire Phase 1 area north and south of the A406 which extends to circa 370,000sqm of development floorspace which includes 1,840 residential units.</p> <p>The 47 units proposed on Plots 53 and 54 represent a very small component of the development floorspace considered, and represent a replacement of existing premises in the Whitefield Residential Estate rather than additional homes within the regeneration area.</p>

Policy	Content Summary	Extent of compliance and comment
Policy 6.13 (Parking)	The maximum standards in the London Plan should be applied to planning applications and developments should also provide electrical charging points, parking for disabled people and cycle parking in accordance with the London Plan standards. Delivery and servicing needs should also be provided for.	Compliant: A total of 47 parking spaces will be provided across the two plots at a ratio of 1:1.. The main parking area provided for Plot 53 will allow vehicles (including servicing and emergency vehicles) to turn around. .
Policy 7.2 (Inclusive environment)	Design and Access Statements should explain how, the principles of inclusive design, including the specific needs of older and disabled people have been integrated into the proposed development, whether relevant best practice standards will be complied with and how inclusion will be maintained and managed.	Compliant: All of the units are designed to achieve Lifetime Home standards.6.4% of the units will be capable of adaptation to wheelchair standards.
Policy 7.3 (Designing out crime)	Development proposals should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating.	Compliant: The development incorporates the principles of “Secured by design” The Metropolitan Police Service and London Fire and Emergency Protection Authority have not expressed any concerns about the proposals.
Policy 7.4 (Local character); Policy 7.5 (Public realm); Policy 7.6 (Architecture)	Buildings, streets and spaces should provide a high quality design response. Public spaces should be secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context and incorporate the highest quality design, landscaping, planting, street furniture and surfaces. Architecture should make a positive contribution to a coherent public realm, incorporate the highest quality materials and design appropriate to its context.	Compliant: Officers consider that the proposed development provides an appropriate and quality design approach to the buildings and spaces which form part of the application. The proposal is considered to demonstrate the influence of these policies and compliance with their key objectives where they are relevant.
Policy 7.13 (Safety, security and resilience to emergency)	Proposals should contribute to the minimisation of potential physical risks and include measures to assist in designing out crime and terrorism.	Compliant: The development incorporates the principles of “Secured by design”. Car parking is provided within the site in areas with significant levels of overlooking providing a high degree of security for vehicle owners. The level of activity resulting from the development along with passive overlooking will improve security within publicly accessible open space to the north of plot 53 as well as to the pedestrian cut through to the south of plot 54. The submission is considered to accord with secure by design principles.
Policy 7.14 (Improving air quality)	Proposals should: - Minimise increased exposure to existing poor air quality and make provision to address	Compliant: The submission demonstrates that the proposal would not have a significant adverse impact on air quality and the impact of local air quality on the future occupiers of the development

Policy	Content Summary	Extent of compliance and comment
	<p>existing air quality problems.</p> <ul style="list-style-type: none"> - Promote sustainable design and construction to reduce emissions from the demolition and construction of buildings. - Be at least air quality neutral and not lead to further deterioration of poor air quality. - Ensure that where provision needs to be made to reduce development emissions this is usually on site. 	<p>can be adequately mitigated.</p> <p>The proposal is considered to demonstrate the influence of this policy and compliance with its key objectives.</p>
<p>Policy 7.15 (Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes)</p>	<p>Proposals should seek to manage noise by:</p> <ul style="list-style-type: none"> - Avoiding significant adverse noise impacts on health and quality of life as a result of new development. Improving and enhancing the acoustic environment and promoting appropriate soundscapes. Promote new technologies and improved practices to reduce noise at source, and on the transmission path from source to receiver 	<p>Compliant: The proposal is considered to demonstrate the influence of this policy and compliance with its key objectives. The development would not have a significant adverse impact on neighbouring occupiers and users and the amenities of future occupiers would be adequately protected as far as is practicable in this instance.</p>
<p>Policy 7.18 (Protecting open space and addressing deficiency)</p>	<p>The loss of protected open spaces must be resisted unless equivalent or better quality provision is made within the local catchment area. Replacement of one type of open space with another is unacceptable unless an up to date needs assessment shows that this would be appropriate</p>	<p>Compliant: Plots 53 and 54 are currently used by local residents as informal open space. The loss of this green space to development has been established within both the 2010 and 2014 outline permissions and has been found to be acceptable due to the overall increase in open space within the Brent Cross Development in its end state and more immediately by the improvements to Claremont Open Space and Clitterhouse Playing fields in Phase 1A (North).</p>
<p>Policy 7.19 (Biodiversity and access to nature)</p>	<p>Proposals should:</p> <ul style="list-style-type: none"> - Wherever possible make a positive contribution to the protection, enhancement, creation and management of biodiversity. - Prioritise assisting in meeting targets in biodiversity action plans and/or improve access to nature in areas deficient in accessible wildlife sites. - Be resisted where they have significant adverse impacts on the population or conservation status of a protected species, or a priority species or habitat identified in a 	<p>Compliant: The application is considered to demonstrate the influence of this policy and includes measures to make a positive contribution to biodiversity.</p> <p>Conditions have been recommended to ensure that the key objectives of this policy would be carried through at implementation.</p>

Policy	Content Summary	Extent of compliance and comment
	biodiversity action plan.	
Policy 7.21 (Trees and woodlands)	Existing trees of value should be retained and any loss as a result of development should be replaced. Wherever appropriate the planting of additional trees should be included in developments.	Compliant: The application is considered to demonstrate the influence of this policy and compliance with its key objectives. The proposal would result in the removal of some trees and retention of others on the boundaries of the site. Adequate replacement planting has been proposed. Conditions have been recommended to ensure that the key objectives of this policy would be carried through at implementation.

**Table 2.2: Analysis of the proposals compliance with Barnet's Local Plan Policies
(September 2012)**

Policy	Content Summary	Extent of Compliance and Comment
Core Strategy		
CS NPPF (National Planning Policy Framework – presumption in favour of sustainable development)	Take a positive approach to proposals which reflect the presumption in favour of sustainable development and approve applications that accord with the Local Plan, unless material considerations indicate otherwise. Where there are no policies relevant to the proposal or the relevant policies are out of date permission should be granted, unless material considerations indicate otherwise.	Compliant: the proposal is considered to constitute sustainable development in accordance with the NPPF and which complies with Local Plan taken as a whole. It has therefore been recommended for approval.
CS1 (Barnet's place shaping strategy – the three strands approach)	<p>As part of its 'Three Strands Approach' the council will:</p> <ul style="list-style-type: none"> - Concentrate and consolidate growth in well located areas that provide opportunities for development, creating a high quality environment that will have positive impacts. - Focus major growth in the most suitable locations and ensure that this delivers sustainable development, while continuing to conserve and enhance the distinctiveness of Barnet as a place to live, work and visit. 	<p>Compliant: the proposal is considered to show the influence of this policy and demonstrates compliance with its key objectives.</p> <p>As an Opportunity Area in the Mayor's London Plan, the wider BXC scheme has been developed with the consideration that the site has significant capacity for new housing, commercial and other development linked to existing or potential improvements to public transport accessibility.</p> <p>It is considered that the proposals for Plots 53 and 54 achieve the relevant strategic requirements of this policy and will deliver an optimised housing scheme.</p>
CS2 – Brent Cross - Cricklewood	<p>The Council will seek comprehensive redevelopment of Brent Cross – Cricklewood in accordance with the London Plan, the saved UDP policies (Chapter 12) and the adopted Development Framework. The Policy makes provision for the following:</p> <ul style="list-style-type: none"> • It is considered likely that comprehensive regeneration will be achieved in accordance with the planning permission. If this is not achieved, the Council will consider whether in the circumstances the Local Plan needs to be reviewed. • Specific monitoring indicators for Brent Cross – Cricklewood are set out in Appendix B of the Core Strategy On the basis of 	<p>Compliant: The S73 consent provides for the comprehensive redevelopment of Brent Cross Cricklewood in accordance with this policy and the Saved UDP policies. The S73 consent, on the basis of the conditions and planning obligations associated with it, will continue to ensure that the development is commenced in accordance with the CS2 milestones in Appendix B. The CPO for Phase 1 has now been lodged and is currently out to consultation. This RMA application will allow the delivery of housing to facilitate the decant of the Whitefields Estate Residents (Part 1) which in turn will allow key infrastructure for Phase 1A (North) to be delivered.</p>

Policy	Content Summary	Extent of Compliance and Comment
	<p>these indicators it is expected that comprehensive re-development will commence in relation to Phase 1 at some time between 2015 and 2017.</p> <ul style="list-style-type: none"> • If these milestones are not achieved (or are not likely to be capable of being delivered) we will consider the possible need for a review of the Core Strategy Policy on Brent Cross – Cricklewood • The key milestone for the regeneration of Brent Cross – Cricklewood is likely to be the Phase 1 Compulsory Purchase Order (CPO). If by the end of 2014 any CPO that is required to deliver Phase 1 and commence the development has not been made and submitted for confirmation we will instigate a review of the policy framework for Brent Cross – Cricklewood. 	
CS3 (Distribution of growth in meeting housing aspirations)	BXC is identified as LBB's focus for growth within the North West London – Luton Coordination Corridor.	Compliant: The development potential of Plots 53 and 54 has been optimised and this RMA application will deliver 47 housing units contributing towards strategic housing targets for Barnet and London.
CS4 (Providing quality homes and housing choice in Barnet)	<p>Aim to create successful communities by:</p> <ul style="list-style-type: none"> - Seeking to ensure a mix of housing products that provide choice for all are available. - Ensuring that all new homes are built to the Lifetime Homes Standard and that the wider elements of schemes include the relevant inclusive design principles. - Seeking a variety of housing related support options. - Delivering 5500 new affordable homes by 2025/26 and seeking a borough wide target of 40% affordable homes on sites capable of accommodating 10 or more dwellings. - Seek an appropriate mix of affordable housing comprising 60% social rented housing and 40% intermediate housing. 	<p>Compliant: The proposal provides an appropriate mix of dwelling types and sizes which has specifically been informed by the housing needs assessment of Whitefields Estate Residents (Part 1) and includes a range of measures to ensure that the development would provide an inclusive environment for all members of the community. This includes all the dwellings proposed being constructed to achieve the relevant Lifetime Homes standards.</p> <p>This RMA application will provide 31 social rented homes for secure tenants and 15 homes for existing resident leaseholders/freeholders in the Whitefield Estate. This will allow the decant of the Whitefield Estate Residents (Part 1).</p> <p>The proposals are considered to be high quality design creating a quality environment that meets the relevant standards.</p>

Policy	Content Summary	Extent of Compliance and Comment
CS5 (Protecting and enhancing Barnet's character to create high quality places)	<p>The council will ensure that development in Barnet respects local context and distinctive local character, creating places and buildings with high quality design.</p> <p>Developments should:</p> <ul style="list-style-type: none"> - Address the principles, aims and objectives set out in the relevant national guidance. - Be safe attractive and fully accessible. - Provide vibrant, attractive and accessible public spaces. - Respect and enhance the distinctive natural landscapes of Barnet. - Protect and enhance the gardens of residential properties. - Protect important local views. - Protect and enhance the boroughs high quality suburbs and historic areas and heritage. - Maximise the opportunity for community diversity, inclusion and cohesion. - Contribute to people's sense of place, safety and security. 	<p>Compliant: The application is considered to demonstrate the influence of this policy and compliance with its key objectives.</p> <p>The design approach proposed takes suitable account of its context, the character of the area, the relationship with neighbouring buildings and spaces and provides a scheme of an appropriate standard. The new dwellings proposed would all be of a sufficiently high quality internally, externally and in relation to their immediate context and the wider environment.</p>
CS7 (Enhancing and protecting Barnet's open spaces)	<p>Create a greener Barnet by:</p> <ul style="list-style-type: none"> - Meeting increased demand for access to open space and opportunities for physical activity. - Improving access to open space in areas of public open space deficiency. - Securing improvements to open spaces including provision for children's play sports facilities and better access arrangements, where opportunities arise. - Maintaining and improving greening by protecting incidental spaces, trees, hedgerows and watercourses. - Protecting existing site ecology and ensuring development makes the fullest contributions enhancing biodiversity. - 	<p>Compliance: Plots 53 and 54 are currently used by local residents as informal open space. The loss of this green space to development has been established within both the 2010 and 2014 outline permissions and has been found to be acceptable due to the overall increase in open space within the wider Brent Cross Development in its end state and more immediately by the improvements to Claremont Open Space and Clitterhouse Playing fields in Phase 1A (North). The Claremont Park Open Space and Clitterhouse Playing Fields Improvements (Part 1) are currently under consideration under a separate reserved matters application (15/00769/RMA) for Phase 1A (North).</p> <p>Given the loss of informal play space on the Brent Terrace Triangles at an earlier time than considered within the S73 Consent it is considered appropriate to attach a condition to this reserved matters application requiring a committed programme for the delivery of the Open Space Improvements to Clitterhouse Playing Fields (Part 1) and Claremont Park Open Space to be submitted to and approved in writing by the Local Planning Authority prior to the development of these sites, furthermore the</p>

Policy	Content Summary	Extent of Compliance and Comment
		condition requires delivery of the improvement works prior to occupation of the residential units.
CS9 (Providing safe, efficient and effective travel)	<p>Developments should provide and allow for safe effective and efficient travel and include measures to make more efficient use of the local road network.</p> <p>The council will support more environmentally friendly transport networks, including the use of low emission vehicles (including electric cars), encouraging mixed use development and seeking to make cycling and walking more attractive for leisure, health and short trips.</p>	<p>Compliance: The proposal is considered to demonstrate the influence of this policy and compliance with its key objectives.</p> <p>The RMTA is considered to have assessed the impact of the proposed development of Plots 53 and 54 over an appropriate area of influence. No significant impacts on the adjacent local highway network have been identified. The design of the development is considered to take full account of the safety of all road users, includes appropriate access arrangements and would not unacceptably increase conflicting movements on the road network or increase the risk to vulnerable road users.</p>
CS11 (Improving health and wellbeing in Barnet)	Will improve health and wellbeing in Barnet through a range of measures including supporting healthier neighbourhoods, ensuring increased access to green spaces and improving opportunities for higher levels of physical activity.	<p>Compliant: The design of the development has been influenced by the desire to create a healthy residential environment. The proposal is found to be compliant with the objectives of this policy.</p> <p>It is considered that the improvements proposed through the quality of building design and construction and the environment and public realm will make a significant contribution towards improving health and well being. Improvements to Clitterhouse Playing fields as part of Phase 1A (North) will also provide opportunities for higher levels of physical activity in accordance with policy requirements.</p>
CS12 (Making Barnet a safer place)	<p>The Council will:</p> <ul style="list-style-type: none"> - Encourage appropriate security and community safety measures in developments and the transport network. - Require developers to demonstrate that they have incorporated community safety and security design principles in new development. - Promote safer streets and public areas, including open spaces. 	<p>Compliant: The design of the proposal is considered to demonstrate the influence of this policy and be compliant with the key elements of this policy.</p> <p>The development incorporates the principles of "Secured by design".</p> <p>The Metropolitan Police Service and London Fire and Emergency Protection Authority have not expressed any concerns about the proposals.</p> <p>Car parking is provided within the site in areas with significant levels of overlooking providing a high degree of security for vehicle owners.</p> <p>The level of activity resulting from the development along with passive overlooking will improve security within publicly accessible open space to the north of plot 53 as well as to the pedestrian cut through to the south of plot 54.</p>
CS13 (Ensuring the efficient use of natural resources)	<p>The council will:</p> <ul style="list-style-type: none"> - Seek to minimise Barnet's contribution to climate change and ensure that the borough develops in a way which respects environmental limits and improves quality of life. 	Compliant: The wider BXC development includes a range of climate change mitigation. The proposed RMA development is required by condition 35.6 of the S73 Consent to comply with the approved revised energy strategy. The performance standards of the buildings on-site will be maximised in order to reduce carbon dioxide emissions. A

Policy	Content Summary	Extent of Compliance and Comment
	<ul style="list-style-type: none"> - Promote the highest environmental standards for development to mitigate and adapt to the effects of climate change. - Expect development to be energy efficient and seek to minimise any wasted heat or power. - Expect developments to comply with London Plan policy 5.2. - Maximise opportunities for implementing new district wide networks supplied by decentralised energy. - Make Barnet a water efficient borough, minimise the potential for fluvial and surface flooding and ensure developments do not harm the water environment, water quality and drainage systems. - Seek to improve air and noise quality. 	<p>condition is recommended to this reserved matters application for compliance to be demonstrated. The development is considered to be in accordance with this policy.</p> <p>Water conservation measures will be applied to all dwellings with sustainable drainage applied to manage surface water.</p> <p>The proposal would not have a significant adverse impact on the local noise environment or air quality.</p>
CS14 (Dealing with our waste)	The council will encourage sustainable waste management by promoting waste prevention, re-use, recycling, composting and resource efficiency over landfill and requiring developments to provide appropriate waste and recycling facilities.	Compliant: Conditions have been recommended which require the provision of suitable waste and recycling facilities for the proposed units.
CS15 (Delivering the Core Strategy)	The council will work with partners to deliver the vision, objectives and policies of the Core Strategy, including working with developers and using planning obligations (and other funding mechanism where appropriate) to support the delivery of infrastructure, facilities and services to meet needs generated by development and mitigate the impact of development.	Compliant: The planning obligations attached to the S73 Consent secure appropriate contributions and direct delivery of infrastructure as part of the wider BXC development.
Adopted UDP (May 2006) Saved Policies (May 2009) as referred to in Core Strategy Policy CS2		
GCrick Cricklewood, Brent Cross and West Hendon Regeneration Area	<ul style="list-style-type: none"> - The Council seeks integrated regeneration in the Cricklewood, Brent Cross and West Hendon Regeneration Area. - All development to the highest environmental and design standards 	<p>Compliant: It is considered that the proposals for Plots 53 and 54 optimise the development potential of the land. The RMA application will deliver 47 housing units as part of the wider BXC development.</p> <p>The proposed development meets and achieves amenity space standards for future residents as specified in the Design and Access Statement for the S73 Consent and is higher than London Plan amenity space standards, and meets or exceeds the London Plan internal space standards. The submitted plans demonstrate that all flats and</p>

Policy	Content Summary	Extent of Compliance and Comment
		<p>houses meet these minimum standards with many exceeding them. The individual dimensions and room sizes within the flats comply with the standards set out in Annex 1 of the London Housing SPG.</p> <p>The units proposed will allow the decant of the Whitefields Estate Residents and will therefore support the wider regeneration. Phase 1A (North) of the BXC development includes highways infrastructure, River Brent re-routeing and Bridge works, Clitterhouse Playing Fields Part 1 (excluding the Nature Park) and the Claremont Park Improvements and the Living Bridge. The proposed development will therefore be well integrated with the surrounding area.</p>
C1 Comprehensive Development	<ul style="list-style-type: none"> - The Council seeks the comprehensive development of the regeneration area in accordance with the area framework and delivery strategy. - Development proposals will need to meet policies of the UDP and their more detailed elaboration in the development framework. 	Compliant: The scheme accords with this policy. The RMA application for Plots 53 and 54 are part of the wider outline consent for the comprehensive redevelopment of the Brent Cross Cricklewood regeneration area.
C2 Urban Design & Quality	The Council will seek to achieve the standards of urban design for the Regeneration Area to result in a development of landmark quality.	Compliant: It is considered that the development proposed for Plots 53 and 54 will deliver a high quality environment in accordance with accepted principles of good urban design and this policy.
C3 Urban Design – Amenity	The development should protect and improve the existing amenities of existing residents.	Complaint: The proposals are not considered to result in significant harm to the amenities of existing neighbouring occupiers. At upper floors there is a 22m distance between the proposed elevations and those of existing Brent terrace properties, exceeding Barnet's privacy standards. The combination of planting, level changes and the low frequency of windows to habitable rooms in elevations in the closest proximity to the boundary with Clitterhouse Crescent combined with the hedge planting to the western boundary result in a development which is acceptable in terms of its privacy impacts upon existing residents. The submitted BRE daylight, sunlight and overshadowing assessment produced by GL Hearne concludes that in terms of overshadowing the proposed development would accord with BRE Standards resulting in no significant overshadowing to properties on Clitterhouse Crescent or Brent Terrace. A detailed Acoustic Design Report was submitted and approved under planning condition 29.1 regarding the potential noise impacts upon Plots 53 and 54. This confirmed that noise levels within the proposed development were acceptable and that good internal noise standards with reference to BS8233

Policy	Content Summary	Extent of Compliance and Comment
		would be achieved for all proposed units.
C4 Sustainable Design	<p>The Council will seek to ensure that the Regeneration Area pursues the highest standards of environmental design, including:</p> <ul style="list-style-type: none"> • meet high performance standards for environmentally sustainable design and construction • an integrated network of public open spaces • There must be a buffer zone, appropriate protection of legally protected species, and opportunities taken to enhance the biodiversity of the area. 	<p>Compliant: It is considered that the development will maximise the use of land and improve open space, cycle and pedestrian networks in accordance with the planning conditions and obligations. The application was supported by energy and sustainability strategies and a number of planning conditions and obligations are included to ensure sustainability targets are met. The development will result in a net gain in biodiversity in terms of habitat quality and connectivity. Substantial improvements are proposed to the River Brent and its corridor. Therefore it is considered that all criteria of this policy are met.</p> <p>Natural England has not raised any objections to the proposal and the application is considered to demonstrate the influence of this policy.</p> <p>The performance standards of the buildings on-site will be maximised in order to reduce carbon dioxide emissions from the Scheme. Specifically, residential buildings will achieve Code for Sustainable Homes Level 4 with commercial buildings achieving BREEAM 'Very Good'.</p>
C8 Parking Standards	This sets out maximum parking standards of 1 space per residential unit within the Regeneration Area, with retail parking provision to accord to London Plan standards.	Compliant: The scheme will provide 47 car parking spaces for 47 residential units.
C9 Housing and Community Development	This policy deals with housing and community development within the Cricklewood and Brent Cross Areas. However, it notes that in West Hendon an additional 2,200 homes will come forward.	Compliant: The development potential of Plots 53 and 54 has been optimised and this RMA application will deliver 47 housing units contributing towards strategic housing targets for Barnet and London as part of the wider BXC development.
C11 Implementation	The Council will require developers to provide on-site and off-site infrastructure, facilities and services to support the regeneration of the area.	Compliant: The planning obligations attached to the S73 Consent secure appropriate contributions and direct delivery of infrastructure as part of the wider BXC development.

Key relevant local and strategic supplementary planning documents

Local Supplementary Planning Documents and Guidance:

Residential Design Guide (2013)

Sustainable Design and Construction (2013)

Strategic Supplementary Planning Documents and Guidance:

Accessible London: Achieving an Inclusive Environment (April 2004)
Housing Supplementary Planning Guidance (November 2012)
Sustainable Design and Construction (May 2006)
Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
Providing for Children and Young People's Play and Informal Recreation SPG
(2008)

Appendix 3

Pre Reserved Matters Conditions Under consideration with Relevance to the Reserved matters application 15/00720/RMA.

Pre RMA Planning Reference	Description	Registration Date Status	
15/00660/CON	Illustrative Reconciliation Plan to clear condition 1.17 for Phase 1a (North) of S73 Planning Application Ref: F/04687/13 approved 23/07/2014 for the Comprehensive Mixed Use redevelopment of the Brent Cross Cricklewood Area	02.02.2015	Under Consideration
14/08112/CON	Framework Servicing and Delivery Strategy to address condition 1.21 of S73 Planning Application Ref: F/04687/13 approved 23/07/2014 for the Comprehensive Mixed Use redevelopment of the Brent Cross Cricklewood Area.	17.12.2014	Under Consideration
14/08111/CON	Servicing and Delivery Strategy for Sub-Phase 1A North to address condition 1.22 of S73 Planning Application Ref: F/04687/13 approved 23/07/2014 for the Comprehensive Mixed Use redevelopment of the Brent Cross Cricklewood Area.	17.12.2014	Under Consideration
14/07957/CON	Inclusive Access Strategy to address condition 1.26 of S73 Planning Application Ref: F/04687/13 approved 23/07/2014 for the Comprehensive Mixed Use redevelopment of the Brent Cross Cricklewood Area	11.12.2014	Under Consideration
14/08110/CON	Pedestrian and Cycle Strategy for Phase 1A North to address condition 2.8 of S73 Planning Application Ref: F/04687/13 approved 23/07/2014 for the Comprehensive Mixed Use redevelopment of the Brent Cross Cricklewood Area	17.12.2014	Under Consideration

15/00667/CON	Estate Management Framework to address condition 7.1 for Phase 1a (North) of S73 Planning Application Ref: F/04687/13 approved 23/07/2014 for the Comprehensive Mixed Use redevelopment of the Brent Cross Cricklewood Area	02.02.2015	Under Consideration
14/08109/CON	Car Parking Management Strategy to address condition 11.1 of S73 Planning Application Ref: F/04687/13 approved 23/07/2014 for the Comprehensive Mixed Use redevelopment of the Brent Cross Cricklewood Area	17.12.2014	Under Consideration
14/08108/CON	Phase Car Parking Standards and the Phase Car Parking Strategy for Sub Phase 1A North to address condition 11.2 of S73 Planning Application Ref: F/04687/13 approved 23/07/2014 for the Comprehensive Mixed Use redevelopment of the Brent Cross Cricklewood Area	17.12.2014	Under Consideration
14/07897/CON	Existing Landscape Mitigation Measures in relation to Phase 1a North to address condition 27.1 of S73 Planning Application Ref: F/04687/13 approved 23/07/2014 for the Comprehensive Mixed Use redevelopment of the Brent Cross Cricklewood Area	09.12.2014	Under Consideration
14/07896/CON	Tree Protection Method Statement in relation to Phase 1a North to address condition 27.2 of S73 Planning Application Ref: F/04687/13 approved 23/07/2014 for the Comprehensive Mixed Use redevelopment of the Brent Cross Cricklewood Area	09.12.2014	Under Consideration
15/00668/CON	Acoustic Design Report to address condition 29.1 for Phase 1a (North) of S73 Planning Application Ref: F/04687/13 approved 23/07/2014 for the Comprehensive Mixed Use redevelopment of the Brent Cross Cricklewood Area	02.02.2015	Under Consideration

14/07893/CON	Refuse Derived Fuel Feasibility Study to address condition 35.3 of S73 Planning Application Ref: F/04687/13 approved 23/07/2014 for the Comprehensive Mixed Use redevelopment of the Brent Cross Cricklewood Area	09.12.2014	Under Consideration
14/07959/CON	Alternate renewable sources further feasibility report to address condition 35.4 of S73 Planning Application Ref: F/04687/13 approved 23/07/2014 for the Comprehensive Mixed Use redevelopment of the Brent Cross Cricklewood Area	11.12.2014	Under Consideration
14/08106/CON	Revised Energy Strategy to address condition 35.6 of S73 Planning Application Ref: F/04687/13 approved 23/07/2014 for the Comprehensive Mixed Use redevelopment of the Brent Cross Cricklewood Area	17.12.2014	Under Consideration
15/00812/CON	Proposed Phase Transport Report for Phase 1 to address condition 37.2 of S73 Planning Application reference F/04687/13 approved 23/07/2014 for the Comprehensive Mixed Use redevelopment of the Brent Cross Cricklewood Area	10.02.2015	Under Consideration

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APPENDIX 5 CONSULTATION RESPONSES

FIRST CONSULTATION RESPONSES CONSULTATION PERIOD ENDING 10/03/2015

<u>Loss of green space and play facilities</u>	Officer Comments
1. The triangles are repeatedly referred to as 'Brownfield sites' this is incorrect and disingenuous.	This inaccuracy is noted.
2. Green space should not be built on when there is so much derelict and brownfield land available in the area including plots identified for development within the Outline Planning Permission.	The triangles are not designated as open space on the Local Plan Proposals Map, however it is recognised that they are utilised by local people. The development of these areas is supported in the adopted Development Framework and is permitted in the 2010 and 2014 Planning Permissions.
3. Green space is vital for the community and would be lost early in the first phase of the Brent Cross Cricklewood Development and will not be replaced until the final phase several decades later.	Both the new Claremont Park and the improved Clitterhouse Playing Fields are to be provided early in the first phase (Phase 1A North) of the development. A condition is proposed to prevent construction commencing on the Brent Terrace Triangles until arrangements have been made to the written satisfaction of the Local Planning Authority for the provision of the Claremont Park Improvements and the Clitterhouse Playing Fields Improvements (Part 1) including a clear commitment to a timetable of delivery. No residential units on the Brent Terrace triangles shall be occupied prior to the practical completion and provision of the Claremont Park Improvements and the Clitterhouse Playing Fields Improvements (Part 1) in accordance with the relevant Necessary Consents.
4. Barnet's policy encourages retention of open spaces for the benefit of wildlife and the health of residents. The loss of these spaces with the development of the Triangles is therefore contrary to Barnet Policy.	The development of these areas is supported in the adopted Development Framework and is permitted in the 2010 and 2014 Planning Permissions. Improvements are proposed to Claremont Park and Clitterhouse Playing Fields as part of the Reserved Matter Applications for Phase 1 N.

<p>5. BX Partners have provided play facilities and doorstep play for the new development plots which are in accordance with the provisions of the RDAS. However, in the development of the plots the children of Brent Terrace will be losing their doorstep play but not having it replaced. (It has been stated by residents of Brent Terrace that 11 Brent Terrace properties will lose their existing 'doorstep play' facilities as a result of this development.)</p>	<p>The triangles are not designated as doorstep play spaces, so while there may be informal use at present, this is not formal play space. There will be significant improvements to the Claremont Way Open Space, which will become Claremont Park, with the provision of play areas for all age groups, where such facilities do not exist at present. A doorstep play space will be provided at the southern end of Plot 54, again where currently there is no formal provision.</p>
<p>6. Play England states that good practice consists of providing mixed age play areas. The proposed play areas being provided on Plot 54 are too small and fail to provide such mixed age play facilities. Given the loss of the plots how is this justified?</p>	<p>In relation to doorstep play space, all units on Plot 53 are within 125m to the play facilities of Claremont Park in accordance with the approved Play Strategy and Hierarchy set out in the DAS and therefore no dedicated play space will be provided on site. All units on Plot 54 are more than 125m but less than 400m from Claremont Park and as such doorstep play area for children under the age of 5 (measuring 180m²) is provided on Plot 54 accordance with the provisions. This is in accordance with the principles established in the 2014 Permission.</p>
<p>7. One of the triangles is a designated park space for children's play and the other has been used as public amenity space for decades, removing this would go against Article 31 of the UN convention of the rights. Every child has the right to relax, play and take part in a wide range of cultural and artistic activities.</p>	<p>The triangles are not designated as open space on the Local Plan Proposals Map. The triangles are at present a poorly maintained open space which offers no formal play facilities. The proposals for the new Claremont Park will see the creation of a new open space, with seating, seasonal planting and numerous access points, as well as two play areas for different age groups. There will be passive surveillance of the new park from the new road which will run along its northern edge. It is considered that the new park will provide a significantly improved open space than that provided by the existing triangles.</p>
<p>8. Promises were made by the Developers that the southern triangle would be retained to be used as a playground.</p>	<p>The development of these areas for housing is supported in the adopted Development Framework and is permitted in the 2010 and 2014 Planning Permissions.</p>

<p>9. As a result of the loss of this doorstep open space the Children of Brent Terrace will resort to playing on the road which will be even more dangerous given the increase in traffic associated with the new housing.</p> <p>10. The provision of open space on Brent Terrace is of particular concern given the fact that Brent Terrace Properties do not have large Private garden areas. This increases the importance of the spaces that would be lost as a result of the proposed development. The Types of games that would be able to be played would also be curtailed by the loss of these spaces with games of cricket or 5 football no longer being an option within close proximity to the children's homes.</p>	<p>Both the new Claremont Park and the improved Clitterhouse Playing Fields are to be provided early in the first phase (Phase 1A North) of the development. Please see above (Comment 3) for the condition to be placed on this reserved matter application.</p> <p>There is no formal play provision within the Brent Terrace Triangles at present, and the 2010 and 2014 Planning Permissions provide for housing development on these areas. There will be substantial improvements to Clitterhouse Playing Fields (Phase 1A North Open Space RMA) to enable football and cricket to be played in an appropriate environment, and Clitterhouse Playing Fields are only a short distance away. There is a formalised 'kickabout' space proposed in Claremont Park to address the loss of the green space within the triangles.</p>
<p>11. Is building a block of flats appropriate on this particular residential street rather than a playground?</p>	<p>The development of these areas is supported in the adopted Development Framework and is permitted in the 2010 and 2014 Planning Permissions. The development proposes both flats and terraced houses. There will be significant improvements to the Claremont Way Open Space, which will become Claremont Park, with the provision of play areas for all age groups, where such facilities do not exist at present.</p>
<p>12. The southern triangle is marked as a play park for children and has been neglected for a number of years with rubbish and detritus mounting up. What is the guarantee that this new development will not be left in a similar condition in a few years?</p>	<p>Appropriate management agreements will be put in place through the Estate Management Strategy to ensure that the play space, and the Claremont Park and Clitterhouse Playing Fields are appropriately managed and maintained.</p>

<p>13. There are no other similar spaces within easy reach where parents would be comfortable in allowing their children to safely play. The potential for such play to encourage responsible social development and community spirit in young people is well established and cannot be overemphasised.</p>	<p>Both Claremont Park and the improved Clitterhouse Playing Fields will provide neighbourhood play areas for all age groups, as well as providing opportunities for sport.</p>
<p>14. The loss of this amenity will have a significant detrimental effect on the health and wellbeing of the residents on this road through the removal of existing green landscaping and open space that currently characterises the area.</p>	<p>As well as providing substantially improved play and sport provision, Claremont Park and Clitterhouse Playing Fields will be upgraded (as part of Phase 1A North) to provide new routes and pathways with attractive planting, seating and picnic areas for quiet recreation. Clitterhouse Playing Fields is to provide an outdoor gym, as well as MUGA for a variety of sports, and significantly improved sport provision to supplement the play and recreation provision to be made in Claremont Park. The proposed new hedge and lengths of hedge to be retained will continue to provide a green 'backdrop' to Brent Terrace as at present.</p>
<p>15. The development will have a particularly detrimental impact upon elderly residents as many have limited mobility and so are reliant on these green spaces to walk their pets.</p>	<p>Claremont Park is accessible to residents for dog walking, and this has been designed to ensure optimum accessibility for all.</p>
<p>16. The loss of the Brent Terrace triangles will see the demise of yet another Cricklewood green space. We recently lost the Hendon Football Club (part of Clitterhouse Playing Fields). A further one fifth of the existing Playing Fields will be lost in the next phase of the Brent Cross development, along with Clarefield Park and possibly the Cricklewood Town Centre Green.</p>	<p>Hendon Football Club was not a publically accessible green space. Clitterhouse Playing Fields will benefit from a slight increase in size as a result of the Reserved Matter Application currently under consideration. The new Claremont Park will provide a significantly enhanced recreation and play facility. There will overall be a quantitative increase in green space through the redevelopment of the Brent Cross scheme, with substantial qualitative improvements, which will make the retained green spaces more user friendly, safe and attractive than at present.</p>

<p>17. How is building on our green spaces, whilst leaving us the brownfield and derelict land 'regeneration'?</p>	<p>There will overall be a quantitative increase in green space through the redevelopment of the Brent Cross scheme, with substantial qualitative improvements, which will make the retained green spaces more user friendly, safe and attractive than at present.</p>
<p>18. Brent Terrace properties will be subject to the removal of their existing garden space to the west during later phases when this land will be acquired to form an extremely narrow 'road park'. This is not acceptable as a replacement green space for the Brent Terrace Triangles. These gardens have been used for nearly 100 years by past and present residents.</p>	<p>There will be an opportunity to consider design related to later phases of development when the relevant reserved matters application has been submitted to the Council. In respect of replacement green space please refer to the above response.</p>
<p>15. As pretty the roof garden maybe are they are not an acceptable substitute for open space?</p>	<p>The development for housing of these areas is supported in the adopted Development Framework and is permitted in the 2010 and 2014 Planning Permissions. There will overall be a quantitative increase in green space through the redevelopment of the Brent Cross scheme, with substantial qualitative improvements, which will make the retained green spaces more user friendly, safe and attractive than at present.</p>
<p>Amenities of existing and future Residents</p>	
<p>1. The planned development does not take account the Mayor of London's Housing Design (Housing Supplementary Planning Guidance), which encourages greater cohesion between communities.</p>	<p>The plots have been designed in response to the surrounding existing development and following consultation with the local community. All relevant guidance has been considered throughout this process.</p>
<p>2. Cricklewood seems to be the dumping ground for development within the borough. It should be subject to development which gives something back to the community rather than taking from long term residents of the area who form the existing cohesive community. Consideration should be given to the needs of this existing community.</p>	<p>In line with the adopted Development Framework the overall aim of both the 2010 and 2014 Permissions is to create a sustainable new town centre for Barnet. In addition to new homes and jobs the town centre is to consist of extensive new community facilities, transport infrastructure with a particular emphasis upon public transport, and open space.</p>

<p>3. The illustrations and description of the proposed buildings on the green triangles separate the proposed properties from the existing, this would not promote community cohesion and good relations in line with Barnet's Public Sector Equality Duty.</p>	<p>The new buildings create a terrace along Brent Terrace facing the existing terrace opposite. This is the contemporary treatment of the traditional arrangement with the street acting as a shared public space and a place for community interactions. The new development provides back to back gardens with Clitterhouse Crescent - again this is a traditional suburban form that separates the public space of the street from the private space of gardens. All new footpaths provided within the plots are public, and there will be no 'gated community'. Improvements to Claremont Park and the provision of a new doorstep play area to the south of Plot 54 provide places for interaction with the wider community.</p>
<p>4. The proposal for 47 flats on a small piece of land with small size rooms would not provide a desirable environment for any family. The design is therefore not sympathetic to future residents.</p>	<p>The proposals included 11 family sized houses plus 36 flats rather than 47 flats as indicated. All new houses and flats meet or exceed the size of the existing flats and maisonettes on Whitefield Estate and meet current space standards for all rooms, storage provision and private amenity space in the London Plan.</p>
<p>5. It is inappropriate to rehouse people who live in houses into flats; any reduction in the number of units would be a great improvement and would reduce detrimental impacts upon the future residents.</p>	<p>The proposed new unit mix for the Secure Tenants is based on a housing needs survey (undertaken by Barnet in Autumn 2014). The proposed mix for new homes for the Leaseholders is based on a like-for-like re-provision with regards to bedroom numbers. The new homes are designed to current and more generous space standards, so that all new homes are larger in area compared to the existing homes.</p>

6. Regeneration should be about improving the well-being of all residents; the proposals remove the community space from the existing residents and are not sympathetic to the existing environment.

The development of these areas is supported in the adopted Development Framework and is permitted in the 2010 and 2014 Planning Permissions. Both the new Claremont Park and the improved Clitterhouse Playing Fields are to be provided early in the first phase (Phase 1A North) of the development. A key consideration in designing the proposed dwellings was to respect the existing scale and grain of the existing houses along Brent Terrace and those to the rear of the plots along Clitterhouse Crescent

7. The introduction of a dense development in these locations fragmented from the existing community of residents is a threat to the future wellbeing of both existing and proposed residents. This would cause irreversible harm to the street and change the nature of the neighbourhood.

The proposals fall well within the maximum height permitted for the plots as shown on Parameter Plan 007 of the 2014 Planning Permission and furthermore, the proposals are below the maximum floorspace permitted for the plots as set out on Parameter Plan 014 of the 2014 Planning Permission. This maximum height and maximum floorspace quantum was tested in the environmental and other documentation that led to the 2014 Planning Permission and was considered entirely appropriate.

In addition, the proposed density of 236 habroom/ha is below the indicative 298 habrooms/ha established for Brent Terrace Zone as set out in table 3B in the revised DSF.

Notwithstanding the maximum parameters permitted in the 2014 Planning Permission, the scheme has evolved through a series of workshops with the local planning authority and as a result the proposed massing and density has been reduced by over 20% from that originally proposed and the minimum distances from the boundary line have been doubled. In light of this process of scheme refinement, proposals are of a comparable height to the surrounding residential properties. The buildings are therefore considered appropriate for the existing environment, whilst also having regard to the fact that the site falls within a defined Opportunity Area in the London Plan and Local Plan which is to undergo significant and comprehensive regeneration.

<p>8. Barnet Housing Strategy 2010- 2025 (March 2010) promotes mixed communities and highlights that ‘it is important that new and existing communities feel safe’. It is not considered that the proposed development would make new and existing communities feel safe. Brent Terrace residents have raised concerns and are seeking security for existing and future residents</p>	<p>The gardens of the new development will back onto the existing gardens of Clitterhouse Crescent and will make the previously very insecure boundary condition a lot safer.. The new homes will improve passive surveillance along Brent Terrace and therefore improve security. New development is designed to meet Secure by Design standards where possible.</p>
<p>9. Brent terrace suffers from significant levels of fly tipping and littering. It is an area that has been allowed to deteriorate. This development will face similar issues leading to anti-social littering and vandalism. How will this be addressed?</p>	<p>Appropriate management agreements will be put in place through the Estate Management Strategy to ensure that communal areas are appropriately managed and maintained.</p>
<p>Overlooking and privacy</p>	
<p>1. The proposed distance is far too close and would cause a loss of privacy for the existing residents.</p>	<p>The proposed buildings have been designed to comply with Barnet’s SPD - Sustainable Design and Construction and achieve the 21m distance required by Barnet Policy.</p>
<p>2. Clitterhouse Crescent properties that back directly onto the ‘triangles’ would be overlooked, in particular by the proposed balconies. The development should maintain the privacy of all existing residents.</p>	<p>Most balconies have been located along Brent Terrace frontage elevation or the side elevations. Where balconies had to face the Clitterhouse Crescent gardens, 1800mm high planted screens ensure privacy and avoid overlooking are proposed . There are no habroom windows on the top floor within the elevations closest to the neighbouring properties. Due to the topography the new development is set lower than the houses along Clitterhouse Crescent which also reduces the impact of the new development.</p>

<p>3. The proposal states that that no windows will be installed that overlook neighbouring properties. Document 1065-10-023 the side elevation and other plans clearly highlights that the third story will overlook 50% of the front gardens and bedrooms on Brent Terrace, the development should be reduced to two storeys in height to maintain the privacy of all existing residents.</p>	<p>All windows of the new development are at least 21m away from the 2 storey Brent Terrace cottages. This distance is deemed sufficient to avoid overlooking and complies with planning policy and the 2014 Planning Permission.</p>
<p>4. The proposed flat roof gardens for the apartment block will give a panoramic vista over existing homes and gardens. Existing residents will suffer a loss of privacy which is against the Human Rights Act 1996 Article 8.</p>	<p>The development does not provide flat roof gardens but rather green/brown roofs for environmental purposes.</p>
<p>5. I am not convinced the minimum distance of 21m will be met can you confirm this distance will be met?</p>	<p>The single storey extensions are on average 18m from new development, but these are generally blank gables. The distance of 21m is achieved for the main houses where the all the relevant habitable rooms are located.</p>
<p>6. The submission states that distances to neighbouring properties exceed 21m throughout. The majority of the Brent Terrace houses are only 16m from the proposed 3 storey façade.</p>	<p>Please see answer above.</p>

<p><u>Daylight/sunlight</u></p> <p>1. The Appendix C Daylight and sunlight study only shows up to 16:00 in June; this is insufficient information for the purpose of this application. Residents enjoy late summer sunshine in our gardens and this has to be addressed.</p> <p>2. The three storey buildings will cause a significant loss of light to Residents of Brent Terrace during the morning periods as the sun rises Behind plot 54.</p>	<p>The Appendix C drawings identify that the rear gardens of the properties on Clitterhouse Crescent and Clitterhouse Road will meet the BRE guidance with at least half of each garden receiving at least 2 hours of direct sunlight on March 21st. The proposed scheme will cause very little overshadowing and this will be restricted to the evening in the summer where the shadows cast are inevitably long.</p> <p>The proposed windows will comply with the BRE guidance. As the proposed buildings are to the north-east of the Brent Terrace properties, in accordance with the BRE guidance, the proposals will not adversely affect the sunlight received to the rear of the Brent Terrace properties. The transient overshadowing drawings illustrate that the shadows from the proposed scheme will not reach the rear of the Brent Terrace properties in March or in June.</p>
<p><u>Traffic / Parking</u></p> <p>1. Parking is already extremely tight and causes social friction on the street, it is not clear that there will be enough car parking spaces after the new build. No visitors parking and provisions for households with more than one car have been provided. The Reserved Matters Transport Report has simply addressed parking issues for the new residents and assured us that there will be a parking space off street for each new unit.</p> <p>2. Under no circumstances should the north end of Brent Terrace be opened so that it is no longer a cul de sac, Brent terrace would lose many on-street parking spaces.</p>	<p>Off street parking provision for 47 vehicles (1 space per dwelling) is proposed for development Plots 53 and 54 in accordance the 2014 Permission. It is not expected that the development will have any material impact on the existing on-street parking availability.</p> <p>There are no plans for the length of Brent Terrace serving Plots 53 and 54 to be connected at the northern end. It will therefore remain a cul-de-sac.</p>

<p>3. How many parking spaces in Brent Terrace will be lost as a result of the development?</p>	<p>Currently there are no plans to restrict any of the existing on-street parking and therefore it is not proposed that any 'spaces' will be lost.</p>
<p>4. Existing car parking spaces will be lost as a result of the introduction of the turning circle.</p>	<p>The turning circle has been removed from the proposals and refuse vehicles are now to turn in the entrance to Plot 53,</p>
<p>6. Brent Terrace is a family orientated road and we previously requested traffic calming and for the street to be a designated home zone. The proposed development will cause more traffic and pollution into the street. With the loss of on street parking the development encourages people to rip up their small gardens to provide off road parking. Surely, this is contrary to all good practice and residents will be left with only their tiny back gardens after the front is turned into car parking. The resulting increase in hardstanding would also increase flood risk in the area.</p>	<p>The Phase 1A Reserved Matters Transport Report forecasts an additional 10 vehicle movements in the weekday AM Peak, 7 vehicle movements in the weekday PM Peak and 4 vehicle movements in the Saturday Peak hour on Brent Terrace for plot 53/54 development. On this basis it can be seen that the development will not result in a material increase in traffic movements. Flood risk has been assessed as part of the ES and no significant increases have been identified.</p>
<p>7. It is difficult if not impossible for wider vehicles to pass or for cars coming from the opposite directions to give way. In emergency situations it would be difficult for an ambulance or fire engine to enter the street and their access could easily be prevented by poor parking. There have been occasions where the fire brigade has been prevented from accessing properties because cars have been parked both sides of the street. The additional traffic proposed would have a huge impact and would be a significant safety issue. This must be addressed in the design proposals.</p>	<p>). Plots 53 and 54 have off-street parking provision, so should not exacerbate the existing situation. If parking abuse exists on the existing highway which impedes emergency vehicles then the Highway Authority could consider implementation of parking restrictions through Traffic Regulation Orders.</p>

<p>8. Could emergency vehicles access the site at all times even when parking is more congested? Are Current Guidelines on traffic and emergency access complied with?</p>	<p>).</p> <p>Based on OS mapping) the street width is 6.2m. The Manual for Streets suggests a carriageway width of 4.8m is adequate for a large vehicle and a car to pass each other. Allowing a minimum 1.8m parking zone along one side of the street leaves 4.4m width; adequate for two cars (or large vehicle and cycle) to pass each other but less than the desirable 4.8m for a large vehicle and car to pass. Accesses to existing properties and the new bell mouth entrances into Plots 53 and 54 do provide some areas where cars can pull in to allow larger vehicles to pass. It should be noted that this situation naturally reduces vehicle speeds that a wider street would otherwise encourage.</p>
<p>9. Brent Terrace is already subject to more incidents, near misses and antisocial behaviour than take place on the main roads. The proposed development fails to provide any mitigation for these issues which will be worsened with the proposed development.</p>	<p>Observed Personal Injury Accident (PIA) data identifies no recorded PIAs on Brent Terrace (South) in 5 year period to end December 2013. The proposed development will increase the active street frontage onto Brent Terrace, creating additional background lighting and informal surveillance.</p>
<p>10. On bin collection days the pathway is so narrow that push chairs and buggies cannot manoeuvre around the bins and parents are forced to take their children onto the road, other pedestrians including children and the elderly are also forced to walk on the road. The proposals do not address this existing problem.</p>	<p>The new development complies with LBB policy on refuse collection. The new development also improves the existing situation by providing a facility which will allow the refuse vehicle to turn around, preventing the need for it to reverse out of Brent Terrace.</p>

<p>11. The street is currently only lit at night from one side and as a driver this is difficult to see people additional traffic would exacerbate this problem.</p>	<p>). The new development will have external lighting which should help enhance lighting levels generally in the area.</p>
<p>12. Safety of existing and proposed pedestrians upon Brent terrace should have formed an integral part of the proposals including provision of alternatives to car ownership and the encouragement of cycling and walking. There is currently a real problem on Brent Terrace and someone could get hurt in a serious accident. Proposals on Brent Terrace should make the street safer for all residents and add to the community feel of the area.</p>	<p>PIA data identifies no recorded PIAs on Brent Terrace (South) in 5 year period to end December 2013. The existing footway on the western kerb is not proposed to be impacted by the development, and any changes to the eastern footway will be in line with current best practise guidance. The development will provide for pedestrian / cycle connections to the existing / proposed network as part of Integrated Transport Strategy (ITS) for BXC.</p>
<p>13. Drivers using the new driveways onto the triangles will have their view obscured by the hedgerow making it dangerous when pulling out onto the street and pulling onto the site across the hidden footpath or cycleway. More information needs to be provided.</p>	<p>The exact requirements for the plot visibility will be determined during detailed design and this will be secured by planning condition. It should be noted that for low speed, low volume roads Manual For Streets allows for reductions in 'x distances' to 2.0m and also states that unless there is local evidence to the contrary a reduction in visibility splays will not necessarily lead to a problem. Notwithstanding this, the applicant will attempt to develop a compromise situation during detailed design where as much of the existing hedgerow is retained as possible without adversely affecting the safety of road users.</p>
<p>14. When the Building/occupier-specific Travel Plan will be developed?</p>	<p>The wider BXC Development is subject to a Framework Travel Plan (FTP) which sets out the basis for Individual Travel Plans for defined development plots. The FTP states that all developments of over 60 residential units are expected to include an ITP. With the proposed provision of 47 units plots 53 & 54 fall outside of this requirement.</p>

<p>15. The turning circle It will increase traffic and noise levels and will encourage vehicles to enter the road increasing the existing flow of traffic even further.</p>	<p>The turning circle has been removed from the proposals and refuse vehicles are now to turn in the entrance to Plot 53.</p>
<p>16. The size of the cycle storage shown on drawing HT-1413-P-03 is a lot smaller than earlier designs and now appears unrealistic at about 1.5 in depth.</p>	<p>Vertical cycle racks are proposed in this location to minimise impact of the cycle storage on adjacent tree roots. The cycle storage is 3m deep.</p>
<p>17. Cycle parking is incorrectly located on the footpath and obscured by the hedge. This will be a temptation for thieves. These cycle storages should be placed in the main car parks so they are visible.</p>	<p>The location of cycle stores has been considered appropriate by the Metropolitan Police Secured by Design officer and will be protected by strong locks.</p>
<p><u>Character</u></p> <p>1. The current Barnet housing strategy highlights the need to retain the character of the diverse areas (LB Barnet housing Strategy 2010-2015). The proposed buildings are inappropriate and out of keeping with their surroundings. Their presence will have an unacceptable impact on the existing residents and detrimental to the local character. The designs should have been developed to must blend with the local Victorian properties which are dated back to 1880.</p>	<p>The design draws from the existing Brent Terrace houses with regards to material (brick), window proportions and window sill details. e. The length of the individual blocks is shorter than the Brent Terrace rows of houses and will allow for permeability and views through the sites. The back-to-back gardens with the properties on Clitterhouse Crescent is a traditional sub-urban form.</p>
<p>2. The discrete character and charm of Brent Terrace has a strong sense of community and is strongly supported by the Residents Association. The earlier proposals highlighted that “The character of Brent Terrace will be retained and enhanced... vacant land will be occupied by a number of new family terrace houses... set back from the existing street”. The proposed designs should preserve and enhance the architecture rather than obscure it</p>	<p>As noted above, the new development has been designed to reflect the scale and character of Brent Terrace. The new family houses and flats and improvements to the local open space should reinforce the existing character rather than diminish it. The new development is still set back from street and sits behind a hedge which is an existing feature of Brent Terrace that is being replanted .</p>

<p>3. Some drawings are incorrectly scaled and could mislead, the 'triangles' are on a higher elevation. The height of the proposed buildings is unacceptable it will be intrusive, dominating and radically differs from the Character of the existing streetscene.</p>	<p>The drawings are accurately scaled. The triangles will be excavated to reduce floor levels and reduce the height of the new development. The height of the buildings will be as shown on the drawings and are up to 2m lower than the maximum permitted under the outline permission. the fall across the site from Clitterhouse Crescent will reduce the impact of the new development from this aspect.</p>
<p>4. If the developers continue to go ahead with the proposed development, Brent terrace properties will be dwarfed from all sides.</p>	<p>The proposals fall within the maximum height permitted for the plots as shown on Parameter Plan 007 of the 2014 Planning Permission.</p>
<p>5. The proposed housing will not be integrated and is being rushed through in order to fulfil needs for the shopping centre extension without proper consideration to the social and physical context of this Street.</p>	<p>So as to construct the Living Bridge which spans the A406 North Circular, some units of the existing Whitefield Estate are to be demolished and their residents re-located to new homes. This is defined within the 2014 Permission and the Section 106 (S106) Agreement as being part of the Whitefield Estate Replacement Units (Part 1). The 2014 Permission and S106 require the relevant replacement units to be completed prior to any demolition works to the Whitefield Estate units take place. Consultation on Plots 53 and 54 originally took place in 2006 and 2007, with an outline Planning Permission secured in 2010. In October 2013, the Development Partners widely consulted on proposed amendments to the conditions attached to the 2010 Permission. This included revisions to the first phase, included Plots 53 and 54. In July 2014 a new Planning Permission was secured. The 2014 Planning Permission has enabled the Development Partners to start detailed design work on Plots 53 and 54 and there has been etailed consultation on this element of the masterplan since October 2014. Further information about this consultation is provided below.</p>
<p>6. The proposed buildings do not respond to the existing character of the area and would damage to the conservation area.</p>	<p>The area is not designated as a conservation area within the Local Plan.</p>

<p>7. Why can't the new buildings be designed the same way as the existing?</p>	<p>The 2014 Permission does not fix the nature of the residential development on Plots 53 and 54. Instead the RDSF, RDAS and RDG set out parameters for the detailed design of the plots, which includes the application of a terrace typology and applying it in a contemporary fashion. The current design reflects this. Other design approaches have been considered but the contemporary form of terraces proposed are considered to be appropriate within this setting.</p>
<p>8. The height of the proposed buildings is over-powering to the context of surrounding buildings. Side elevation drawing 1065-10-023 show how domineering the new properties will be, these are 2m higher than the current houses on Brent Terrace.</p>	<p>The proposals fall well within the maximum height permitted for the plots as shown on Parameter Plan 007 of the 2014 Planning Permission. Daylight/sunlight and overshadowing assessments have been undertaken which confirms that the proposed new development will comply with guidelines for impacts on the existing surrounding properties.</p>

<p>9. Although relatively small in scale in comparison to the overall regeneration development, the proposed numbers of units are too dense; building 47 homes onto two tiny strips of land is unacceptable. They would be very close to neighbouring houses on both sides and will inevitably lead to undesirable conditions on the whole of Brent Terrace, and create a 'cramped environment' which will be out of context and scale with the neighbourhood.</p>	<p>The development has been designed to provide new houses and flats that are larger than the existing houses and flats that are being replaced on the Whitefield Estate and meet or exceed current minimum space standards for all rooms, storage provision and private amenity space. The amenity of the neighbours has been considered in the design to avoid overlooking and loss of privacy with distances of 2.1m window to window and 1.1m and 9.7m from the rear wall of the properties located along Clitterhouse Crescent which generally complies with the 10.5m set back distance set out in guidance, although the guidance notes that in regeneration areas less distance may be provided having regard to design. A number of reports have been prepared to assess the impact of the new development on the amenity of the neighbouring properties including, daylight and sun lighting and transport. The scale and massing of the proposals have taken into account the existing context; using a traditional palette of materials and using landscape to tie the new development into the existing area.</p>
<p>10. It is worth noting that existing properties situated at the top of Brent Terrace, close to facing 1-7 Brent Terrace are relatively different in style but are set back from the road approximately 20m. The proposed buildings will overshadow the existing properties and will dominate the road rather than being set back.</p>	<p>The proposals fall I within the maximum height permitted for the plots as shown on Parameter Plan 007 of the 2014 Planning Permission. Daylight/sunlight and overshadowing assessments have been undertaken which confirms that the proposed new development will comply with guidelines for impacts on the existing surrounding properties.</p>
<p>11. If the developers continue to go ahead with the proposed development, Brent terrace properties will be dwarfed from all directions.</p>	<p>The proposals fall within the maximum height permitted for the plots as shown on Parameter Plan 007 of the 2014 Planning Permission.</p>

<p>12. The scale of the buildings represents a massive change to Brent Terrace and we question why the plans have moved away from the terraced houses originally conceived (Application No C/1759/08) in the original design</p>	<p>The 2014 Permission does not fix the nature of the residential development on Plots 53 and 54. Instead the RDSF, RDAS and RDG set out parameters for the detailed design of the plots, which includes the application of a terrace typology and applying it in a contemporary fashion. The current design reflects this. Other design approaches have been considered but the contemporary form of terraces proposed are considered to be appropriate within this setting.</p>
<p>13. Would there be enough access for wheelchair users to access this development? And are their needs considered to develop the units?</p>	<p>3 no. wheelchair adaptable units have been provided, all footpaths are wide and shallow enough to be suitable for wheelchair users. 50% of all units have step free access and are located on ground floor. All units are designed to meet the requirements of Life Time Homes. There is the possibility of fitting lifts at a later point. The scheme has been presented to the Consultative Access Forum.</p>
<p>14. The north triangle is 45ha and the south triangle is 32ha. The north will have 30 units and the south will have 17 units. The housing on the north triangle is 16% more dense than on the south triangle. What is the reason for this?</p>	<p>The southern plot has a proportionally larger number of family houses and also contains the doorstep play area. Accounting for these factors the densities on both plots are very similar.</p>

<p>15. Has provision been made for wildlife within the proposed development?</p>	<p>There is to be a replacement native hedge where this is to be removed to accommodate development. In addition there is to be native 'screen' planting along the eastern boundary of the development which will provide both screening and improved habitat opportunities. A number of bird and bat boxes have been proposed and are shown on the drawings, as well as a number of 'log piles' providing additional habitats. The provision for wildlife and vegetation has been included in the final landscape plans submitted with the RMA. These show the areas of new hedgerow planting to improve the existing ecological value (more biodiverse species), the inclusion of green roofs, native species planting along the boundaries and within the site, bird and bat boxes will be provided along with log piles for invertebrates. The combination of new vegetation with predominantly native species and a greater diversity of species will increase the amount of wildlife attracted to the area, whilst man-made wildlife homes/nests will help to encourage species to not only forage on site but to live and breed here.</p>
<p>16. It appears that excavation of the sites could result in a 2.5m high retaining wall at the back of each site. Please confirm whether or not this is the case.</p>	<p>The scheme has been revised to minimise the need for a retaining wall to the rear of all properties, with most properties having a short bank and terrace with steps from a rear patio. Short lengths of retaining wall are required behind the central parking areas only, and these are to be planted with climbers and trained fruit trees. The maximum retaining wall height to the rear of the carpark areas will be 1.8m. Proposals include a slope up to the retaining wall at 1:20 so this is likely to reduce to 1.2m. The average height of the retaining walls bordering back gardens is below a metre.</p>

<p>17. The proposed development would be dominated by hard standing and there will be no buffer between the new flats and the street.</p>	<p>The green corridor is identified on Parameter Plan 003 and should be a minimum of 3m in width. The proposed green corridor meets this width. The new hedge will be 2m in height at the time of planting and will quickly grow to the height of the existing hedge (5m). The 'green buffer' provided by the hedgerow will only be temporarily lost during construction and the initial years of establishment until the new vegetation matures. Where new properties about a new footpath, a raised planting bed of minimum 1.5m width is provided as a threshold. There is planting throughout the development, and climbers and/or trained fruit trees to boundary or retaining walls where these face onto communal space.</p>
<p>18. We are not allowed to build loft conversions due to impacts upon the character of the area. Why are 3 three storey blocks of flats acceptable to the character of the area?</p>	<p>The 2014 Permission does not fix the nature of the residential development on Plots 53 and 54. Instead the RDSF, RDAS and RDG set out parameters for the detailed design of the plots, which includes the application of a terrace typology and applying it in a contemporary fashion. The current design reflects this. Other design approaches have been considered but the contemporary form of terraces proposed are considered to be appropriate within this setting.</p>
<p>Hedgerow</p>	
<p>1. Mc Guinness once commented that: 'An important part of the design team's work has been the retention and reinstatement of the hedgerow. A survey was carried out of the existing hedge and trees along Brent Terrace to assess the condition.' The removal of the historical hedge that was specifically acknowledged as an ecological asset in the outline consent is not in keeping with the stated goals of this development.</p>	<p>The Phase 1 Habitat Survey as reported in the ES Further Information Report found the existing hedgerow to be of low ecological value which was supported by the tree survey report contained in Appendix D of the Design Development Report. It has been necessary to remove sections of the existing hedge to allow for the construction of the development and access to the sites. Where sections of the hedge are to be removed, this is to be replaced with new native hedge planting. This is to be planted as an 'instant' hedge 2m high which will quickly grow to the same height as the existing hedge. The proposed hedge will contain a greater variety of plant species than at present and will provide a richer ecological resource than the existing poor quality hedge does at present. Further ecological enhancements include the screen planting areas along the eastern boundary of the site, as well as the provision of bird and bat boxes throughout the development.</p>

<p>2. Residents have been told that the hedgerow will be taken down where it is in poor condition. The submission suggests that the hedgerow and verge will be replaced, it will take 5 years or more until the hedgerow has grown to anywhere near its current height. In the short term the area will look awful, these hedgerows and green spaces should be enhanced not destroyed and built on to the great detriment of the local community</p>	<p>Short term visual impacts are anticipated during construction when sections of the hedge will need to be removed to obtain access to the site. Despite this, any removed vegetation will be replaced with native hedgerow offering a significant benefit in terms of an improved green corridor and additional screening features. The tree condition report appended to the Design Development Report indicates that without intervention it is likely the hedgerow in its current state would continue to deteriorate.</p>
<p>3. The hedgerow is currently nearly 2 meters higher than street level, if removed it will also impact the habitat for the birds that inhabit the street and change the natural environment, and for those living on the street it will cause a major loss of privacy.</p>	<p>It is not considered that the hedgerow currently supports a notable bird population or one containing protected species, however it is recognised that the local fauna will experience disruption during the construction period for Plots 53 and 54. Vegetation removal would need to be undertaken outside of the bird nesting season and a suitably quality ecologist should be on site during the removal to check all trees for birds and nests prior to cutting.</p> <p>The proposed native hedgerow replacement and surrounding landscaping within the plots and in Claremont Park to the north would offer improved habitat to bird and bat species and should encourage more wildlife to the site. During the construction works birds and other wildlife would be able to temporarily relocate to Claremont Park to the north or other marginal habitat along Brent Terrace and to the south.</p>

4. The green buffer should be widened and extended this would give neighbours privacy, protect the view and offer protection from the prevailing wind, noise, smell and sight of the CHP.

The green corridor is identified on Parameter Plan 003 and should be a minimum of 3m in width. The proposed green corridor meets this width. The new hedge will be 2m in height at the time of planting and will quickly grow to the height of the existing hedge (5m). The 'green buffer' provided by the hedgerow will only be temporarily lost during construction and the initial years of establishment until the new vegetation matures. During this time a degree of visual impact will be experienced by the existing residents at Brent Terrace, however it is considered that this will be comparable to most London neighbour proximities and not subject for concern. The CHP has not been fully assessed in the ES Further Information Report for air quality and noise as details were not available at the time of submission, however it is considered that, due to the scale of the proposals, and the experience of the air quality consultants on assessing the impact of small scale CHP plants, stack emissions will not have a significant impact on nearby residents. There is no expected odour emission which in the consultant's (Waterman) professional opinion is not an issue experienced at most operational CHPs and considered the fuel type of natural gas would be highly unexpected. As for noise, the noise consultant has stated that the proposed CHP plant will have a capacity range of between 58-95 kWth which is expected to have a noise-emission level of 70 dB(A) at 1m. Emissions of noise from the building housing the CHP, will be reduced by means of acoustic treatment and will not exceed 10dB below the background noise level (LA90). Details of the proposed CHP and its compliance with the Revised Energy Strategy will be secured through planning condition.

<p>5. At a time when England was trying to preserve its hedgerows, the hedgerow running most of the length of Brent Terrace will be mostly destroyed if the 'triangles' are built upon. The destruction of the hedgerow will result in a loss of trees and will have a detrimental effect on nature conservation since this hedgerow currently creates a wildlife corridor and haven in an area that suffers from barriers such as the railway line and the A406 and Hendon Way roads.</p>	<p>Where sections of the hedge are to be removed, they will be replaced by a new native hedge, with tree planting. There are currently no trees worthy of retention within the hedge, and new tree planting here will be a significant improvement on the existing situation. It is acknowledged that wildlife may seek refuge in and around this hedgerow at present due to the lack of other surrounding alternatives and the known anti-social behaviour and degraded habitat in Clarendon Park. However, the Extended Phase 1 Habitat Survey as reported in the ES Further Information Report found the existing hedgerow to be of low ecological value which was supported by the tree survey report contained in Appendix D of the Plots 53 and 54 DDR. As such, it is considered that the landscaping at Plots 53 and 54 and the proposed improvements to the surrounding open space at Clarendon Park and Clitterhouse Playing Fields, will provide considerable benefits to the existing ecology and should attract further wildlife to the area in time.</p>
<p>6. There is an inconsistency with regard to the existing boundary which is acknowledged as being the centreline of the historic hedge whereas the submission uses the back edge of pavement. This is misleading and needs to be made clear.</p>	<p>The redline boundary line is consistent with that of the 2014 Permission.</p>
<p>7. The hedgerow is supposed to be continuous and a green corridor, but it will have 5 new breaks for wide driveways.</p>	<p>The green corridor (GC7) is identified on Parameter Plan 003 and should be a minimum of 3m in width. The 2014 Permission does not require the green corridor to be continuous. The breaks in the hedge provide the access required to the plots and have been kept to a minimum to allow for flora and fauna to move from one length to another.</p>

<p>8. The hedgerow is being given 3 metres width in the new scheme and this is supposed to be a green corridor. How can anything so narrow realistically be a green corridor?</p>	<p>The green corridor is identified on Parameter Plan 003 and should be a minimum of 3m in width. The proposed green corridor meets this width. A green corridor can be any linear open space which allows small mammals, invertebrates and plants to move from one habitat area to another, to 'jump' short distances, or self-seed from one area to another, 3m width is sufficient to facilitate this. The hedge and proposed hedgerow wildflower margins proposed will allow this movement to take place, along the length of the hedge - both existing and proposed new sections.</p>
<p>9. At 5 metres, the hedgerow will probably block light to some of the flats, since the windows facing the street are west facing and therefore receive most of the light during the day. What is stopping the new residents from having it cut down?</p>	<p>LBB have requested that the new sections of hedge are allowed to reach 5m to replicate the height of the existing hedge.</p>
<p><u>Impact on wild life</u></p> <p>1. The proposed development will have a detrimental impact on the local wildlife. It is not considered that impacts upon protected species affected by the development have been considered. The proposals would result in existing wildlife will be driven away and leading to a sterile environment.</p>	<p>As stated in Chapter 11 of the ES Further Information report, the planting and biodiversity strategy in Plots 53 and 54 has been developed to maximise the opportunity for habitat creation and species diversity with a focus on native species. A number of native semi-mature trees are proposed with associated woodland understorey planting along the eastern boundary. Creating a good structure of trees alongside the remaining areas of existing trees and hedgerow will provide habitat for foraging birds, bats and invertebrates. In addition, bat and bird boxes will be mounted on the existing trees and buildings. The proposed landscaping will considerably improve the biodiversity and ecological value of the Brent Terrace triangles and will link in with the improved Clarendon Park once completed.</p>

<p>2. The protection of green spaces trees and in particular the existing Hedges must be a principal of the proposed development to provide appropriate habitat within the wider cityscape. Wildlife not only teaches children about nature but is considered as key attraction in this local area. The proposed development is not sympathetic to the existing wildlife and has not addressed the impact it would potentially have.</p>	<p>The landscape proposals and buildings at Plots 53 and 54 which include green roofs will provide many wildlife opportunities for the site through enhancements such as invertebrate log piles and bird and bat boxes. The additional committed open spaces on the project at Claremont Park and Clitterhouse Playing Fields will also provide excellent wildlife opportunities and educational areas for children to visit and learn more about their local area and wildlife. Please also see response above.</p>
<p>Noise and pollution</p> <p>1. Concerns have been raised that the proposed development would increase noise and disturbance both from influx of additional residents and construction. The increase in noise levels will completely change the dynamic of the street.</p>	<p>The proposed Development provides for a relatively small number of units and associated vehicular trips, as such there is expected to be a minimal change in traffic flows along the road, resulting in negligible noise increases. Pedestrian traffic is in general not known to give rise to a change in noise levels. With regards to construction there may be the potential for some temporary short term increases in noise levels during the construction of the apartments, however, these would be short-lived and would not permanently impact the dynamic of the street. In the 'Do Minimum' scenario there would also be increases in traffic on the local roads without the development in place due to natural population growth over time, therefore the increases are not entirely accredited to the development which as mentioned is small scale in this locality.</p>

<p>2. The number of properties will inevitably lead to noise nuisance problems for new and existing residents on Brent Terrace. This will lead to tension between residents which will affect community cohesion.</p>	<p>. The apartments would be designed so as to minimise the potential for any noise break out from within the apartments. The potential for noise nuisance would be no greater than currently exists between local residents. Furthermore, the area as it stands is open land which could potentially be subject to anti-social behaviour which may in fact give rise to greater disturbance than the future scenario where the land would be developed and as such managed with improved security.</p>
<p>3. The new houses will act as a reflector for any noise from the railway and the British rail encampment this will reflect directly back on to Brent Terrace and cause major disturbances. A reduction in height would overcome this issue.</p>	<p>. The potential for reflections to arise has been modelled as part of the ES. Much of the rail noise is in fact screened from the proposed development by Brent Terrace its self (existing properties and gardens). Given the distance of the proposed residential units from the rail and the orientation and design of the buildings the effects of reflections on ambient noise levels would be minimal.</p>

<p>4. The poorer air quality and increased pollution from the proposed traffic will be detrimental to the health of our children. We need the green spaces to soak up and limit pollution from the heavy traffic in the sounding area (M1, A406).</p>	<p>Chapter 14 of the ES Further Information Report assessed the change in air pollution due to forecast changes in traffic along the local road network, which included the M1 and the A406. The assessment was based on detailed dispersion modelling of pollutant emissions from road traffic (focusing on the two main pollutants of concern - particulate matter (PM) and nitrogen dioxide (NO2)), to calculate pollutant concentrations at sensitive receptors, including residential properties and schools. The assessment concluded that, for the vast majority of receptors, there will be no significant change in air pollution and the impact will be Negligible (see Tables 14.19, 14.21 and 14.22). Only small increases in NO2 were predicted by the model at a number of receptors, and the impact at most of these is considered Slight Adverse (see details in Table 14.20 and Figure 14.8). Those receptors with adverse impacts identified were not located on Brent Terrace. All results were compared against the Air Quality Strategy (AQS) objectives, set out for the protection of human health.</p>
<p>5. There is little information about the CHP unit. This raises concerns are about the noise, pollution and air quality. More information must be provided for this detailed planning application.</p>	<p>The CHP would be subject to planning conditions for the detail of this element of the scheme and limiting noise emissions to 10dB below existing ambient noise level so as to ensure noise impacts would be minimal.</p> <p>As mentioned in Chapter 14 of the ES Further Information Report, it was not possible to fully assess the impact of the proposed CHP on Plots 53/54 as details were not available. It is however considered that, due to the scale of the proposals, and the experience of the air quality consultants on assessing the impact of small scale CHP plants, stack emissions will not have a significant impact on nearby residents.</p>

<p><u>Secure by Design</u> Widening the verge in parts could improve the overall appearance of Brent Terrace and with some landscape and improved lighting where Brent Terrace has been neglected. Such improvements would help work towards crime reduction in the area. Crime spikes concede with increased non-residential activity in the vicinity and evidence shows that landscaping or streetscape has beneficial effects on safer streets and reducing crime and disorder, taking note to the Barnet housing Strategy 2010 could reduce anti-social behaviour</p>	<p>The Reserved Matters Application relates solely to the development of Plots 53 and 54.</p>
<p><u>Compliance of the Proposed Development with the Outline Application</u> 1. The outline application proposed terraced houses on the Brent Terrace Triangles. The homes currently proposed are utterly different from those proposed and this conflicts with the form of surrounding existing development. Terraced houses would have respected the existing two storey Victorian character of the street.</p>	<p>The 2014 Permission does not fix the nature of the residential development on Plots 53 and 54. Instead the RDSF, RDAS and RDG set out parameters for the detailed design of the plots, which includes the application of a terrace typology and applying it in a contemporary fashion. The current design reflects this. Other design approaches have been considered but the contemporary form of terraces proposed are considered to be appropriate within this setting.</p>

<p>2. The documentation states that the RMA is not required to comply with parameter plan 015 (Indicative Layout Plan) provided that they comply with other parameters. This plan forms the base plan for the Reconciliation Process and preparation of an Illustrative Reconciliation Plan (Condition 1.17), which is to demonstrate how the scheme gradually evolves during ongoing phases. It seems like they could make changes to the plans for Brent Terrace but they choose not to.</p>	<p>The Illustrative Reconciliation Plan will be revised through Condition 1.17. It is likely to be revised a number of times to reflect the detail of proposals coming forward as part of the multi-phased scheme.</p>
<p>3. We were always led to believe that the proposal was for 36 units, since the BX Partners documentation always talked about these units being in keeping with the rest of the street, it seems from the Explanatory Report that we were misled all these years, despite having continuously asked for clarification on this issue. The width has also been amended to 12m to 24m so that instead of building terraced housing they can build big block of flats. We require clarification for this.</p>	<p>The 2014 Permission does not fix the nature of the residential development on Plots 53 and 54. Instead the RDSF, RDAS and RDG set out parameters for the detailed design of the plots, which includes the application of a terrace typology and applying it in a contemporary fashion. The current design reflects this. Other design approaches have been considered but the contemporary form of terraces proposed are considered to be appropriate within this setting. It is recommended that the width parameter be revised to 24m and the reasons for this are discussed in the main report.</p>

<p>4. In relation to the Non-technical Environmental statement and the outline planning permission F/04687/13 which was consulted upon Page 29 and Page 30 of the Non Tech Enviro Statement. The energy strategy appears to have completely changed and we have not been given an adequate opportunity to respond to this new proposal which will now directly impact upon our property.</p>	<p>The applicant submitted a Revised Energy Strategy in accordance with the provision in the consented scheme as the proposed advanced technology energy from waste plant was found to be unviable. The revised approach still delivers the reductions in carbon emissions required by the London Plan and LBB policies including reducing emissions by 35% against the building regulations. The revised strategy is largely unchanged in terms of energy efficiency and the use of heat networks however the choice of fuel has changed to natural gas and a small additional low emissions combined heat and power plant energy centre has been added in order to enable the delivery of the northern phase in compliance with the London Plan targets whilst a developer for the southern phases is being procured by LBB. The ultimate aim is to link the energy centres and serve the entire site from the main energy centre in the southern part of the site.</p>
<p>5. Concerns are raised that the southern developer will be able to make changes to the master plan in the same manner that the northern developer is currently proposing, these do not appear to be satisfactorily controlled within the parameters and controls of the existing outline planning permission.</p>	<p>Condition 2.4 and 2.5 attached to the 2014 Permission provides the ability for minor revisions to the RDSF, RDAS and RDG to be submitted and approved by the LPA, subject to confirmation that there will be no significant adverse environmental impacts.</p>
<p>6. All residential development should meet Lifetime Home standards; does the proposed development meet this standard?</p>	<p>All units are designed to comply with 'Lifetime Homes' standards.</p>
<p><u>Consideration of alternatives</u></p>	

<p>1. A more appropriate location for development would be the block between the Millennium Green and the shop on the corner of Brent Terrace and Claremont Rd. This would provide enough space for Whitefield residents and Rosa Freedman sheltered housing. It is convenient for bus stops and on a well-lit road (which answers some of the reasons cited by Whitefield residents for not wanting to move to Brent Terrace). It is also near shops and overlooks the Millennium Green which would give Whitefield residents a similar outlook to the green outlook they currently enjoy.</p>	<p>The development of the triangle sites for housing is supported in the adopted Development Framework and is permitted in the 2010 and 2014 Planning Permissions.</p>
<p>2. Bringing phases forward which include the proposals to develop the land at the south/ entrance of Brent Terrace and provide replacement shops, apartments and a range of garages would allow for a further reduction in the density of Brent Terrace.</p>	<p>Notwithstanding the maximum parameters permitted in the 2014 Planning Permission, which are adhered to, the scheme has evolved through a series of workshops with the local planning authority and as a result the proposed massing and density has been reduced by over 20% from that originally proposed and the minimum distances from the boundary line have been doubled. In light of this process of schemerefinement, proposals are of a comparable height to the surrounding residential properties. The buildings are therefore considered appropriate for the existing environment, whilst also having regard to the fact that the site falls within a defined Opportunity Area in the London Plan and Local Plan which is to undergo significant and comprehensive regeneration.</p>

<u>Pre RMA Consultation</u>	
<p>1. Residents feel they have not been consulted properly and plans are different to what was shown in Pre application meetings.</p>	<p>The Development Partners have undertaken extensive consultation with local residents ahead of submitting the Reserved Matters Application for Plots 53 and 54. This included seven days of fully-staffed, heavily-promoted public exhibition events across three local venues - Brent Cross Shopping Centre, The Crown Moran Hotel and Hendon Leisure Centre - as well as meetings with individual residents and local groups.</p> <p>The exhibition events, staffed by the consultation team at all times, included large scale display boards (with information about the proposals for Plots 53 and 54) as well as a summary leaflet and a comments card. All of the exhibition materials were also available on the Brent Cross Cricklewood consultation website - www.brentcrosscricklewood.com - as well as an online version of the comments card.</p> <p>The exhibition events were promoted via press adverts in local newspapers for two weeks running, letters to local stakeholders, residents' groups and local politicians and a flyer distributed to 34,000 local households and businesses. Almost 2,000 people attended the exhibition events and many more visited the consultation website.</p> <p>In addition, a significant part of the consultation included individual meetings with local groups. For example, the Development Partners engaged directly with the Clitterhouse Farm project, Brent Terrace and Clitterhouse Crescent residents, Whitefield Estate residents, local cycling groups and inclusive access stakeholders through the Consultative Access Forum. Ahead of submitting the Reserved Matters Application for Plots 53 and 54, the Development Partners presented the proposals to Brent Terrace and Clitterhouse Crescent residents in an open meeting and answered questions from residents. The Development Partners also engaged with Whitefield residents on the design of the homes on four separate occasions.</p> <p>In total 138 people submitted formal feedback to the consultation and all of those</p>

that asked a question of the Development Partners received a written response to their questions or comments. As a result of the pre-application consultation process a number of elements of the proposed designs for Plots 53 and 54 have been amended. In order to ensure that local residents were aware of these changes, in mid-February 2015 the Development Partners sent a five page Question and Answer sheet to Brent Terrace and Clitterhouse Crescent residents outlining the changes made to the proposals since the start of consultation. This document also answered questions asked by residents about Plots 53 and 54 during the consultation period.

At the same time, Whitefield Residents also received information about the submitted application for Plots 53 and 54 and the changes that had been made during the consultation period. There was a further meeting with Whitefield residents in mid-March 2015 to explain the submitted plans further.

<p>2. Documentations up to and including at the end of 2013 confirmed the intention to build only terrace houses and retain a community green. These latest plans are a material change to the S73 Outline Planning permission (F/04687/13).</p>	<p>The 2014 Permission does not fix the nature of the residential development on Plots 53 and 54. Instead the RDSF, RDAS and RDG set out parameters for the detailed design of the plots, which includes the application of a terrace typology and applying it in a contemporary fashion. The current design reflects this. Other design approaches have been considered but the contemporary form of terraces proposed are considered to be appropriate within this setting.</p>
<p>3. After many years of discussion about possible plans for Brent Terrace and the Cricklewood area these plans are being rushed through without the opportunity for fair consultation with local people who will be directly affected by the proposals. Residents have voiced their disagreement, however, all of our comments have been ignored and none of our questions have been answered. Questions posed between 2008 and 2013 have not been directly answered with direction simply being made to the content of the BX partner's website.</p>	<p>See answer provided in response to comment 1 Consultation on Plots 53 and 54 originally took place in 2006 and 2007, with an outline Planning Permission secured in 2010. In October 2013, the Development Partners widely consulted on proposed amendments to the conditions attached to the 2010 Permission. This included revisions to the first phase, included Plots 53 and 54. In July 2014 a new Planning Permission was secured. The 2014 Planning Permission has enabled the Development Partners to start detailed design work on Plots 53 and 54 and there has been widespread and detailed consultation on this element of the masterplan since October 2014. .</p>
<p>4. There has been insufficient engagement of residents leading up to the RMA submission. The lack of proper consultation and engagement of runs contrary to LBB's statement of community involvement as well as implicit requirement to engage incorporated within the Equality Act 2010 public sector Equality Duty.</p>	<p>See answer provided in response to comment 1. There has been a widespread consultation on the proposals for Plots 53 and 54 and almost 2,000 local residents attended the heavily-promoted public exhibition events in October 2014. Full information about the proposals has been provided on the consultation website and the Development Partners have also directly engaged with local residents groups and other stakeholders as part of the design process for these plots.</p>

<p>5. Brent terrace could be usefully developed in a way that is agreeable and sets a local standard of good neighbourhood planning and design. Many residents are willing to get involved but the information is sporadic and opportunities have not been provided. The entire process for such as large scheme is immensely difficult for the non-professional to grasp without help.</p>	<p>See answer provided in response to comment 1.</p> <p>There has been a widespread consultation on the proposals for Plots 53 and 54 and almost 2,000 local residents attended the heavily-promoted public exhibition events in October 2014. Full information about the proposals has been provided on the consultation website and the Development Partners have also directly engaged with local residents groups and other stakeholders as part of the design process for these plots..</p>
<p>6. The Residential Association does not feel a fair or adequate consultation process has been offered. Developer led consultation meetings lead to confusion and no effort has been made. Conversations with Mike Mc Guinness at the consultation last year held at Hendon Sports Centre were misleading. It was clear from his responses that he had not seen representations by BTRA to earlier versions of BCX. When asked how building over the children's green spaces and introducing nearly half as much traffic to the road was going improve things he had no response.</p>	<p>See answer provided in response to comment 1. There has been a widespread consultation on the proposals for Plots 53 and 54 and almost 2,000 local residents attended the heavily-promoted public exhibition events in October 2014. Full information about the proposals has been provided on the consultation website and the Development Partners have also directly engaged with local residents groups and other stakeholders as part of the design process for these plots.</p>

<p>7. Views of children have not been considered. Under Article 12 of the UN convention on the rights of the child (UNCRC) includes requirements to engage and involve children where a decision affects them. The green triangles are formally designated park spaces for children's play and this has not been taken in account in the proposed plans.</p>	<p>See answer provided in response to comment 1.</p> <p>There has been a widespread consultation on the proposals for Plots 53 and 54 and almost 2,000 local residents attended the heavily-promoted public exhibition events in October 2014. Full information about the proposals has been provided on the consultation website and the Development Partners have also directly engaged with local residents groups and other stakeholders as part of the design process for these plots.</p>
<p>8. Residents of Brent Terrace were not consulted on the most recent change in Jan 2015, where the development of the Brent Terrace triangles/fields was moved from phase 1C to phase 1A (NORTH) (the plots are south!). No consultation was undertaken with residents when considering under Condition 4.2 to change of the phasing to bring forward Plots 53 and 54 into Phase 1A (North) from Phase 1C. This was considered by the Council within the Explanatory Report considered under application 'F/05552/14'.</p>	<p>LBB does not normally consult on the discharge of conditions. This potential change in phasing was anticipated by the 2014 planning permission where Condition 4.2 anticipates the need for this change in phasing to provide new homes for Whitefield Estate residents.</p>
<p>9. The introduction of the Combined Heat and Power Plant to the current proposals was never discussed in pre submission proposals.</p>	<p>The principle of CHP is permitted in the 2010 and 2014 Planning Permissions.</p>

<u>RMA Consultation</u>	
<p>1. The short consultation period has not allowed local resident to fully consider the impacts of the proposed development making this an unfair process. This is particularly concerning given the complexity and expanse of the associated documentation. The consultation time frame should have been extended.</p>	<p>The timescales for consultation on the proposals for Brent Terrace exceed statutory requirements</p>
<p>2. Although some drawings are incorrectly scaled and could instead, the 'triangles' are on a higher elevation. The height of the proposed buildings is unacceptable it will be intrusive, dominating and radically differs from the Character of the existing streetscene.</p>	<p>The drawings are accurately scaled. The triangles will be excavated to reduce floor levels and reduce the height of the new development. The height of the buildings will be as shown on the drawings and are up to 2m lower than the maximum permitted height under the 2014 Permission. As noted above the proposals reflect the scale of the existing houses on Brent Terrace and the fall across the site from Clitterhouse Crescent will reduce the impact of the new development from this aspect.</p>
<p>3. No guidance has been given specific to the submission of the several connected planning applications which were submitted at the same time.</p>	<p>Four separate Reserved Matter Applications were submitted to the local planning authority at the same time. (Two have since been withdrawn). It is appreciated that this is a complicated application for residents to comment on. The planning case officer is available (on the telephone) to discuss and explain the planning application to local residents</p>
<p>4. No reasonable adjustments have been made for those residents for whom English is not their first language.</p>	<p>It is not LBB policy to translate planning documents.</p>
<p>5. Information was not easily accessible on the council's website and documentations are so large that most computers will struggle.</p>	<p>It is appreciated that these are large documents and efforts are made to load documents on the councils website in a number of parts to make them easier to access.</p>
<p>6. On occasion documentation was found to be inaccessible online.</p>	<p>No examples of this were raised with the case officer.</p>

<p>7. I note that as directed through Barnet Councils' planning portal members of the public are asked to leave their comments in a space on your website that has a limited capacity of 2000 Characters this leads to obvious concerns about the limitation. The Aarhus Convention of which the UK is a signatory requires that public bodies enable members of the public to 'participate effectively in decision making in environmental matters' such a restriction does not allow effective participation.</p>	<p>Comments can also be made in an email or letter to the case officer. The consultation letter to local residents makes this clear.</p>
<p><u>Interpreting Plans</u></p>	
<p>1. This is a detail planning application but aspects of the documents remain unclear or incomplete.</p>	<p>The level of detail is appropriate for this stage of the development process. Where further detail is required this is will be secured through planning condition.</p>
<p>2. No help has been provided to help understand the architect's drawings and scales.</p>	<p>The residents of the Whitefield Estate were consulted on four occasions most recently to run through the current proposals. One consultation with the residents of Brent Terrace and Clitterhouse Crescent took place. At these events the architects were available to answer and queries raised. All the drawings are to scale and are labelled and there are a number of CGIs showing 3D artists impressions of the proposals in context.</p> <p>There has been a widespread consultation on the proposals for Plots 53 and 54 and almost 2,000 local residents attended the public exhibition events in October 2014. Full information about the proposals has been provided on the consultation website and the Development Partners have also directly engaged with local residents groups and other stakeholders as part of the design process for these plots..</p>
<p>3. There is inconsistency between the plans and the artist's impression. For example the artists impression of the CHP, car park and bike store at the end of Clitterhouse Crescent Gardens (Plot 53/54) are contradictory. Those that struggle with interpreting the written info will not have an accurate representation through the images.</p>	<p>The bike store has been moved in the updated scheme and the CGI has not been updated. This is a minor inconsistency and not relevant to obtaining an accurate representation of the scheme</p>

<p>4. Much of the documentation lacks clear measurements and not all drawings include a scale bar. Measurements and other aspects must be really clear, otherwise the consultation has failed to fulfil its brief and involve the residents in the planning process.</p>	<p>All drawings clearly state the scale on the title blocks, so clear measurement is possible.</p>
<p>5. A professional architect reviewed some of the drawings. It was not clear whether some measurements are for A4 or A3 paper. e.g. documentation states that the northern most Clitterhouse house is supposed to be 21m from the nearest new building. It is clear from the diagrams that it is much closer to the new build than all the other Clitterhouse houses. When measured with a scaled ruler it appears to be more like 16m from the new build; these drawings are misleading and require clarification.</p>	<p>All drawing title heads clearly state the scale in relation to the paper size. The main elevations of the 2 storey cottages on Brent Terrace are 21m from the new development. The single storey extensions are on average 18m from new development, but these are generally blank gables.</p>
<p>Construction</p>	

<p>1. There will be problems with all the heavy trucks coming down our narrow street during the construction periods, constantly they will endanger the children playing in the street and dust and damage will cause problems for drivers.</p>	<p>The movement of construction vehicles will be considered in the Construction Transport Management Plan (Condition 12.1) which is a pre-commencement condition. Materials to construct the units will be required. These provision of these materials, in and out of the site will be done using best construction practice and the contractor would be part of the national Considerate Constructors scheme. All traffic will be marshalled to and from site along Brent Terrace. Wagons will not be allowed to reverse without a banksman present. Deliveries to the site will be controlled through a web based ordering system to ensure that only materials required in the short term are delivered and stored on site. Use of a Construction Consolidation Centre will assist in this. Dust will be suppressed by damping down the access and egress to the site, and noise continually monitored to ensure it is within acceptable limits. The methods for controlling dust will be identified in the Code of Construction Practice (Condition 8.1) and the Construction Environmental Management Plan.</p>
<p>2. How will heavy vehicles access the site during construction and where will equipment be placed?</p>	<p>The movement of construction vehicles will be considered in the Construction Transport Management Plan (Condition 12.1) which is a pre-commencement condition.</p>
<p>3. How many Brent Terrace road closures will there be and for how long?</p>	<p>The movement of construction vehicles will be considered in the Construction Transport Management Plan (Condition 12.1) which is a pre-commencement condition.</p>
<p>4. How will resident drivers & emergency vehicles will access Brent Terrace during road closures?</p>	<p>At all times an emergency access will be provided, access for the residents will be maintained at all times.</p>
<p>5. How many times will Brent Terrace be dug up as a result of the proposed development?</p>	<p>It is envisaged at this stage that Brent Terrace will be excavated and re-laid once in order to facilitate the laying of services and to create the access and egress to the plots,.</p>

6. Why would the build take two years? This seems to be unrespectable to existing residents.	The space in which to constrict the buildings within the plots is congested and without the ability to store on site materials and limited access and egress the build itself will be quite slow.
7. Would build works be carried out during the night?	It is not intended for construction to take place at night. Hours of building operation will be controlled by conditions attached to the S73 Consent.
8. Would build works be carried out during the night?	See response above.
<p>Questions:</p> <p><i>Other:</i></p>	
1. Do the proposals meet current guidelines on air quality?	<p>Air quality 'guidelines' are described in Chapter 14 (Section 14.2) of the ES Further Information Report (namely, the national Air Quality Strategy (AQS) objectives shown in Table 14.1). Changes in air pollution due to the proposals have been assessed against these AQS objectives. Although a small number of exceedances of the nitrogen dioxide (NO2) annual mean AQS objective are predicted with the Development in place by 2031 (the expected completion year), these exceedances are also predicted without the Development in place. Therefore, the Development will not create any new exceedance of the AQS objectives, compared to future air quality conditions without the Development. It is also important to note that by 2031, results show that air quality will significantly improve compared to current conditions (which show a large number of exceedances of the NO2 annual mean), due to improvements in vehicle technologies leading to emission reductions, and forecast reductions in background air pollution.</p>
2. Why are the Brent Terrace triangles on the same planning application to expand the Brent Cross Shopping Centre?	<p>The overall aim of the 2014 Permission is to provide for the regeneration of the Brent Cross Crickelwood area. The triangles are within the site boundary and are located within the Brent Terrace Development Zone. They were identified in the outline application as areas where housing development could take place.</p>

<p>3. Will the BX Partners hand this development to the southern developers?</p>	<p>The BX Partners will not be handing responsibility of the development of the plots to the southern developer. The BX Partners will ensure that a contract will be agreed with a Registered Housing Provider who will deliver the units and then operate the site.</p>
<p>4. The pavements are broken and everywhere you look there is litter. How can you ensure that the area including the new development will be maintained to a sufficient standard when the rest of Brent Terrace has been so poorly maintained?</p>	<p>Appropriate management agreements will be put in place to ensure that these areas are appropriately managed and maintained.</p>
<p>5. After the developers have gone, will the council have to maintain these buildings?</p>	<p>See response above.</p>
<p>7. The proposal to install an additional substation next to the doorstep play area on Brent Terrace would cause potential risks. What safety assessments were considered before deciding upon this proposed location. Why is this not shown in all plans?</p>	<p>Additional substation is next to the car parking and not doorstep play, this is shown on all relevant plans. The substation will be controlled by the statutory undertakers who are responsible for the safe management of these facilities.</p>
<p>8. Will rent be increased to incorporate the required maintenance?</p>	<p>The rents will be in line with rest of the borough as the RHPs are assuming Barnet Rents in their calculations.</p>
<p>9. The plans state that the flat roofs will be more suitable but this is not the case, they will need to be serviced to ensure that the soil, leaves etc. do not block the drainage ducts which will result to flooding. Flat roofs even those with a pitch to gather water to some extent could cause leakage and this kind of roofing will damage the interiors of the properties below and will lead to structural problems.</p>	<p>The flat roofs will require periodic maintenance to ensure roof outlets are cleared. All roofs will have overflows to stop flooding of roofs. If properly installed and maintained modern flat roofs can have a warrant backed design life of in excess of 25 years.</p>

SECOND CONSULTATION RESPONSES CONSULTATION PERIOD ENDING 13/04/2015

COMMENTS	OFFICER RESPONSE
<p>Brent Terrace Resident:</p> <p>1. Inappropriate that the first Reserved Matter application concerns building on open space</p>	<p>The Brent Terrace triangles are required early in the BXC development programme as housing sites for Whitefield Estate residents displaced by the development proposals. A condition is proposed to make sure that the qualitative improvements at Claremont Park and Clitterhouse Playing fields (which are the subject of a separate Reserved Matter Application) are delivered at the appropriate time in relation to the proposed housing development on the Brent Terrace Triangles.</p>
<p>2. Three weeks is insufficient time to respond to the second round of consultation. Some residents were not informed and difficulties were experienced with the size of documents loaded on the website.</p>	<p>The period of consultation exceeded the statutory minimum and a covering letter was submitted by the applicant outlining the changes made in the resubmitted proposal. All those who commented on the original proposal were sent a consultation letter in respect of the resubmitted proposal. It is inevitable that some residents will experience problems downloading documents and for this reason paper copies are made available in Barnet House and in local libraries.</p>
<p>3. A number of strategies and documents are required to be submitted prior to the submission of the RMA. Why has this application been submitted in advance of these strategies?</p>	<p>This issue is dealt with in the main report. All pre-reserved matter applications relevant to plots 53 and 54 have been submitted and have either been discharged or the relevant sections agreed with planning officers.</p>
<p>4. There was no public consultation on the conditions application to change the phasing of Plots 53 and 54 from Phase 1C to Phase 1AN.</p>	<p>It is not council policy to consult on the discharge of conditions. In this case conditions attached to the Section 73 application anticipated this change which is to provide accommodation for Whitefield Residents displaced by the provision of highways infrastructure necessary for the development.</p>
<p>5. Residents should have been consulted about how our green spaces were to be used along the lines of the Localism Act 2011.</p>	<p>The principle of the development of these sites for housing purposes was approved in outline in 2010 and again in 2014. There is no specific provision in the Localism Act 2011 which relates to consultation on green spaces. Section 122 of the Act inserted a new section 61W into the TCPA 1990. That section places a duty on developers to carry out pre-application consultation with local communities before applying for planning permission for certain types of development. Article 3 of the Town and Country Planning (Development Management</p>

	<p>Procedure) Order 2015 states that the duty to consult introduced by the Act only applies to developments for wind farms.</p> <p>Since the Brent Cross scheme is not such a development, the duty to consult under section 122 of the Act does not arise.</p> <p>Developer consultation as detailed in the submitted Public Consultation Strategy is considered to meet their requirement to consult.</p>
<p>6. Brent Terrace Triangles should be shown in the context of all the Green Spaces in the Brent Cross Development. This application needs to be seen in the context of other recent applications (Hendon FC) and the rest of the BXC development.</p>	<p>The outline Master Plan for the BXC development approved in 2010 and amended by the Section 73 application in 2014 will result in an increase (from the existing amount of open space) of approximately 9 ha at the end of the development period.</p> <p>It was recognised that a number of existing parks would be lost to development (e.g. Clarefield Park) as well as a number of informal open spaces such as the Brent Terrace Triangles. New parks will be created such as Eastern Park and Brent Terrace Park (the new park closest to the Brent Terrace Triangles).</p> <p>Open Space in Phase 1A N</p> <p>The various Reserved Matter Applications for Phase 1A N (if approved) will result in the loss of Clarefield Park and the loss of the Brent Terrace Triangle informal open space. Clarefield Park will be lost to enable the construction of highways infrastructure as will a number of properties on the Whitefield Estate. The early development of housing on the Brent Terrace triangles in order to provide housing for the Whitefield Residents is anticipated in Condition 4.2 attached to the Section 73 permission. This change in phasing was approved in January 2015.</p> <p>New and improved open spaces will also be provided as part of the Reserved Matter Applications for Phase 1AN. These include the Brent Riverside Park and improvements at Clitterhouse Playing Fields and Claremont Open Space.</p> <p>Officers recognise that residents of Brent Terrace will lose the informal open spaces on the Triangles relatively early in the overall development and are recommending that a condition be imposed on this application to make sure that the qualitative improvements at Claremont Park and Clitterhouse Playing fields are delivered at the appropriate time in relation to the proposed housing development on the Brent Terrace Triangles.</p>
<p>7. Revised Refuse truck access may lead to accidents and difficulties in collecting refuse from both plots.</p>	<p>The inclusion of a turning head in Plot 53 will significantly improve the situation for refuse collection along Brent Terrace by providing a location for refuse and other large vehicles to turn located near to the northern extent of the cul-de-sac thereby</p>

	preventing the need for an extended period of reversing down the length of Brent Terrace. Submission of details of Refuse collection measures have been conditioned.
8. Too much hard surface on the Brent Terrace entrance to Claremont Park.	This will be considered in the separate Reserved Matter Application under consideration for Claremont Park. This will come before the committee at a later date.
9. Hedge is to be removed. Will the developers maintain the area of hedge they are not removing.	Estate management matters are still under consideration. It is likely that the Registered Social Landlord who will be managing the housing on the Brent Terrace triangles will maintain the hedge in front of the new properties but not that on the rest of Brent Terrace.
10. The 180m2 under 5s door step play is bisected by a public footpath and the landscape and access arrangements make it inappropriate for play space	This issue is dealt with in the main report.
11. Why are 47 units being constructed? And what is an investor unit?	Please see the main report for an analysis of the proposed scheme. Planning officers consider that 47 units can be accommodated on this site. The 'investor' unit is provided in excess of units required for rehousing existing Council tenants and freeholder and leaseholder residents in occupation within the Whitefield Estate units that require decanting to accommodate infrastructure associated with Phase 1A (North).
12. What does the 'communed sum' mean in respect of the Rosa Freedman Centre	As permitted by the S106 the council will accept a sum of money equivalent to the cost of providing 25 extra care units (a commuted sum). This will mean that no direct replacement for Rosa Freedman will be constructed. The current residents of the Rosa Freedman Centre will be rehoused elsewhere in the Borough and Barnet Homes will continue to liaise with current residents.
13. The masterplan in 2010 and 2014 showed 36 terraced units for illustrative purposes and the Design and Access Statement refers to terraced houses on Brent Terrace. However, the current proposal builds to the maximum parameter which we consider is ridiculous on these awkward spaces on this awkward street.	This issue is dealt with in the main report
14. Confusion as to what design standards are being applied in relation to distances between properties.	These issues are discussed in the main report.

Daylight and sunlight studies show that much of the outdoor space get less than 2 hours sunlight a day due to overshadowing.	
15. Are roof terraces provided	A single 1st floor roof terraces is provided in the 2nd floor break of blocks A, B and C. There is no proposal for the second floor roof to be used as amenity space.
16. Health Impact of excavation works.	Normal construction management protocols will apply to protect local residents and will be subject to detailed consideration under condition 28.1 of the S73 Consent.
17. Even after the excavation works the proposed height of the new buildings combined with the existing changes in level will make the proposed development feel like a 5 storey building to residents of Brent Terrace.	This issue is dealt with in the main body of the report.
18. Cycling and Pedestrian paths along the front of each triangle lead nowhere.	This issue is dealt with in the main body of the report.
19. More detail on time scale for construction	This detail is not currently available.
20. Who will own the BT triangles, how long will the lease be, how much has been paid and to whom? This land is public land and there should be transparency.	This is not a matter for the planning committee.
21. The Granville Estate proposals were rejected by the planning committee and many comments made in relation to that scheme are true of the BT scheme.	Each planning application is considered on its own merits.
Brent Terrace Residents Association: 1. Statement of Community Involvement/Consultation Absence of formal pre-planning consultation and shortened periods of consultation. Inadequate consultation with Brent Terrace residents. Developers' pre application consultation focussed on transport issues and failed to clearly identify the Brent Terrace triangles. September 2014 Assets and Growth Committee made no reference to this proposal. First reference to this high density proposal was in	The consultation processes both pre and post application are dealt with in the main report.

<p>February 2015.</p>	
<p>2. Cumulative Impacts. The cumulative impacts assessment and the Environmental Impact Assessment has not been updated to take account of material impacts,</p>	<p>There are no additional cumulative or environmental impacts not already assessed caused by the development of plots 53 and 54 for housing purposes.</p>
<p>3. Equality and Rights Impact. No mention of the various UN Conventions of Rights that apply to the regeneration programme. Specifically to the Rights of the Child in relation to the removal of play space for children.</p>	<p>Equalities Impacts were considered by the Planning Committee in relation to the Section 73 application approved in 2014 and are assessed in relation to this Reserved Matters Application in the main report.</p> <p>The UN Convention on the Rights of the Child is a treaty that sets out universally accepted rights for children. It is a benchmark against which a nation's treatment of its children are measured. The Convention places an obligation on member states to protect and enhance the basic rights of children through their policies, programs and services. The Convention was ratified by the British Government in 1991 and it recognises that play and recreation are essential to the health and well-being of children.</p> <p>The key provision of the Convention is Article 31 which states: "That every child has the right to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and arts. That member governments shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity"</p> <p>It is considered that the scheme has made adequate provision for play spaces for children as part of the overall design. It's important to point out that the Convention does not seek to protect play spaces; rather its aim is to protect the right of children to play. The BXC scheme provides opportunities for children to engage in outdoor play and recreation in accordance with London Plan and local policy, the objectives of the Convention are therefore considered to have been complied with.</p>
<p>4. Construction and Transport Impacts. These have not been updated to reflect the higher number of units now proposed on Plots 53 and 54.</p>	<p>The current proposal for Plots 53 and 54 is within the residential floorspace allowance for this Development Zone approved by the Section 73 application. The transport and construction impacts of this amount of floorspace will already have been assessed</p>

<p>(Comment is also made in relation to the S73 Transport Assessment)</p>	<p>as part of that application. Transport and Highways issues in relation to this scheme are discussed further in the main report.</p>
<p>5. The height and modern 'brutalist' design does not respect the existing design of Brent Terrace. The taking away of green space from one set of residents to provide housing for another is divisive.</p>	<p>The design of the proposed development is dealt with in the main report as is the phased provision of open space.</p>
<p>6. Privacy and overlooking is dealt with in relation to properties in Clitterhouse Crescent but not in relation to Brent Terrace.</p>	<p>This issue is dealt with in the main report.</p>
<p>7. Landscape Design. Bat and bird boxes are within the new development (not Brent Terrace) and more hedgerow and trees are removed to accommodate parking. Mention is made of the creation of a 'home zone'. Inconsistencies remain in the application drawings.</p>	<p>The extent of the removal of the hedgerow and its impact on both privacy and wildlife are dealt with in the main report. Although the possibility of a 'home zone' in Brent Terrace is discussed in the application documents there are no current proposals to formally designate Brent Terrace as a 'home zone.' Officers are satisfied that any remaining inconsistencies between drawings in the revised submission are minor and non-material.</p>
<p>8. Size and Scale. Increase in the number of units proposed equated to a 30% increase over that indicated in the 2014 application and a 45% increase in the number of units in Brent Terrace as a whole. The parameters for the wider Brent Terrace zone are not relevant to these particular plots.</p>	<p>The size, scale and density of this proposal are assessed in the main report. Officers consider that the proposal is acceptable. Scale parameters are applicable for plots 53 and 54, separate larger scale parameters are applicable for plots bordering the railway where a higher density form of development is anticipated. (It should be noted that a separate application accompanying this Reserved Matter Application to the planning committee proposes that the width parameter be varied in the context of this Reserved Matter Application) This is addressed within the main report.</p>
<p>9. Daylighting and Flooding Assessments. Daylight assessments were not completed for the existing properties which are at a lower level. Building on the Brent Terrace triangles may result in flooding in Brent Terrace.</p>	<p>Daylight assessments for the existing Brent Terrace properties are included in the revised submission and these demonstrate that acceptable levels of daylighting are achieved. There are no flooding risks likely to result from development on the triangles. Details of drainage will need to be provided as part of the Building Control process.</p>
<p>10. Deviation from policies and standards. Failure to meet Lifetime Home standards and play standards. New</p>	<p>The main report considers this proposal in respect of all applicable standards. It is considered acceptable in relation to these standards. Lifetime Home Standards are</p>

<p>play area does not provide play space for existing residents.</p>	<p>met in all Proposed units. Play space issues are considered in the main report.</p>
<p>11. Access. Reference is made to the RMA Phase Transport Report (and the construction impacts assessment) and the failure to clearly identify the impacts on Brent Terrace.</p>	<p>The Phase Transport Report deals with Phase 1A North as a whole – including the withdrawn highways infrastructure application which proposes significant changes to the road network. The highways and parking issues relevant to this application are dealt with in the main report.</p>
<p>12. Quality of the application. Inconsistencies and lack of detail undermines local residents belief that a high quality sustainable development will be delivered.</p>	<p>Planning officers carefully consider the planning application documents submitted to them by applicants. Where these are inconsistent or inaccurate, revised application documents are requested as has happened with this application. Additional planning conditions can be applied to any approved application make sure that a high quality development compliant with appropriate standards is delivered.</p>

APPENDIX 5 - CONFORMITY WITH S73 CONSENT DEVELOPMENT SPECIFICATION AND FRAMEWORK

Revised Design Specification and Framework (RDSF) and Parameter Plans (PP) Plots 53 and 54	Requirement relevant to Reserved Matters at Plots 53 and 54	Compliance
<p>Parameter Plan 001- Development Zones</p>	<p>Parameter Plan 001 identifies Development zones including The Brent Terrace Development Zone Containing Plots 53 and 54.</p> <p>The Development Zones reflect areas of character within the S73 Consent site. Reference is made to the Zonal Floorspace Schedule in Appendix 5 of the RSDF.</p> <p>The plan identifies Building Zones defined by approximate locations of roads, Routes and open spaces where floorspace in accordance with the Zonal Floorspace Schedule will be constructed.</p> <p>Further sub division of Floorspace within Building zones in Parameter Plan 14 is referred to.</p> <p>Brent Terrace Development Zone is identified for the provision of New Residential Development (Class C3) with retail and educational facilities.</p> <p>Education Zone E2 is identified within the Brent Terrace Development Zone</p>	<p>Development of Plots 53 and 54 with 5,456m² residential Floorspace accords with the Zonal Floorspace Schedule in Appendix 5 of the RDSF which identifies the Brent Terrace Development Zone for 194,554m² of Residential Floorspace. The table clarifies in its notes that this floorspace excludes infrastructure elements such as sub stations and energy infrastructure. In terms of use, amount and location the proposed development complies with Parameter Plan 1. (Further Consideration of floorspace is considered against Parameter Plan 14 below.)</p>
<p>Parameter Plan 002- Transport Infrastructure</p>	<p>Parameter Plan 002 identifies that Plots 53 and 54 will be accessed via Brent Terrace which is</p>	<p>Although the Reserved matters application does not include Brent Terrace within its site area the</p>

	<p>identified as an existing street with a 'Home Zone' character designation where the use of shared surfaces for vehicles and Pedestrians would be encouraged.</p>	<p>development would result in improvements to the pedestrian and vehicular environment of Brent Terrace through the provision of a turning head in Plot 54. This will allow long vehicles to turn near the northern end of Brent Terrace preventing extended periods of reversing and improving safety.</p>
<p>Parameter Plan 003- Public Realm and Urban Structure</p>	<p>Parameter Plan 003 identifies a network of new and existing public spaces and the routes between them for cyclists and pedestrians.</p> <p>A Secondary Pedestrian and Cycle route through Plot 54 is identified on Parameter Plan 003 linking Brent Terrace to Clitterhouse Crescent.</p> <p>Supporting text identifies such routes as important in ensuring sufficient permeability of the S73 application site.</p> <p>A green corridor is identified on Parameter Plan 003 – GC7 which Table 4 within the supporting text identifies should be a minimum of 3m in width – which occupies a location similar to the existing hedgerow.</p>	<p>As identified on Drawing Ref HT-1413-P-5A the buildings have been laid out on Plot 54 to ensure that the pedestrian and cycle route is not obstructed and this route can be accommodated into the proposals</p> <p>Wherever the hedge needs to be removed for construction purposes, it will be replanted with enhanced native species, The hedgerow will measure a minimum of 3m in width as identified in Section 3 of the Landscape DDR. A continuous hedge of at least 3m in width (with the exception of points of access to the plots. will result in accordance with Parameter Plan 3. The wider planting strategy of the plots further supplements the Green corridor feature with extended strips of "Native Structure Planting to the east of the site and the further soft landscaping proposed. It is therefore considered that the proposal complies with the Parameter.</p>
<p>Parameter Plan 004 & 005 - Ground and Upper Level Land Uses to Frontages</p>	<p>Parameter Plan 004 describes the land use character of the elevations within the development at ground levels. The Parameter</p>	<p>The use class and amount of floorspace proposed both conform to Parameter Plans 004 and 005.</p>

	<p>Plans identify that the ground land uses for Plots 53 and 54 are residential. Parameter Plan 005 describes the land use character of the elevations within the development at upper levels. The Parameter Plans identify that the upper level land uses for Plots 53 and 54 are residential. Supporting text states that the Parameters should be read together with the Zonal Floorspace Schedule in Appendix 5 of the RDSF.</p>	
<p>Parameter Plan 007 - Maximum Building and Frontage Heights</p>	<p>Parameter Plan 007 identifies that the maximum frontage height (L.O.D. +/- 2.00m) fronting onto Brent Terrace from Plots 53 and 54 is 12m, with a Building Zone height of 12m.</p> <p>The Building Zone height fronting onto the rear gardens of residential units located along Clitterhouse Crescent steps down to 10m.</p> <p>Supporting text states that the relationship to adjacent building heights will be assessed at detailed design stage having regard to the height and massing principles set out in the Revised Design and Access Statement, section A2.4 as well as the scale thresholds in appendix 10 of the RDSF</p>	<p>As identified on Drawings Ref No HT-1413-P-11A to HT-1413-P-16A in accordance with principles of the RDAS it is proposed to erect 2 to 3 storey buildings on both sites, which measure between 9.5m and 7m in height, below the maximum height thresholds of 12m and 10m identified on Parameter Plan 007 and within Appendix 10 of the RDSF.</p>
<p>Parameter Plan 009 - Basement and Service Access</p>	<p>Parameter Plan 009 defines those areas of the development site where service or car parking basements or undercroft construction may be built.</p>	<p>In line with Parameter Plan 009 it is not proposed to provide any basement or undercroft car parking. The proposal therefore complies with the Parameter Plan.</p>

	Plots 53 and 54 are identified as having frontages which would not include any direct carpark or service yard entrances, or direct service access.	
Parameter Plan 014 - Floor Space Thresholds	<p>Parameter Plan 014 identifies Plots 53 and 54 as building zone 'BT1'.</p> <p>Table 6 within the supporting text identifies BT1 as having a primary use as 'residential' with a total development floorspace of 5,621m² GEA, split between 5575m² Residential and 46m² of 'Other' use floorspace.</p> <p>Supporting text confirms that it would be permissible to increase the floorspace allocated to each Building Zone by up to 15% if this floorspace is taken from another Building Zone within the same development Zone. This could potentially increase the maximum development floorspace on Plots 53 and 54 to 6,464m² GEA.</p>	Consistent with Parameter Plan 014 and accompanying Table 6 the primary use of the plots is proposed to be residential and of a total residential floorspace area of 5,456m ² below the maximum allowance of 5,575m ² (prior to the application of the 15% Flexibility). The Application is therefore considered to comply with this parameter.
Paragraph 2.18 –2.22 (Floorspace and Development Zones)	<p>Paragraph 2.19 of the RDSF states that the total floorspace for the development is set out within Table 1. Table 1 identifies that the total residential floorspace (Class C3) permitted within the 2014</p> <p>Permission as 712,053m² Gross External Area (GEA).</p>	The Proposed development would deliver 5,456m ² of Residential Floorspace of the total 712,053m ² proposed and is compliant with this aspect of the Revised Development Specification Framework.
Paragraph 2.27 – 2.28 (Lifetime Homes and wheelchair accessible homes)	All residential development should meet Lifetime Home standards and 10% of units across the whole BXC site should meet wheelchair accessibility standards.	All of the new units are designed to 'Lifetime Homes' standards. Three of the units have been designed to meet wheelchair housing standards which contributes towards the overall site wide

<p>Paragraphs 2.91 -2.93 (RelocationPrincipals)</p>		<p>target of 10% and exceeds the needs of the Whitefield Estate Residents who will be rehoused on the plots. The development is therefore compliant.</p>
	<p>The need to relocate some occupants from within the S73 Site Area to enable the development to reach its full potential is recognised as a fundamental element of the Development framework.</p> <p>Condition 1.10 of the S73 Consent requires submission of a residential relocation strategy prior to commencement of the development to ensure that the significant benefits of the comprehensive redevelopment can be delivered whilst minimising adverse effects resulting from temporary or permanent relocation.Principles of residential relocation include the reprovision of the residential units in the Whitefield residential Estate.</p> <p>Plots 53 and 54 have been proposed for the relocation of those Whitefield Estate Units falling within the Whitefield Estate Replacement Units (Part 1).The definition of the Whitefield Estate Replacement Units (Part 1) allows for the units to be re-provided on site or off-site in the vicinity of the Site subject to agreement with the Local Planning Authority and pursuant to the Residential Relocation Strategy.</p>	<p>The floorspace will create 47 units in total across both plots, of which 31 units are for secure tenants, 15 units are for owner occupier leaseholders and 1 additional unit would also result.</p> <p>The reserved matters application complies with the Residential Relocation Principals in providing replacement Whitefield Estate units; Providing newly built modern homes within the regeneration area for all secure Council Tennants within the Whitefield Estate Existing Units (Part 1); Providing resident leaseholder or freeholders with a new property within the regeneration area.</p> <p>Other principles will be subject to capture within the Residential Relocation Strategy submitted against condition 1.10 and currently under consideration under planning ref 15/00659/CON.</p>

<p>Paragraph 2.40 and Table 4– (Car parking standards)</p>	<p>Paragraphs 2.40 - 2.53 2 of the RDSF highlights the maximum car parking standards and construction activity. With regards to the Car Parking Standards Table 4 of the RDSF identifies the overall Maximum Car Parking Standards whereby Plot 53 & 54 are required to meet a sliding scale from 1 space per dwelling to 0.7.</p>	<p>1:1 car parking requirement accords with the sliding scale for residential car parking on Table 4, there will be 30 parking spaces (incl. 2 no blue badge bays) on Plot 53 and 17 parking spaces (incl. 1 no blue badge bay) on Plot 54.</p>
<p>Paragraph 2.54c – 2.54i (CHP)</p>	<p>Paragraph 2.54c – 2.54j of the RDSF requires the applicant to continue to explore the feasibility and delivery of an RDF fuelled CHP.</p> <p>In the event that a scheme-wide CHP fuelled fails the feasibility test, explore the feasibility of using alternative renewable sources.</p> <p>If this fails explore non-renewable sources. The applicant is required to connect all principal residential buildings to the district heatnetwork, where feasible to do so, to achieve the reduction in carbon dioxide emissions as stated in The Revised Energy Statement (BXC09).</p>	<p>Plots 53 & 54 are small scale residential plots which are not principal residential buildings. These plots are served by a standalone CHP engine which provides low carbon heating and hot water to the residences.</p> <p>The design for plots 53 & 54 is achieving a 40% reduction in CO2 emissions as compared to Part L 2010 as confirmed by SAP calculations provided by the design team. This is achieved through following the 'lean, mean, green' hierarchy as set out in policy and the Revised Energy Strategy. Key features are a high standard of building fabric design and construction, resulting in low heat loss through building fabric; good design which optimises glazing ratios, to balance heat loss through glazing with good daylight levels, air tightness of 5m3/m2/hour @50Pa, and the provision of a 60kWth CHP engine located between the two plots, providing heating and hot water to all residences.</p> <p>Provision will be made for the future linkage of</p>

		<p>the application sites to a site wide CHP should this be feasible.</p> <p>A condition is attached to the recommendation which would allow an alternate provision to the standalone CHP proposed subject to demonstrating that this would accord with the approved Revised Energy Strategy required by the S73 Consent Condition 35.6. This ensures that</p>
<p>Paragraph 2.69 – 2.87 (Open space and sustainability and energy)</p>	<p>Paragraph 2.69 – 2.87 of the RDSF require a minimum of 10% of available roof areas, where possible and distributed across the site. Green or brown roofs will be limited to flat roofs or roofs with a slope of up to 35° and created using substrate and vegetation from invertebrate rich locations on the Site, as far as possible.</p> <p>Standards of sustainability and energy commitments have been captured in the Explanatory Report. Controls have been placed through the Section 73 Planning conditions and the Revised Energy Statement (BXC9)</p>	<p>Approximately 500 square metres of brown/green roof will be provided on Plot 53, and 300 square metres of brown/green roof will be provided on Plot 54. This will comprise approximately 30% of the available roof area.</p>
<p>Paragraph 5.58 – 5.66 (Brent Terrace Development Zone)</p>	<p>Paragraphs 5.58 – 5.66 of the RDSF provides a general zonal description of development within Brent Terrace Development Zone – no specific reference is made to Plots 53 and 54. Section A3.5 of the RDAS also provides a general description of the zone and states that: <i>“The Brent Terrace district forms the southern tail</i></p>	<p>The proposed scheme forms a straight street frontage along Brent Terrace facing the existing railway workers cottages. This acknowledges the grain of the existing units along Brent Terrace. To the rear the new buildings have been laid out to follow the more informal grain of the residential properties located on Clitterhouse Crescent. In</p>

	<p><i>of the regeneration area between Station Square and Millennium Green and occupies the land between the Midland Mainline Railway and the existing row of railway cottages known as Brent Terrace. The district will be residential in nature with the majority of development facing onto a large new green space in the form of Brent Terrace Linear Park."</i></p>	<p>this manner the proposed buildings are laid out in a manner which respects the existing grain of the surrounding residential developments. Also, breaks between the buildings allow for views through the development.</p>
<p>Appendix 5 Zonal Floorspace Schedule</p>	<p>Appendix 5 Zonal Floorspace Schedule if the RDSF highlights the total development floorspace which is divided between the Development Zones. It identifies that the residential floorspace (Class C3) within Brent Terrace amounts to 194,554m² GEA.</p>	<p>The residential development of Plots 53 and 54 accords with this control</p>
<p>Appendix 10 Scale Thresholds</p>	<p>The maximum and minimum scale parameters (i.e. length, width and height scale thresholds) for each Building Zone are defined in the Scale Thresholds at Appendix 10 of the RDSF.</p> <p>The maximum and minimum dimensions for buildings proposed on BT1 (Plots 53 and 54) are defined as follows:</p> <p>Height: Max: 12 Min: 6 Length: Max: 61 Min: 11 Width: Max: 12 Min: 8</p>	<p>As identified on Drawings Ref No HT-1413-P-11A to HT-1413-P-16A in accordance with principles of the RDAS it is proposed to erect 2 to 3 storey buildings on both sites, which measure between 9.5m and 7m in height, maximum height thresholds of 12m and 10m identified on Parameter Plan 007 and Appendix 10 of the RDSF.</p> <p>The proposed buildings have the following length and width dimensions follows:</p> <ul style="list-style-type: none"> - Terrace 1 and Block A - 60m in length with Terrace 1 measuring 12m in width and Block A measuring 23.8m in width at its widest point; - Block B – 44m in length and 23.8m in width at its widest point; - Block C – 44m in length and 23.8m in width at

		<p>its widest point; and</p> <ul style="list-style-type: none"> - Terrace 2 – 23m in length and 8.75m in width. <p>The buildings are within the maximum and minimum length parameters, but as identified in the Explanatory Report the buildings exceed the maximum width threshold with some being 24m in width at their widest point. Condition 2.4 attached to the 2014 Permission provides the ability for minor revisions to the RDSF. An application under reference 15/00834/CON is considered alongside the current reserved matters application that would allow this variation to occur.</p>
<p>Table 4 (Car Parking Standards)</p>	<p>The RDSF states that the overall development will be constructed in accordance with the maximum car parking standards set out in Table 4 (RDSF) which identifies a 1:1 provision for residential development within Phase 1. Condition 38.2 attached to the 2014 Permission provides the car parking standards for the development and identifies for a 1:1 provision for residential development within the Primary Development Package (which includes the development of the plots for the replacement units).</p>	<p>In order to meet the 1:1 car parking requirement of Condition 38.2 of the 2014 Permission and the RDSF there will be 30 parking spaces (incl. 2no blue badge bays) on Plot 53 and 17 parking spaces (incl. 1no blue badge bay) on Plot 54.</p>
<p>Table 8 (Site wide Sustainability Features)</p>	<p>Table 8 of the RDSF illustrates Sustainability Features Delivered Site Wide Objectives.</p>	<p>Standards of sustainability and energy commitments have been captured in the Explanatory Report. Controls have been placed through the Section 73 Planning conditions and the Revised Energy Statement (BXC9).</p>

<p>Table 9 (Individual Plot Sustainability Features)</p>	<p>Table 9 of the RDSF illustrates Individual Plot Sustainability Features Objectives.</p>	<p>Standards of sustainability and energy commitments have been captured in the Explanatory Report. Controls have been placed through the Section 73 Planning conditions and the Revised Energy Statement (BXC9).</p>
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LOCATION: Brent Cross Regeneration Area

REFERENCE: 15/00834/CON **Received:** 11 February 2015
Accepted: 11 February 2015

WARD: Golders Green **Expiry:** 08 April 2015

APPLICANT: Brent Cross Development Partners

PROPOSAL: Submission under condition 2.4 for the variation of the 'Width' parameter associated with plots 53 and 54 within appendix 10 of the Revised Development Specification and Framework attached to Section 73 Permission F/04687/13 for the Comprehensive mixed-use redevelopment of the BXC Regeneration Area. This application for variation is made subject to the development of plots 53 and 54 in accordance with proposals submitted under Planning application 15/00720/RMA only

APPLICATION SUMMARY

Application has been made under Condition 2.4 to vary the width Scale threshold parameter for plots 53 and 54 in the event that these sites are developed in accordance with reserved matters application 15/00720/RMA.

Justification for the variation proposed is established within the assessment of the acceptability of Reserved Matters application.

RECOMMENDATION

Approve.

4. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL

4.1 Site Description and Surroundings

The proposal is spread over two roughly triangular sites of informal open space accessed off Brent Terrace. These plots are identified as Plot 53 (0.45ha) to the north and Plot 54 (0.3ha) to the south.

Brent Terrace is a long and straight cul-de-sac to the north of Cricklewood station. On the western side of the road are 19th century railway worker cottages with tiled roofs. These 2 storey brick buildings have single storey extensions facing Brent Terrace.

The eastern side of Brent Terrace is lined by a Hawthorn hedge, approx 6m in height which forms the boundary of the two triangular sites. The hedge is situated upon a bank which varies in height along the frontage of the plots and

raises the western side of the triangles to approximately 1m above the Brent Terrace road level.

The western boundary line of the triangles backs onto private gardens of the residential units of Clitterhouse Crescent. Rear gardens vary in depth from 15m to 25m. Properties on Clitterhouse Crescent are at a higher level than those on Brent Terrace with levels rising through the plots and gardens.

The maximum height difference on plot 53 is 2.9m above the Brent Terrace Road Level, on plot 54 this difference in levels increases to 3.3m.

PROPOSAL

This application has been submitted under condition 2.4 to vary the width parameter associated with Plots 53 and 54 (15/00834/CON) in the context of Reserved Matters Planning application 15/00720/RMA.

The buildings proposed under reserved matters application 15/00720/RMA for Plots 53 and 54 have a maximum width of 24m which exceeds the maximum width threshold of 12m contained within the Scale Thresholds table contained within Appendix 10 of the Revised Development Specification Framework (October 2013).

It is proposed that subject to plots 53 and 54 being developed in line with reserved matters planning application 15/00720/RMA the maximum 'Width' Parameter be extended from 12m to a maximum of 24m.

MATERIAL CONSIDERATION

The acceptability of such a variation from the approved parameters must be considered in terms of the acceptability of the proposed buildings when assessed against material planning considerations as well as any relevant standards or guidelines. If it is concluded that the development is acceptable in these terms and that it does not raise significant impacts relating to the Environmental Impact Assessment submitted with the S73 application or have implications relating to the comprehensive delivery of the Brent Cross Cricklewood Regeneration Project, then through Condition 2.4 a variation can be agreed to this parameter in line with the flexibility inherent in the S73 Consent.

'Width' as a parameter is defined within the RDSF as: "The shortest elevation (defined by reference to the dimensions of the smallest cuboid which can contain the proposed building) of any proposed building within a building zone."

Blocks A, B and C (which are of a similar form to one another) have a maximum 'width' of 24m. The remaining residential buildings (Terrace 1 and Terrace 2) do not exceed the 12m width Parameter.

In considering the extent of the deviation from the parameter, for 54% of their length the proposed buildings are within the 12m width parameter; a further 21% of the length of the buildings measure between 12m and 13m in width with only the remaining 25% of the buildings' length exceeding 13m in width.

The blocks are designed to respond to the triangular shape of the plots. As a result the depth of the blocks decreases where the plot depth is narrowest. The deepest part of the blocks are contained in the centre of each plot where the overall depth of the plot is the greatest and is considered to be able to accommodate a building of the depth proposed. At this point the blocks maintain a minimum distance from the boundary of 9.7m.

The proposed variation to the width threshold in the Scale Thresholds table is considered to be acceptable for the following reasons:

- The Council's 21m privacy distance between windows to habitable rooms as set out in the Sustainable Design and Construction SPD, is still complied with;
- The distance from boundaries of adjoining properties is considered to be acceptable;
- Scale and relationship of proposed buildings to surrounding context is considered acceptable and the appearance is retained of a 3 storey terrace presenting to the Brent Terrace elevation;
- An acceptable residential environment will be provided that meets the relevant standards. The proposed development meets and achieves amenity space standards for future residents as specified in the Design and Access Statement for the S73 Consent and is higher than London Plan amenity space standards, and meets or exceeds the London Plan internal space standards;
- Doorstop playspace is provided on site for Plot 54 in accordance with London Plan;

A full assessment of the buildings proposed under this RMA application is provided under the relevant headings in the remainder of Section 6 below.

It should be noted that the proposed variation has been assessed on the basis of the submitted proposals for Plot 53 and 54 under application 15/00720/RMA. The acceptability of the change to the width threshold is therefore directly linked to the proposed design and layout of this scheme. Any subsequent reserved matters applications or proposals for these plots would still be required to accord with the original width threshold of 12m as contained in the RDSF and any deviation would be required to be assessed afresh against the relevant material considerations and standards.

CONCLUSION

It is considered that in line with the recommendation for approval of the Reserved Matters for plots 53 and 54 under application '15/00720/RMA' the acceptability of the variation of the width parameter is demonstrated and the proposed variation should be approved.

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Location Land At Moreton Close Mill Hill London NW7 2PH

Reference: 15/00568/FUL

Received: 30th January 2015

AGENDA ITEM 8

Accepted: 3rd February 2015

Ward: Mill Hill

Expiry 5th May 2015

Applicant:

Proposal: Demolition of existing buildings and for the construction of a three storey building with rooms in roofspace to provide extra care residential development (Use Class C2) to provide 51 no. 1 and 2 bedroom flats, served by a new vehicular access off Milesplit Hill, with associated parking, landscaping and associated development thereto

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement, P2303.1 .002, P2303.1 .003, AA4286 2002, 13298/TM/1, AA4286 2001, AA4286 2011, AA4286 2021, AA4286 2022, Site Location Plan, AA4286 2010, AA4286 2012, AA4286 2020, AL4286/2000.

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

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

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

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

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

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

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

- 5 a) No development or site works shall take place on site 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.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2011).

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

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of

the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 7 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until 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) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. 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 at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2011.

- 8 No development shall commence until the arrangements to ensure that affordable housing is provided on site are submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details and be retained permanently as such thereafter.

Reason: To ensure that affordable housing is provided on site in accordance with policy DM10 of the Adopted Barnet Development Management Policies 2012.

- 9 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development have been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

- 10 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from

the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2011.

11 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all 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 Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan 2011.

12 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD

(adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2011.

- 13 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 14 Before the development hereby permitted is occupied, car parking should be provided in accordance with drawing A4 4286 210 and spaces 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 in accordance with Policies polices 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 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

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

- 16 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.

- 17 a) The non-residential development is required to meet the BREEAM Very Good level.

b) 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 Development

Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.2 and 5.3 of the London Plan (2011).

- 18 No development shall commence until the details of the proposed Travel Plan and arrangements to monitor this are submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details.

Reason: To ensure that the proposals have an acceptable impact on highway and pedestrian safety.

- 19 The approved development shall make provision for cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority. Such spaces shall be permanently retained thereafter.

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.

- 20 No development shall commence until details of the recommendations of the Energy Statement / Feasibility Study will be implemented shall be submitted to and approved in writing. These measures shall be implemented prior to occupation of the development.

Reason: To ensure that the proposals achieve satisfactorily environmental performance in accordance with policy 5.2 of the Mayor's London Plan 2015.

- 21 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall commence on site until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority.

b) All tree felling and pruning works shall be carried out in full accordance with the approved specifications under this condition and in accordance with British Standard 3998 (Recommendation for Tree Works).

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2011.

- 22 a) No development other than demolition works shall take place until a scheme indicating the provision to be made for disabled people to gain access to the development has been submitted to and approved in writing by the Local Planning Authority.

b) The scheme approved under this condition shall be implemented in its entirety before the first occupation of the development or commencement of the use and retained as such thereafter.

Reason: To ensure adequate access levels within the development in accordance with Policy DM03 of the Development Management Policies DPD (adopted September 2012) and Policy 7.2 of the London Plan 2011.

- 23 a) No development other than demolition work shall take place until details of the location within the development and specification of the hereby approved 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 those identified units shall provide sufficient particulars to demonstrate how the units will be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users.

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

Reason: To ensure that the development is accessible for all members of the community and to comply with Policy DM02 of the Development Management Policies DPD (adopted September 2012) and Policies 3.8 and 7.2 of the London Plan 2011.

- 24 a) Before the development hereby permitted is first occupied, details of how the amenity area(s) will be sub-divided and managed shall be submitted to and approved in writing by the Local Planning Authority.

- b) The development shall be implemented in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process

to ensure that the proposed development is in accordance with the Development Plan.

- 2 Any details submitted in respect of the Demolition and Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.
- 4 The applicant is advised that the council will not adopt the estate road(s). However, if the councils refuse vehicles are required to enter the site, the estate road(s) must be constructed to adoptable standards. Details of the road construction requirements can be obtained from, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP. The submitted refuse collection details are not suitable for council's refuse collection and alternative collection arrangements must be submitted.
- 5 The applicant is advised that Pursley Road is a Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction traffic
- 6 The applicant must submit an application under Section 184 of the Highways Act (1980) for the proposed new vehicular access and alterations to the existing vehicular access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, including reinstatement of redundant vehicle access, will be borne by the applicant. The applicant is advised that Transport for London will be consulted regarding the impact on the bus stop in the vicinity of the proposed vehicle access.

To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section - Environment, Planning and Regeneration Directorate, London Borough of Barnet, North London Business Park (NLBP) Building 4, Oakleigh Road South, London N11 1NP

- 7 For construction works adjacent to the public highways, the applicant must contact the Council on 0208 359 2000 for any necessary Highways Licenses
- 8 The additional plans accompanying this application are: BREEAM pre-assessment, Land Contamination Assessment, Affordable Housing Statement, Addendum to Arboricultural Impact Assessment P2303.1 Moreton Close, Barnet, Transport Statement, Biodiversity Survey and Report, Daylight and Sunlight Assessment, Mechanical Ventilation Strategy/Design Statement, Indicative drainage Strategy, Air Quality Assessment, Planning Stage Energy Statement/ Feasibility Study, Utilities Statement, Tree Survey.

- 3 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.

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.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

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

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

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

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

Relief or Exemption from CIL:

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

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

Officer's Assessment

1. Site Description

The surrounding area is characterised by a mixture of two storey semi-detached houses on Pursley Road to the west and Milesplit Hill and three storey building to Salcombe Gardens with roof level. To the south are Dollis Junior and Infant Schools which have three storey elements and there is also a former fire station building that is taller though has a slim-line appearance.

The site is located on the north side of Pursley Road forming a corner with Milesplit Hill. It is noted that there is a garage block to the north-east that does not form part of the site. The existing building is two storeys in height with a flat roof, and has a dated appearance. The site is approximately 0.42 square metres in area. Trees on adjacent Mill Hill Cemetery site to the north are included within an area Tree Preservation Order. Mill Hill Cemetery is located within Mill Hill Conservation Area.

2. Site History

W00465 - Erection of old peoples dwellings and 23 Garages - Approved - 02/02/1966

3. Proposal

The proposals are for the demolition of existing buildings and for the construction of a three storey building with rooms in roofspace to provide extra care residential development (Use Class C2) to provide 51 no. 1 and 2 bedroom flats, served by a new vehicular access off Milesplit Hill, with associated parking, landscaping and associated development thereto.

The proposals involve the creation of 48no. 1 bedroom units and 3no. two bedroom units.

9 Parking spaces would be provided on site as well as a drop-off area.

To the south and east of the site would be communal gardens with a courtyard to the north.

The fourth floor level would be confined to the west part of the building fronting Milesplit Hill and the corner of Pursley Road but this would be contained within the roofspace.

Communal rooms would largely be kept within the ground floor level, with communal lounge, library and café being provided.

4. Public Consultation

Consultation letters were sent to 116 neighbouring properties.

12 responses have been received, comprising 11 letters of objection, and 1 letter of support.

The objections received can be summarised as follows:

The proposal will have a negative effect on traffic and parking in the surrounding roads.

* Whilst the planning application indicates that there is currently no parking on site, there is in fact space for at least 6 vehicles to park, meaning the increase in parking spaces is 1, rather than the 7 the application has indicated.

* The proposal includes plans to increase the number of dwellings on the site by 19 and the number of staff by 28 (12 full and 16 part time). Cannot see any way that this number of spaces will be sufficient for the staff and visitors to the site.

* The local roads are currently busy enough with the shops, cafe and schools and the increase in traffic would cause significant disruption to the area. Not only this, but if there were any need for emergency access to the site at a busy time (i.e. school times) this may not always be possible with the level of traffic at those times.

* Object to this new development being a 3 storey high building. Currently it is a 2 storey building and although it doesn't look very nice it does not dominate the area which this huge redevelopment would do. It would look extremely out of place as remember this is a nice suburban neighbourhood and not an inner city area which is already built up. 3 storey building in our area will look horrible and out of place.

* Proposals will force residents of existing block to move home which will cause them distress and be detrimental to their health.

* A 3 storey building although of the same size to the maisonettes above the shops in Salcombe Gardens is not in keeping with the size of the buildings in Milespit Hill where the residencies are only 2 storey high. I feel this will look imposing.

* The facility is only going to have very limited car parking, meaning that visitors and people working at the facility are likely to park in the surrounding area, adding to the already problematic parking issues. The proposal has an entranceway on Milespit Hill which will mean the loss of 1 parking space and if yellow lines are introduced this will be 3-4 spaces. I believe that a traffic survey has been undertaken and am flabbergasted that this wasn't deemed an issue. There are schools in the area so at school time it is impossible to park. When everyone has come home from work it is often impossible to park anywhere close - not even in the same road. I had to park in Brookfield the other day. Milespit Hill does not have any off street parking facilities and it is not fair to inflict any further problems on the residents in this road. The entrance should remain in Salcombe gardens where there is off street parking available to residents.

* Object strongly about the entrance being on Milespit Hill and think it will be a terrible mistake causing a lot of problems for the nearby residents of which I am one.

The representations received can be summarised as follows:

The Mill Hill Neighbourhood Forum committee have reviewed in detail the plans for the development of a Care Home on this important site, and fully support the application.

A letter of objection has been received from Andrew Dismore AM on the following grounds: 'I object to the above planning application for the following reasons:

I attended the Council's exhibition, also on 14th January, of their proposals to demolish Moreton Close and build another block in its place. To my mind, the proposed new building is too bulky (up to 4 storeys) and from the outside we would see less green space as there will be a car park on the Milespit Hill frontage, taking much of the green there, and also the Page St frontage would lose green too. There will also be a crossover for the car park, which is contentious for the same reasons as for the cemetery proposal. I remain concerned that the existing residents are still not being given a fair deal. The Council's plan is to submit a planning application towards the end of this month, followed by the statutory 13 weeks' consultation during which objections can be submitted. It looks unlikely, therefore, that the issue will be decided before this May's general election.'

A site notice and press notice was advertised on 12/02/2015.

Internal Consultations:

Highways - No objection subject to conditions. Comments contained within main report.

Thames Water - No objection

Environmental Health - No objection

Adult Social Services - Comments will be reported in the addendum to the report.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was 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 NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2015

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 and is recognised in the NPPF as part of the development plan.

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

Policies 3.3, 3.4, 3.5, 3.8, 3.10, 5.2, 5.3, 5.7, 6.1, 7.1, 7.2, 7.4, 7.6 are considered particularly relevant

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS4, CS5, CS9, CS10, CS11, CS15

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM09, DM10, DM16, DM17

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The principle of the Development
- Affordable Housing Issues
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality with regard to the impact on the conservation area;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the proposals would harm trees of special amenity value
- Whether the proposals would harm highway or pedestrian safety
- Sustainability/Environmental Issues
- Drainage Issues
- Ecology Issues

5.3 Assessment of proposals

- The principle of the Development

The Use Classes Order sets out a distinction between residential institutions (Class C2) and dwellinghouses (Class C3). There is case law on the definitions of both, and indeed cases have been found where an intermediate between the two could be described as a sui-generis use. Generally speaking, extra care units that appear to be self-contained units of accommodation will be treated as falling within class C3. In this case, the proposals are laid out with communal facilities and are considered to fall within C2 use class.

Extra care housing is designed primarily for older people with disabilities who are able to live safely on their own. The aim is to maximise independence and choice for residents and it is an alternative to residential care placements. The applicant has advised that the facility would provide care for residents with varying needs. This would include a majority of residents (50%) with high level care. This would include residents with advanced dementia, who require assistance moving and eating, and residents who require specialist care; as well as smaller number of residents (25%) with medium and lower (25%) level care.

Policy CS4 states that: 'We will aim to create successful communities in Barnet by... seeking a variety of housing related support options that maximise the independence of vulnerable residents including young people, people with disabilities, older people, homeless people and other vulnerable adults'

The Core Strategy reports that the Strategic Housing Market Assessment (SHMA) estimates a need for 643 new homes per annum (equivalent to 3,215 new homes by 2015/16).

Paragraph 10.2.3 of the Development Management Policies Document states that 'Proposals are expected to clearly demonstrate need and how they are contributing to the delivery of council strategies and priorities. The Core Strategy highlights an over-supply of residential care homes in Barnet and recommends remodelling these homes for example as sheltered housing plus to address the higher support needs of tenants. Loss of extra care housing will not normally be acceptable and compliance with Policy DM13: Community, Health and Education uses will be expected to be demonstrated where community facilities may be lost.'

The proposals would assist with these aims in that they would provide toward additional extra care housing within the Borough. The application scheme proposes an extra care residential development and as set out in LBB Adults & Communities 'Mission Statement' the new homes will be let at affordable rents.

Paragraph 10.2.6 of the Development Management Policies Document states that any new extra care housing and care homes for older people should be within reasonable walking distance, defined as 500m, of a local parade of shops/ local centre or town centre. The proposals would achieve this.

The applicant advises that the existing accommodation no longer meets the acceptable space standards for older people's living accommodation. The apartments are not wheelchair adaptable, the corridors are narrow and there is no lift to the first floor level. In terms of the loss of the existing facility, The proposals involve the replacement of 33 sheltered housing units with 51 extra care units of a similar nature. As such, there are no grounds to refuse the application because of the loss of the existing units.

The principle of redevelopment of the site for extra care units is considered acceptable. The applicant has engaged with the Local Planning Authority prior to making the application and held an exhibition for residents to attend.

- Affordable Housing Issues

In determining whether affordable housing is required; the question is whether the units should be included as general housing, and whether the units themselves are capable of being units of affordable housing. Essentially if the development consists of C3 residential units then affordable housing will need to be provided. This is related to the issue of how self-contained the units would be.

In this case, the unit share facilities and would be more appropriately described as a residential institution (C2 use Class). In any event, the applicant has advised that the units would be available at affordable rent for residents and therefore fulfils the requirements of policy DM10.

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality with regard to the impact on the conservation area;

The existing buildings on site primarily consist of a two storey flat roof building with single storey buildings closer to the north boundary with Mill Hill Cemetery, in a courtyard

arrangement. The existing buildings, especially the two storey part of the building, have a dated appearance and do not respond well to either Milesplit Hill or Pursley Road elevations.

The proposed building would be of similar height, massing and scale to that on the adjoining site on Salcombe Gardens and it is considered that the building would provide adequate visual interest.

The proposals would be visible from within Mill Hill Cemetery however the impact would be negligible given the fact that this is at the end of the cemetery and is of limited public visibility.

The proposals would appear as a three storey building with rooms in roofspace on the elevation facing Milesplit Hill. Milesplit Hill is characterised by two storey dwellings and maisonettes. It is acknowledged that the proposed building would be taller than that existing on site. However, given that this is a corner site, and that there is a substantial gap of 15m between the site and nearest building on Milesplit Hill, it is not considered that this relationship would be harmful.

The site at present benefits from grassed areas to both Milesplit Hill and Pursley Road elevations. These help provide a setting to the buildings. The proposals would maintain this to the Pursley Road elevation in the form of a communal garden area and would maintain the grassed area to the south of the existing block on Salcombe Gardens. There would be a new car park to the Milesplit Hill side of the site. This would result in the reduction of grassed area though boundary planting would be maintained. It is acknowledged that this would have some impact on the streetscene however, it is suggested if consideration is given to appropriate hardstanding then this impact would be minimised.

The design of the proposed building incorporates red-brown facing brickwork, dark grey Aluminium windows and slate grey rooftiles. Buildings on Milesplit Hill are principally brown brick on the east side and brick with render on the west side. The shopping parade to Salcombe Gardens is red-brown brick. The proposed choice of materials would in principle relate well to neighbouring buildings. A condition is suggested in order to ensure that the materials to be used have satisfactory appearance.

The proposals would provide the replacement of an existing building which is unsympathetic to the wider area and has a dated appearance. The proposals, whilst larger in size than the existing building would not cause material harm to the character and appearance of the streetscene and general locality.

It is considered that the proposals would not harm Mill Hill Conservation Area as a designated heritage asset.

- Whether harm would be caused to the living conditions of neighbouring and future residents.

Neighbouring Occupiers

Daylight/Sunlight

The applicant has submitted a daylight/sunlight report in support of the scheme. This states that with regards to daylight, based on a Vertical Sky Component analysis and No

Sky Line analysis, BRE Guidelines are met in all cases. Having assessed the impact of the scheme on neighbouring windows and gardens, as well as the design of the proposed scheme, it is considered that the proposals would provide adequate daylight and sunlight for future occupiers.

Outlook/Visual Impact

It is acknowledged that the proposed building would be taller and closer to these properties than the existing buildings on site. The building has been set back in the centre of the building in order to ensure that the bulk of the building is further away from the rear of 1-13 Salcombe Gardens. The part of the building facing would be three storeys with roof level pitching away. Though part of the building would be approximately 19-23m from the site, the majority of the building is sited further away due to the layout of the building. The southern section of the building to the rear of no.1 Salcombe Gardens is of similar footprint to that existing though the building would be three storeys with roof as opposed to two storeys. It is therefore considered that, there would be some impact on the outlook from these rear windows of the flats above 1, 11 and 13 Salcombe Gardens.

It is not considered that there would be a harmful impact on the occupiers of properties on Milesplit Hill given the distance away.

It is not considered that the proposals would result in harmful loss of outlook or have an overbearing impact on neighbouring residential occupiers, other than a limited impact on the flats to the rear of Salcombe Gardens.

Overlooking/Privacy

The proposed building has been orientated so that it does not have windows facing directly towards the rear of 1-13 Salcombe Gardens. These buildings are sited approximately 16m from the boundary of the site though many have rearward projections that bring this to 12m. The distance between the nearest part of the proposed building and rear wall of no.11 Salcombe Gardens (Nearest point) would be approximately 19m-23m however there would be no windows looking directly towards the site. In this way, direct overlooking would be prevented.

It is not considered that there would be overlooking towards properties on Milesplit Hill given the distance away.

The proposals would not result in the harmful overlooking of neighbouring or future residents.

Noise and Disturbance

The proposals would be an extra care development for 51 flats. The site currently has 33 units at present. Therefore the proposals do represent an intensification when compared to the existing use on site. However, given the nature of the site, its close proximity to commercial uses on Salcombe Gardens and Pursley Road, it is not considered that the proposals would materially harm neighbouring residential amenity through increased activity on the site.

Future Occupiers

In relation to the amenity space the Daylight/Sunlight Assessment concludes that this will receive good sunlight throughout the year. The proposals would provide adequate unit sizes for future residents in accordance with the Mayor's London Plan. All units are one bedroom.

The proposals would make provision for communal garden areas for residents of the development.

The layout of the development has been designed so that there would not be overlooking between units of the development. It is noted that the flats in the courtyard area to the north of the site would be 18m apart which is technically below the 21m standard normally required. However, the applicant has positioned windows so that there would not be direct overlooking.

-Whether the proposals would harm trees of special amenity value

The applicant has provided a tree survey and arboricultural report as part of the application.

It is noted that there are a number of trees in close proximity to the boundary at the adjacent site at Mill Hill Cemetery. This site is located within Mill Hill Conservation Area as the boundary runs along the north of the site.

There are existing single storey flat buildings approximately 5m from the boundary with Mill Hill Cemetery. The proposed building would be located a similar distance to these (Approximately 4.8m). The proposed development would be located closer to the west of the site where it would be closer to 4m as opposed to existing buildings which are 6m away. However the buildings would be located a similar distance, albeit taller given that the building is three storeys with roof level in this location.

The proposed Arboricultural Method Statement indicates that there would be some encroachment into the Root Protection Areas of these trees. However, existing buildings already encroach into these areas. Therefore, it would be important to ensure that trees are not harmed during construction given the likelihood of existing roots in the vicinity.

The arboricultural report suggests that Tree 11 (Off-site Poplar) should be removed. However this is outside the site and therefore consent cannot be granted as part of these proposals. Trees T10 (Oak), T12 (Oak) and T14 (Black Pine) are all of notable amenity value, as are the trees to the north-east of the site that are a more substantial distance away.

Whilst the proposed development would have some windows facing north towards trees adjacent to the boundary, the main outlook would be west to east and as such it is not considered that the proposals would result in harmful pressures for future treeworks. Conditions are suggested to ensure that construction takes place without harm to the neighbouring trees.

- Whether the proposals would harm highway or pedestrian safety

The site is located at a corner plot at the junction of Milesplit Hill with Pursley Road. Current vehicle Access is only via Moreton Close which is a private road off Salcombe Gardens. Moreton Close provides access to the existing sheltered accommodation on the site and to an adjacent block of garages.

Pedestrian access into the site is currently available from Milesplit Hill. Pursley Road and Moreton Close.

The site is in close proximity to local amenities and bus routes. The site is within the Saracens Event day Controlled Parking Zone (CPZ) which operates on event days only (Saturday and Sunday) between 1 and 6 pm. The site has a public Transport accessibility Level (PTAL) of 1b which represents a low accessibility level. The proposal is for the demolition of existing 33 units of sheltered accommodation which provides housing for 35 residents and redevelopment of the site to provide a care home with 51 apartments comprising of 48 1-bedroom and 3 x 2-bedroom. The proposed care home will accommodate around 54 residents living on site which require some level of care.

The breakdown of care requirements for residents is of 50% high care requirement, 25% medium care and 25% Low care. Patients requiring low care level have a good level of mobility and will be able to use services such as public transport, however none of the residents will have a car.

A total of 12 full time and 18 part time members of staff will be employed at the site. The part time staff will be ad-hoc and will vary depending on residents' needs. It is expected that a maximum of 30 (12FT 18PT) members of staff will be on site at one time. The proposal includes provision of 9 off street parking spaces and one drop off bay all accessed via a proposed new vehicle access from Milesplit Hill. Vehicle access will no longer be available from Moreton Close, which will serve as pedestrian access only. Pedestrian access from Pursley Road and from Milesplit Hill will also be maintained.

The proposed new vehicle access will require Sec 184 application and the access dimensions will need to be modified to provide a maximum of 4.8 m wide vehicle access.

Parking Provision:

The proposal includes provision of 9 off street parking spaces and one drop off bay. Information provided in the Transport Statement prepared by Cottee Transport Planning submitted with the planning application estimate the predicted parking demand based on surveys of other similar care homes, retirement flats and dementia care homes. A parking profile has been prepared based on both retirement flats and dementia care homes daily trips profiles and based on 51 units the following peak parking demand is anticipated for the development.

Parking Demand (4.3.2 Transport Statement)

Development Use	Weekday 0800-0900	Weekday 1700-1800	Overnight
Daily Peak			
Retirement Flats 10 (1800-1900)	9	9	10
Dementia Care Home 12 (1500-1600)	8	2	1

As the proposed development will offer predominantly medium to high levels of care, it is likely that the parking profile will be more in line with the dementia friendly care home parking demand which shows a peak demand of 12 parking spaces (at 15:00 - 16:00). This would lead to a potential overspill of 3 cars on the public highway.

On street parking surveys have been carried out on the surrounding street within 200 metres and the number of observed available spaces on street are summarised below:

Overnight surveys between 00:00 05:30 - 52 available spaces

08:00 - 09:00 38 available spaces

15:00 - 16:00 19 available spaces

18:00 - 19:00 34 available spaces

Therefore the potential parking overspill of 3 vehicles can be accommodated in the surrounding public highway network, even after taking into consideration the potential loss of up to 4 on street parking spaces necessary to provide the new vehicle access.

In view of the above it is considered that an adequate level of parking provision has been provided.

Trips / Traffic Impact

The proposed site will function as an independent Living development, but with the majority of residents requiring medium to high levels of care it is considered that the site will function as a combination of use of independent living and care home for residents with conditions such as dementia. However as the development will provide medium to high care levels to over 75% of residents, it is anticipated that the trip generation will have characteristics more comparable with a care home than retirement flats

Based on surveys of care homes, the anticipated trip generation for a development with 51 units is summarised below:

	Weekday 0800-0900		Weekday 1700-1800		Daily			
	Arrivals	Departures	Arrivals	Departures	Arrivals	Departures		
Dementia Friendly Home			6	4	1	3	29	31

The existing sheltered accommodation use has been estimated to attract 81 vehicle movements a day, therefore it is anticipated that there will be a reduction of 21 vehicle trips to the site a day, compared to the existing use. The development is located adjacent to convenience shops in addition to several on site facilities which will reduce the need for car trips. The survey information also shows that the peak traffic generation for a care home would be between 16:00 and 17:00 hours which is outside the traditional network peak

Therefore, taking into consideration the existing and expected trip generation, the level and characteristics of trips associated with proposed development are not expected to have a detrimental impact on the local public highway.

Refuse.

Refuse storage details have been provided at a location accessed from Millespit Hill.

Cycle Parking:

Cycle Parking should be provided in accordance with recommendations in the London Plan which require provision of 1 space per 5 staff and 1 per 20 bedrooms. A condition should be included to provide details of cycle parking provision.

Construction Management Plan:

A construction management plan will be required and careful consideration must be given to the optimum route(s) for construction traffic.

Travel Plan:

The development will require a Travel Plan Statement (including targets) that meets the criteria in the Transport for London TP guidance (November 2013) that is iTRACE and ATTrBuTE compliant, to cover mainly staff and visitor travel but also travel for those residents who are able.

It is required that appropriate covered and secure storage of travel aids such as electric wheelchairs, electric scooters is provided within the development as well as the required cycle storage.

The Application is considered acceptable in terms of impact on highway and pedestrian safety.

- Sustainability/Environmental Issues

The applicant has provided a BREEAM pre-assessment report. This states that the development is intending to achieve a BREEAM rating of 'very good'. The targeted credits have been input into the BREEAM assessment tool and result in an overall score of 64.86%. This score is above the 'very good' threshold of 55%. A condition is suggested to ensure that this standard is met.

The proposals are required to meet policy 5.2 of the Mayor's London Plan which requires that major development proposals should include a detailed energy assessment to demonstrate how the targets for carbon dioxide emissions reduction outlined above are to be met. The applicant has provided an Energy Statement / Feasibility Study. This states that the combined options for MVHR, mini CHP and photovoltaic panels would provide the most benefit in terms of energy reduction/generation and carbon emissions reduction and be the most appropriate use of low or zero carbon technologies when applied to the Moreton Close development. This recommends that a reduction of 40.3% is forecast.

It is considered that a condition is necessary in order to ensure that these benefits of the scheme are realised.

Flooding/Drainage

Given the size of the site and its location within Flood Zone 1 it is not considered that the proposals would harm local drainage or flood risk subject to a condition requiring details of drainage.

Ecology

The applicant has provided an ecology report carried out by agb Environmental. The report concludes that the site is of limited ecological value. However, this does state that the site has some scope for nesting birds within the adjacent trees and borders. A condition is suggested to ensure that the scheme meets the appropriate BREEAM rating and as part of these ecological enhancements will need to be provided.

5.4 Response to Public Consultation

The responses are generally assessed in the main report but the following specific comments are made below:

Whilst the planning application indicates that there is currently no parking on site, there is in fact space for at least 6 vehicles to park, meaning the increase in parking spaces is 1, rather than the 7 the application has indicated. - It is acknowledged that there is parking on site currently for approximately 6-7 cars to the rear of the site.

Proposals will force residents of existing block to move home which will cause them distress and be detrimental to their health. - The relocation of the existing residents is not grounds to withhold planning permission. It is noted that the proposals would result in the redevelopment of the existing Moreton Close site. The proposals involve the replacement of 33 sheltered housing units with 51 extra care units of a similar nature. As such, there are no grounds to refuse the application because of the loss of the existing units.

Residents of the existing development have raised concerns relating to the existing development. These are also addressed in the equalities and diversities issues below. However, the Local Planning Authority cannot control who lives in a development and cannot stipulate that residents of the existing development are housed in the replacement scheme - this is a matter for Barnet Homes.

Similarly, it is not possible for the Local Planning Authority to withhold planning permission on the grounds of noise and disturbance during construction. However conditions are attached in order to ensure that disruption to residents is minimised, including Demolition and Construction Method Statement and restriction of working hours.

A 3 storey building although of the same size to the maisonettes above the shops in Salcombe Gardens is not in keeping with the size of the buildings in Milesplit Hill where the residencies are only 2 storey high. I feel this will look imposing. - Addressed in main report

Object strongly about the entrance being on Milesplit Hill and think it will be a terrible mistake causing a lot of problems for the nearby residents of which I am one. - Addressed in main report.

6. Equality 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 proposed development would provide additional accommodation for residents in need of care. In this way, it would provide additional accommodation for residents many of whom will have disabilities and are elderly.

In terms of any likely negative impacts, the application has attempted to address these through the design of the scheme.

The impact on existing residents of the site has been considered. It is recognised that the occupiers are likely to be disabled and/or elderly and as such are more sensitive to noise and disturbance during works. They are also more likely to spend the majority of their time within the building. Therefore, conditions have been suggested in order to ensure that an appropriate construction method statement is provided, as well as ensuring that works take place in reasonable hours. In terms of the relocation of residents from the site, this will be managed by Barnet Homes. It is understood that the Sheltered Housing Team at Barnet Council have consulted with the existing tenants about the redevelopment of the site.

It is suggested that the majority of these can be mitigated through conditions and that any impacts are unlikely to disproportionately affect any one group with a protected characteristic. Whilst it is recognised that disabled and elderly road users are more likely to be affected by proposals which result in an intensification of use it is considered that these impacts are adequately mitigated by the proposals.

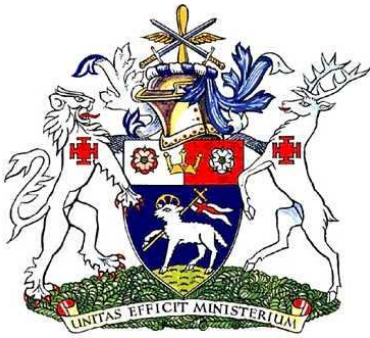
With the conditions recommended the proposal is found to accord with development plan policies as they relate to the relevant equalities and diversity matters by providing a high quality inclusive design approach which creates an environment that is accessible to all and would continue to be over the lifetime of the development. The development would therefore 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 supports the council in meeting its statutory equality responsibilities.

7. Conclusion

The above issues need to be weighed up when considering whether to grant planning permission. Officers consider that the benefits of providing a modern extra care facility for 51 residents replacing of the existing building on site outweigh any harm caused in terms of the increased size of the building and loss of outlook. Taking all issues fully into consideration the proposal is recommended for approval.



AGENDA ITEM 9	
 <h2 style="margin: 0;">Planning Committee</h2> <h3 style="margin: 0;">18th May 2015</h3>	
Title	Non Immediate Article 4 Direction – Houses in Multiple Occupation
Report of	Cath Shaw – Commissioning Director Growth and Development
Wards	All Wards
Status	Public
Enclosures	Appendix 1: Supporting case for Boroughwide Article 4 Direction Appendix 2: Article 4 Direction
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<h2>Summary</h2>
<p>In order to manage the supply of Houses in Multiple Occupation (HMO) across the Borough the Council intends to introduce an Article 4 Direction which withdraws permitted development rights for conversions from planning use class C3 (dwelling house) to use class C4 (small HMO). Use Class C4 permits occupation of a property by 3 to 6 unrelated individuals who share basic amenities such as kitchen or bathroom facilities. Larger HMOs classified as ‘sui generis’ (a use like no other) will continue to require planning permission. The proposal is for a non-immediate Article 4 Direction which requires a 12 month stay before it comes into force in order to avoid the payment of any compensation. Subject to responses received during the consultation process it is envisaged that the Council will be able to confirm the Direction mid 2016. Any proposal to convert a dwelling to a HMO in Barnet will then require planning permission.</p> <p>The National Planning Policy Framework (NPPF) requirements for removing national permitted development rights requires the planning authority to demonstrate that the removal is necessary to protect local amenity or the wellbeing of a particular geographic area (NPPF, Para 200). The supporting case uses a range of data sources to estimate the total number of HMOs in Barnet, to analyse the various impacts of those HMOs and to consider potential new HMOs. This report also sets out the formal consultation process for introducing a non-immediate (with 12 months’ notice) Article 4 Direction.</p>

Recommendations

- 1. That the Committee approve the making of a non-immediate boroughwide Article 4 Direction to withdraw permitted development rights for changes of use from dwellinghouses (Use Class C3) to small HMOs (Use Class C4)**

1. WHY THIS REPORT IS NEEDED

- 1.1 Houses in Multiple Occupation (HMOs) are an important source of low cost, private sector housing for those on low incomes, students, and those seeking temporary accommodation. The source of HMOs tends to be large single family dwelling houses.
- 1.2 Residents of HMOs are attracted by access to public transport and local services as well as affordable accommodation. Areas of large single family dwelling houses with good access to transport and services are therefore more likely to accommodate HMOs.
- 1.3 HMOs and their concentration can sometimes be associated with: poor standards of accommodation; loss of local character; reduction in environmental quality; increased noise complaints; increased anti-social behaviour; loss of single family dwelling houses; increased levels of crime; increased pressures on car parking; dominance of private renting; changes to local retail provision and increased pressure upon local services.
- 1.4 Use Class C4 (HMO) was introduced in 2010 in response to a need to exert greater control over HMO accommodation. The Council is also considering enhancing its licensing controls to help drive up standards in this sector (see “Review of Regulation of Houses in Multiple Occupation” report to Housing Committee 2nd February 2015).
- 1.5 In 2013 the Communities and Local Government Select Committee considered the issue of high concentrations of HMOs as part of its inquiry into the private rented sector¹. The Committee concluded that controlling the spread of HMOs should be a matter for local determination and supported the use of Article 4 Directions to manage conversions to HMO. The Government agreed with the Committee’s recommendation.

¹ House of Commons, Communities and Local Government Committee. The Private Rented Sector. First Report of Session 2013-14 HC50

<http://www.publications.parliament.uk/pa/cm201314/cmselect/cmcomloc/50/50.pdf>

1.6 HMOs and the Planning System

- 1.6.1 Within the planning system a HMO can be either a house split into separate bedsits, a shared house or shared flat. A property does not need to be converted or adapted in any way to be classified as a HMO.
- 1.6.2 Small HMOs are classified as Use Class C4 when occupied by between 3 and 6 unrelated individuals who share basic amenities such as a kitchen or bathroom facilities. Dwelling houses are classified as Use Class C3. Permitted development ('PD') rights exist to change use between C3 and C4 and back again without planning permission.
- 1.6.3 Use Class C4 creates small HMOs. Larger HMOs are properties occupied by more than 6 unrelated individuals who share basic amenities such as a kitchen or bathroom facilities. They are classified as 'sui generis' (a use like no other) and always require planning permission.

1.7 Article 4 Directions

- 1.7.1 An Article 4 Direction made under Town & Country Planning (General Permitted Development) Order 2015 suspends particular PD rights that otherwise would be available under that Order. Article 4 Directions do not mean that planning consent would not be granted; it merely means that an application has to be submitted so that the Council can examine the proposal in detail.
- 1.7.2 Article 4 Directions are intended for use in exceptional circumstances where it is necessary to protect local amenity or the wellbeing of an area (Para 200, NPPF). A robust evidence base is essential in order to justify its purpose and extent.
- 1.7.3 There are two types of Article 4 directions under the 2015 Order: non-immediate directions and directions with immediate effect. An immediate Direction withdraws permitted development rights with immediate effect; however a local planning authority may be liable to pay compensation to a landowner when PD rights are removed by an immediate Article 4 Direction if planning permission is subsequently refused for the development to which the Direction applies. For certain types of PD rights (including the change of use of a dwelling house to a small HMO) a local planning authority is not liable to pay compensation provided that the bringing into force of the Article 4 Direction is stayed for 12 months.
- 1.7.4 With the removal of Permitted Development rights through a confirmed Article 4 Direction a planning application for any change in use from a dwelling house

to a small HMO is required. An application is exempt from the usual planning application fee. The application will be considered against policies in Barnet's Local Plan in particular:

- CS04 : Providing Quality Homes and Housing Choice in Barnet:
- CS05 : Protecting and Enhancing Barnet's Character:
- DM01: Protecting Barnet's Character and Amenity; and
- DM09: Specialist Housing – HMOs, Student Accommodation and Housing Choice for Older People.

1.7.5 An Article 4 Direction can remain in place permanently once it has been confirmed. However, local planning authorities should regularly monitor any Article 4 Directions to make certain that the original reasons the Direction was made remain valid. Where an Article 4 Direction is no longer necessary it should be cancelled.

1.7.6 A local planning authority must, as soon as practicable after an Article 4 Direction has been made, inform the Secretary of State via the National Planning Casework Unit. The Secretary of State has the power to modify or cancel this type of Article 4 Direction at any time after it is made and before it is confirmed.

1.8 Supporting case for Boroughwide Article 4 Direction

1.8.1 The supporting case for the boroughwide Article 4 Direction draws on evidence from the following sources:

- The 2001 and 2011 Census
- The Barnet Characterisation Study 2010
- Barnet Electoral Register
- Barnet Council tax database
- Middlesex University Accommodation Register
- Call credit marketing data
- Council complaints database
- Environmental Health Street Survey 2014
- Licensed HMO database
- Planning enforcement complaints database
- Planning applications database
- Residential parking permit database
- Metropolitan Police crime statistics

1.8.2 The assessment of these data sources draws the following conclusions:

- The Census analysis identifies that there are 8,811 units in the private rented sector in shared or converted houses which could potentially include HMO. The electoral register and data sources analysis evidences

that 3,981 units could reasonably be considered shared accommodation or bed-sit style HMO.

- The Census analysis also identifies that there has been a reduction of 3.4% of the total stock of family housing since the 2001 census.
- The Environmental Health Street Survey identified concerns about standards of management of HMO. The Survey involved a sample of properties across the borough and areas were chosen according to the greatest incidence of licensed HMOs under the mandatory scheme and through local knowledge of concentrations of existing potential HMO.
- The Street Survey sample was cross-referenced against the Council's own housing and nuisance complaints records to Environmental Health which demonstrated high levels of complaints received where HMOs and potential HMOs were identified.
- The analysis of Middlesex University student accommodation shows the concentration as would be expected is in and around the University Campus in Hendon.
- Planning enforcement complaints data was analysed for HMO and flat conversions. The data shows that both NW11 (Golders Green) and NW4 (Hendon) are the most predominant postcode areas for complaints although there is coverage across the borough. Levels of complaints regarding HMO, flat conversions and 'beds in sheds' have been steadily rising.
- The analysis of Controlled Parking Zones where known concentrations of HMO exist did not demonstrate clear parking stress across a CPZ. However streets with high levels of permits per property can be identified.
- The layers of evidence have helped present a picture of increasing prevalence of HMO in London Borough of Barnet with increasing amenity issues evidenced by complaints data. The potential for new HMO is clear from both the demand and supply side with affordability the biggest driver and ample suitable housing stock across the whole borough available for conversion.

2. REASONS FOR RECOMMENDATIONS

- 2.1 Introducing an Article 4 Direction to manage HMOs through the planning system supports the implementation of an Additional Licensing scheme as part of an effective borough-wide strategy to better regulate HMOs in Barnet.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 One option is clearly to do nothing and accept that the Council has no control over the loss of family sized houses to small HMOs nor can it restrict the number of small HMOs in any street. This option is likely to lead to further

unrestricted growth of HMOs and further reductions in supply of affordable family homes.

- 3.2 Another option is to introduce an immediate Article 4 which will make the Council liable to compensation to landowners for the withdrawal of Permitted Development rights. This is not recommended as compensation sums could be significant. Several London Boroughs including Barking and Dagenham, Enfield, Newham and Waltham Forest have recently introduced non immediate borough-wide Article 4 Directions for HMOs. Newham have quoted an estimate of at least £4 million over 12 months to compensate landowners for loss of PD rights if an immediate Article 4 Direction is introduced.
- 3.3 The final option is to apply the Article 4 Direction to part of the Borough only. This option is not being pursued as the proliferation of HMOs in Barnet has borough-wide implications. There is also concern that identifying existing 'hotspots' could simply move the problem elsewhere as there is potential for conversion from existing dwelling houses to HMOs throughout the Borough. Therefore a borough-wide approach is proposed.

4. POST DECISION IMPLEMENTATION

- 4.1 The work around making and confirming the non-immediate Article 4 Direction (which requires 12 months' notice) involves the following stages :
- The making of the non-immediate Article 4 Direction - May 2015
 - Advising the Secretary of State of the non-immediate Article 4 Direction - May 2015;
 - Consultation on Article 4 Direction - May/July 2015;
 - Confirming Article 4 Direction - May 2016; and
 - Implementation and monitoring – post May 2016.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

The policy meets the Council's Corporate Plan strategic objectives detailed in the Barnet Corporate Plan 2015-2020 which will strive to ensure that Barnet is a place:-

- Of opportunity, where people can further their quality of life - An Article 4 Direction will help manage the growth of small HMOs therefore mitigating their impact on local amenity and improving the quality of such accommodation as well as their surrounding neighbourhood.
- Where people are helped to help themselves, recognising that prevention is better than cure - An Article 4 Direction will help better manage the loss of existing family homes to HMO and therefore improve the availability of family housing.
- Where services are delivered efficiently to get value for money for the taxpayer - Effective implementation of an Article 4 Direction combined

with Additional Licensing of HMOs will have a positive impact on the management of HMOs.

5.1.2 Barnet's draft Housing Strategy 2015 to 2020 includes the following key objectives: increasing housing supply, including family homes, delivering homes that people can afford and sustaining quality in the private rented sector. The strategy will be formally adopted at the Housing Committee on 29 June 2015.

5.2 **Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.2.1 In order to avoid any possible claims for compensation, the Council will provide 12 months advance notice of the Article 4 taking effect (a non-immediate direction).

5.3 **Legal and Constitutional References**

5.3.1 Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) empowers the planning authority to withdraw specified PD rights which would otherwise apply under the GPDO. If an Article 4 Direction is in place, planning permission will be required for the development covered by the direction.

5.3.2 Article 4 Directions can only be used to withdraw PD rights under the GPDO. They cannot be applied retrospectively to development undertaken before a Direction comes into force, or to development that has commenced at the time that a Direction comes into force.

5.3.3 The NPPF states that local planning authorities should only consider making Article 4 Directions where there is a clear justification for removing national permitted development rights. The use of Article 4 directions should be limited to situations where this is necessary to protect local amenity or the wellbeing of an area (para 200). The planning authority should not make a Direction unless it is satisfied that it is expedient that development that would normally benefit from permitted development rights should not be carried out unless permission is granted for it on an application (Article 4(1)).

5.3.3 In deciding whether an Article 4 Direction is appropriate, local planning authorities are advised by the Guidance² to identify clearly the potential harm that the Direction is intended to address. Provided there is justification for both its purpose and extent, it is possible to make an Article 4 Direction covering the whole of a local planning authority's area (Para 3.1 of the Guidance).

5.3.4 The Council's Constitution, Responsibility for Functions, Annex A – details the

² Replacement Appendix D to Department of Environment Circular 9/95: General Development Consolidation Order 1995. DCLG June 2012

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5679/2160020.pdf

terms of reference of the Planning Committee which includes responsibility for matters of significance to the entire Borough.

5.4 Risk Management

5.4.1 Whilst an Article 4 Direction is likely to be welcomed by residents it is likely that the withdrawal of PD rights will not be popular with landowners and potential landlords. Following the making of the Article 4 Direction the Council will publicise it in local newspapers, on the Council's website and ensure consultation with the Landlords' Forum.

5.4.2 The Secretary of State has the power to modify or cancel an Article 4 Direction. The Secretary of State will only exercise their powers in relation to Article 4 Directions if there are very clear reasons why intervention at this level is necessary. Ensuring the Council is satisfied with the supporting case for designating an Article 4 Direction will mitigate this risk.

5.4.3 There may be additional burdens for the planning enforcement service following adoption. However, the Article 4 Direction effectively reinstates the position that existed in the borough prior to 1st October 2010.

5.5 Equalities and Diversity

5.5.1 HMOs make an important contribution to the private rented sector by catering for the housing needs of specific groups/households and by making a contribution to housing choice.

5.5.2 An equalities impact assessment will be carried out prior to the introduction of an Article 4 Direction.

5.6 Consultation and Engagement

5.6.1 An extensive consultation exercise will take place following a decision by Planning Committee to make the Article 4 Direction. The consultation will take place over 10 weeks following publication of the notice and include publication of the notice on the Council's website, in the local newspaper and consultation with the Landlords Forum.

5.6.2 Consultation will be concurrent with the proposal for Additional Licensing. Additional events and joint publicity will be identified where possible.

6. BACKGROUND PAPERS

6.1 Housing Committee, 27 October 2014, Item 7, Proposed Introduction of an Article 4 Direction to manage new Houses in Multiple Occupation
<http://barnet.moderngov.co.uk/documents/s18772/Article%204%20Direction%20for%20HMOs%20-%20Final%20Report.pdf>

6.2 Council, 23 September 2014, Item 14.1, Motion from Councillor Shimon Ryde – Proposed Introduction of an Article 4 Direction in Relation to HMOs:

<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=162&MID=7814#AI9260>

HMO Article 4

Supporting Case for Boroughwide
Article 4

Appendix 1 to committee report

May 2015

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Introduction

- 1.1. This study provides the evidence to support the designation of a boroughwide Article 4 Direction. An Article 4 Direction is made under the Town & Country Planning General Permitted Development Order 1995 (as amended) and removes Permitted Development Rights. Article 4 Directions do not stop development; they mean that planning permission is required. Article 4 Directions are intended for use in exceptional circumstances and must be supported by robust evidence which demonstrates harm to local amenity and the proper planning of the area.
- 1.2. Houses in Multiple Occupation (**HMOs**) are an important source of low cost, private sector housing for those on low incomes, students, and those seeking temporary accommodation. HMOs arise in areas with good access to public transport (in particular bus routes) and local services as well as large single family dwelling houses that can be sub-divided into much smaller and more affordable accommodation.
- 1.3. However HMOs tend to concentrate in areas that provide such conditions raising concerns about their impact. HMOs and their concentration can be associated with the following issues:
 - poor standards of accommodation
 - loss of local character
 - reduction in environmental quality
 - increased noise complaints
 - increased anti-social behaviour
 - loss of single family dwelling houses
 - increased levels of crime
 - increased pressures on car parking
 - dominance of private renting
 - increased pressure upon local services
 - changes to local retail provision
- 1.4. Housing tenure is changing within Barnet. Levels of home ownership have fallen whilst private renting has increased. More people are finding it difficult to buy their own home.
- 1.5. With 27,350 new households estimated to need accommodating in Barnet over the next 10 years¹ the delivery of affordable housing has never been more important. Since the 2008 credit crunch and the following economic downturn affordable housing is in greater demand. This demand has increased for a number of reasons including:
 - the increasing affordability gap as housing costs continue to rise faster than household incomes;
 - the more cautious approach to mortgage lending which has resulted in lower income multiples being approved for mortgages and the need for larger deposits to secure a mortgage;

¹ Source: Barnet Housing Needs Assessment 2014

- the difficulties for households in getting onto the property ladder and facing more limited housing choices leading to a greater reliance on the private rented sector;
 - the changes to welfare reform that make the private rented sector less accessible for those on the lowest incomes;
 - the cautious approach of investors and housing developers following the economic downturn; and
 - the increased reliance on the planning system to deliver affordable housing through S106 funding.
- 1.6. Within this context there is greater pressure for more HMO accommodation. The planning system has an important role to play in managing this pressure whilst protecting and enhancing the qualities that make Barnet such a distinctive place where people want to live. This Study will demonstrate the harm arising from Houses in Multiple Occupation (HMOs) on the proper planning of the area and therefore will justify the designation of an Article 4 across the London Borough of Barnet to ensure that **all** proposals for new HMOs are pass through the planning system .
- 1.7. In demonstrating its case the Council will reflect there are four legal definitions of HMOs and what constitutes an HMO.
- 1.8. The Housing Act 2004 defines a HMO as an entire house, flat or converted building which is let to three or more tenants who form two or more households, who share facilities such as a kitchen, bathroom or toilet. Housing legislation also consider poorly converted flats which do not meet Building Regulations as a separate type of HMO.
- 1.9. The planning system does not tightly define an HMO; it considers them to be either: a house split into separate bedsits; a shared house or shared flat; a hostel; or shared accommodation for students.
- 1.10. In addition HMOs are defined differently within the 2011 Census and through Council Tax. Further details on these definitions are set out at Appendix 1.
- 1.11. Given these four definitions and the range of data sources available the Council is able to develop a picture of HMOs across the Borough which demonstrates general trends and patterns of distributions relating to HMO.
- 1.12. Broadly HMO can be considered properties occupied by unrelated individuals who share basic amenities such as a kitchen or bathroom. The traditional source of HMOs tends to be larger, older single family dwelling houses. Nearly two thirds of Barnet's housing stock was built before 1944 and can be considered older compared to a national figure of 40%. Much of the housing stock are houses, either suburban, suburban terrace or urban terrace.

1 - The Planning and Housing Background

Barnet's Development Plan

- 1.13. The development plan for Barnet consists of the Local Plan and the London Plan. Barnet's Local Plan was adopted in 2012 and consists of the Core Strategy and Development Management Policies documents. A key objective of the Local Plan is to manage housing growth to meet housing aspirations. This involves providing a range of housing that enables choice between types and tenures as well as over lifetimes and within neighbourhoods.
- 1.14. As well as setting policy for providing quality homes and housing choice the Core Strategy also sets out policy for protecting and enhancing Barnet's character. This objective is further amplified in the Development Management Policies document in particular Policy DM01 – Protecting Barnet's Character and Amenity which states that the '*loss of houses in roads characterised by houses will not normally be appropriate*'.
- 1.15. Barnet's Local Plan policy framework will support the effective implementation of an Article 4 Directions. The key Local Plan policy is **Policy DM09: Specialist Housing – HMOs, student accommodation and housing choice for older people** which states that :
- Proposals for new HMO will be encouraged provided they meet an identified need, can demonstrate that they will not have a harmful impact on the character and amenities of the surrounding area, are easily accessible by public transport, cycling and walking and meet the relevant housing standards for HMO.***
- 1.16. Local Plan policy is further amplified by a suite of Supplementary Planning Documents (SPD). The SPD on Residential Design Guidance adopted in 2013 provides a clear and consistent message on how change within Barnet's suburbs is managed.
- 1.17. With regards to HMO the most appropriate London Plan (March 2015) policy is **Policy 3.8 Housing Choice** which states that '*the planning system should provide positive and practical support to sustain the contribution of the Private Rented Sector in addressing housing needs and increasing housing delivery*'. It also states that '*boroughs should take account of the needs of particular communities with large families and that capacity for conventional housing should not be compromised by requirements for student housing*'.
- 1.18. Supporting text in the London Plan (para 3.53) highlights that demands for student accommodation should not compromise supply of affordable family homes or undermine policy to secure mixed and balanced communities. It further recognises at para 3.55 the strategic importance of HMO as part of London's housing offer though its quality can give rise to concern. It advises that in considering proposals which might constrain HMO provision, including Article 4 Directions, boroughs should take into account the strategic as well as local importance of HMO.

- 1.19. Barnet with the 4th highest housing target in the London Plan (23,489 new homes between 2015 and 2025) makes a strategic contribution to the conventional supply of new homes. In terms of non conventional homes (these are non self-contained such as HMOs) Barnet does not make a significant contribution.

Barnet's Draft Housing Strategy

- 1.20. The Housing Strategy forms an important marker in the development of planning policy and a key element of the Local Plan evidence base. The draft Housing Strategy highlights that Barnet's current population of 362,000 is expected to grow by 83,000 over the next 30 years, an increase of 22 per cent. Within that, the number of children and older people will increase significantly. With this significant demographic change Barnet will not only need more housing (according to the Council's Housing Needs Assessment the Borough has a potential need for an additional 27,000 dwellings by 2025), it will also require appropriate types of housing to accommodate this dynamic growth. In order to meet this challenge responsibly it is important to protect what makes Barnet so attractive and ensure that future development is in keeping with the fabric of the Borough.
- 1.21. The draft Housing Strategy highlights that more than 20,000 households have been affected by the Government's welfare reforms. In terms of HMO demand has increased because of the changes to housing benefit for single people under the age of 35. Since January 2012, anyone under 35 can only claim housing benefit on a Shared Accommodation Rate to help with their rent (rather than being able to claim for self-contained one-bedroom accommodation). This means that they are expected to live in shared accommodation or a bedsit. At present 280 residents in north west London receive Shared Accommodation Rate an increase of 13% since 2012.
- 1.22. The high demand for homes has therefore seen an increase in HMO across the Borough. Home ownership has fallen whilst private renting has increased. Between 2001 and 2011 the number of private rented homes has gone up from 17 %to 27 per cent. It is projected that by 2025 around 35 %of homes in Barnet will be privately rented.
- 1.23. The draft Housing Strategy recognises the contribution of the private rented sector to flexibility and choice but does raise concerns about the management of properties including HMO especially amongst small scale landlords owning only one or two properties. The Council works with local landlords to raise standards through a Landlords Forum and encourages them to acquire formal accreditation through the London Landlords Accreditation Scheme. The Council also works with the Metropolitan Police and other partners to address sub-standard housing conditions including HMO and 'beds in sheds'.
- 1.24. Together with the Planning Service the Council's Environmental Health Service has been investigating the introduction of an Additional Licensing Scheme for HMO which would complement the introduction of an Article 4 Direction. Part of the investigation to date has included a survey in June

2014 involving 110 streets in the Borough where there are known to be concentrations of HMO.

HMO and the Planning Use Classes Order

- 1.25. HMO are considered a separate category of land use. Land use activities are set according to the planning use classes order². Uses are grouped into classes A, B, C and D and *sui generis* (a use like no other and not within a specified class). HMO fall within both Use Class C4 and *sui generis*. Legislation³ sets out when planning permission is or is not required for changes to the use of land and buildings, and the circumstances under which such changes can be undertaken.
- 1.26. A Use Class C4 HMO is one that is not used by more than three to six unrelated people. A HMO larger than this (ie with more than 6 unrelated people) is classed as a *sui generis* use.
- 1.27. Currently it is permitted to change from a Class C3 dwelling house to Class C4 HMO property without planning permission. Converting dwellings to HMO, when classed as *sui generis* will require planning permission. Likewise a conversion from a HMO to flats will require planning permission.
- 1.28. It is permitted to change a Class C4 HMO property back to a Class C3 dwelling house without planning permission. The Article 4 Direction will not prevent the conversion of Class C4 HMOs back into dwelling houses.
- 1.29. Use Class C4 was introduced in April 2010. This change was made in response to concerns around the impact of concentrations of HMOs in certain areas in terms of anti-social behaviour, crime, parking and pressure on facilities particularly in university and coastal towns.
- 1.30. However the April 2010 change to the Use Classes Order was revoked six months later in October 2010 by the Coalition Government. This was in response to private landlords' organisations who argued that the need to seek planning permission could reduce the supply of private rented accommodation. When making this change in October 2010 the Government made clear that local authorities would be able to use their existing direction making powers to restrict changes of use by requiring planning applications where they saw it as necessary.
- 1.31. Directions are made under the Article 4 Direction of the Town & Country Planning General Permitted Development Order. They remove Permitted Development Rights. Article 4 Directions do not stop development; they mean that planning permission is required. Article 4 Directions are intended for use in exceptional circumstances where evidence suggests that development under Permitted Development rights such as the spread of HMOs harms local amenity or the proper planning of an area.
- 1.32. Regulations require planning authorities to pay compensation to a landowner who is refused planning consent where Permitted Development rights are

² A legislative mechanism under the terms of the Town and Country Planning Act 1990, as amended by the Use Classes (Amendment) Order 2005

³ the General Permitted Development (Amendment) Order 2005

removed. However a local authority is not liable to pay compensation for removal of certain types of Permitted Development⁴ if 12 months notice is given about the application of an non immediate Article 4 Direction.

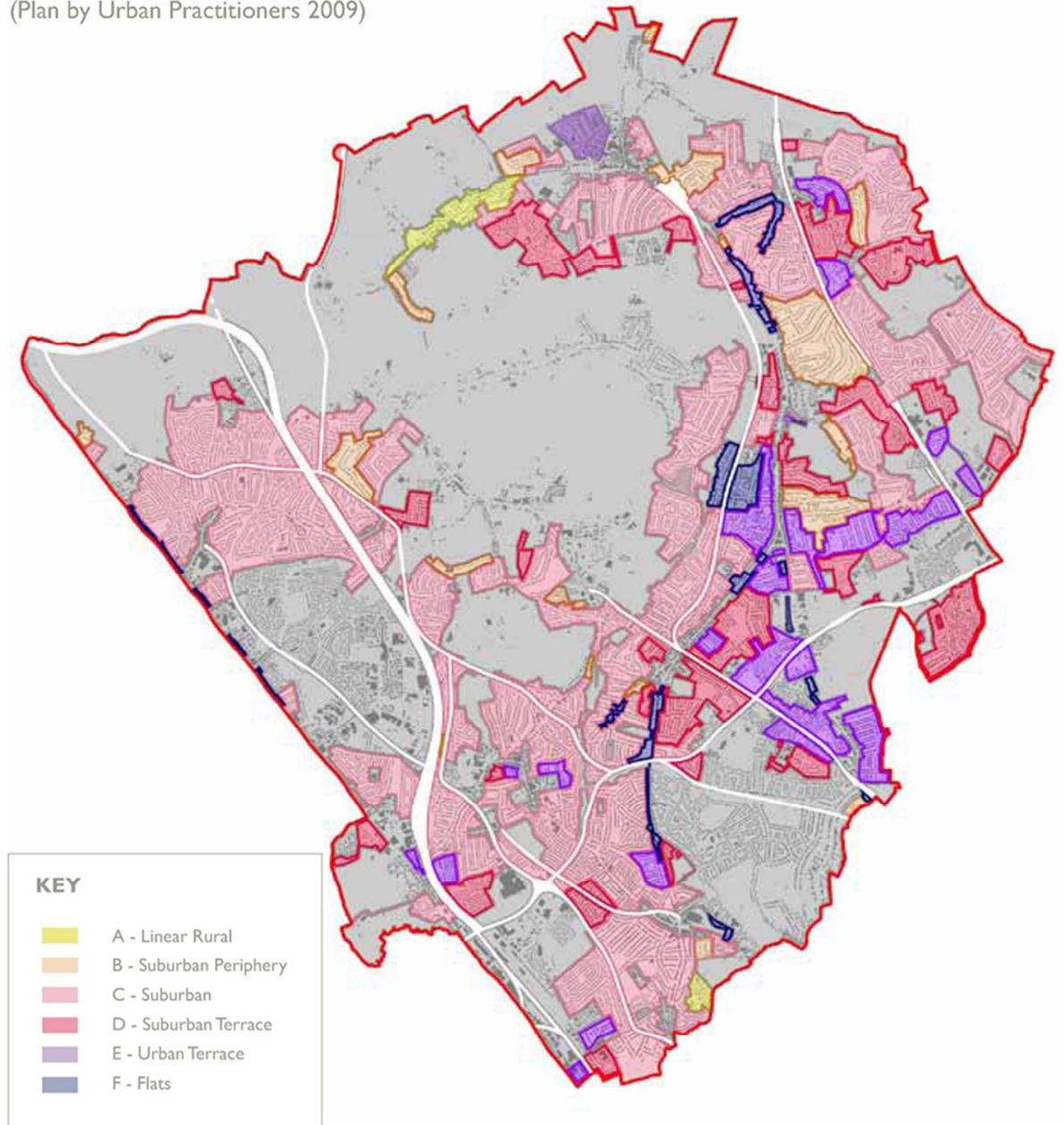
⁴ This applies for the new permitted development rights for flexible town centre uses, offices to residential and residential to HMO

2 - Summary of Barnet's built character

- 2.1 In understanding the context for the existing distribution of HMO across the Borough and the potential for new HMO it is necessary to focus on Barnet's built character. The Borough comprises a variety of townscapes, many attractive and reflecting the long history of settlements, influenced by topography and the pattern of transport routes. Large parts of the borough are designated as Conservation Areas in order to reflect their special character and value. The rest of the borough is made up of suburban areas with a population density of 41.1 people per hectare. This is lower than for London as a whole (52 people per hectare) but nearly ten times the figure for England (3.7 people per hectare). Density ranges from 17.3 people per hectare in Totteridge ward to 88.3 people per hectare in Burnt Oak ward.
- 2.2 Barnet's variety of density levels, buildings and townscape typologies reflect its historical development. The borough is predominantly suburban in character and is mainly made up from detached, semi-detached and terraced housing.
- 2.3 As part of the evidence base for Barnet's Local Plan the Barnet Characterisation Study was produced in 2010. The Study provides a detailed assessment of Barnet's built environment and identifies different architectural typologies and character areas in the borough and the pressures they face.
- 2.4 According to the Study there are three broad secondary typologies of buildings which account for much of Barnet's built residential environment. The typologies C - Suburban, D – Suburban Terrace and E – Urban Terrace all accommodate dwelling types which could readily be converted to small HMO (Use Class C4) or large HMO buildings (sui generis).
- 2.5 The distribution of these typologies is shown by Map 1. The grey shaded areas reflect the rural edge of the borough, the regeneration estates and the areas of Green Belt and Metropolitan Open Land. They also include 16 designated Conservation Areas such as Hampstead Garden Suburb and the Watling Estate where HMO may be less likely for HMO to develop because of greater planning restrictions.

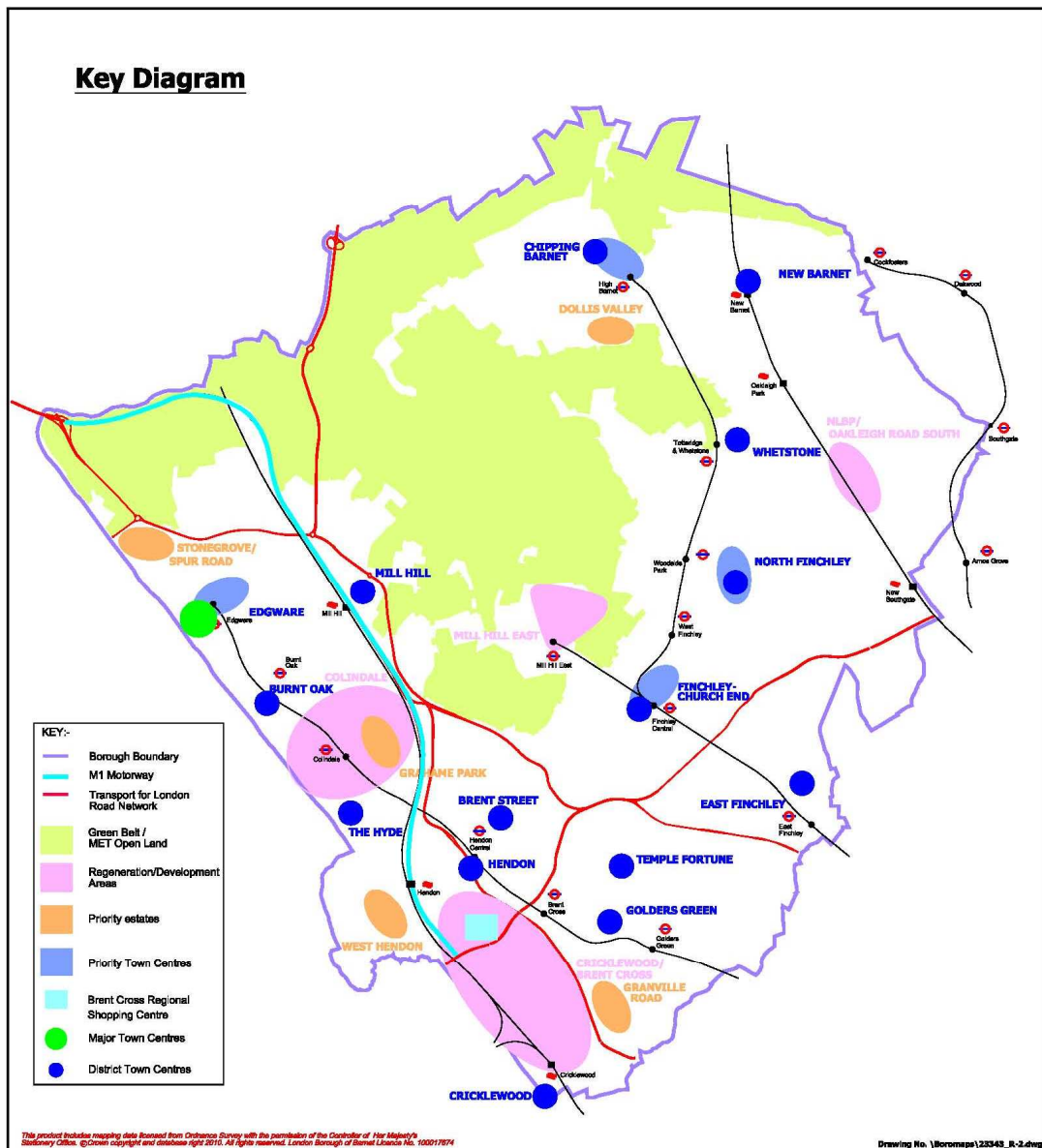
Map 1: Residential building typologies (secondary typologies) in Barnet

Secondary Typologies
(Plan by Urban Practitioners 2009)



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Map 2: Barnet Local Plan Key Diagram



2.6 Map 2 highlights the dominance of the Green Belt which accounts for around one third of Barnet's area. The Key Diagram also shows regeneration and development areas as well as the distribution of the larger town centres together with strategic transport links.

Public Transport Accessibility

- 2.7 Childs Hill, Golders Green and Hendon are the areas of the Borough with the highest levels of public transport accessibility (PTAL).
- 2.8 Access to radial bus travel may have a significant impact on the distribution of HMOs. Bus services into central London are in general better in the south and west of the borough. Areas closer to the centre of London benefit from quicker bus journey times.
- 2.9 Bus travel is also more affordable; a weekly bus pass, (£21) which covers the whole of London is a little over half the price of a Zone 1 to 3 travelcard for the tube (£37.70).

3 - Analysis of potential census data and estimate of total HMO in London Borough of Barnet

Census data and household numbers in Barnet

- 3.1 The Census defines a dwelling as either shared or unshared. A single unit of accommodation is when all rooms - including the kitchen, bathroom and toilet - are behind a door that only that household can use. Appendix 1 provides further detail on definitions.
- 3.2 The Census provides the baseline assessment of Barnet's housing stock. Table 1 provides a breakdown of accommodation type by household number and compares data between 2001 and 2011.

Table 1: Breakdown of Households by accommodation type

	Barnet Household Number 2011 (% of total)	Barnet Household Number 2001 (% of total)	Change in % of accommodation type between 2001 and 2011
All Accommodation	135,916	131,143	3.6
Unshared dwelling: Total	134,997 (99.3)	130,266 (99.3)	0
Whole house or bungalow: Total	77,803 (57.2)	79,554 (60.6)	-3.4
Whole house or bungalow: Detached	14,774 (10.9)	14,914 (11.3)	-0.4
Whole house or bungalow: Semi-detached	40,777 (30.0)	40,893 (31.1)	-1.1
Whole house or bungalow: Terraced (including end-terrace)	22,252 (16.4)	23,747 (18.1)	-1.7
Flat, maisonette or apartment: Total	57,027 (41.9)	50,524 (38.5)	3.4
Flat, maisonette or apartment: Purpose-built block of flats or tenement	43,172 (31.8)	37,158 (28.3)	3.5
Flat, maisonette or apartment: Part of a converted or shared house (including bed-sits)	11,493 (8.5)	10,864 (8.2)	0.3
Flat, maisonette or apartment: In commercial building	2,362 (1.7)	2,502 (1.9)	-0.2
Caravan or other mobile or temporary structure	167 (0.1)	188 (0.1)	0
Shared dwelling	919 (0.7)	877 (0.6)	0.1

Source: Census 2011 Table QS402UK and Census 2001 standard tables

- 3.3 According to the Census shared accommodation accounts for less than 1% of Barnet households. The Census reflects the term 'household' and

membership of it can be a question of fact and degree. For instance, no-one would argue that a family consisting of parents and children was anything other than a single household. However, many households contain individuals who are not related to each other but still regard themselves as a single unit. The Council considers that this does not represent all buildings which could be defined as HMO in planning terms in the borough.

- 3.4 HMO may also be included within other accommodation categories in the Census. The Census identifies **11,493** households living in flats or bedsits which are part of a converted or shared house. This number has increased by 0.3% since 2001 and represents 8.5% of the total housing stock in Barnet. The Council considers that a significant proportion of these **11,493** households will be HMO, in particular where there's a mixed picture over 'household' and whether facilities are shared. In addition to the converted or shared houses category there are **2,362** households in flats, maisonettes or apartments in converted commercial buildings some of which could also contain HMO. Finally there are the **919** households in shared accommodation. Combining these figures gives a total **14,774** households in units which could potentially be in use as HMO.
- 3.5 Charts 1 and 2 amplify Table 1 and provide a breakdown of accommodation types across the Borough. The Charts show that some wards (Hendon, Coppedale, Childs Hill and Colindale) have higher proportions of flats. This may indicate less future potential for HMO development. Other wards (Brunswick Park, Burnt Oak, East Barnet, Golders Green, Hale and Mill Hill) have higher concentrations of dwelling houses. Likewise this may indicate future potential for conversion to HMO.

Chart 1: Households by accommodation type by ward for 2011

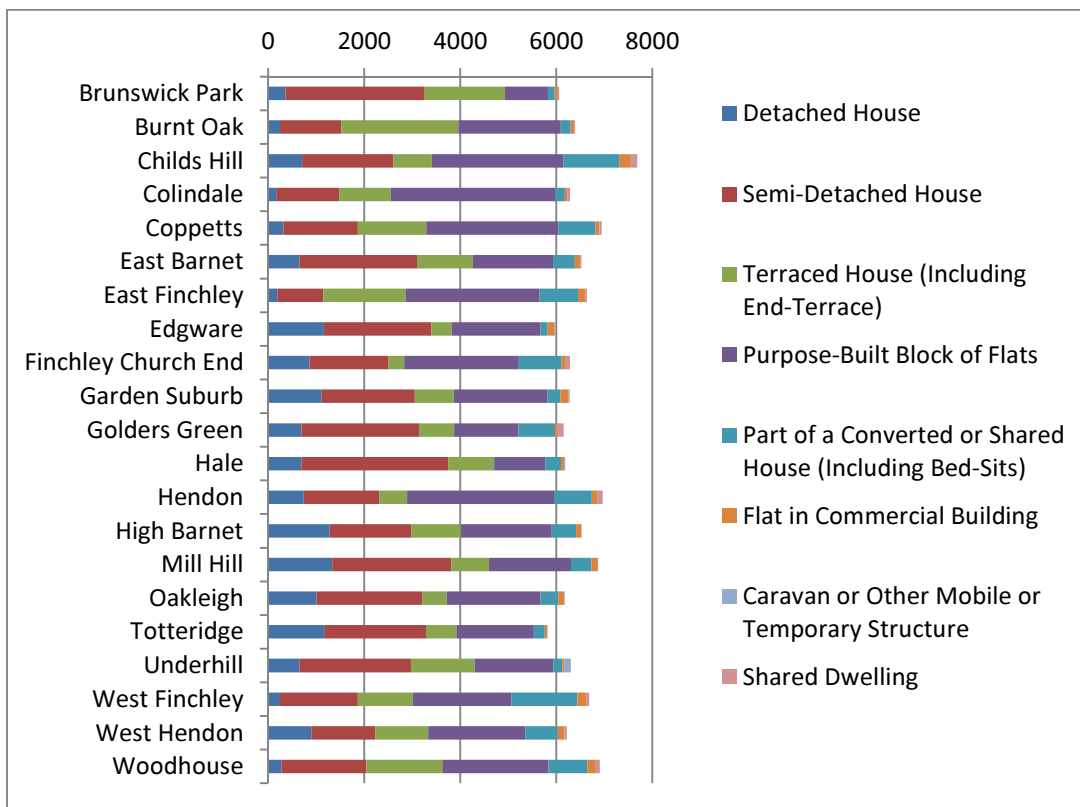
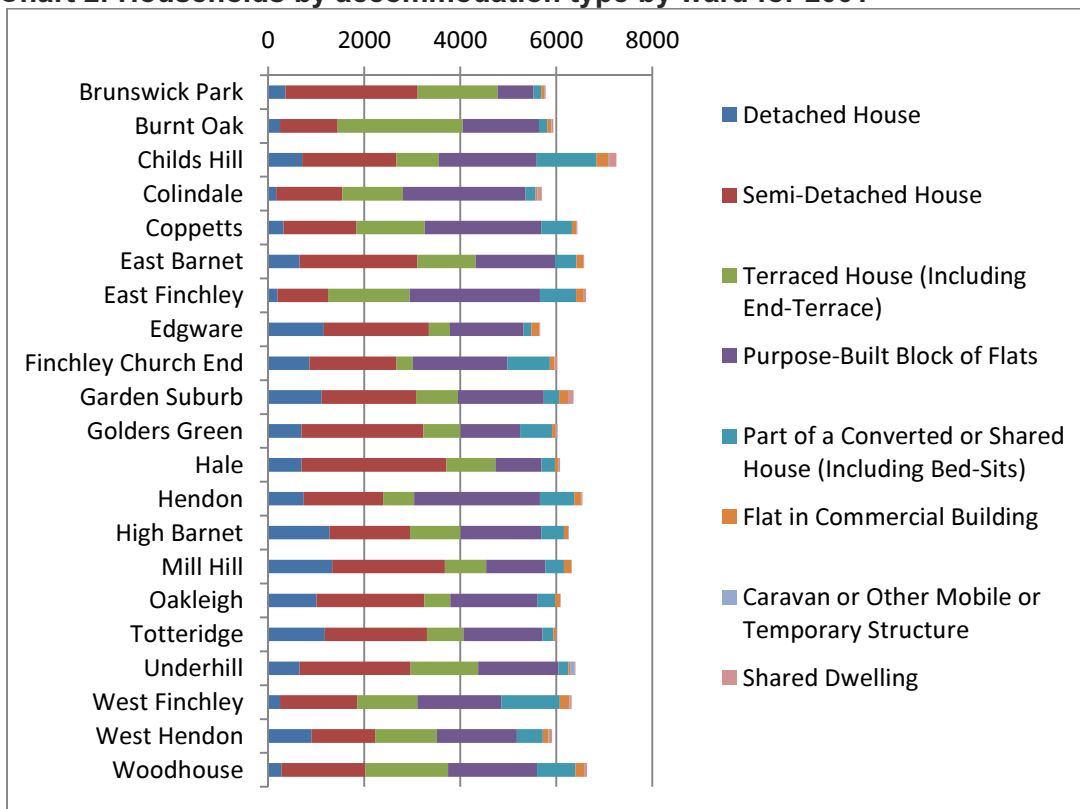


Chart 2: Households by accommodation type by ward for 2001



Erosion of Housing Stock

- 3.6 Table 1 demonstrates a steady erosion of detached, semi-detached and terraced housing through conversion to flats or in some cases conversion to HMO. There has been a reduction of 3.4% of the total stock of these house types. This erosion is further demonstrated in Table 2 which provides a breakdown of households by number of rooms. This shows a reduction between 2001 and 2011 of nearly 20% for households with more than 8 rooms. Accommodation with more than 6, 7 or 8 rooms could be considered as having potential for HMO (including Use Class C4).
- 3.7 The Census identifies the considerable increase in new build flats and apartments in the borough. This is amplified by London Borough of Barnet Authorities Monitoring Reports⁵. The Report for 2012/13 states that since 2004 there have been nearly 9,000 new flats developed in the borough representing 84% of the total new build residential development.
- 3.8 Table 2 also shows that the number of one room households increased by 27% between 2001 and 2011. A household is defined as one person living alone, or a group of people (not necessarily related) living at the same address who share cooking facilities and share a living room or sitting room or dining area. The definition of a room does not include bathrooms and could include a kitchenette ie a bedsit.

Table 2: Breakdown of households by number of rooms

Rooms	Total 2011	Total 2001	% Increase/decrease
All categories: Number of rooms	135,916	126,944	7.1
1 room	3,047	2,396	27.2
2 rooms	6,846	5,635	21.5
3 rooms	17,983	16,052	12.0
4 rooms	32,470	30,017	8.2
5 rooms	24,959	24,834	0.5
6 rooms	21,046	22,115	-4.8
7 rooms	12,762	11,877	7.5
8 rooms and above	16,803	14,018	-19.8

- 3.9 Reflecting Barnet’s suburban character Table 3 shows the average number of rooms per household across the borough. A household in Colindale has on average nearly two less rooms than a household in Totteridge or the Garden Suburb. Much of the borough has five rooms per household. This picture of rooms per household demonstrates the potential for HMO across the borough.

Table 3: Average number of rooms per household by ward

⁵ Barnet Authority Monitoring Reports can be found on London Borough of Barnet website http://www.barnet.gov.uk/downloads/download/1171/authorities_monitoring_report

Area	Average number of rooms per household
Barnet borough	5.1
Garden Suburb	5.9
Totteridge	5.7
Oakleigh	5.6
Edgware	5.5
Golders Green	5.5
Mill Hill	5.5
Brunswick Park	5.4
Finchley Church End	5.4
Hale	5.3
High Barnet	5.3
East Barnet	5.1
Underhill	5.1
Childs Hill	4.9
Woodhouse	4.9
Hendon	4.8
West Finchley	4.8
Coppetts	4.7
East Finchley	4.7
West Hendon	4.7
Burnt Oak	4.4
Colindale	4.2

Source: Census 2011 Table KS403EW

Census data and private rented accommodation

3.10 The Census provides detail of tenure and accommodation type. An extract of this data is provided in Table 4.

Table 4: Households by tenure and accommodation type

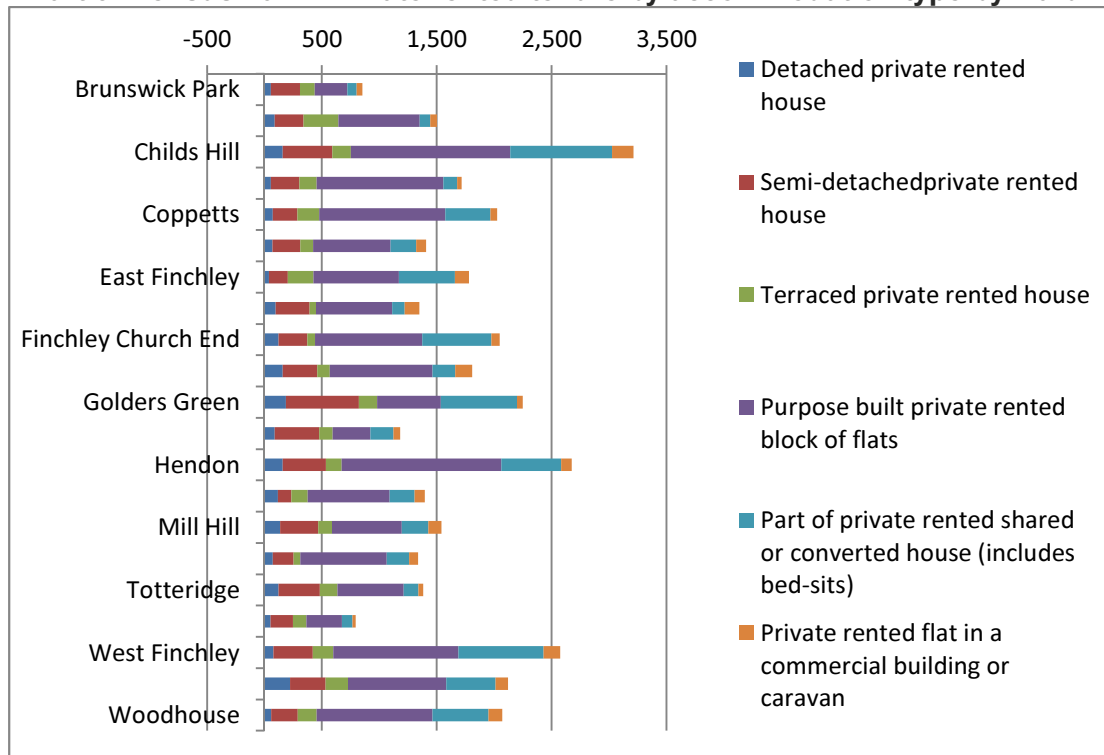
Types of accommodation	Households in Private rented: Private landlord or letting agent 2011 Census (% change with 2001 Census)	Households in Private rented: Private landlord or letting agent 2001 Census	Households in Private rented: Other private rented or living rent free	Total households living in private rented or living rent free (% of total households that are private rented or living rent free)
All Accommodation	33,175 (29.2%)	23,469	3,866	37,041
Whole house or bungalow	9,644 (22.2%)	7,512	1,735	11,379 (14.6)
Whole house or bungalow: Detached	1,777 (28.8%)	1,267	445	2,222 (15%)
Whole house or bungalow: Semi-detached	5,242 (23.9%)	3,991	876	6,118 (15%)
Whole house or bungalow: Terraced (including end-terrace)	2,625 (14.1%)	2,254	414	3,039 (13.6)
Flat, maisonette or	23,531	15,540	2,131	25,662

apartment: Total	(34%)			
Flat, maisonette or apartment: Purpose-built block of flats or tenement	15,173 (33.1%)	9,030	1,511	16,684 (38.6)
Flat, maisonette or apartment: Part of a converted or shared house (including bed-sits)	6,679 (27.1)	4,870	414	7,093 (61.7)
Flat, maisonette or apartment: In commercial building and other mobile or temporary structure	1,679 (2.3%)	1,640	206	1,885 (54.6)

Source: Census 2011 Table DC406QW and 2001 census area statistics

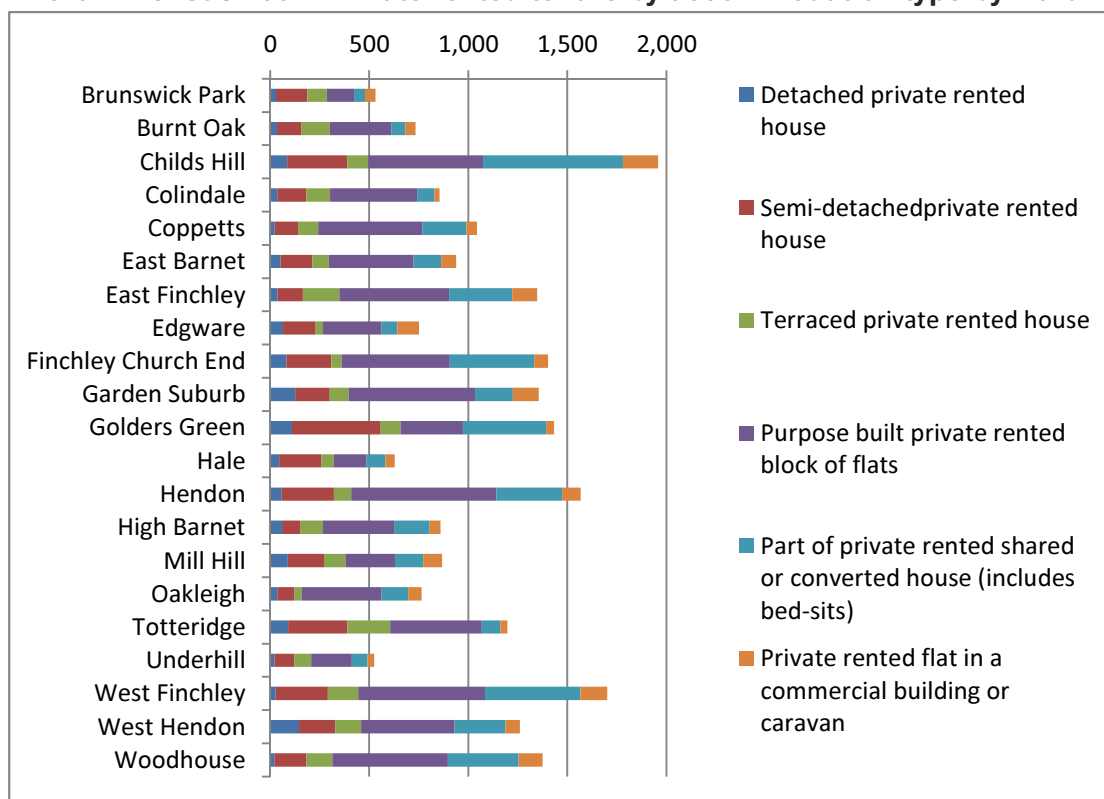
- 3.11 According to the Census the proportion of the all households which are privately renting in the borough is 27%. This figure varies considerably between houses and flats. The total percentage privately renting housing - either detached, semi-detached or terraced housing is 14%. This is lower than the total privately renting a flat, maisonette or apartment at 44%. The total households privately renting part of a converted or shared house highest at 62% or 7,093 units.
- 3.10 Comparison between the 2001 and 2011 Censuses demonstrates a significant increase in private rented accommodation in Barnet. Table 1 shows that the total stock of accommodation in Barnet has increased by 3% in the period whereas the increase in privately rented accommodation across the total housing stock has increased by 30%. This reflects national trends with a move from owner occupation to private renting. Unless this trend of growth in private renting changes significantly it is likely that HMO accommodation as a subset of the wider private rented sector will also continue to grow demonstrating the potential for future HMO in Barnet. This data is represented below by ward.
- 3.11 Charts 3 and 4 show the high level of private renting across the Borough with particular peaks in Childs Hill and Hendon. In making comparison of the Charts please note that the scale for 2011 goes up to 3,500 households

Chart 3: Census 2011: Private rented tenure by accommodation type by ward



Source: Census 2011 Table DC4402EW

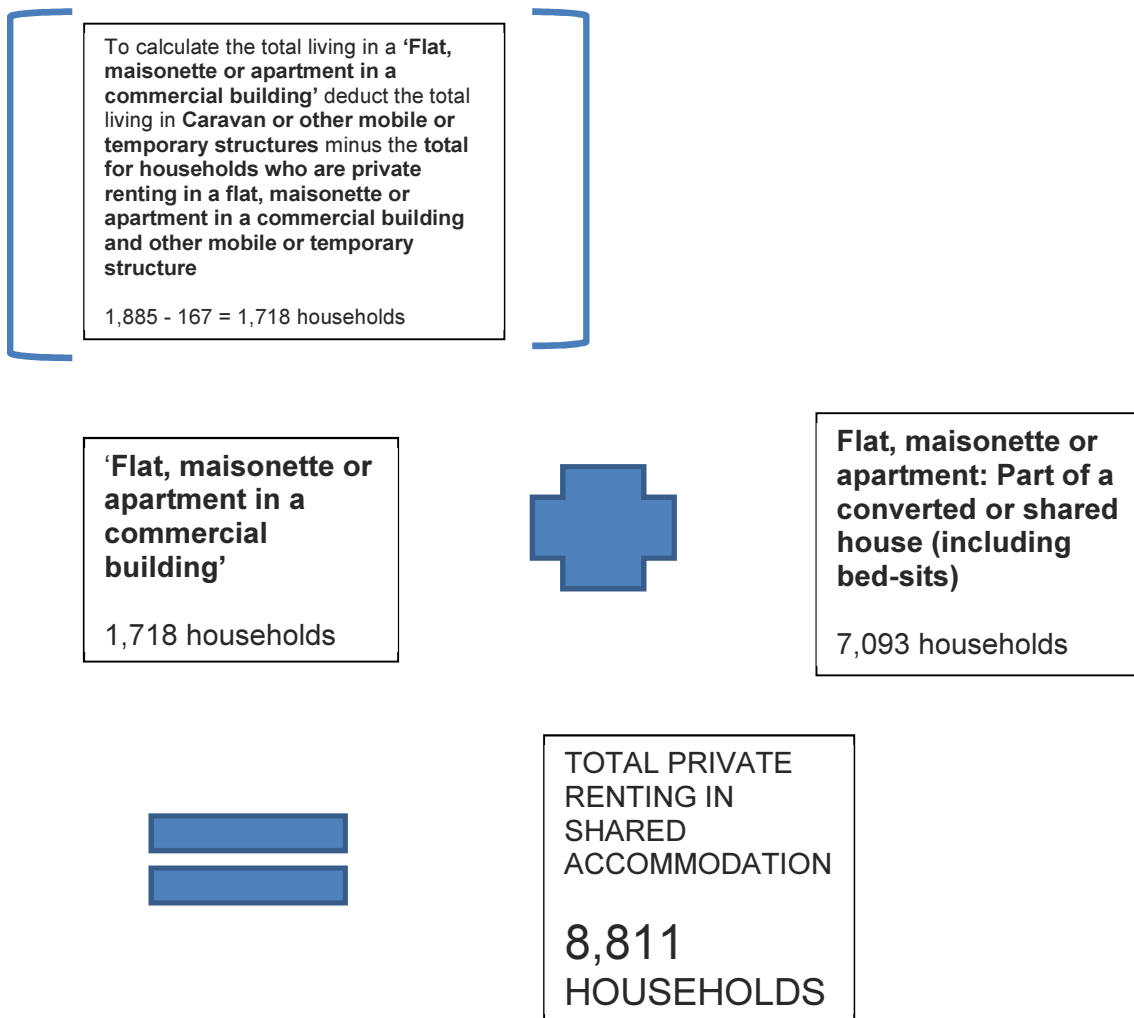
Chart 4: Census 2001: Private rented tenure by accommodation type by ward



Source: Census 2001 area statistics

Estimate of total potential HMO in Barnet from census data

3.12 In order to utilise Census data and have a clearer idea of the total number of households in privately rented shared accommodation the following calculation is necessary.



3.13 It is then assumed that of these **8,811** households a proportion will be self-contained flats that can be defined as s257 HMO⁶.

3.14 The next section provides further analysis to estimate a number of s254 HMO⁷.

⁶ The simple definition of a s257 HMO is a building converted into flats before the 1991 Building Regulations came into force and not subsequently not brought up to standard where less than two thirds of the flats are owner occupied. Alternatively it is where a house has been converted and does not meet the 1991 Building Regulations. See the Housing Act 2004: <http://www.legislation.gov.uk/ukpga/2004/34/section/257>

⁷ A simple definition of a section 254 HMO is one where a house is occupied by three or more unrelated persons, who do not form a single household

Estimate of total HMO in Barnet from analysis of Electoral Register and other datasets

- 3.15 It is reasonable to assume in estimating the number of HMO, that such accommodation will be occupied by people who are not related to each other. Addresses from the 2012⁸ Electoral Register with four or more people are a good indicator of HMOs in Barnet. According to the Electoral Register there are **1,976** houses with four or more people with different surnames. To avoid double counting the three other datasets were then cross referenced with each other and then the Electoral Register records to remove duplicate addresses. The following further data sources were assessed:
- London Borough of Barnet Council Tax database
 - Middlesex University registered accommodation database
- 3.16 The Barnet Council Tax database identifies properties for HMO purposes. In accordance with the Council Tax (Liability for Owners) Regulations 1992 Local Authorities are required to hold the owner rather than the occupiers responsible for Council Tax on HMO. The owner is normally the person who has a lease or, if none exists, a freehold interest in the whole dwelling.
- 3.17 The Barnet Council Tax database was then analysed for those properties exempt from Council Tax where all the occupants of that property are considered to be in full time education e.g. student housing. They are known as Council Tax exemption Class N.
- 3.18 Middlesex University Estate & Facilities Management Services compile a list of properties which landlords have registered with them for students to rent. This list identifies **674** properties and the number of beds per property. From this list the properties with 3 or more bedrooms were counted.
- 3.19 HMO Environmental Health Cases is a combined dataset involving HMOs. Cases counted are those received and closed between the June 2011 and the end of November 2014. The dataset includes complaints made on various issues including disrepair, overcrowding from a tenant or neighbour involving HMO or proactive investigations from Environmental Health. Duplicate addresses have been removed as have Licensed HMOs (under the current mandatory licensing scheme).

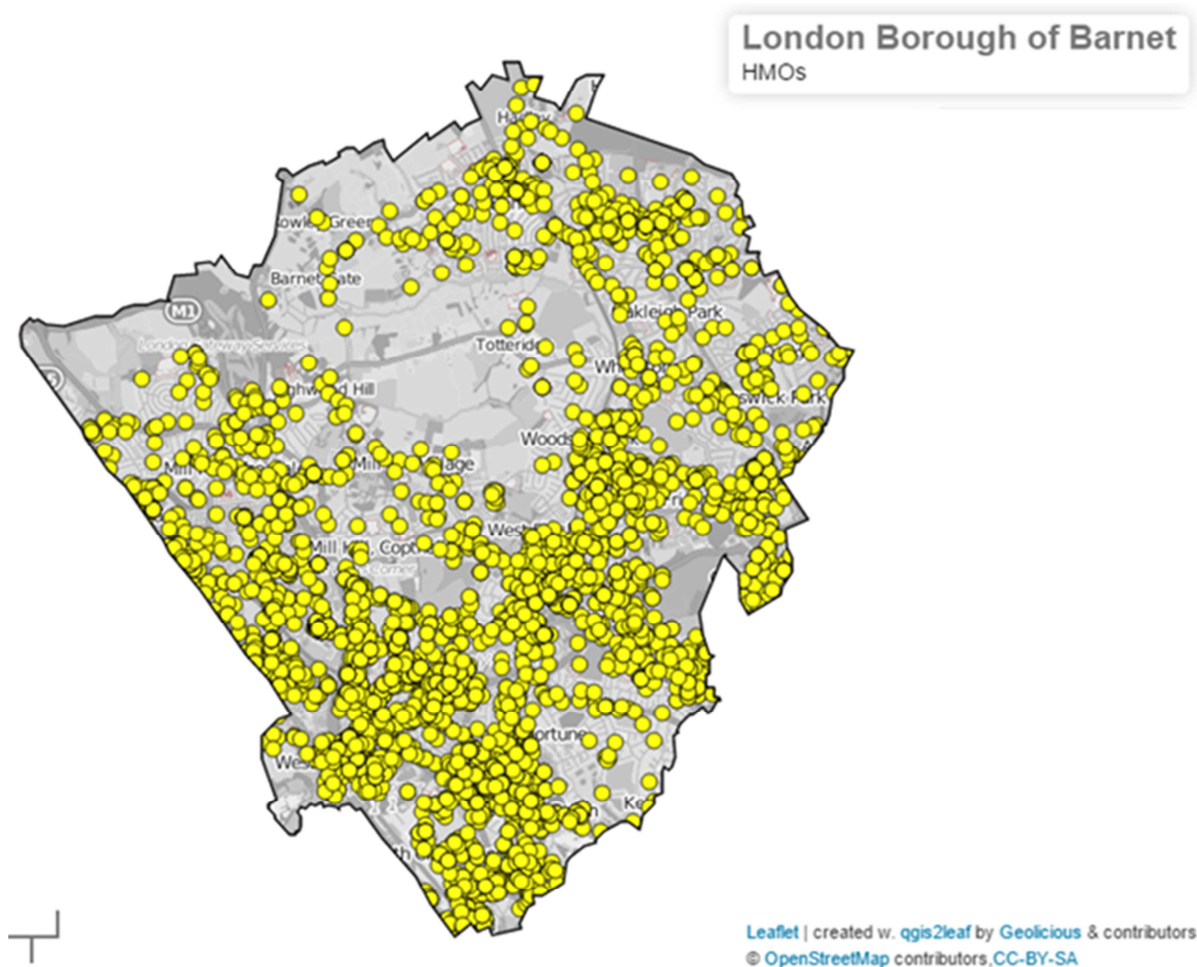
⁸ The 2012 Electoral Register was one of the first sources of evidence interrogated by the Environmental Health Service as part of the process of investigating the spread of HMO in Barnet.

Table 5: Summary of Electoral Register and other data sources

Datasets	Number of units identified for dataset	Number of duplicate addresses found with the other datasets	Total number of potential HMO identified for each dataset minus duplicate addresses
Electoral Register houses with more than 4 people	-	-	1976
Dwellings on Council tax dataset identified as HMO's	398	42	+ 356
Dwellings registered as exempt from Council tax (N exemptions)	1076	32	+ 1045
Dwellings on Middlesex University estates list with more than 3 bedrooms	290	14	+ 276
HMO cases Environmental Health	475	147	+ 328
		Total	3981

3.20 Table 5 identifies 3,981 units which can be reasonably considered HMO either as shared accommodation or bed-sit style. The distribution of these potential HMO are shown in Map 3.

Map 3: Distribution of Households indicated by Electoral Register and other data sources



Call Credit marketing data

- 3.21 In order to corroborate the estimate of **3,981** HMO in Table 5 the Council has access to Call Credit Information Groups consumer marketing data. This data comprises individual-level and household-level information about Barnet residents aged 16+. The consumer marketing data was last updated in February 2015.
- 3.22 According to this data, about 95% of Barnet’s population resides in households with four people or less. Table 6 shows the number of households with five or more residents. The total of **5,567** households exceeds the **3,981** HMO in Table 5 because it will include families who share the same surnames.

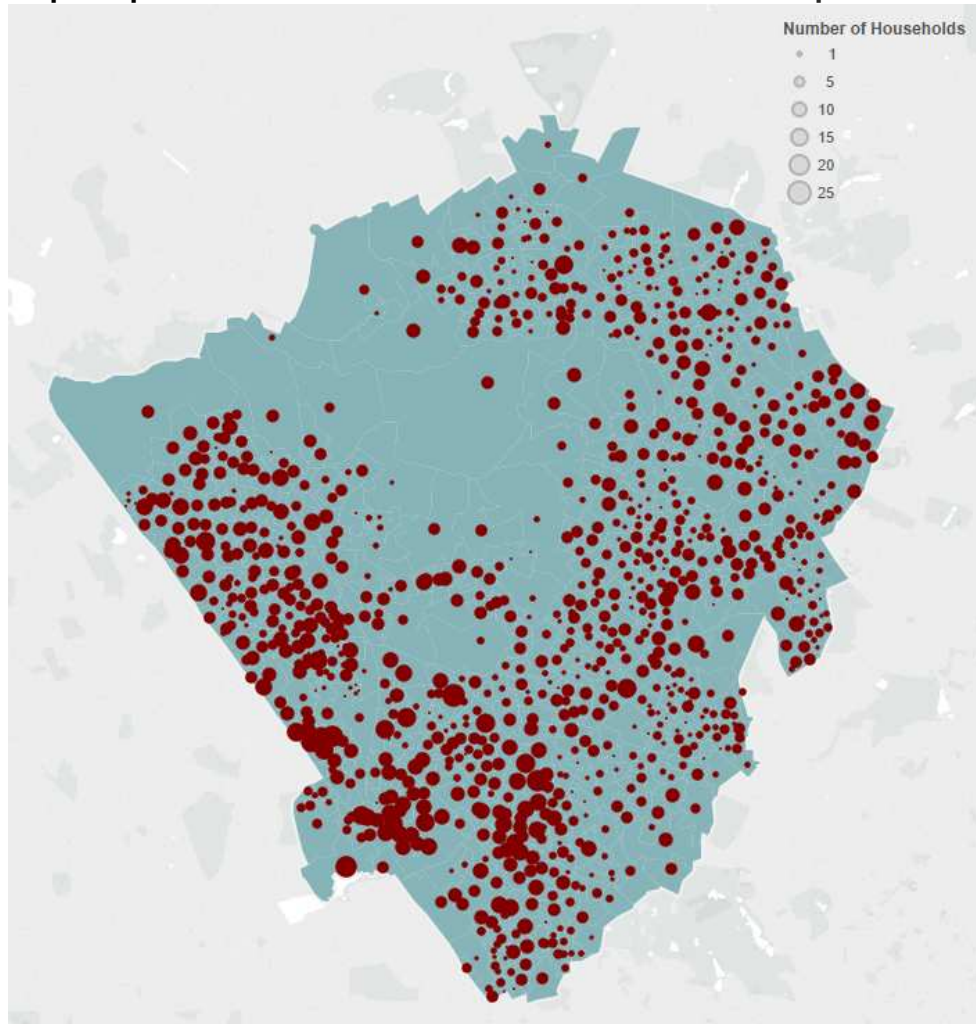
Table 6: Postcode analysis of households with 5+ adults

Postcode	No. households 5+ adults
HA8	745
NW4	678

NW11	577
NW9	538
EN5	483
NW7	415
N12	388
N3	369
N20	311
NW2	241
EN4	226
N2	220
N11	160
N14	132
N10	75
NW3	6
HA7	3
Total	5,567

3.23 Table 6 reveals a spread of large households across the borough with Edgware (HA8) and Burnt Oak (HA8 & NW9) with large numbers of 5+ households along with West Hendon (NW4 & NW9), Childs Hill (NW11 and NW2) and Golders Green (NW11 & NW2). Map 5 shows concentrations of larger households in the south and west of Barnet, areas with long established Jewish communities and extended families sharing dwellings.

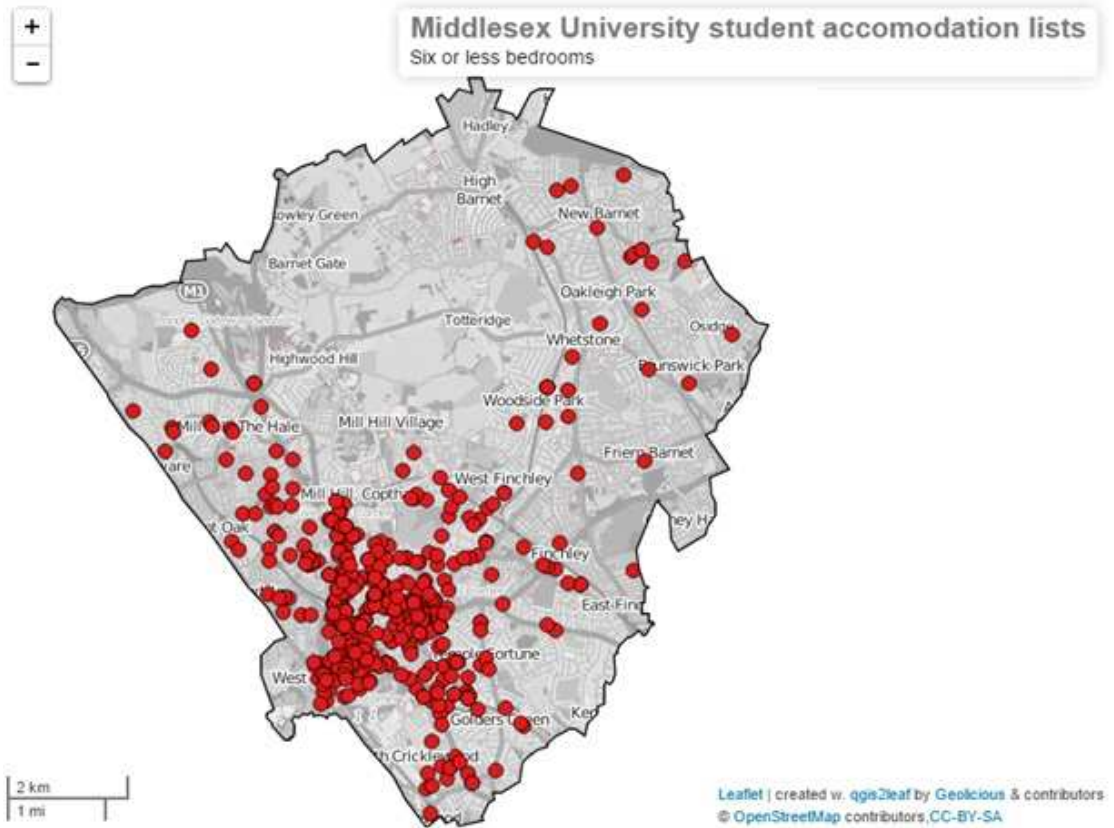
Map 5: Spatial distribution of Call Credit Information Groups with 5+ adults



Analysis of Middlesex University Accommodation

- 3.24 Middlesex University Estate & Facilities Management Services compile a list of properties which landlords have registered with them for students to rent. This list identifies **674** properties, containing **2,510** beds. The majority of these are conversions of houses or purpose built flats.
- 3.25 Not surprisingly Map 5 shows that most student accommodation is focused around the University Campus in Hendon. The concentration of student HMO in this area is specific to the University and should be factored out when considering the potential for the whole borough for future HMO development.

Map 5: Middlesex University distribution of student accommodation with six or less bedrooms



4 – Environmental Health data

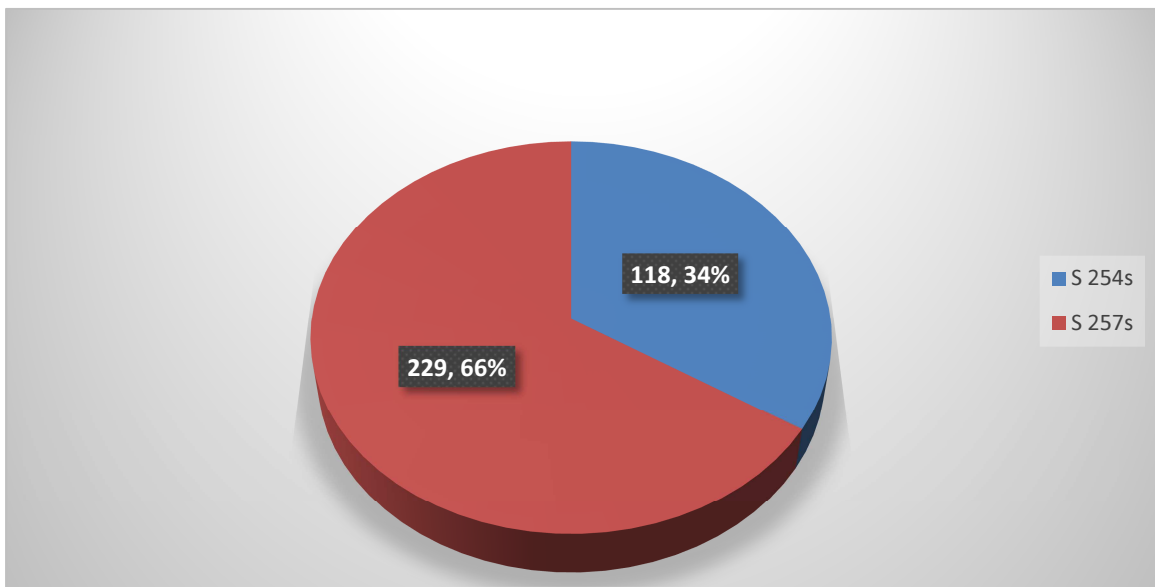
Licensed HMO

- 4.1 According to the Management of Houses in Multiple Occupation Regulations 2006 the landlord of a building has to have an HMO license if it is:
- at least 3 storeys high
 - has 5 or more unrelated people living in it
 - has 2 or more separate households living there
- 4.2 There are 149 licensed HMO in Barnet. This figure fluctuates as HMOs fall into and out of the mandatory licensing scheme.

Environmental Health HMO Street Survey and complaints

- 4.3 As part of the evidence base to support Additional Licensing of HMOs Barnet Environmental Health carried out a Street Survey in June 2014 with the primary objective to collect information on standards of management. The Street Survey involved a sample of properties in 110 streets across the borough (one in three properties were surveyed and in some cases this did not involve the whole street). The streets were chosen through local knowledge of concentrations of existing potential HMO. The location of existing licensed HMO; the tendency for HMO to locate in town centres; and the Middlesex University campus were all factors. This represented about **2,700** dwellings in **1,930** buildings.
- 4.4 Of the properties surveyed there was evidence that 18% of them were in use as HMO. Figure 1 shows the proportion which could be identified as either s254 or s257 HMO. In addition the Street Survey estimated that 48% of the parent buildings containing converted self-contained flats surveyed could be classified as s257 HMO. The remaining buildings were not considered to be HMO.

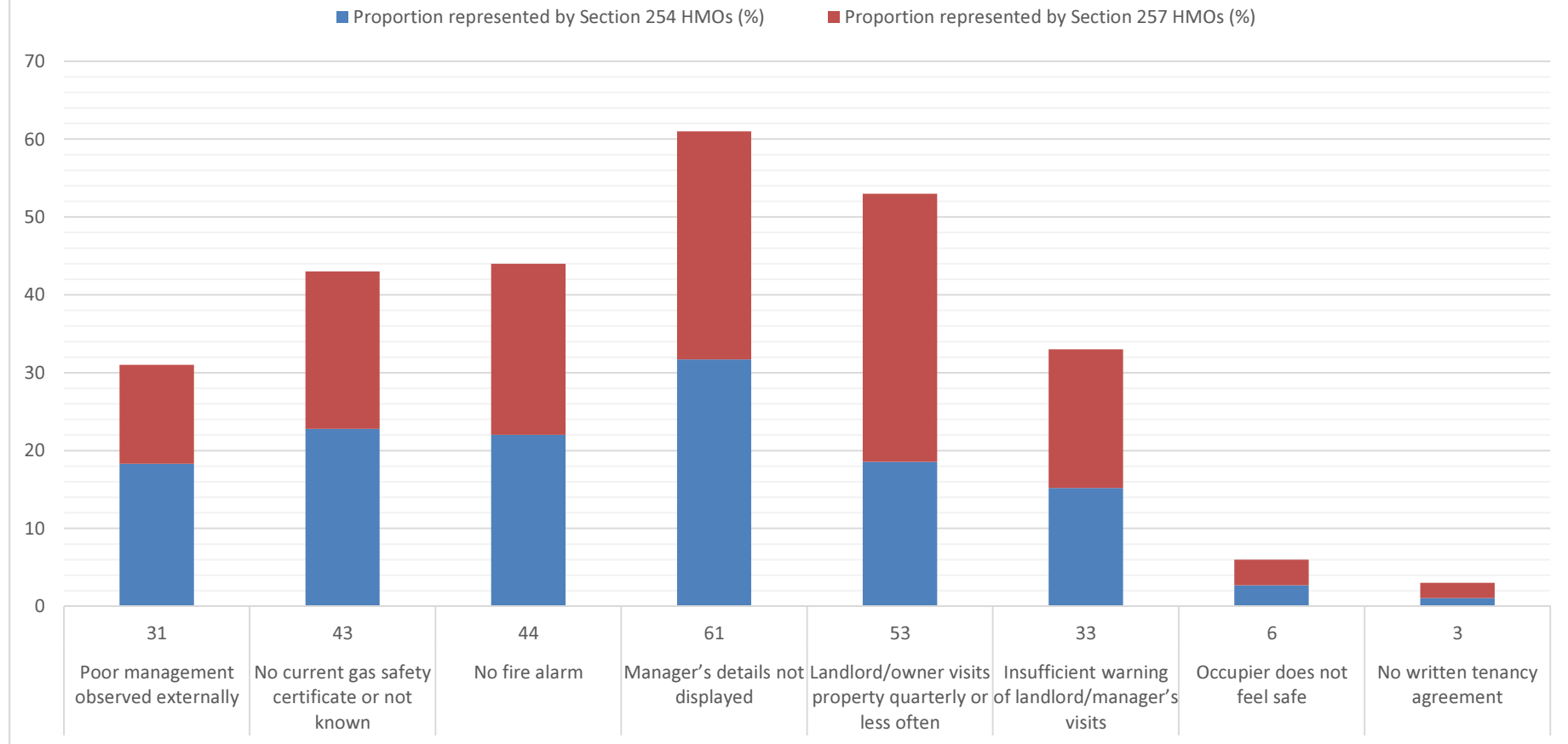
Figure 1: Number of HMO identified in the survey by type



The Street Survey focused on areas where there was already evidence of HMOs, although the survey covered other areas across the borough.

- 4.5 Figure 2 identifies the management issues highlighted in the Environmental Health HMO Street Survey. Management issues have been split between bed-sit style HMO (Section 254) and poorly converted houses (Section 257).

Figure 2: Proportion of HMOs with various management issues

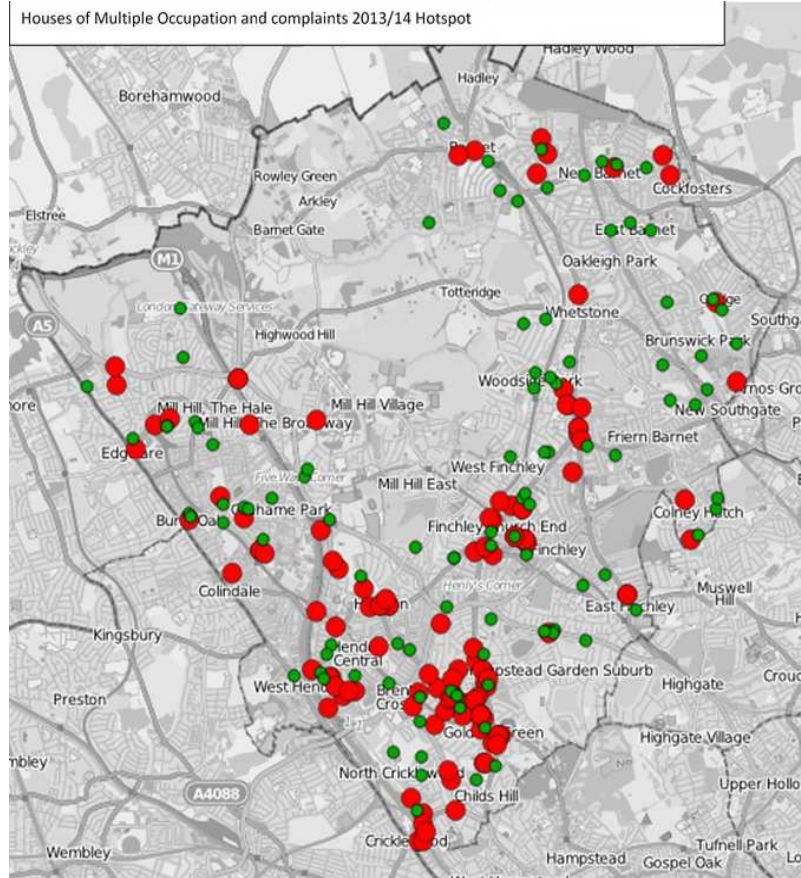




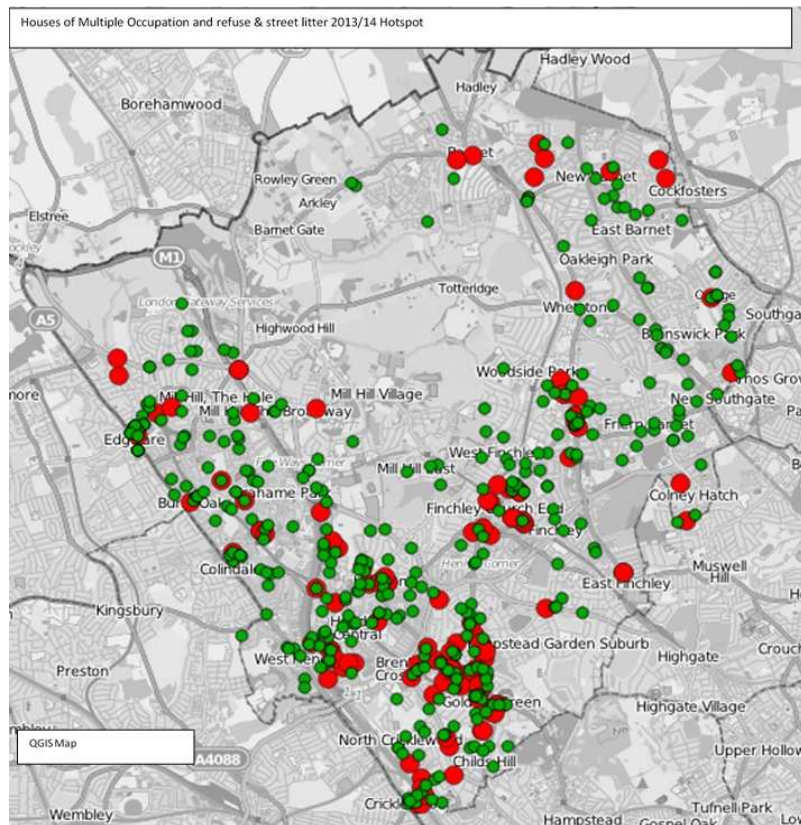
Council Complaints

- 4.6 Following the Environmental Health street survey, properties identified as being HMOs or where there was evidence of multiple occupation were cross-referenced against the Council's own Environmental Health service request records. In 39% of these cases, a record was found against the address, either in the form of housing service requests, or as general service requests such as noise nuisance, accumulations of rubbish, drainage defects or of pest infestations.
- 4.7 These complaints indicate poor property management and potential detrimental impact on amenity.
- 4.8 Maps 8 and 9 depict licensed HMO with red dots and the green dots the spread of various housing related complaints to the Council. As set out at para 4.8 not all HMOs are licensed. A small HMO within Use Class C4 which is 2 storeys high and has less than 5 people living in it is not subject to Licensing. Therefore the complaint may be related to a non-licensed HMO. While Map 8 focuses on HMO related complaints, Map 9 highlights complaints about refuse and street litter. The spread of complaints correlates as much with the urbanised areas of Barnet as it does with the distribution of licensed HMO. However given the correlation between areas with higher population density and litter and refuse as well as poor property management it can provide an indication of future HMO pressures.

Map 6: Licensed HMO and housing related complaints 2013/14



Map 7: Licensed HMO and refuse and street litter complaints 2013/14

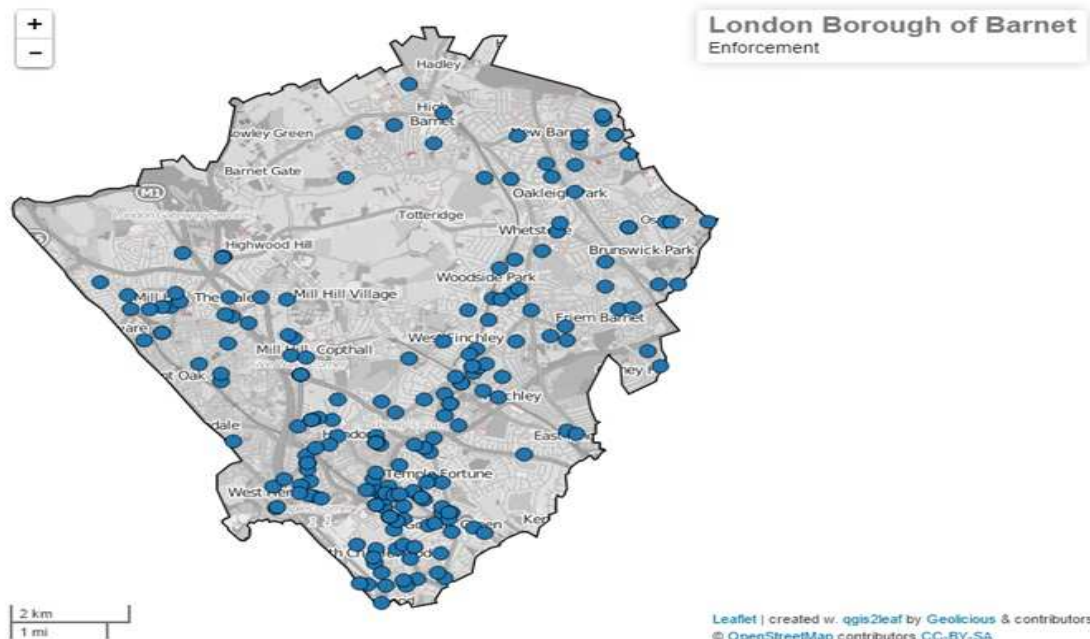


5 - Analysis of planning enforcement complaints and analysis of number of planning applications for HMO and car parking

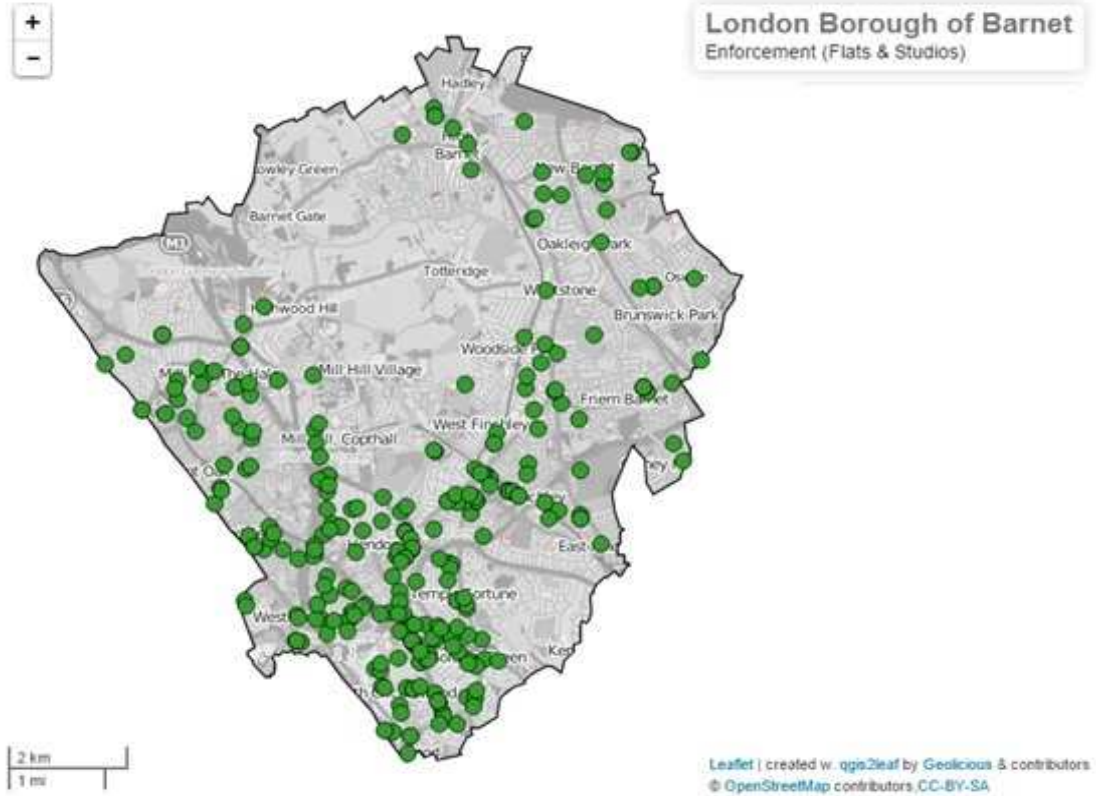
Planning Enforcement Complaints

- 5.1 Since 2010 there have been over 7,500 complaints made to planning enforcement. This data has been analysed for complaints relevant to HMO in order to consider the concentration and rate of increase. Multiple complaints for individual addresses have been removed to ensure that each complaint represents one address.
- 5.3 Initially the words 'sub' and/or 'conversion' were filtered to identify complaints relating to converted or sub-divided property. Then a second filter removed anything relating to loft conversions. The data was re-checked for specific references to HMO cases which had been missed.
- 5.4 Over 200 planning complaints specifically referenced HMO. Most HMO complaints originated in the NW11 (Golders Green) and NW4 (Hendon) postcode areas.
- 5.5 Further analysis of planning complaints data was carried out to assess unauthorised flat and studio conversions and the use of outbuildings (also known as 'beds in sheds'). These types of development are often associated with potential HMO. Nearly 280 complaints were identified for flats/studios and over 170 complaints were identified for outbuildings.
- 5.6 Maps 10, 11 and 12 show the distribution of planning enforcement complaints regarding potential HMO, flat / studio conversions and use of outbuildings for residential purposes. This series of Planning Enforcement maps reveal that NW11 (Golders Green) and NW4 (Hendon) are the focus of most complaints.

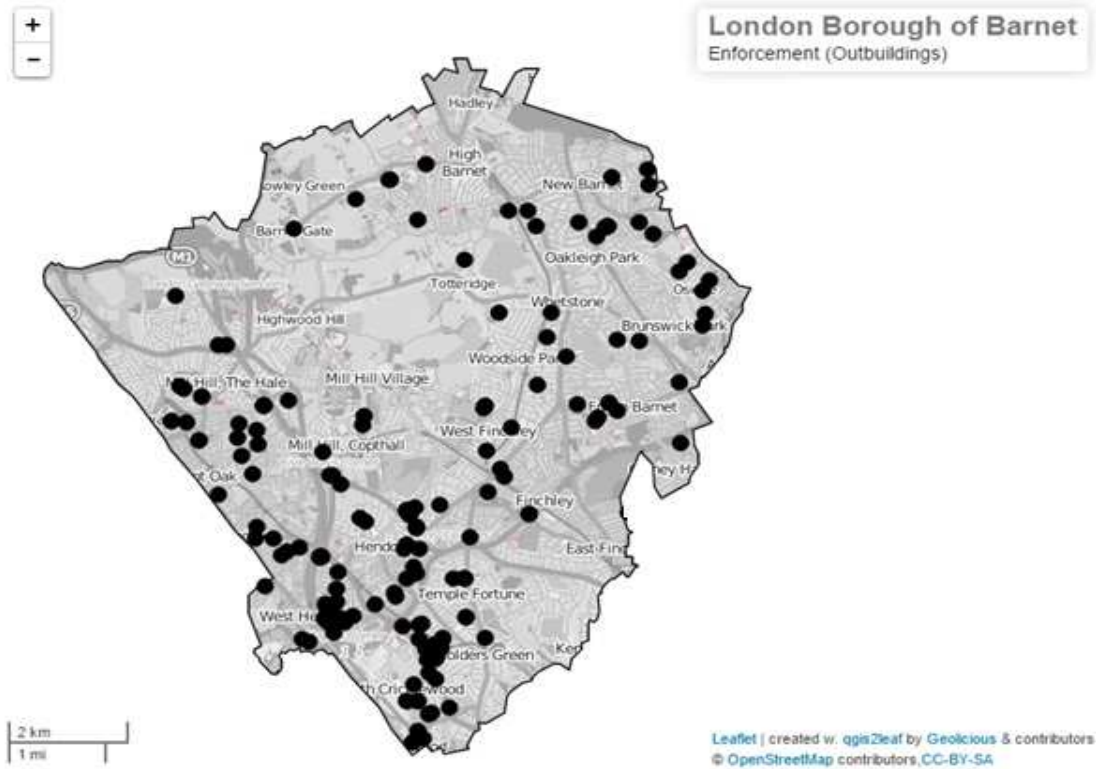
Map 10: Planning Enforcement Complaints - Potential HMO



Map 11: Planning Enforcement Complaints - Potential flat/studio conversions



Map 12: Planning Enforcement Complaints - Potential Outbuildings

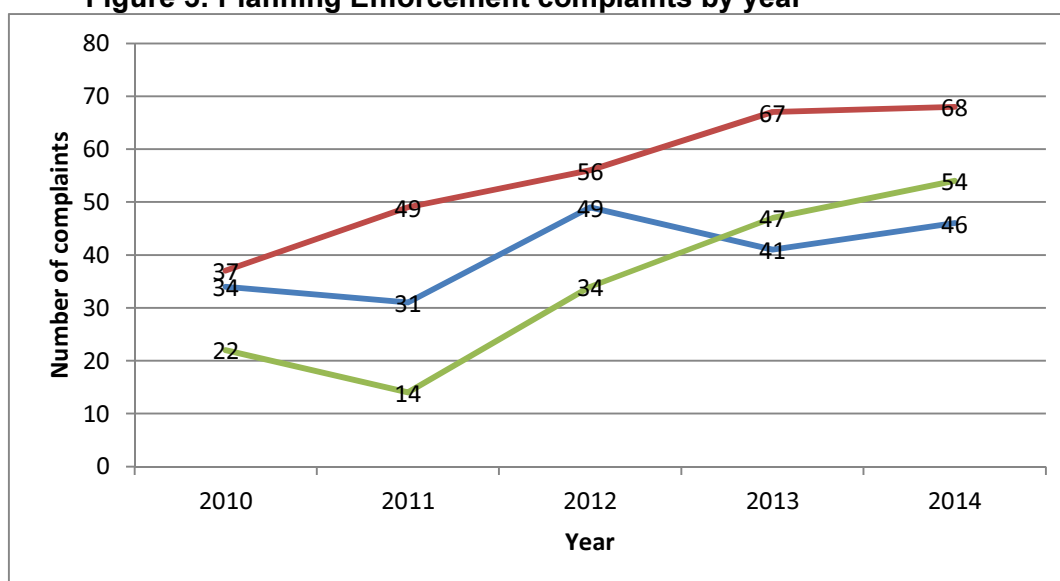


5.7 As shown by Table 7 and Figure 5 the number of complaints to Planning Enforcement about HMO and related issues is steadily rising. Complaints about outbuildings (beds in sheds) have doubled since 2010.

Table 7: Planning Enforcement Complaints

	2010	2011	2012	2013	2014	Total
HMO	34	31	49	41	46	201
Flat Studio	37	49	56	67	68	277
Outbuildings	22	14	34	47	54	171
Total	93	94	139	155	168	

Figure 5: Planning Enforcement complaints by year



Planning Applications

5.8 HMOs generally do not generate a high number of planning applications. Since the introduction of Use Class C4 only large new HMO of more than 6 residents have required planning permission. Table 8 shows HMO planning decisions since 2012.

Table 8: HMO Planning Decisions

Year	Applications	Address of applications	Decision Summary
2012	3	125 Friern Barnet Road, London, N11 3DY 41 Storksmead Road, Edgware, Middx, HA8 0JW 217 Golders Green Road, London, NW11 9BY	One application was refused and the other two were for conversion of existing HMO into flats.
2013	5	33 Manor Park Crescent, Edgware, Middx, HA8 7NE	Two refusals. One application which is ancillary to the existing

		<p>14 Ravenscroft Avenue, London, NW11 0RY</p> <p>258-260 Nether Street, London, N3 1HT</p> <p>69 Dallas Road, London, NW4 3JD</p> <p>90 The Drive, London, NW11 9UL</p>	<p>use. One 4 storey HMO building associated with a Missionary which was approved. One 5 bed conversion approved.</p>
2014	3	<p>112 Station Road, London, NW4 3SN</p> <p>122 Bedford Avenue, Barnet, Herts, EN5 2ET</p> <p>246 East Barnet Road, Barnet, Herts, EN4 8TF</p>	<p>Three refusals, two for conversion to an HMO and one for conversion from an HMO to flats.</p>

5.9 The principal reason for refusal of the applications was the impact of HMO on character and amenity. Although a low volume it should be noted that a third of the applications were for converting HMO to conventional housing.

On Street Car Parking

5.10 HMO can lead to increased parking stress through the number of occupants and levels of car ownership. Within Barnet a maximum of three parking permits are allowed per property, with additional provision for disabled space and business use. If a number of properties in a street are HMO and apply for the full allocation of permits then this will potentially cause increased parking stress. According to the 2011 Census 44.1% of Barnet households owned one car or van, 28.7% of households did not own a car or van, and 27.1% owned two or more cars or vans.

5.12 In response to local parking pressure the Council has introduced 32 controlled parking zones (CPZ) in Barnet. Each CPZ has its own days and hours of operation. Parking controls are applied to every street in a CPZ with waiting restrictions identified. CPZs have been created to:

- make it easier for residents to park near their homes
- increase the turnover of parking to help users of local services, businesses and shops
- ease congestion caused by inconsiderate and inappropriate parking
- help provide facilities for loading and for people with disabilities

Table 9: Average permit per property

CPZ Name	Number of permits	Number of Streets	Number of properties	Average permit per property
Golders Green (Zone H, H2 and G)	7,021	99	13,031	1.1
North Finchley (Zone FN)	7,640	84	9,709	1.2
West Hendon (Zone WHH, WH3 and H2)	3,722	42	4,116	0.9

5.14 Of the 32 CPZ there are a number which coincide with potential areas with concentrations of HMO. The following CPZ areas have been identified:

- Cricklewood (Zones C1, CT and CW)
- Golders Green (Zone H, H2 and G)
- Hendon (Zones HC1, HC2 and HC3)
- North Finchley (Zone FN)
- West Hendon (Zone WHH, WH3 and WH2)

5.15 Table 9 summarises the assessment of CPZ in Golders Green, North Finchley and West Hendon and highlights that the average permit per property is close to one across each of the three CPZ areas analysed. There are exceptions within this. In West Hendon there are four streets which have an average above two permits per property, in North Finchley there are seven streets and in Golders Green there are four streets. This could demonstrate emerging parking stress in these specific locations although the number of permits will vary over time and this is a snapshot at a particular point in time.

6 - Crime and Anti-social behaviour

- 6.1 Increased crime and anti-social behaviour are often linked to areas of HMO. Concentrations of young and transient social groups, living in relatively insecure accommodation can lead to increased levels of burglary and crime. In addition the stereotypical perception of drunken behaviour from students, is often considered to be anti-social⁹ by families or elderly residents.
- 6.2 The following tables set out crime statistics and anti-social behaviour across Barnet's wards. The crime rate is the number of crimes per 1,000 head of population for that month. The wards with a higher than average level of crime or anti-social behaviour are highlighted in bold.

Table 10: Anti-social behaviour, February 2015

Ward▲	Crime count	Crime rate
AVERAGE CRIME RATE		1.56
Brunswick Park	13	0.79
Burnt Oak	29	1.59
Childs Hill	47	2.34
Colindale	64	3.74
Coppetts	31	1.80
East Barnet	15	0.93
East Finchley	13	0.80
Edgware	31	1.85
Finchley Church End	16	1.02
Garden Suburb	21	1.32
Golders Green	39	2.07
Hale	19	1.09
Hendon	31	1.68
High Barnet	32	2.09
Mill Hill	24	1.30
Oakleigh	19	1.20
Totteridge	12	0.79
Underhill	26	1.63
West Finchley	28	1.69
West Hendon	16	0.92
Woodhouse	29	1.65

Source: Met Police <http://maps.met.police.uk/access.php>

Table 11: Residential burglary, February 2015

Ward▲	Crime count	Crime rate
AVERAGE CRIME RATE		0.65

⁹ Anti-social behaviour is defined as “acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons...”

Ward▲	Crime count	Crime rate
Brunswick Park	16	0.98
Burnt Oak	6	0.33
Childs Hill	25	1.25
Colindale	4	0.23
Coppetts	8	0.46
East Barnet	12	0.74
East Finchley	10	0.61
Edgware	9	0.54
Finchley Church End	19	1.21
Garden Suburb	14	0.88
Golders Green	12	0.64
Hale	7	0.40
Hendon	13	0.70
High Barnet	10	0.65
Mill Hill	10	0.54
Oakleigh	7	0.44
Totteridge	12	0.79
Underhill	8	0.50
West Finchley	10	0.60
West Hendon	10	0.57
Woodhouse	11	0.63

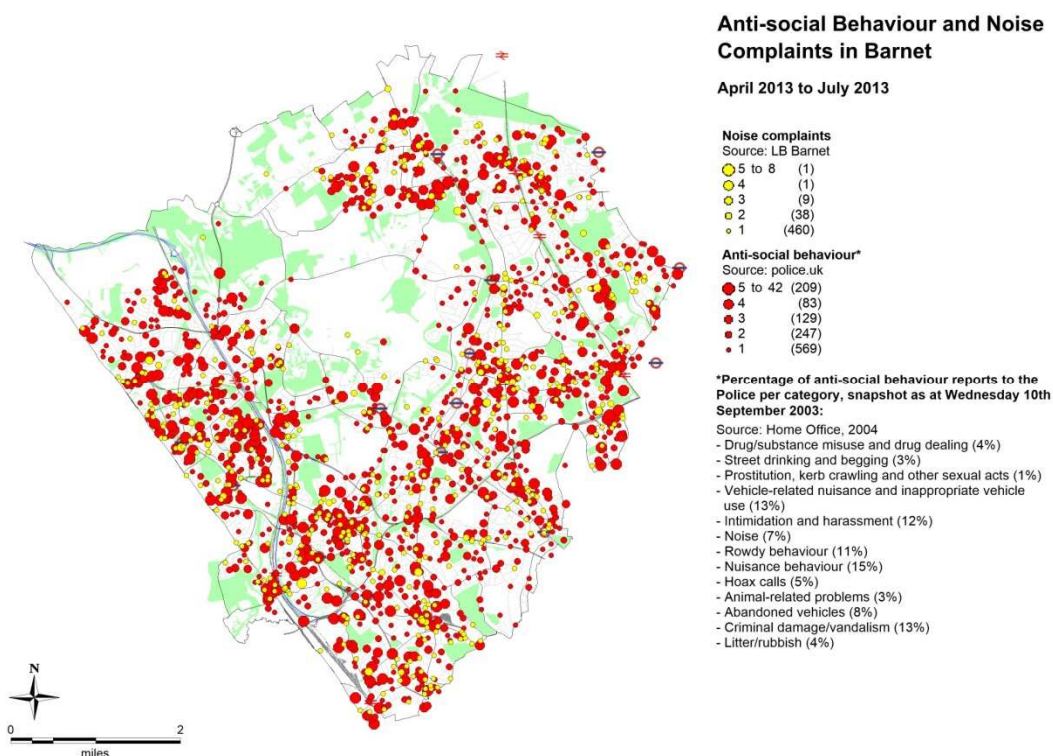
Table 12: Theft from a motor vehicle, February 2015

Ward▲	Crime count	Crime rate
AVERAGE CRIME RATE		0.50
Brunswick Park	5	0.30
Burnt Oak	4	0.22
Childs Hill	24	1.20
Colindale	4	0.23
Coppetts	12	0.70
East Barnet	2	0.12
East Finchley	11	0.68
Edgware	9	0.54
Finchley Church End	7	0.45
Garden Suburb	13	0.82
Golders Green	15	0.80
Hale	5	0.29
Hendon	7	0.38
High Barnet	10	0.65
Mill Hill	17	0.92
Oakleigh	4	0.25
Totteridge	1	0.07

Ward	Crime count	Crime rate
Underhill	9	0.57
West Finchley	5	0.30
West Hendon	6	0.34
Woodhouse	10	0.57

- 6.3 The evidence provides a snapshot of crime and anti-social behaviour. Two wards with concentrations of HMO; Golders Green and Childs Hill have high levels of anti social behaviour. With regards to theft from a motor vehicle Golders Green and Childs Hill both have higher than average crime rates although as does the Garden Suburb. With regards to residential burglary Childs Hill has the highest crime rate.
- 6.4 Map 13 provides a more comprehensive assessment than the snapshot presented in Table 7. The analysis was produced by Barnet Council's Customer Services Group as part of a more detailed investigation into the reporting of noise complaints.
- 6.5 The noise complaints data from LB Barnet covers the quarter April 2013 to July 2013 and contains unique property reference numbers which enable it to be mapped. Noise complaints to the Metropolitan Police fall into the anti-social behaviour category and this is only available as an aggregation of all anti-social behaviour reported. The data is published on the Metropolitan Police website (police.uk) and the aggregated monthly totals of anti-social behaviour at street level for the period April 2013 to July 2013 have been mapped.

Map 13: Anti Social Behaviour and Noise Complaints in Barnet



- 6.6 The spread of anti-social behaviour in Map 13 corresponds with the urbanised parts of the borough and provides an interesting picture in terms of the greater prevalence about complaints of anti-social behaviour and noise in the most urbanised areas of Barnet.

Conclusions

- The Census analysis identifies that there are 8,811 units in the private rented sector in shared or converted houses which could potentially include HMO. The electoral register and data sources analysis evidences that 3,981 units could reasonably be considered shared accommodation or bed-sit style HMO.
- The Census analysis also identifies that there has been a reduction of 3.4% of the total stock of family housing since the 2001 census.
- The Environmental Health Street Survey identified concerns about standards of management of HMO. The Survey involved a sample of properties across the borough and areas were chosen according to the greatest incidence of licensed HMOs under the mandatory scheme and through local knowledge of concentrations of existing potential HMO.
- The Street Survey sample was cross-referenced against the Council's own housing and nuisance complaints records to Environmental Health which demonstrated high levels of complaints received where HMOs and potential HMOs were identified.
- The analysis of Middlesex University student accommodation shows the concentration as would be expected is in and around the University Campus in Hendon.
- Planning enforcement complaints data was analysed for HMO and flat conversions. The data shows that both NW11 (Golders Green) and NW4 (Hendon) are the most predominant postcode areas for complaints although there is coverage across the borough. Levels of complaints regarding HMO, flat conversions and 'beds in sheds' have been steadily rising.
- The analysis of Controlled Parking Zones where known concentrations of HMO exist did not demonstrate clear parking stress across a CPZ. However streets with high levels of permits per property can be identified.
- The layers of evidence have helped present a picture of increasing prevalence of HMO in London Borough of Barnet with increasing amenity issues evidenced by complaints data. The potential for new HMO is clear from both the demand and supply side with affordability the biggest driver and ample suitable housing stock across the whole borough available for conversion.

Appendix 1: Definitions of Houses in Multiple Occupation

Houses in Multiple Occupation are defined variously depending on the regulatory framework.

Planning

Within the planning system a HMO can be either a house split into separate bedsits, a shared house or shared flat. A property does not need to be converted or adapted in any way to be classified as a HMO.

Small HMOs are classified as Use Class C4 when occupied by between 3 and 6 unrelated individuals who share basic amenities such as a kitchen or bathroom facilities. Dwelling houses are classified as Use Class C3. Permitted development ('PD') rights exist to change use between C3 and C4 and back again without planning permission.

Use Class C4 creates small HMOs. Larger HMOs are properties occupied by more than 6 unrelated individuals who share basic amenities such as a kitchen or bathroom facilities. They are classified as 'sui generis' (a use like no other) and always require planning permission.

Housing

An HMO can be summarised under Section 254(2), (3) & (4) as a building or part of a building, such as a flat which: -

- is occupied by two or more households, who share or lack one or more basic amenities such as a bathroom, toilet or cooking facilities
- is a converted building containing one or more units of living accommodation which do not consist entirely of self-contained flats and are occupied by two or more households

and where in either case mentioned above, the living accommodation is occupied by persons as their only or main residence and rents are payable or other consideration provided by at least one of the occupiers and the occupation of the living accommodation is the only use of that accommodation

or under Section 257

- is a building converted into self-contained flats, but does not meet as a minimum standard, the requirements of the Building Regulations 1991 and where less than two thirds of the flats are owner occupied.¹

¹For these purposes, a flat is "owner occupied" if it is occupied: -

- (a) by a person who has a lease of the flat which has been granted for a term of more than 21 years,
- (b) by a person who has the freehold estate in the converted block of flats, or
- (c) by a member of the household of a person within (a) or (b) above.

For more detailed definitions, please refer to Sections 254 – 259 of the Housing Act 2004

Council Tax

Local Authorities are required to hold the owner rather than the occupiers responsible for Council Tax on houses in multiple occupation (HMO). The owner is normally the person who has a lease or, if none exists, a freehold interest in the **whole** dwelling. This is in accordance with The Council Tax(Liability for Owners) Regulations 1992.

A house in multiple occupation is **any type** of dwelling which:

- (a) was originally constructed or subsequently adapted for occupation by persons who do not constitute a single household; **or**
- (b) is occupied by one or more people, each of whom –
 - a. is a tenant or licensee of **part only** of the house, flat etc.(e.g. renting a room only) **or**
 - a. has a licence to occupy the dwelling as a whole but who does not pay rent or licence fee for the whole dwelling.

What is a single household?

For Council tax purposes there is no legal definition of what constitutes a single household. The expression 'household' and membership of it is a question of fact and degree. Similar circumstances may result in a different outcome depending on the extent to which the varying constituents are present. For instance, no-one would argue that a family consisting of parents and children was anything other than a single household. However, many households contain individuals who are not related to each other but still regard themselves as a single unit. The following considerations are neither exhaustive nor in any order of priority but should prove useful guidance.

Considerations:

The size of the household; the size of the dwelling; the type and extent of any communal living; use for temporary periods only; use of shared facilities; the degree of anonymity; the extent to which independent lifestyles are pursued; did the occupiers come to the property as a group or were they 'recruited' separately? Fluctuating or fixed membership; mode of living – who does the shopping, cleaning, cooking? Are external locks fitted to the bedroom doors, kitchen units? How are gas, electricity, water and telephone bills resolved?

The Census

The census defines a dwelling as a unit of accommodation in which all rooms - including the kitchen, bathroom and toilet - are behind a door that only that household can use. A dwelling may comprise one or more household spaces (the accommodation used or available for use by an individual household).

A dwelling may also be classified as shared or unshared. A dwelling is shared if:

- the household spaces it contains have the accommodation type 'part of a converted or shared house'
- not all of the rooms (including kitchen, bathroom and toilet, if any) are behind a door that only that household can use, and
- there is at least one other such household space at the same address with which it can be combined to form the shared dwelling.

Dwellings that do not meet these conditions are considered unshared dwellings by the census.

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