

MEETING

PLANNING COMMITTEE

DATE AND TIME

WEDNESDAY 27TH JULY, 2016

AT 6.30 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF PLANNING COMMITTEE (Quorum 3)

Chairman: Councillor Melvin Cohen LLB

Vice Chairman: Councillor Wendy Prentice

Maureen Braun
Claire Farrier
Eva Greenspan

Tim Roberts
Agnes Slocombe
Stephen Sowerby

Mark Shooter
Laurie Williams
Jim Tierney

Substitute Members

Anne Hutton
Reema Patel

Dr Devra Kay
Gabriel Rozenberg

Sury Khatri
Hugh Rayner

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

Andrew Charlwood – Head of Governance

Governance Service contact: Jan Natynczyk jan.natynczyk@barnet.gov.uk 020 8359 5129

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the last meeting	1 - 10
2.	Absence of Members	
3.	Declarations of Members' disclosable pecuniary interests and non-pecuniary interests	
4.	Report of the Monitoring Officer (if any)	
5.	290-294 Golders Green Road London NW11 9PY (Golders Green Ward)	11 - 46
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7.	Barnet Burnt Oak Leisure Centre Watling Avenue Edgware HA8 0NP (Burnt Oak Ward)	53 - 60
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9.	Crispin Road Garage Court Land Between 24 And 26 Crispin Road Burnt Oak HA8 9EN (Hale Ward)	83 - 102
10.	Garage Site West Close Banet EN5 3BY (Underhill Ward)	103 - 122
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12.	Land Adjacent To 106 -128 Mount Pleasant And 27-37 Langford Road Barnet EN4 9HG (East Barnet Ward)	151 - 178
13.	Phase 4B, Millbrook Park, Frith Lane, London, NW7 1HA (Mill Hill Ward)	179 - 218
14.	Reets Farm Close Garages Land Adjacent To 19 Reets Farm Close London NW9 7HN (West Hendon Ward)	219 - 244
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16.	Brake Shear House, 164 High Street, Barnet EN5 5XP To follow.	
17.	Addendum (if applicable)	
18.	Any item(s) that the Chairman decides are urgent	

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Decisions of the Planning Committee

14 July 2016

AGENDA ITEM 1

PRESENT:-

Councillor Melvin Cohen (Chairman)

Members:

Councillor Maureen Braun
Councillor Claire Farrier
Councillor Anne Hutton
Councillor Gabriel Rozenberg

Councillor Eva Greenspan
Councillor Laurie Williams
Councillor Sury Khatri

Councillor Jim Tierney
Councillor Hugh Rayner
Councillor Reema Patel

Apologies for Absence

Councillor Wendy Prentice
Councillor Tim Roberts
Councillor Agnes Slocombe

Councillor Stephen Sowerby
Councillor Mark Shooter

1. MINUTES OF THE LAST MEETING

RESOLVED that the minutes of the meeting held on 4 July 2016 be agreed as a correct record and signed by the Chairman.

2. ABSENCE OF MEMBERS

Apologies for absence were received from Councillors Prentice, Roberts, Shooter, Slocombe and Sowerby who were substituted for by Councillors Rayner, Hutton, Khatri, Patel and Rozenberg respectively.

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

None

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None

5. ADDENDUM (IF APPLICABLE)

An addendum report pertaining to each of the planning applications to be considered was received by the committee. It was noted that that the report contained proposed amendments to the officers' recommendations and had been published.

In addition, the planning officer confirmed that the applicant in each of the applications before the committee was Barnet Homes, an arm's length management organisation created by Barnet Council in 2004.

Following advice from the committee's legal officer, it was proposed that an affordable housing condition that was common to each of the applications (and featured in the addendum) be further amended to clarify that a section 106 agreement would be required to ensure that affordable housing would be provided on site. The condition would be amended to read:

"No development shall commence until the arrangements to ensure that affordable housing as affordable rent (as defined by the National Planning Policy Framework Annex 2) is provided on site, are submitted to and approved in writing, by way of a section 106 agreement, by the Local Planning Authority. The development shall be implemented in accordance with these details and be retained permanently as such thereafter. The section 106 agreement shall provide:

- (i) that 100% of all housing units to be provided as affordable housing on site are to be occupied on an Affordable Rent tenure as defined in Annex 2 of the NPPF and any future guidance that replaces it;*
- (ii) for the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and*
- (iii) for the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.*

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

RESOLVED to note the addendum report and proposed amendments.

The Chairman varied the order of business to facilitate consideration of the items in the following order:

- Item 7, Elmshurst Crescent Garages 16/3252/FUL
- Item 6, Garages at Basing Way 16/3250/FUL
- Item 10, Quinta Drive Garages 16/3387/FUL
- Item 8, Land Adjacent to 1-15 Warwick Close 16/3259/FUL
- Item 9, Westbrook Crescent Garages 16/3385/FUL
- Item 11, Ryecroft Crescent Garages 16/3386/FUL.

6. ELMSHURST CRESCENT GARAGES, LAND ADJACENT TO 90-100 ELMSHURST CRESCENT AND 35 PULHAM AVENUE, LONDON N2 0LR (EAST FINCHLEY WARD)

Planning application reference number: 16/3252/FUL

Report: see pages 29 to 56 of the agenda and pages 6 to 7 of the addendum report.

Proposal:

Demolition of existing garages and redevelopment to provide a three storey building comprising of eleven self-contained flats and two, two-storey semi-detached dwelling houses

for affordable rent with associated access, amenity space, landscaping, car parking, cycle and refuse storage.

A planning officer introduced the report.

The committee heard two representations from objectors to the application and asked questions of the objectors.

The applicant's agent made a representation to the committee and answered questions arising from his submission.

The committee debated the application and asked questions of the officers.

RESOLVED:

1. That the amended conditions proposed in the addendum report be agreed.
2. That condition 16 be further amended to read:

“No development shall commence until the arrangements to ensure that affordable housing as affordable rent (as defined by the National Planning Policy Framework Annex 2) is provided on site, are submitted to and approved in writing, by way of a section 106 agreement, by the Local Planning Authority. The development shall be implemented in accordance with these details and be retained permanently as such thereafter. The section 106 agreement shall provide:

- (i) that 100% of all housing units to be provided as affordable housing on site are to be occupied on an Affordable Rent tenure as defined in Annex 2 of the NPPF and any future guidance that replaces it;***
- (ii) for the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and***
- (iii) for the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.***

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

3. That planning permission in respect of application number 16/3252/FUL be granted subject to the conditions detailed in the report and addendum, as amended.

Votes were recorded as follows:	
For	11
Against	0
Abstention	0

7. GARAGES AT BASING WAY, LAND BETWEEN 98-108 AND 182-192 BASING WAY, LONDON N3 3BP (FINCHLEY CHURCH END WARD)

Planning application reference number: 16/3250/FUL

Report: see pages 1 to 28 of the agenda and pages 5 to 6 of the addendum report.

Proposal:

Demolition of existing garages and redevelopment to provide a four storey building comprising fourteen self-contained flats for affordable rent with associated landscaping, car parking, cycle and refuse storage; and enclosure of existing electrical substation within a new structure.

A planning officer introduced the report.

A written submission from two objectors, who were registered to speak but unable to attend, was circulated.

The applicant's agent made a representation to the committee and answered questions arising from his submission.

The committee debated the application and asked questions of the officers.

RESOLVED:

1. That the amended conditions proposed in the addendum report be agreed.

2. That condition 17 be further amended to read:

“No development shall commence until the arrangements to ensure that affordable housing as affordable rent (as defined by the National Planning Policy Framework Annex 2) is provided on site, are submitted to and approved in writing, by way of a section 106 agreement, by the Local Planning Authority. The development shall be implemented in accordance with these details and be retained permanently as such thereafter. The section 106 agreement shall provide:

- (i) that 100% of all housing units to be provided as affordable housing on site are to be occupied on an Affordable Rent tenure as defined in Annex 2 of the NPPF and any future guidance that replaces it;***
- (ii) for the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and***
- (iii) for the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.***

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

3. That planning permission in respect of application number 16/3250/FUL be granted subject to the conditions detailed in the report and addendum, as amended.

Votes were recorded as follows:	
For	11
Against	0
Abstention	0

8. QUINTA DRIVE GARAGES, BARNET EN5 3BW (UNDERHILL WARD)

Planning application reference number: 16/3387/FUL

Report: see pages 95 to 121 of the agenda and pages 9 to 10 of the addendum report.

Proposal:

Demolition of garages and construction of two detached single storey self-contained residential dwellings for affordable rent, with associated car parking, cycle storage, refuse storage and amenity space (amended description to include demolition).

A planning officer introduced the report.

The committee heard a representation from an objector to the application and asked questions of the objector.

The applicant's agent made a representation to the committee and answered questions arising from his submission.

The committee debated the application and asked questions of the officers.

RESOLVED:

1. That the amended conditions proposed in the addendum report be agreed.
2. That condition 24 be further amended to read:

“No development shall commence until the arrangements to ensure that affordable housing as affordable rent (as defined by the National Planning Policy Framework Annex 2) is provided on site, are submitted to and approved in writing, by way of a section 106 agreement, by the Local Planning Authority. The development shall be implemented in accordance with these details and be retained permanently as such thereafter. The section 106 agreement shall provide:

- (i) that 100% of all housing units to be provided as affordable housing on site are to be occupied on an Affordable Rent tenure as defined in Annex 2 of the NPPF and any future guidance that replaces it;***
- (ii) for the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and***
- (iii) for the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.***

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

3. That planning permission in respect of application number 16/3387/FUL be granted subject to the conditions detailed in the report and addendum, as amended.

Votes were recorded as follows:	
For	11
Against	0
Abstention	0

9. LAND ADJACENT TO 1-15 WARWICK CLOSE, BARNET EN4 9SF (EAST BARNET WARD)

Planning application reference number: 16/3259/FUL

Report: see pages 57 to 76 of the agenda and pages 7 to 8 of the addendum report.

Proposal:

Demolition of existing pram sheds and garages and erection of a three storey building comprising six self-contained flats for affordable rent with associated car parking and access, cycle storage, refuse storage, with landscaping and additional surface car park.

A planning officer introduced the report.

The applicant's agent made a representation to the committee.

The committee debated the application.

RESOLVED:

1. That the amended conditions proposed in the addendum report be agreed.
2. That condition 21 be further amended to read:

“No development shall commence until the arrangements to ensure that affordable housing as affordable rent (as defined by the National Planning Policy Framework Annex 2) is provided on site, are submitted to and approved in writing, by way of a section 106 agreement, by the Local Planning Authority. The development shall be implemented in accordance with these details and be retained permanently as such thereafter. The section 106 agreement shall provide:

- (i) that 100% of all housing units to be provided as affordable housing on site are to be occupied on an Affordable Rent tenure as defined in Annex 2 of the NPPF and any future guidance that replaces it;***
- (ii) for the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and***
- (iii) for the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.***

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

3. That planning permission in respect of application number 16/3259/FUL be granted subject to the conditions detailed in the report and addendum, as amended.

Votes were recorded as follows:	
For	11
Against	0
Abstention	0

10. WESTBROOK CRESCENT GARAGES, BARNET EN4 9AP (EAST BARNET WARD)

Planning application reference number: 16/3385/FUL

Report: see pages 77 to 94 of the agenda and page 9 of the addendum report.

Proposal:

Demolition of existing garages and erection of two semi-detached dwelling houses for affordable rent with associated car parking and access, cycle storage, refuse storage and landscaping.

A planning officer introduced the report and answered questions.

RESOLVED:

1. That the amendment to condition 17 proposed in the addendum be further amended to read:

“No development shall commence until the arrangements to ensure that affordable housing as affordable rent (as defined by the National Planning Policy Framework Annex 2) is provided on site, are submitted to and approved in writing, by way of a section 106 agreement, by the Local Planning Authority. The development shall be implemented in accordance with these details and be retained permanently as such thereafter. The section 106 agreement shall provide:

- (i) that 100% of all housing units to be provided as affordable housing on site are to be occupied on an Affordable Rent tenure as defined in Annex 2 of the NPPF and any future guidance that replaces it;***
- (ii) for the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and***
- (iii) for the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.***

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

2. That planning permission in respect of application number 16/3385/FUL be granted subject to the conditions detailed in the report as amended.

Votes were recorded as follows:	
For	11
Against	0
Abstention	0

11. RYECROFT CRESCENT GARAGES, BARNET EN5 3BP (UNDERHILL WARD)

Planning application reference number: 16/3386/FUL

Report: see pages 122 to 152 of the agenda and page 10 of the addendum report.

Proposal:

Demolition of existing garages and erection of two single-storey semi-detached dwelling houses for affordable rent, with associated car parking, cycle storage, refuse storage and landscaping.

A planning officer introduced the report.

The applicant's agent made a representation to the committee and answered questions arising from his submission.

RESOLVED:

1. That the amended conditions proposed in the addendum report be agreed.
2. That condition 23 be further amended to read:

“No development shall commence until the arrangements to ensure that affordable housing as affordable rent (as defined by the National Planning Policy Framework Annex 2) is provided on site, are submitted to and approved in writing, by way of a section 106 agreement, by the Local Planning Authority. The development shall be implemented in accordance with these details and be retained permanently as such thereafter. The section 106 agreement shall provide:

- (i) that 100% of all housing units to be provided as affordable housing on site are to be occupied on an Affordable Rent tenure as defined in Annex 2 of the NPPF and any future guidance that replaces it;***
- (ii) for the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and***
- (iii) for the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.***

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

3. That planning permission in respect of application number 16/3386/FUL be granted subject to the conditions detailed in the report and addendum as amended.

Votes were recorded as follows:	
For	11
Against	0
Abstention	0

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

None

The meeting finished at 8.33 pm

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Location **290-294 Golders Green Road London NW11 9PY**

Reference: **16/3806/FUL**

Received: 9th June 2016

Accepted: 9th June 2016

Ward: Golders Green

Expiry 8th September 2016

Applicant: Mr Neel Khiroya

Proposal: Erection of a part two, part four, part five, part six storey building with lower ground floor and basements providing 60 residential flats with ancillary spa facility; associated car and cycle parking, landscaping and associated other works with access from Golders Green Road.

AGENDA ITEM 5

Recommendation: Approve subject to s106

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3. Contribution towards affordable housing - £640,000
4. Affordable Housing Review Mechanism
5. Contribution towards the monitoring of residential travel plan - £5,000
6. Monitoring of the Agreement - £250

RECOMMENDATION II:

That upon completion of the agreement the Head of Strategic Planning approve the planning application under delegated powers subject to the following conditions:

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

AD-00-00-06-01 PL6 ELEVATION 01,
AD-00-00-06-02 PL6 ELEVATION 02,
AD-00-00-06-03 PL6 ELEVATION 03,

AD-00-00-06-04 PL6 ELEVATION 04,
 AD-00-00-06-05 PL6 ELEVATION 05,
 AD-00-00-06-06 PL6 ELEVATION 06,
 AD-00-00-06-11 PL6 E2 WITH OUTLINE,
 AD-00-00-06-12 PL6 E2 WITH OUTLINE,
 AD-00-00-06-13 PL6 E3 WITH OUTLINE,
 AD-00-00-06-13 PL6 E4 WITH OUTLINE,
 AD-00-00-06-13 PL6 E5 WITH OUTLINE,
 AD-00-00-06-16 PL6 E6 WITH OUTLINE,
 AD-00-00-06-21 PL6 SECTION 01,
 AD-00-00-06-22 PL3 SECTION 02,
 AD-00-00-06-23 PL3 SECTION 03,
 AD- 01-00-01-01 PL6 1ST FLOOR PLAN,
 AD-02-00-01-01 PL6 2ND FLOOR PLAN,
 AD-03-00-01-01 PL6 3RD FLOOR,
 AD-04-00-01-01 PL6 4TH FLOOR PLAN,
 AD-05-00-01-01 PL6 5TH FLOOR PLAN,
 ADB1-00-01-01 PL6 BASEMENT 01 PLAN,
 AD-B2-00-01-01 PL6 BASEMENT 02,
 AD-BM-00-01-01 PL6 BASEMENT MEZZANINE,
 AD-GF-00-01-01 PL6 GROUND FLOOR PLAN,
 AD-LG-00-01-01 PL6 LOWER GROUND FLOOR
 PLAN, AD-RF-00-01-01 PL6 ROOF PLAN,
 AD-LC-00-01-01 PL6 LOCATION
 PLAN, AD-ST-00-01-01 PL6 SITE PLAN,
 AD-ST-00-01-02 PL6 SITE PLAN DIMENSIONED,
 Air Quality Assessment,
 Arboricultural Assessment,
 Archaeology,
 Design and Access Statement,
 Ecological Assessment,
 Energy Statement,
 Flood Risk Assessment sm1,
 Site Investigation Report,
 Transport Statement,
 Travel Plan,
 Utility Statement,
 Ventilation Strategy,
 Acoustic Assessment Report,
 Urban Landscape Design Strategy & Visual Impact Assessment,
 Soil Survey

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 The development hereby permitted shall not commence until a parking management plan is approved that includes details of parking spaces, details of visitors/servicing, allocation of parking spaces per units, controlling and monitoring of parking areas, including enforcement for non-correct use of parking areas, details of Electric Vehicle Charging points. All parking spaces shall be provided and permanently used only for residential accommodation within the development thereafter.

Reason: To safeguard highway and pedestrian safety.

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

- 5 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 2015.

- 6 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).

- 7 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).

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

- 9 Part 1

Before development commences other than for investigative work:

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

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

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

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

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

Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

- 10 a) No development other than demolition work shall take place until details of the location within the development and specification of the 6 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 2015.

- 11 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall be commenced until details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.

c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 12 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.

13. Prior to the commencement of the development hereby approved a Construction Management and Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the approved plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- o Details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- o site preparation and construction stages of the development;
 - o a Site Waste Management Plan and details of provisions to be made for recycling of materials.
- o The provision on site of a storage/delivery area for all plant, site huts, site facilities, waste and materials.
- o details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- o the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- o a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- o noise mitigation measures for all plant and processors;
- o details of contractors compound and car parking arrangements;
- o details of interim car parking management arrangements for the duration of construction; and
- o details of a community liaison contact for the duration of all works associated with the development.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety a sustainable waste management in accordance

with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 14 Piling or any other penetrative construction method shall not be permitted other than with the express written consent of the Local Planning Authority. In the event that piling is sought, then a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To ensure that the piling design is protective of below ground utility infrastructure assets and controlled waters in accordance with policy DM04 of the Adopted Barnet Development Management Policies 2012.

- 15 Before the development is occupied, the proposals identified in the energy statement submitted shall be implemented in accordance with the details within this document and permanently retained thereafter.

Reason: To ensure that the development achieves satisfactory environmental performance in accordance with policy 5.2 of the Mayors London Plan.

- 16 Before the development is occupied, details of the designated amenity areas and how access to these will be provided shall be 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 residents have access to adequate amenity space in accordance with policy DM02 of the Adopted Barnet Development Management Policies 2012.

- 17 Before the development hereby permitted is occupied cycle storage and parking shall be implemented and permanently maintained in accordance with the approved details.

Reason: To ensure that the proposals have an acceptable impact on highway and pedestrian safety in accordance with policy DM17 of the Adopted Barnet Development Management Policies 2012.

- 18 Before the development hereby permitted is occupied, details of electric car charging points shall be 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 development achieves satisfactory environmental performance in accordance with policy 5.2 of the Mayors London Plan.

- 19 Prior to the first occupation of the development a scheme detailing all play equipment to be installed in the communal amenity space shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the details as approved prior to the first occupation of the development.

Reason:

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

20 a) Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

b) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and Policy 5.3 of the London Plan 2011.

21 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic noise has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the amenities of occupiers are not prejudiced by traffic noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013), and 7.15 of The London Plan 2011.

22 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

23 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 40% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 24 Before the development hereby permitted commences, a Sustainable Urban Drainage System (SuDS) Construction Plan shall be submitted. The SuDS Construction Plan shall demonstrate that SuDS shall be constructed in accordance with appropriate applicable standards to ensure that there is no consequential damage to the functionality of the sewerage and drainage system. The Plan shall also address the operation and long term maintenance plan for the SuDS. The development shall be constructed in full accordance with these details.

Reason: To ensure that the proposals have an acceptable impact on local drainage.

- 25 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 26 Before the development hereby permitted is occupied, details of proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with these details.

Reason: To safeguard local amenity.

27. Before the development hereby permitted is occupied a scheme of ecological improvements shall be submitted in writing to the Local Planning Authority with an appropriate timetable. These measures shall be implemented in accordance with the approved details and timetable, and shall be permanently maintained thereafter.

Reason: To ensure that ecological improvements are secured in accordance with policy DM16.

RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 27/09/2016, unless otherwise agreed in writing, the Head of Strategic Planning REFUSE the application under delegated powers for the following reason(s):

1).The proposed development does not provide a legal undertaking to monitor the required residential travel plan in association with the development. In the absence of this the proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies, policy CS9 of the Adopted Barnet Core Strategy and policy 6.1 of the Mayor's London Plan.

2).The application does not provide any on site affordable housing or a contribution towards affordable housing in the local area. It has not been demonstrated to the satisfaction of the Local Planning Authority that it would not be viable to provide affordable housing on the site or a contribution towards this. The application is therefore unacceptable and contrary to policies DM10, CS NPPF, CS4 and CS15 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012), policies 3.12 and 3.13 of the London Plan (adopted July 2011 and October 2013), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February 2007 and August 2010) Supplementary Planning Documents and the Mayoral Housing (adopted November 2012) Supplementary Planning Guidance.

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. 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 Waste Comments

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit thameswater.co.uk/buildover

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses. Swimming Pools - Where the proposal includes a swimming pool Thames Water requests that the following conditions are adhered to with regard to the emptying of swimming pools into a public sewer to prevent the risk of flooding or surcharging: - 1.The pool to be emptied overnight and in dry periods. 2.The discharge rate is controlled such that it does not exceed a flow rate of 5 litres/ second into the public sewer network.

No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Waters Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

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

- 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. Your planning application has been assessed at this time as liable for a £561,645.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £2,166,345.00 payment under Barnet CIL.

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

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

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

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

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

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.

- 4 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 5 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from

the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 7294.

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

Officer's Assessment

1. Site Description

The site is the former Harvester site addressed 290-294 Golders Green Road. The site forms an area of approximately 0.4 hectares.

There is a historic tree preservation order on the site that cover a number of individual and group trees that no longer exist. The planning permission granted in 2008 allowed for the removal of these trees given the wider benefits of the proposals against the loss.

This application relates to an L-shaped, gap site located on the north-eastern side of Golders Green Road. The plot includes the former site of the Harvester Restaurant and part of the car park which served the Roman House office building immediately adjacent to the site.

The site is situated between Princes Park Avenue to the south-east and Golders Green Road to the south-west. This part of Golders Green Road consists of a mixture of commercial and residential buildings of varying heights, with traditional, suburban housing on the side streets and to the rear of the site. Princes Park Avenue is a residential street comprising of a mix of detached and semi-detached dwellings, which are predominantly two-storeys in height, with pitched roofs.

The site is adjacent to the four-storey commercial office block, Roman House which was built in the 1990's and to the other side, across the junction with Princes Park Avenue, is a three-storey purpose built residential block of flats known as Phildor Court. To the front of the site, Golders Green Road is characterised by commercial premises at ground floor with elements of residential accommodation above.

Opposite the site (on Golders Green Road) is a parade of three-storey buildings known as Princes Parade. Decoy Brook defines the rear boundary of the site and separates it from the neighbouring flatted development at James Close.

The topography and site levels vary, sloping down towards the North Circular Road (A406) to the north-west and Decoy Brook to the north; and upwards to Golders Green to the south-east. The ground levels therefore drop from the corner of the site at its junction with Princes Park Avenue to where it meets its western boundary with Roman House and from the front of the site bordering Golders Green Road to the rear boundary with Decoy Brook.

2. Site History

C00513W/04 - Erection of three to five-storey building (plus basement) to provide a synagogue and off-street parking at basement level, Class A1/A2 commercial floorspace at ground level and a total of 14 self-contained flats on the upper floors. Provision of associated amenity space, and vehicular access from Princes Park Avenue - withdrawn August 2004.

C00513X/04 - Erection of a part two, part three, part four storey building to provide a synagogue and car parking at basement level, Class A2 commercial floorspace at ground floor level, 1 dwellinghouse and 12 self-contained flats. Provision of amenity space and refuse storage. Formation of vehicular access onto Golders Green Road - not determined Jan 05 - Appeal dismissed Jan 2006.

C10692F/04 - Erection of a three storey block of 9 two bedroom self-contained flats with basement parking for 15 cars 9 additional surface parking spaces, new access road and demolition of existing bridge over sewer and replacement foot bridge over sewer - withdrawn March 04. C10692G/04 - Erection of part two storey (with accommodation in the roof) and part three storey block of nine flats with new basement car parking and associated changes to landscaping - withdrawn July 04.

C10692H/04 - Erection of part single (with accommodation in the roof) and part three-storey block of eight flats with basement parking for 14 cars. New access road from Golders Green Road. Concrete bridge over sewer to be demolished. Associated changes to landscape - refused Dec 04 - appeal dismissed May 06.

C10692K/06 - Change of use of part ground and part lower ground floor from class B1 offices to class D1 medical outpatient centre, with minor external alterations - approved Sept 06.

Site Address: 290-294 Golders Green Road London NW11

Application Number: C00513Z/07

Application Type: Full Application

Decision: Approved subject to conditions and legal agreement

Decision Date: 06/06/2007

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: Construction of three storey building with basements and lower ground floors to create 62 self-contained flats and 1020sqm of health facility (D1 use) with provision for 89 cars and 80 cycle spaces with access from Golders Green Road. Associated landscaping.

Case Officer: Karina Conway

Site Address: 290-294 Golders Green Road London NW11 9PY

Application Number: C00513AA/08

Application Type: Full Application

Decision: Approved following Legal Agreement

Decision Date: 23/05/2008

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: Construction of five storey building with basements and lower ground floor to create 45 self-contained flats and 1020sqm of health facility (D1 use) with provision for 83 cars and 80 cycle spaces with access from Golders Green Road. Associated landscaping.

Case Officer: Karina Conway

Site Address: 290-294 Golders Green Road London NW119PY

Application Number: C00513Y/05

Application Type: Full Application

Decision: Refuse

Decision Date: 11/08/2006

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: New three-storey building to provide 14 self-contained flats with basement parking.

Case Officer:

Site Address: HARVESTER RESTAURANTS, THE PRINCE ALBERT, 290-294
GOLDERS GREEN ROAD, LONDON, NW11 9PY

Application Number: 00247/08

Application Type: Full Application

Decision: Approved following legal agreement

Decision Date: 07/07/2008

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: Construction of a five storey building with basement and lower ground floor to create 41 self-contained flats and 1020sqm of health facility (D1 use) with provision for 83 cars and 80 cycle spaces with access from Golders Green Road. Associated landscaping.

Case Officer: Karina Conway

F/05593/13 - Erection of a part two, part six, part seven storey building with lower ground floor and basements providing 75 residential flats with ancillary resident's spa facility; associated car and cycle parking, landscaping and associated other works with access from Golders Green Road. – Refused – 25/02/2015 – Currently at Appeal

15/05062/FUL - Erection of a part two, part six, part seven storey building with lower ground floor and basements providing 67 residential flats with ancillary resident's spa facility, associated car and cycle parking, landscaping and associated other works with access from Golders Green Road. - Refused - 04.02.2016

3. Proposal

The proposals are for the erection of a part two, part four, part five, part six storey building with lower ground floor and basements providing 60 residential flats with ancillary spa facility; associated car and cycle parking, landscaping and associated other works with access from Golders Green Road.

The proposals follow the submission of two previously refused planning applications. Changes have been made to try and address the previous reasons for refusal.

The development would take the form of a front block, five storeys on the southern side nearest Princes Park Avenue, and six storeys on the north-west side nearest Roman House. These elements would be split by a lowered two storey element.

The building would have a rear block attached to the front block. This would drop two storeys immediately to the rear, extending up to five storeys and then down to a part three, part four storey element; this would be three storeys closer to the houses on Princes Park Avenue.

The front block would be sited closer to Princes Park Avenue than the previously refused scheme and the rear block would be lower than the previously refused scheme but approximately 4m closer to the neighbouring block on James Close.

This planning application follows the refusal of two previous planning applications for residential development on the site. (Planning application references F/05593/13 for a scheme for 75 flats and reference 15/05062/FUL for 67 flats.)

The most recent planning application (67 flats) was refused on the following grounds:

1.) The proposed development, by reason of its height, massing, and scale, would be unduly obtrusive and detrimental to the character and appearance of the streetscene and general locality. The proposals would be contrary to policy DM01 of the Adopted Barnet Development Management Policies, CS5 of the Adopted Barnet Core Strategy, policies 7.4 and 7.6 of the Mayor's London Plan 2015 and paragraph 64 of the National Planning Policy Framework.

2.) The proposed building would appear overbearing and visually dominating as viewed from the rear gardens and windows of the properties at no.1, no.3, no.5, no.7, no.9 and no.11 Princes Park Avenue. The proposals would be detrimental to the visual amenities of the neighbouring occupiers, being contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012.

3.) The proposals would have a harmful impact on the visual and residential amenities of neighbouring occupiers at no.1 Princes Park Avenue by reason of the harmful overshadowing of the rear garden. The proposals would be contrary to policies DM01 and DM02 of the Adopted Barnet Development Management Policies 2012.

The first scheme (75 flats) is currently at appeal stage.

4. Public Consultation

Consultation letters were sent to 414 neighbouring properties. 92 responses have been received, comprising 86 letters of objection, 6 letters of support and 1 letters of comment.

The objections received can be summarised as follows:

Principle

Too many flats for the plot

Overdevelopment

Excessive Density

Applicant has not been honest about transactions on the land and this information should be void

The applicant has not addressed the concerns of light consultants and architects on behalf of residents.

Developer previously said it isn't viable to lower height

The previous concerns of residents have not been addressed.

Use is not appropriate for the area.

Character and Appearance

Development far too large

Out of keeping with rest of area

Building is too dominant

Building is too close to Decoy Brook

There should be more green space surrounding the development

Amenity

Loss of privacy

Loss of light

Light report on behalf of residents suggest that the proposals are contrary to BRE guidance

Applicant has not visited properties on Princes Park Avenue

Survey provided of Hours in Sun is not a legitimate survey

Building is closer to James Close
Noise and Disturbance
Does not address previous concerns that the building will appear overbearing
Daylight and Sunlight reports have been submitted by neighbours
No obscure glazing proposed to prevent overlooking
Infringing on rights to light
There is no adequate laying out of usable amenity space for the residents of the proposed scheme.

Highway Issues

Impact on parking
Development does not specify that each unit would have its own parking space
Increased traffic
No provision for visitors parking
Potential risk of accidents
Construction will cause traffic issues

Environmental Matters

Impact on local wildlife
Impact on flooding from Decoy Brook
Loss of trees
Impact of Air Pollution and traffic fumes
Noise pollution
Soil survey is out of date

Other Matters

Impact on sewage
Risk of subsidence and structural issues
Are there restrictive covenants on the land
Increased security risk
Applicants have not accurately represented comments of residents in their Statement of Community Involvement
Land by Decoy Brook is covenanted

Petitions within 37,22, and 10 signatories have been received objecting to the development on the above grounds.

The representations received can be summarised as follows:

- Proposals will benefit area in terms of housing supply
- Applicant has addressed concerns raised

Internal/External Consultation:

Urban Design – No formal comments made.
Environmental Health – No objection, Addressed in main report.
Highways – No objection, Addressed in main report.
London Fire Brigade – No comments received at time of writing report.
Environment Agency – No objection, but have requested that the Lead Local Flood Authority are consulted.
Thames Water – No objection
Affinity Water - No comments yet received.

Historic England - The Greater London Archaeological Advisory Service (GLAAS) provides archaeological advice to boroughs in accordance with the National Planning Policy Framework and GLAAS Charter. Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. This site was subject to an archaeological evaluation in 2007 which found only two features of 18th-19th century date. This is not considered to represent a significant archaeological interest. No further assessment or conditions are therefore necessary.

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 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

Policies 3.3, 3.5, 5.2, 5.3, 6.1, 7.4, 7.6 are considered especially relevant.

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

Barnet's Local Plan (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, CS15

Policy CS3 states that On the basis of our Three Strands Approach we expect that in the range of 28,000 new homes will be provided within the lifetime of this Core Strategy 2011/12 to 2025/26.

Policy CS4 states that We will aim to create successful communities in Barnet by:

- o seeking to ensure a mix of housing products in the affordable and market sectors to provide choice for all households and enable Barnet residents to progress on a housing journey that can meet the aspirations of home ownership.

- o seeking to ensure that all new homes are built to Lifetime Homes Standards and that through extending the inclusive design principles embedded in Lifetime Homes we can create Lifetime Neighbourhoods that are welcoming, accessible, and inviting for everyone, regardless of age, or health, or disability.

- o seeking a range of dwelling sizes and types of housing including family and lifetime homes that meets our identified housing priorities and does not undermine suburban character or local distinctiveness. Policy CS5 on Protecting and enhancing Barnet's character to create

high quality places sets out how we will secure high quality design.

- o 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.

- o delivering a minimum affordable housing target of 5,500 new affordable homes by 2025/26 and seeking a boroughwide target of 40% affordable homes on sites capable of accommodating ten or more dwellings.

- o seeking an appropriate mix of affordable housing of 60% social rented and 40% intermediate for Barnet that will support our objectives of widening home ownership and providing family homes.

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

Policy CS5 states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.

Policy CS9 states that the Council will promote the delivery of appropriate transport infrastructure in order to support growth, relieve pressure on Barnet's transport network and reduce the impact of travel whilst maintaining freedom and ability to move at will.

Policy CS10 states that the council will work with our partners to ensure that community facilities including schools, libraries, leisure centres and pools, places of worship, arts and cultural facilities, community meeting places and facilities for younger and older people, are provided for Barnet's communities.

Policy CS11 states how the Council will improve health and well-being in Barnet.

Policy CS12 states that the Council will aim to make Barnet a safer place. It is important that we ensure through the management of growth that Barnet is a place where people from different communities get on together.

Policy CS14 sets out how the Council will encourage sustainable waste management

Policy CS15 states that the Council will work with the Local Strategic Partnership(One Barnet Partnership Board) and other partners to deliver the vision, objectives and policies of the Core Strategy.

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, 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.

Policy DM03 states that development proposals should meet the highest standards of accessible and inclusive design.

Policy DM04 states that all major development will be required to demonstrate through an Energy Statement compliance with the Mayor's targets for reductions in carbon dioxide emissions within the framework of the Mayor's energy hierarchy. Proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.

Policy DM06 states that archaeological remains will be protected in particular in the 19 identified Local Areas of Special Archaeological Significance and elsewhere in Barnet. Any development that may affect archaeological remains will need to demonstrate the likely impact upon the remains and the proposed mitigation to reduce that impact.

Policy DM08 states that development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough.

Policy DM10 states that having regard to the borough-wide target that 40% of housing provision should be affordable, the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units gross or covering an area of 0.4 hectares or more.

Policy DM16 states that when considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity.

Policy DM17 states that the council will ensure that the safety of all road users is taken into account when considering development proposals, and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users.

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.

Residential Design Guidance SPD (Adopted April 2013)

- detailed residential design guidance issues relevant to Barnet such as local character, density, built form, car parking and amenity space standards connected with new build development

Planning Obligations SPD Adopted 2013

- The main purpose of the Planning Obligations SPD was to provide guidance on when, where, and how the Council will seek to use Planning Obligations and the procedural process for doing so.

Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD

- The SPD sets out the Council's approach to delivering skills, employment, enterprise and training initiatives from development

5.2 Main issues for consideration

The main issues for consideration in this case are:

-Whether the principal of the development is acceptable

-Whether the proposals would have an acceptable impact on the character and appearance of the streetscene, general locality and local townscape

-Whether the impact on the amenities of neighbouring and future occupiers is acceptable

-Whether the proposals would have an acceptable impact on highway and pedestrian safety

-Whether the proposals make satisfactory provision for affordable housing

-Sustainability/Environmental Issues

-Whether the proposals would have an acceptable impact on trees of special amenity value

-Whether the proposals would harmfully increase local flood risk

-Whether the development would have an acceptable impact on local security

-Whether the proposals make adequate accessibility provision

-Section 106 Issues

5.3 Assessment of proposals

1. Whether the principal of the development is acceptable

1.1 Land Use

The site formerly had a public house and restaurant that was demolished some time ago. It is now occupied for the purposes of car storage though it does not appear that this use benefits from planning permission.

Planning permission was previously granted for the redevelopment of the site with medical facility however this has now lapsed.

1.2 Density

The proposed development would be in an area of PTAL rating 3-4, as the site falls on the boundary of these areas. The development would be at a density of 150 units per hectare which is under the 260 specified within the London Plan Density Matrix for a site of this nature.

The development would be at approximately 697 habitable rooms which is under the 700 habitable room maximum specified within the London Plan density matrix.

The site is considered to be an urban location, and the proposals would be within the London Plan thresholds.

1.3 Unit Mix

The development would consist of:

19 x 2 bedroom units

29 x 3 bedroom units

12 x 4 bedroom units

The proposed development would provide a mixture of homes included much needed family accommodation in compliance with policy DM08.

2. Whether the proposals would have an acceptable impact on the character and appearance of the streetscene, general locality and local townscape

2.1 Layout

Taking into account the size and location of the plot and considering the topography of the Golders Green area, this is a highly prominent site, which if developed, is likely to be visible from much of the surrounding area. The design of the building is therefore of highest importance.

The front block of the proposed building will extend further towards the return elevation to Princes Park Avenue. Officers consider that whilst this is beyond the building line of properties on Princes Park Avenue it would not make the building appear overly dominant from the rear taking into account that this proposals would not be read as part of Princes Park Avenue, it would have it's own character.

The rear of the development would extend somewhat further towards blocks of flats at James Close. These would however be at a lower level than the previously refused scheme.

2.2 Scale and Massing

The main concerns with the previously refused scheme (subject to appeal) were that the height of the building at six storeys related poorly with neighbouring buildings, especially those on Princes Park Avenue, and the unbroken massing of the building, which would contribute to the building appearing bulky within the local streetscape.

When considering the scale of the development, it is noted that there are some similarly tall buildings in the locality, most notably Melvin Hall which is part 7 and part 8 storeys.

The front block would be five storeys height with sixth storey roof level on the side nearest Roman House.

The previous scheme took the approach of one continuous block, whereas the proposed scheme would have a gap with two storey linked element in order to give the front block the appearance of two linked elements.

Whereas the previously refused scheme was one continuous block, the proposed scheme would drop to two storeys, then up to five, before dropping back down to three storeys. This would assist in breaking up the massing as viewed from the rear houses of properties on Princes Park Avenue.

The building would step down across the site in that the rear block would be stepped down towards Princes Park Avenue from part 4/5 to 3 storeys.

It should also be noted that there have been previous approved planning applications on site, the most recent of these under reference F/00247/08. This scheme was for a five storey (Including set back glazed roof level) building with basements and lower ground floor. The previous scheme was for 45 flats and a medical centre. The permission has now lapsed.

It is considered that the reductions in massing are a significant improvement in respect of the impact on the character and appearance of the streetscene. The building would now be broken up so that it's perceived massing would be lessened to an acceptable level.

Furthermore the relationship of the five storey front block adjacent to Princes Park Avenue to the two storey houses on Princes Park Avenue is considered to be acceptable within the context of the streetscene. The six storey element would be confined to the side of the building nearest Roman House and would not be read as part of Princes Park Avenue.

It is considered that the revised scheme addresses the previous reason for refusal 1 and would have an acceptable impact on the character and appearance of the streetscene and general locality, making a positive contribution to local townscape on this currently empty site.

2.3 External Appearance

The proposals submitted indicate that the development would comprise red-brown brick, and glazed windows.

A condition will be recommended if the application is to be approved to require finalised details of materials to be agreed.

2.4 Landscaping

The applicant has provided a landscaping scheme with the proposed application. This was drawn up in conjunction with the previous planning application and is shown on plan 1094 A2 01 Revision C. It comprises of a mixture of hard and soft landscaping. This includes a mixture of soft and hard landscaping. Furthermore, the applicant has expressed a willingness to provide additional mature trees to provide screening to the boundary of properties on Princes Park Avenue.

3 Whether the impact on the amenities of neighbouring and future occupiers is acceptable

3.1 Neighbouring Amenities

3.1.1 Loss of light

The previous scheme was refused on the grounds that it would harmfully overshadow the rear garden of no.1 Princes Park Avenue. Officers were otherwise satisfied that the proposals would not cause harmful loss of light to neighbouring occupiers, including residents opposite the site and on James Close to the rear. Whilst the proposed scheme is somewhat larger in footprint in that it is closer to James Close it is also significantly lower in height. As a result officers do not consider that there will be a harmful impact.

It is acknowledged that there is potential for the development to cause loss of light to nearby buildings given its massing, height and siting and relationship to buildings on Princes Park Avenue to the east.

No.1 Princes Park Avenue has been extended and has utility and kitchen windows facing Golders Green Road to the south.

The proposals have been amended in that the front block is a storey lower on the side nearest Princes Park Avenue.

A number of residents have expressed concern about potential loss of light. They have submitted a letter from a right to light consultant to previous schemes which expresses concern that the proposals breach the requirements of BRE guidelines.

In order to justify the proposals in relation to this issue, the applicant has provided an Hours in Sun Overshadowing Report.

The report references the BRE Guidelines 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice (2011). The guidelines state that a reduction in 20% is likely to be noticeable.

It should be noted that the previously refused planning application was similarly accompanied by a report. This report stated that there would be a 31% which is termed a moderate adverse impact in terms of overshadowing as defined within BRE guidance, to the garden of no.1 Princes Park Avenue on 21st of March.

The report for the current application states that there would be a loss of 26% light to the garden of no.1 Princes Park Avenue. This is a minor adverse impact as defined within BRE guidance. There is a moderate adverse loss of light to 1 Prince Park Avenue (26% compared to 31%). The report also states that this impact is forecast on March 21st, and that summer months would be less affected. Whilst this may be the case, it is contended that sunlight in the winter months would still be of importance to residents.

The report goes on to state that it is not unusual where proposed developments are envisaged on undeveloped sites in close proximity to neighbouring amenity spaces to cause loss of light.

The BRE guidelines are not a representation of policy, though represent an expert analysis of the overshadowing issue. Consequently they are given some weight in considering this issue. Officers have considered the reports provided by the applicant and residents. In weighing the impact up on daylight and sunlight, regard has been had to both the report from the applicant, as well as the letter submitted on behalf of residents. It should be noted that the proposals offer the opportunity to redevelop a vacant site on previously developed land. Officers have considered the likely impact on neighbouring residents and are of the view that whilst there is likely to be some difference in what is perceived as a result of the development given the existing vacant nature of the site, the impact on neighbouring residents in respect of loss of light would not be so harmful as to warrant the refusal of the scheme.

3.2 Visual impact and Outlook

The previous scheme was refused on the grounds that the proposals would appear overbearing as viewed from the rear windows and gardens of properties at 1-11 Princes Park Avenue.

The revised scheme involves reductions to the massing of the building and is broken up by two and three storey elements. Furthermore parts of the building that were previously six storeys have been reduced to five in height.

As perceived from no.1 Princes Park Avenue, whilst the building is sited in a similar location to the refused scheme it would now be reduced in height to two storeys in height to the rear.

The rear outlook from no.3 Princes Park Avenue would be over the two storey element of the building. Previously this element was part five and part six storeys in height.

The rear windows and garden of no.5 Princes Park Avenue would look towards the two storey element, and partly the five storey element, which represents a reduction from the previous six storey part of the refused scheme, which no.7 would also look towards.

As perceived from no.9 and no.11 Princes Park Avenue, the buildings is somewhat wider, but is 2.8m further away and is lower in height at 3 storeys.

The side windows of no.1 Princes Park Avenue would be located a distance of 10.3m from the rear wall of the proposed front block. Taking into account that the building has been reduced in height both in terms of the front block but also to the rear of the building, it is not considered that the proposed building would appear so overbearing that it would harm the visual or residential amenities of the occupiers of no.1 Princes Park Avenue.

The building would now be broken up so that it does not have a part five and part six storey façade running alongside the rear boundary of no.1,3,5,7,9 and 11 Princes Park

Avenue. It is not considered that the proposals would appear unduly overbearing or visually dominating from the rear gardens and windows of any neighbouring properties.

It is considered that the proposals would not cause harmful loss of outlook or appear visually overbearing as perceived from the rear windows of properties on James Close, taking into account the distance from the rear windows and amenity areas to this block. The proposed building is approximately 4m closer to the block of flats on James Close to the rear than the previously refused scheme. However the building in this location would be 3-4 storeys in height as opposed to 6 storeys as previously proposed.

Furthermore, some limited weight is given to the fact that a previous scheme of comparable size was previously approved, although this has lapsed and under a different policy regime.

It is considered on balance that the proposed scheme would not cause materially harmful loss of outlook or have harmful impact on the visual amenities of any neighbouring occupier.

3.1.3 Privacy

The proposals would broadly comply with the standards set out in the Council's Supplementary Planning Document: Residential Design Guidance, which specifies that there should be a minimum distance of 10.5m to neighbouring gardens and 21m to windows in habitable rooms.

The proposed building is sited 10.3m from the neighbouring boundary with at its closest point, other than the two storey element to Princes Park Avenue. It is considered on balance that the proposals would not result in harmful overlooking given that this is not materially below the figure quoted in the Supplementary Planning Document and that in part the windows are slightly at an angle to the rear windows on Princes Park Avenue. Windows and balconies have been sited in such a way that they would not harm neighbouring amenity through overlooking, however details of screening for the balconies would be required but could be secured by condition.

Given the intervening distance of 20m, at an indirect angle to the windows of flats on James Close it is not considered that harmful loss of privacy would arise.

The development would have an acceptable impact in terms of privacy on the windows of Roman House, as the proposals are no closer than the previously approved scheme, and that Roman House is in use as a medical centre.

3.1.4 Noise

The proposals would involve the creation of 60 flats. It is not considered that the use of the site as 60 flats, as well as associated car parking and pedestrian access, would generate harmful noise and disturbance to neighbouring residents, given the nature of Golders Green Road and the proposed location of access points.

3.2 Amenities of Future Residents

The size of all units would comply with the standards set in the Mayors London Plan. The applicant has considered whether windows could be obscure glazed however this would provide a poor level of outlook to habitable rooms and is considered undesirable. The proposed flats would have access to communal amenity areas through communal accesses. It is not considered that the layout would give rise to a poor level of privacy through use of defensible space to ground floor units to preserve privacy. The proposals would provide approximately 3000 square metres of amenity space, which would comply with standards in Supplementary Planning Document: Residential Design Guidance which requires 5 square metres per habitable room.

4. Whether the proposals would have an acceptable impact on highway and pedestrian safety

The site is located on Golders Green Road at its junction with Princes Park Avenue. The site is outside the one hour Brent Cross Station Control Parking Zone (CPZ). The CPZ operates from Monday to Friday between 11am and 12pm. There are also Pay by Phone bays on Golders Green Road in the vicinity of the development which operate from Monday to Sunday during 9am-5.30pm.

4.1 Access

A ramped vehicular access is proposed for the development from Golders Green Road. A 1:10 gradient would need to be provided otherwise the ramp design would need to be in accordance with the Design Recommendations for multi-storey and underground car parks by The Institution of Structural Engineers. A condition would need to be attached to any grant of planning permission in order to ensure that the ramp is built to such standards.

4.2 Parking Provision

96 parking spaces are proposed within a two storey basement level.

The assessment of parking provision for a residential development is based on Public Transport Accessibility Levels (PTAL) Score. For higher PTAL of say 5/6 a parking requirement at the lower end of the council's parking policy range would be considered acceptable. However, for a PTAL Score at the lower end (say of 1 or 2) parking provision at the higher end of the council's parking policy range would be appropriate. The PTAL Score for the site is calculated as 3-4. Barnet's Local Plan Development Management Policies approved in September 2012 sets out Parking Standards as follows for the residential use:

For 4 or more bedroom units - 2.0 to 1.5 parking spaces per unit

For 2 and 3 bedroom units - 1.5 to 1.0 parking spaces per unit

For 1 bedroom units - 1.0 to less than 1 parking space per unit

Based on the above parking standards the parking requirement is calculated as follows:

19x2b = a range of (1.0 - 1.5) = 28.0 – 42.0 parking spaces required

29x3b = a range of (1.0 - 1.5) = 29.0 – 43.5 parking spaces required

12x4b = a range of (1.5 - 2.0) = 18.0 - 36.0 parking spaces required

This equates to a range of parking provision of 60 to 122 spaces to meet the Barnet Local Plan Parking standards contained in the Development Management Policies approved in September 2012. The maximum parking provision would be more appropriate in an area with the lowest Public Transport Accessibility Level (PTAL) for the site. The PTAL for the above site is 3-4.

The proposed parking provision of 96 parking spaces is in accordance with the parking standards as stated in Barnet Local Plan, Delivery Management Plan. 10% of the parking provision is proposed for disabled use.

Electrical Charging Vehicle points would be provided in accordance with the London Plan Parking Standards and will be conditioned.

122 cycle parking spaces are also being provided which is acceptable for a development in this location. The site is accessible by bus services: 83, 183, 210, 232 and 240. The site also has access to London Underground Northern Line services from Brent Cross Station.

The Transport Assessment (TA) has been submitted with the application and revised from the previously refused scheme.

This includes an assessment of the trip generation associated with the scheme and the potential safety implications of the scheme. The data demonstrate that the majority of the accidents do not share a common cause but majority of the accidents involving cars have been due to driver error/careless driving. It was concluded in the analysis that the highway layout does not present any defects that would raise a safety concern. Therefore, the small

increase in traffic resulting from the proposed development is unlikely to have any detrimental impact on the highway safety.

A condition will need to be placed on the application to ensure that adequate arrangement in place in accordance with the Council's refuse collection policy.

A robust construction management plan needs to be provided and careful consideration must be given to the optimum route(s) for construction traffic and the Development Regulatory Services should be consulted in this respect.

A signed unilateral undertaking has been provided which makes provisions for a residential Travel Plan to comply with London Plan policy.

5. Whether the proposals make satisfactory provision for affordable housing

Policy DM10 of the Development Management Policies states that 'Having regard to the borough-wide target that 40% of housing provision should be affordable, the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units gross or covering an area of 0.4 hectares or more.' London Plan Policy 3.12 states that 'Negotiations on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for reappraising the viability of schemes prior to implementation ('contingent obligations'), and other scheme requirements.'

The applicant has submitted a planning viability update by GVA. The viability of the scheme has been reviewed independently by Colliers on behalf of the Local Planning Authority. They have found that the development would generate a surplus of £640,000 which the applicant has agreed to provide.

A further contribution of up to £500,000 (capped contribution) should this be viable with a review mechanism.

6. Sustainability/Environmental Issues

6.1 Energy

The applicant has provided an energy statement which advises that it is envisaged that the proposals would achieve a 40% reduction in carbon dioxide emissions. The proposals would achieve this through use of air source heat pumps and photovoltaics. A condition could be attached securing these if the scheme was to be approved.

The scheme would need to comply the Supplementary Planning Document on Sustainable Design and Construction and London Plan policy 5.2.

6.2 Environmental Performance/Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2) and M4(3). The applicant has confirmed that the proposed development would meet this requirement, and a condition [is attached/would be attached in the event planning permission is granted] to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 40% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition [is attached/would be attached in the event planning permission is granted] to ensure compliance with the Policy

In terms of water consumption, a condition [is attached/would be attached in the event planning permission is granted] to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a

maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

6.3 Waste

The applicant proposes that disposal of refuse and recycling is provided at each of the four cores of the Proposed Development. Refuse is then collected by placing the bins (at basement level) on a lift and taken to street level. A condition is suggested in order to secure details of refuse storage and collection.

6.4 Ecology

Policy DM16 requires development to provide improvements on sites in respect of biodiversity.

Further to a site visit it is considered that the site is of low ecological potential and no protected species have been sited. A condition is suggested in order that the development makes biodiversity improvements as part of the scheme.

7. Whether the proposals would have an acceptable impact on trees of special amenity value

Two trees under Tree Preservation Order have been previously been given consent to be removed under the previously approved scheme, namely tree T3 and T4. (Referred to as trees G3 and T6 in the order) Furthermore the proposals would result in the loss of category C trees T21, T22 T23, T24, G25, G38, and B grade tree T10, also to be removed under the previously approved scheme.

The proposals would leave some scope for future landscaping. The applicant has agreed if the application was to be approved that a condition could be attached to ensure tree screening to the boundaries with properties on Princes Park Avenue and James Court prior to construction. Landscaping would be provided as part of the development and secured by condition. In the context of the wider benefits of housing delivery the loss of the trees is considered acceptable.

8. Whether the proposals would harmfully increase local flood risk

Part of the rear of the site is located within Flood Zone 2. Environment Agency Guidelines advise that residential use is appropriate on such sites however a sequential test should be carried out. However, this has been discussed with the Environment Agency and given that no built development is taken place within zone 2 a sequential test is not required.

A flood risk assessment accompanies the proposals. The proposals make provision for flood attenuation and ensure that all of the building footprint is located outside the flood zone.

The applicant has provided a utilities statement which advises that:

- o No additional gas services are required
- o Air source heat pumps and photo-voltaic panels would provide electricity.
- o Water supplies would be routed from Golders Green Road.

An application has been made to Thames Water who have been consulted on the proposals and have no raised objection.

9. Whether the development would have an acceptable impact on local security

The proposals are for a residential development on a busy street close to local shops and amenities. It is not considered that there are any specific security risks associated with the site. Notwithstanding this residents have raised concern regarding possible issues around the boundary between the site and houses on Princes Park Avenue. It is suggested that a condition could be attached in order to secure details of the boundary treatment and external lighting in order to ensure that this issue is dealt with.

It is considered that the proposals would not have a harmful impact on local security.

10. Whether the proposals make adequate accessibility provision

Major developments are required to provide 10% wheelchair accessible or adaptable units. The development would comply with this.

The proposals would comply with policy DM03 of the Development Management Policies Document and the accessibility requirements of the London Plan.

11. Section 106 Issues

The development would be required to make contribution to Barnet Community Infrastructure Levy and Mayoral Community Infrastructure Levy.

Since the time of the previous planning application, the Council has Adopted a Supplementary Planning Document on Skills, Employment, Enterprise and Training. This would normally require that such a scheme would enter to into a Local Employment Agreement as well as providing apprenticeships. Given the limited surplus generated by the development, it is not considered that it would be reasonable to require such measures, taking into account the proposed affordable housing and CIL contributions.

5.4 Response to Public Consultation

Principle

Too many flats for the plot – *Addressed in main report, development is of appropriate density*

Overdevelopment *Addressed in main report, development is of appropriate density and is not considered to amount to overdevelopment*

Excessive Density *Addressed in main report, development is of appropriate density*

Applicant has not been honest about transactions on the land and this information should be void – *Generally the purpose of the viability assessment is not scrutinise the applicant's trustworthiness, but the proposed provision of affordable housing. The applicant has provided a viability report and this has been independently assessed*

The applicant has not addressed the concerns of light consultants and architects on behalf of residents. – *These documents have not been submitted as part of this application but were on previous ones. Officers have assessed this within the report*

Developer previously said it isn't viable to lower height *This is not a reason for withholding permission. The viability of the development has been assessed*

The previous concerns of residents have not been addressed. *Addressed in main report*

Use is not appropriate for the area. - *Residential development is considered appropriate for the area.*

Character and Appearance

Development far too large – *Addressed in main report*

Out of keeping with rest of area - *Addressed in main report*

Building is too dominant - *Addressed in main report*

Building is too close to Decoy Brook – *Addressed in main report*

There should be more green space surrounding the development *The spacing provided is considered adequate with regard to the character of the area*

Amenity

Loss of privacy - *Addressed in main report*

Loss of light - *Addressed in main report*

Light report on behalf of residents suggest that the proposals are contrary to BRE guidance *These documents have not been submitted as part of this application but were on previous ones. Officers have assessed this within the report. BRE guidance is one consideration however not the only consideration when assessing this impact*

Applicant has not visited properties on Princes Park Avenue – *This is not reason to withhold planning permission.*

Survey provided of Hours in Sun is not a legitimate survey - *Officers have assessed this within the report. Whilst some weight has been given to this, this is not the only consideration when looking at this issue.*

Building is closer to James Close - *Addressed in main report*

Noise and Disturbance - *Addressed in main report. Noise and disturbance during construction is not a reason to withhold planning permission, however a condition is attached to require construction management plan.*

Does not address previous concerns that the building will appear overbearing – *Addressed in main report*

Daylight and Sunlight reports have been submitted by neighbours *Addressed in main report*

No obscure glazing proposed to prevent overlooking *Addressed in main report*

Infringing on rights to light *Rights to light are a civil matter between residents and are not a material planning consideration*

There is no adequate laying out of usable amenity space for the residents of the proposed scheme. - *Addressed in main report – the amenity spaces are considered adequate*

Highway Issues

Impact on parking *Addressed in main report*

Development does not specify that each unit would have it's own parking space *Addressed in main report. Details of parking management will be required.*

Increased traffic *Addressed in main report*

No provision for visitors parking

Potential risk of accidents *Addressed in main report. Highways officers do not consider that there would be a materially greater risk*

Construction will cause traffic issues – *A construction management plan would be secured by a condition*

Environmental Matters

Impact on local wildlife – *Addressed in main report*

Impact on flooding from Decoy Brook – *Addressed in main report*

Loss of trees – *in main report*

Impact of Air Pollution and traffic fumes – *Addressed in main report*

Noise pollution – *Addressed in main report*

Soil survey is out of date – *Noted however a condition is attached to ensure details of site survey for contamination purposes is provided*

Other Matters

Impact on sewage *Addressed in main report. Thames water have been consulted.*

Risk of subsidence and structural issues *These are primarily building regulations matters.*

Are there restrictive covenants on the land *Covenants are not a material planning consideration.*

Increased security risk *Addressed in main report*

Applicants have not accurately represented comments of residents in their Statement of Community Involvement *Noted, residents have the opportunity to put their comments in writing and to speak at the meeting and it is not assumed that this is representative of their views.*

Land by Decoy Brook is covenanted - *Covenants are not a material planning consideration.*

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.

In terms of likely negative impacts, 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 could be 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 proposals would provide additional housing within the borough and, on balance, would not cause materially harm to neighbouring residents, or the character and appearance of the area. They would also have an acceptable impact on highway and pedestrian safety and would make adequate contribution toward affordable housing.

Officers have given some weight to the fact that the development would provide additional housing units within the borough, though it is acknowledged that these are at a high specification. Nevertheless it is not considered on balance that any harm caused by the revised scheme would be material.

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



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LOCATION: 931 High Road, London N12 8QR

REFERENCE:

Received: April 2016

AGENDA ITEM 6

WARD: Woodhouse

APPLICANT: Berkeley Homes (Three Valleys) Ltd and Catalyst Housing Ltd.

PROPOSAL: Variation of S106 relating to F/02217/13

Summary

The applicant seeks a Deed of Variation relating to the Section 106 Agreement associated with Planning Permission reference F/02217/13.

Site Description

The application relates to a site at 931 High Road Finchley which measures 0.92 hectares in size situated on the western side of the High Road (the A1000) in the Woodhouse Ward. North Finchley Town Centre is located to the south of the site. The land is bounded to the south by Highwood Avenue, to the west by Limes Avenue and Highwood Avenue and to the east by the High Road. The site is currently under construction but was previously used for the storage of Motor Vehicles by the Metropolitan Police.

The proposed amendments to the S106 relates to an off site affordable housing payment towards the delivery of affordable units at 1230-32 High Road Whetstone, which is currently being built out by Catalyst Housing on the 21/02/12 under Planning Application Reference B/02471/11. This consent has subsequently been amended under an S73 application on the 05/02/2013 under planning application reference B/02684/12.

MATERIAL CONSIDERATIONS

National Planning Policy Guidance / Statements: The National Planning Policy Framework (NPPF)

On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF replaces 44 planning documents, primarily Planning Policy Statements (PPS's) and Planning Policy Guidance (PPG's), which previously formed Government policy towards planning.

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

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

The London Plan

The London Plan (adopted March 2015) is the development plan in terms of strategic planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The London Plan policies (arranged by chapter) most relevant to the determination of this application are:

People

3.12 (Negotiating affordable housing on individual private residential and mixed use schemes),

Barnet Local Plan

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

Core Strategy (Adoption version) 2012

CS NPPF (National Planning Policy Framework – Presumption in Favour of Sustainable Development),

CS4 (Providing Quality Homes and Housing Choice in Barnet),

Development Management Policies (Adoption version) 2012

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

Relevant Core Strategy Policies:

CS NPPF (National Planning Policy Framework – Presumption in Favour of Sustainable Development),

CS4 (Providing Quality Homes and Housing Choice in Barnet),

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

DM10 (Affordable housing contributions)

The Community Infrastructure Levy Regulations 2010

Planning obligations need to meet the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) to be lawful. Officers have concluded that the planning obligations recommended are legitimate and appropriate under these regulations.

Planning History

Planning Reference: F/02217/13

Site Address: 931 High Road, London, N12 8QR

Proposal: Demolition of existing buildings on the site and the construction of new buildings between three and five storeys in height, to provide 84 self contained flats and 11 houses (all Use Class C3), together with associated access, parking facilities, private amenity space, communal amenity space and landscaping

Decision: Approve subject to conditions

Decision Date: 05.12.2013

Planning Reference: B/02471/11

Site Address: 1230-1232 High Road, London, N20 0LH

Proposal: Erection of six storey building to provide 1,015 sqm of ground floor offices and 39 no. self-contained flats on the upper five floors plus roof top plant room, external amenity space at first floor level. Basement car park for 45 no. cars with cycle storage provision and associated works.

Decision: Approve subject to conditions

Decision Date:

Planning Reference: B/02684/12

Site Address: 1230-1232 High Road, London, N20 0LH

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

Decision: Approve subject to conditions

Decision Date: 05.02.2013

Appraisal

This application seeks to modify the S106 agreement relating to application F/02217/13 dated 05/02/2013.

The modifications sought relate to the off-site affordable housing contribution. The specific changes proposed through this application are detailed below:

Off-Site Affordable Housing

The original planning approval for 931 High Road Finchley included a requirement for six affordable rented units in the form of 5 x two bedroom 3 person units and 1 x 2 bedroom four person units to be provided as part of the development at 1230-1232 High Road Whetstone which is being built out by Catalyst Housing under planning application reference B/02471/11 dated 21.02.2012 as varied by S73 application B/02684/12 dated 05.02.2013.

The original S106 requires that no more than 50% of the open market units at 931 High Road are occupied until such stage as the affordable housing units at 1230-1234 High Road Whetstone have been completed. The clause does allow the clause to be varied by the Council if 'agreed in writing with the Council with the Council acting reasonably and having regard to unforeseeable events such as force majeure'.

The Catalyst scheme at 1230-1232 High Road Whetstone has suffered from various delays in delivery which are not under the control of Berkeley Homes. While the scheme has recently overcome these problems and is currently under construction, it is currently affecting the ability of Berkeley homes to market and sell completed units at 931 High Road.

This issue has been discussed extensively with the Borough's affordable housing officer and as a result of which the applicant is seeking to vary the terms of the S106 to read as follows:

2.2 not to permit the Occupation of more than ninety five percentum (95%) of the Open Market Housing Units on the Land until the Catalyst Development on the Off Site Affordable Housing Land is Substantially Implemented.

A new definition of "Substantial Implementation" is also inserted as follows:

"means the completion of the structural works to first floor level of the Catalyst Development as described in the Catalyst Application and approved by the Catalyst Permission"

Other minor changes are also proposed to the agreement to reflect current legal drafting purposes which do not change the essential nature of the proposal.

The proposed variations to the S106 does not vary the amount of money which Berkeley Homes is paying to Catalyst for the delivery of the affordable housing units,

it merely allows Berkeley Homes to see a greater number of private units and to make the payment to Catalyst Housing on “Substantial Implementation” rather than on completion. The original agreement includes a penalty clause payable by Catalyst in the event that the affordable rented units are either not delivered or subsequently cease to be used as affordable rented accommodation so the proposed changes do not prejudice the delivery of this much needed affordable housing.

As discussed above, the proposed change follows extensive discussions between the applicant and the Borough’s Affordable Housing Officer who supports the changes. The changes to the clause above are considered to be acceptable.

Conclusion

The Local Planning Authority considers the proposed changes to the S106 are acceptable. As part of the appraisal process the Affordable Housing Officer has been consulted. This application is recommended for approval.

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Location **Barnet Burnt Oak Leisure Centre Watling Avenue Edgware HA8 0NP**
AGENDA ITEM 7

Reference: **16/2838/S73** Received: 28th April 2016
Accepted: 28th April 2016

Ward: Burnt Oak Expiry 23rd June 2016

Applicant: Mr Brian Page

Proposal: Variation of condition 1 (Hours of Use) of planning permission H/011110/14 dated 06/05/14 for, 'Variation of condition 1 (Hours of Use) of planning permission W/01483M/05 dated 23/03/05 for ('Variation of Condition 10 of planning permission reference W01483D/01 dated 12.09.01 to extend opening hours of the centre only by one hour from 9am to 8am, Monday-Friday.) Variation is to allow the centre to open at 7.30am Monday to Friday.' Variation to extend the opening hours of the Gym and studio to 6.45am to 10pm Mondays to Fridays only

Recommendation: Approve subject to conditions

- 1 The Leisure Centre and car-park shall not be open to the public before 07.30 or after 21.00 on Mondays to Fridays and before 09.00 and after 18.00 on Saturdays, Sundays or Public Holidays excluding the gym, studio and car park (for users of the gym and studio only) to the Leisure Centre that shall be open to the public at 06.45am - 10.00pm Monday - Fridays . The external areas (excluding car park) shall not be open to the public before 09.00 or after 21.00 Mondays to Fridays and before 09.00 or after 18.00 on Saturdays, Sundays or Public holidays.

Reason: To protect the amenities of adjoining residential occupiers.

Informative(s):

- 1 The plans accompanying this application are:
Noise Impact Assessment; Application Form
- 2 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. 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.

Officer's Assessment

1. Site Description

The application site comprises of a large detached purpose built sports building known as 'Burnt Oak Leisure Centre' located to the south of Watling Avenue with Mostyn Road to the east, Blundell Road to the south and Montrose Avenue to the west.

The building is set back from the main highway of Watling Avenue, to the rear of the residential properties with vehicle access sited in between no's 204 and 206 Watling Avenue.

The leisure centre features an indoor gym studio and sports hall positioned on the western side of the site, tennis courts located in the northern corner, a turfed pitch in the centre of the site and open fields at the southern and eastern corners.

A car park is located to the northeastern boundary of the site and is accessed from Watling Avenue.

The application site is located within the Watling Estate Conservation Area.

The leisure centre is bounded by residential gardens of dwellings facing onto Watling Avenue and Blundell Avenue separated by a buffer of high dense trees.

The site currently operates between 7.30 to 21:00 Monday to Friday and 09:00 - 18:00 Saturdays, Sundays and Public Holidays.

2. Site History

Reference: 15/07006/S73

Address: Barnet Burnt Oak Leisure Centre, Watling Avenue, Edgware, HA8 0NP

Decision: Refused

Decision Date: 29 February 2016

Description: Variation of condition 10 (Opening hours) of planning permission W01483D/01 dated 12/09/2001 for 'Construction of part single, part 2 storey sports and community centre with associated car parking. Variation to include change of hours from Monday to Friday 7.30am - 9pm to 6.45am - 10pm

Reason:

'Insufficient information has been provided to accurately determine potential noise effects on the amenity on adjoining residential occupiers. In the absence of this information, the development would have a detrimental impact on the amenity of neighbouring occupiers contrary to Policies DM01, DM04, DM06 and DM13 of the Barnet Development Management Plan DPD and Policy CS5 (Protecting and enhancing Barnet's character to create high quality spaces) of the adopted Barnet Core Strategy.'

Reference: H/01110/14

Address: Barnet Burnt Oak Leisure Centre, Watling Avenue, Edgware, HA8 0NP

Decision: Approved subject to conditions

Decision Date: 6 May 2014

Description: Variation of condition 1 (Hours of Use) of planning permission W/01483M/05 dated 23/03/05 for ('Variation of Condition 10 of planning permission reference W01483D/01 dated 12.09.01 to extend opening hours of the centre only by one hour from 9am to 8am, Monday-Friday.) Variation is to allow the centre to open at 7.30am Monday to Friday.

Reference: W01483M/05

Address: Barnet Burnt Oak Leisure Centre Watling Avenue Edgware Middlesex HA8 0NP

Decision: Approved with conditions

Decision Date: 23 March 2005

Description: Variation of Condition 10 of planning permission reference W01483D/01 dated 12.09.01 to extend opening hours of the centre only by one hour from 9am to 8am, Monday to Friday.

3. Proposal

The proposal seeks consent for:

The variation of condition 1 (Hours of Use) of planning permission H/01110/14 dated 06/05/14 for the 'variation of condition 1 (Hours of Use), of planning permission W/01483M/05 dated 23/03/05 for variation of condition 10 of planning permission reference W01483D/01 dated 12/09/01 to extend opening hours of the centre only by 1 hour from 9.00am to 8.00am, Mon - Fri.) Variation is to allow the centre to open at 7.30am Monday to Friday'. Variation to extend the opening hours of the gym and studio to 6.45 to 10pm Mon- Fridays only.

4. Public Consultation

Consultation letters were sent to 202 neighbouring properties.

10 letters of support have been received that make the following points:-

- o Extending the opening hours especially in the morning would be beneficial to the local community
- o Impact on the surrounding area would be minimal given that main road is in close proximity and generates noise.
- o Burnt Oak needs to offer what the public want. Need to compete with other areas and have good amenity and facilities.

5 objection representations have been received that raise the following:-

- o Noise and disruption.
- o People in surrounding properties should be entitled to peace and quiet.
- o Suffering on a daily basis with spotlights blaring in our windows.
- o Cannot open our windows to people shouting and loud speakers.
- o Residential area

4.1 Internal Consultation

Environment Health - No objection

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 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

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, CS5.
- Relevant Development Management Policies: DM01, DM02, DM06, DM13

The Council's approach to extensions as set out in Policy DM01 is to minimise their 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:-

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

5.3 Assessment of proposals

The impact on the amenity of adjoining properties and the character and appearance of the conservation area.

'Burnt Oak Leisure Centre' is bounded by residential gardens of dwellings facing onto Watling Avenue and Blundell Avenue separated by a buffer of high dense trees.

The site currently operates between 7.30 to 21:00 Monday to Friday and 09:00 to 18:00 Saturdays, Sundays and Public Holidays.

This application seeks to limit the extended opening hours to just the gym and studio located inside of the leisure centre from 7.30 - 9.00pm Mon - Fri to 6.45am - 10.00pm Mon - Fri 45mins earlier and one hour later.

A detailed Noise Impact Assessment has been submitted with the application that concludes that the current patron and vehicle traffic during the first 30mins and last 15mins of the existing centre operating hours are very low and it is therefore assumed that should the opening hours be extended similar numbers would be using the facility during the hours of 6:45 - 7.30 and 21.00 -22.00.

The report shows that noise generated during the extended operating hours would be lower than the existing ambient background noise profile of the area and therefore the impact on nearby receivers would not be significant.

Based on this submitted information Environmental Health assessed the report and are satisfied with the more detailed Noise Assessment Report and its contents and have raised no objection to the opening hours of the gym and studio being extended Mon - Fri.

It is considered that overall the low usage of the leisure centre gym and studio between 6.45am - 7.30 and 9.00 -10.00pm involving the use of the car park and the noise levels associated with a car park would not generate any significant increase in noise above the existing ambient noise profile of the area and the existing road traffic on Watling Avenue.

In addition the buffer of high, dense trees on the boundary of the site with the rear gardens of properties aids any noise or disturbance generated.

Furthermore, the leisure centre is a community public facility that needs to remain competitive in the market in order for it to stay open and provide facilities that the public demand. The gym and studio remains a small aspect of the whole centre and the extended opening hours of these facilities would remain inside of the leisure centre and where the hours would be conditioned at any approval. As such, it is not considered that the proposal would result in any detrimental impact on the amenity of adjoining residential properties or the character of the surrounding area above its present status.

The proposed extended opening hours to the gym and studio and its associated comings and goings are considered reasonable and would not result in any additional noise or disturbance to the character and amenity of nearby residential properties as to justify a refusal of the application on this basis.

The proposal does not propose any additional structures or any other feature that would harm the character or appearance of the conservation or heritage values.

Taking all of the above into account, it is considered that the proposed extended opening hours are reasonable and appropriate and relate to the character of the surrounding area. For the reasons outlined above, the proposal is considered to have a satisfactory relationship to the adjoining properties subject to the attachment of appropriate conditions. Accordingly, the proposed development, on balance is considered acceptable in compliance with Policy DM01, DM02 and DM06 of the Development Management DPD, policy CS5 of the Barnet Core Strategy.

5.4 Response to Public Consultation

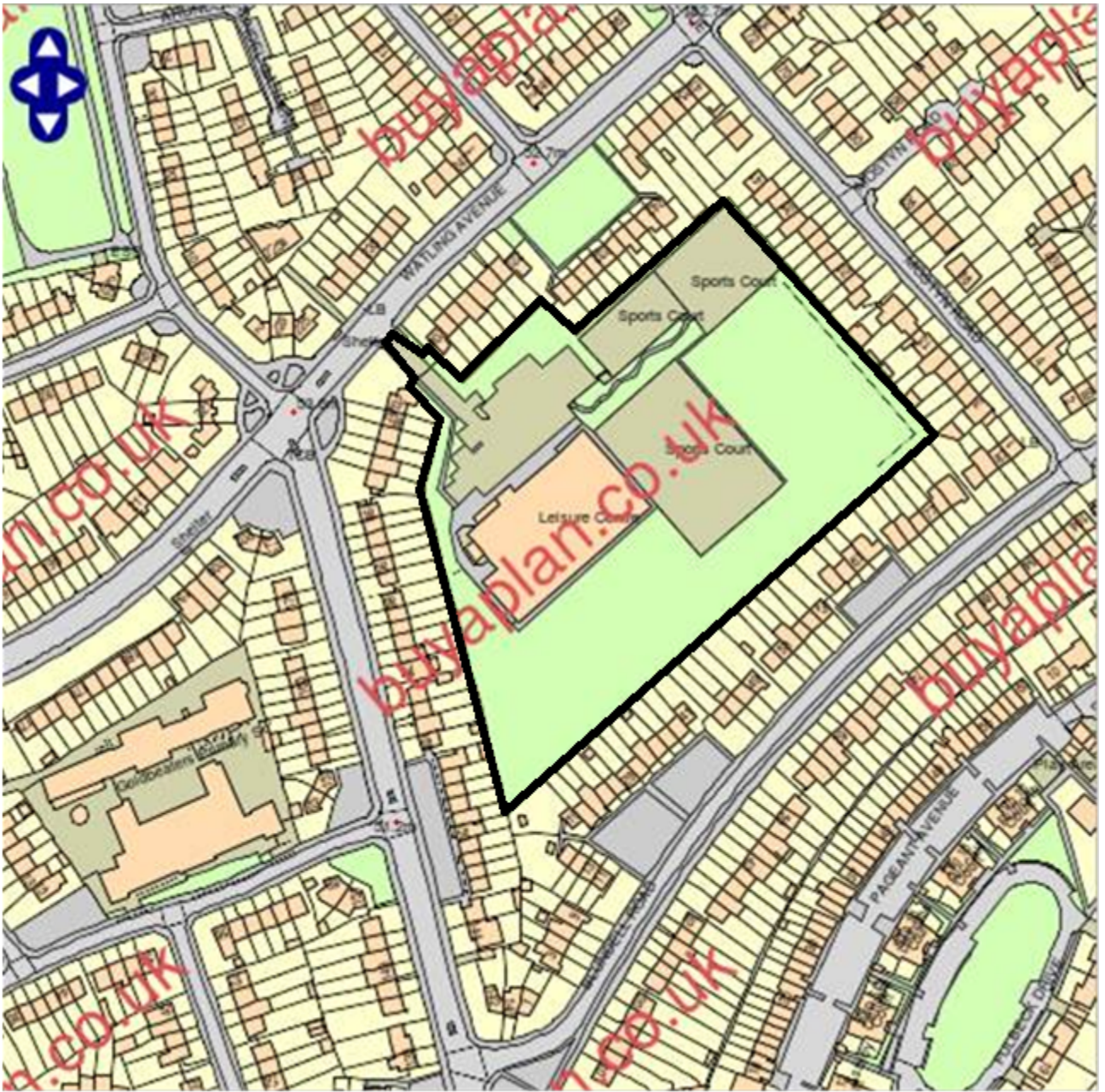
With regard to the impact of the extended opening hours on the amenity of neighbouring residents, it is considered that there are residential properties in close proximity to the application site, and concerns have been raised from residents in respect of noise. However, in this instance it is considered that the proposed extension to opening hours would be restricted to just the gym and studio inside of the building and the car park which would be controlled by condition. As such, it is considered that there would not be an adverse impact on the amenity of neighbours to an extent that would warrant the refusal of the application on these grounds.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would have an acceptable impact on the character and appearance of the application site, the surrounding area and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



Location Belmont Riding Centre Belmont Farm The Ridgeway London NW7
1QT AGENDA ITEM 8

Reference: 15/05843/FUL Received: 18th September 2015
Accepted: 8th October 2015

Ward: Mill Hill Expiry 7th January 2016

Applicant: Mr Andrew Reid

Proposal: Change of use of existing indoor riding school involving its demolition and re-build to provide for the relocation of the existing unauthorised children's Farm. Addition of animal enclosures. Alterations to existing access and provision of 50 no. car parking spaces.

Recommendation: Approve subject to s106

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3. Travel Plan and Monitoring of the Agreement
A contribution of £5,000 contribution towards the Council's Costs in monitoring the obligations of the agreement in order to ensure that the objectives of the proposed Travel Plan are met.

RECOMMENDATION II:

That upon completion of the agreement the Service Director of Development Management and Building Control approve the planning application under delegated powers subject to the following conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. A.47,060, Sk LE-01, Transport Statement dated April 2012, Environmental Noise Survey 7148.ENS.01 dated 16/03/2016, BCF-201 Rev B, Sk LE-05, Sk LE-04, SK LE-03, BCF-200 Rev A, SK LE-13, SK LE-12, SK LE-05, SK LE-04, SK LE-03, SK LE-02, SK LE-01 and Planning Statement dated September 2015.

Reason:

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

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

Reason:

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

3 Before the development hereby permitted is occupied, a maximum of 50 parking spaces shall be provided in accordance with the revised parking layout drawing to be submitted and approved in writing by the local planning authority, to include the provision of disabled parking and electronic vehicle charging points in accordance with London Plan standards. Thereafter the parking spaces shall be used only for the visitors to the children's farm and not to be used for any purpose other than the parking and turning 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 highway safety in the free flow of traffic in accordance with the London Borough of Barnet's Policy CS9 of Core Strategy (Adopted) September 2012 Policy and Policy DM17 of Development Management Policies (Adopted) September 2012 and London Plan Policy 6.13 'Parking'

4 The use hereby permitted shall not be open to customers before 8.00am to 10.00pm on weekdays, Saturdays or Bank Holidays; and 9.00am to 7.00pm on Sundays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

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

Reason:

To safeguard the visual amenities of the locality.

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

Reason:

To ensure a satisfactory appearance to the development.

7 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.

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

Reason:

To ensure a satisfactory appearance to the development.

9 The car park shall only be used by users and employees of the Children's Farm.

Reason: To protect residential amenity, the character, appearance and openness of the general locality, and ensure highway conditions are not prejudicial to the free flow of traffic.

10 No children's play facilities (permanent or temporary) shall be provided within any part of the Mill Hill Conservation area.

Reason: To protect the character and appearance of the conservation area.

11 Prior to the commencement of the development details of outdoor seating/picnic areas shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with these details thereafter.

Reason: To protect the character, appearance and openness of the general locality.

12 No business networking events, workshops or seminars, unless specifically relating to farming, shall take place at any time.

Reason: To ensure activities unrelated to the children's farm and inappropriate in the green belt do not occur.

13 The development shall be implemented in accordance with the layout shown on plans Sk LE-12 and Sk LE-13 and shall permanently be maintained thereafter.

Reason: To safeguard the openness of the green belt and character of the locality.

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

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

Reason:

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

15 Before development commences, the recommendations of the Clement Acoustics report reference: 7148.ENS.01 dated 16th March 2012 shall be implemented and noise calculation information in relation to the proposed plant shall be submitted to the Local Planning Authority for approval, this should assess the likely noise impacts from the

development of the mechanical plant. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

It should include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The approved measures shall be implemented in their entirety before (any of the units are occupied / the use commences).

Reason:

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

16 The use of the site shall be as a Community Farm (Class D2) with associated ancillary facilities.

Reason: To ensure that the development does not harm the openness of the green belt and the amenities of neighbouring occupiers.

17 Before the development is occupied the Travel Plan shall be submitted and approved by the Local Planning Authority. This should include the appointment of a Travel Plan champion. The Travel plan should be reviewed in accordance with the target set out in the Travel Plan.

Reason: To encourage the use of sustainable forms of transport to the site in accordance London Borough of Barnet's Policy CS9 of Core Strategy (Adopted) September 2012 Policy and Policy DM17 of Development Management Policies (Adopted) September 2012.

18 Before the development hereby permitted is commenced a scheme showing disabled access to the property and its principal lower level entrance from nearby pedestrian routes and the disabled persons parking shall be submitted to and approved by the local planning authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use.

Reason: To ensure and promote easier access for disabled persons to the approved building in accordance in accordance with London Borough of Barnet's Policy CS9 of Core Strategy (Adopted) September 2012 Policy and Policy DM17 of Development Management Policies (Adopted) September 2012, London Plan (July 2011) policy 7.2 'An inclusive environment' and table 6.2 'Car parking standards'.

19 Before the development hereby permitted is occupied; Cycle parking spaces shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and 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 site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13 , CS14, DM01, DM04 and DM17 of the Barnet Local Plan and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

21 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).

RECOMMENDATION III:

1 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 16 September 2016 unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason:

The development fails to provide a legal undertaking to provide a contribution towards the associated monitoring costs to mitigate on-street parking impact in the vicinity of the site, contrary to policy DM17 OF THE Development Management Policies DPD and the Planning Obligations SPD.

Informative(s):

- 1 In accordance with paragraphs 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. 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 In case if any modification is proposed or required to the existing access off the public highway then it will be subject to a detailed investigation by the Crossover Team in Environment, Planning & Regeneration Directorate. This may involve relocation of any existing street furniture and would need to be done by the Highway Authority at the applicant's expense. Estimate for this and any associated work on public highway may be obtained from the Environment Planning & Regenerations Directorate.
- 3 Any details submitted in respect of the Demolition and Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.
- 4 Transport for London has recommended that at Delivery & Servicing Plan (DSP) for the proposal should be produced and submitted for the local authority's approval prior to the occupation of the site.
- 5 The London Plan promotes electric vehicle charging points with 20% active and 20% passive provision and should be provided. The parking layout should include provision of electric charging points for all elements of the development.

- 6 The applicant is advised that The Burroughs is part of Traffic Sensitive Route from 8.00am-9.30am and 4.30pm-6.30pm Monday-Friday.
- 7 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

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

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

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:1997 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

Officer's Assessment

Background Information

Members will recall that the application was reported to this committee at its meeting on 31st March 2016 at which it was resolved to approve subject to the completion of a S106 Agreement.

In the intervening period the applicant has raised concerns in respect of the wording of three conditions and the potential adverse impact their imposition would have on the viability and economic running of the Community Farm. Amendments to the conditions have been suggested and these are summarised in an email from the applicant's agent which is set out below.

"The conditions as originally proposed were unworkable and as drafted Mr Reid would not have risked investing the considerable money necessary to carry out the relocation of the Community Farm and building the new facility.

The conditions that were contentious were:

Original Condition 10 - No children's play facilities (permanent or temporary) shall be provided outside the building.

Objection: The primary concern with this condition is the restriction on temporary play facilities. We accept that permanent play facilities could potentially impact the Conservation Area, but land surrounding the proposed application site is not in the Conservation area.

Agreed revised wording: Condition 10 - officers will agree the following condition: "No Children's play facilities (permanent or temporary) shall be provided within any part of the Mill Hill Conservation Area".

Condition 12 - No conferences (including the hosting of business networking events, workshops or seminars) shall take place at any time.

Objection:

The wording on the condition above was very problematic for the future operations of the facility. Correspondence has been provided to you from a number of parties. Mr John H Gillet, Chairman of the Mill Hill Neighbourhood Forum explains the views of the Neighbourhood Forum with concerns over the asset the existing Children's Farm facility provides to the community, and this is supported further in a letter from Mr Neil Swan of Starlight Children's Foundation. The comments from Mr Gillet explain the likely difficulties in enforcement of the condition and the vagueness of the wording which would lead to uncertainties in what would be acceptable events at the Children's Farm.

A children's farm has an educational role for children and adults, primarily directed and related to the animals and birds present at the farm and with farming more generally. The focus of the Children's Farm has been recognised and commended by the community; providing educational, interactive and unique experiences relating to farming, animal husbandry and agricultural practices, some of these experiences are provided within workshops, talks, seminars or other similar events.

Condition 12 as above was not precise, it would prevent for example scout and guide groups, rare breed society meetings, charity events and other activities relating to farming, agriculture and cooking. The prevention of community and education groups, such as scouts and guides or charities being able to attend educational events would clearly be working against the intentions of Core Strategy policy CS10.

The key matter we are trying to address in the text above is that condition 12 would have precluded conferences and events with a connection to farming and education and this is simply not reasonable for such a facility.

Agreed revised wording: Condition 12 - officers will agree to the following condition: "No business networking events, workshops or seminars, unless specifically relating to farming, shall take place at any time."

Condition 17 The use of the site shall be as a children's farm with associated ancillary facilities only and for no other purpose.

Objection: The wording of condition 17 is imprecise to the extent that we are not clear what would be required to comply with this condition. Furthermore, we do not believe it would be enforceable unless clarity is provided in the wording. The Inspector considering the appeal of condition 10, highlighted friction between Conditions 10 and 17 also.

Agreed revised wording: Condition 17 The use of the a site shall be as a Community Farm (Class D2) with associated ancillary facilities.

The purpose of this application to relocate the Children's Farm was to reduce its impact on the neighbours and remove conditions which LB Barnet tried to impose that made the farm unworkable.

The way the conditions were proposed would have made it unviable for the economic running of the Community Farm and Mr Reid would have no choice other than to appeal these conditions or close the farm to the public."

It is considered that the suggested amendments to the conditions are acceptable and will facilitate the Community Farm and its relocation to a new more appropriate location within the site.

The revised conditions are set out in recommendation above and they appear at condition 10,12 and 16.

As the S106 Agreement has not yet been completed, no formal decision notice has been issued, the committee has the opportunity to consider the suggested alterations to the conditions.

In all other respects the application remains as previously submitted and the report is set out below as before.

1. Site Description

The proposal site is a parcel of land at Belmont Farm located on the east side of The Ridgeway (within Mill Hill Conservation Area, and Area of Special Character). Part of the site has been used as a riding centre in the past and comprises a building formerly used as an indoor riding school. The unauthorised farm currently occupies what was previously used as a stable block.

The area adjoining The Ridgeway is predominately residential in character however there are a number of schools and similar institutional establishments in the wider area. The land is undulating and there are numerous mature trees along the main roads. The area is designated Green Belt.

The wider holding at Belmont Farm covers an area of some 81 hectares. In appeal decisions in early 2003 the Belmont Estate was found to be a single planning unit in a mixed use consisting of equestrian, agricultural and residential uses. The current site includes an agricultural style building set over 250m back from the Ridgeway and

measures approximately 900sqm (45m by 22m) and has a ridge height of 10m (5m eaves).

The Belmont Farm site as a whole provides a number of uses associated within agriculture and equestrian facilities and includes teaching riding, stabling and grazing 120 to 140 horse and ponies, grazing of sheep and cow's polo and equestrian events, training and breeding race horses and a Café.

The buildings within the site include; The Farmyard (a range of storage buildings for farm machinery); a mobile home; Children's farm building and animal enclosures (also includes reception building and education building); and bungalow located at the north-eastern end of the Children's Farm.

2. Site History

Reference: TCP/00432/15

Address: Belmont Farm, The Ridgeway, London, NW7 1QT

Decision: Trees: 6-week Expired

Decision Date: 17 July 2015

Description: Several Ash and Sycamore (applicant's ref. photo 3) - Trim back branches overhanging Millbrae (repeat of previous work)

Reference: 15/06794/FUL

Address: Belmont Farm, The Ridgeway, London, NW7 1QT

Decision: Approved subject to conditions

Decision Date: 3 February 2016

Description: Relocation of an existing fixed twin mobile home (granted under application W00180BS/07) 100 meters to the north east of its present location

Reference: H/04537/14

Address: Belmont Riding Centre, Belmont Farm, The Ridgeway, London, NW7 1QT

Decision: Approved subject to conditions

Decision Date: 27 October 2014

Description: Change of use, demolition of existing Children's Farm buildings and an existing bungalow to be replaced to provide a 5 bedroom bungalow.[Amended description]

Reference: H/04062/13

Address: Belmont Farm, The Ridgeway, London, NW7 1QT

Decision: Refused

Decision Date: 5 November 2013

Description: Variation of Condition 10 (children's play facilities) pursuant to planning permission reference H/01150/12 dated 03/06/2012. Variation to enable construction of children's play facilities upon Local Authority approval.

Reference: H/04060/13

Address: Belmont Farm, The Ridgeway, London, NW7 1QT

Decision: Refused

Decision Date: 4 November 2013

Description: Variation of Condition 4 (opening hours) pursuant to planning permission H/01150/12 dated 03/06/13. Variations involve extending the opening times for the building, access, and car park from 6:30am to 10:00pm Monday to Friday and 9am to 10pm Saturdays, Sundays and Bank Holidays.

Reference: H/06082/13

Address: Belmont Farm, The Ridgeway, London, NW7 1QT
Decision: Refused
Decision Date: 17 February 2014
Description: Variation of Condition 10 (children's play facilities) pursuant to planning permission reference H/01150/12 dated 03/06/2012. Variation to enable construction of children's play facilities upon Local Authority approval.
High Court Redetermined Appeal Decision: Appeal Dismissed.

Reference: H/05605/13
Address: Belmont Farm, The Ridgeway, London, NW7 1QT
Decision: Refused
Decision Date: 23 January 2014
Description: Variation of Condition 4 (Opening Hours) pursuant to planning permission H/01150/12 dated 03/06/2013. Variations include public opening times from 6:30am to 10:00pm Monday to Friday, and 9:00am to 10:00pm Saturday, Sunday and Bank Holidays.
Appeal Allowed.

Reference: H/01150/12
Address: Belmont Farm, The Ridgeway, London, NW7 1QT
Decision: Approved following legal agreement
Decision Date: 3 June 2013
Description: Change of use of existing indoor riding school to provide for the relocation of the existing unauthorised children's Farm. Addition of animal enclosures. Alterations to existing access and provision of 50 no. car parking spaces.

Reference: H/00554/12
Address: Belmont Farm, The Ridgeway, London, NW7 1QT
Decision: Refused
Decision Date: 22 January 2013
Description: Part demolition, extension and alteration of existing buildings including existing bungalow, and change of use to provide a 4 bedroom bungalow (land currently occupied by children's farm).

Reference: H/00652/12
Address: Belmont Farm, The Ridgeway, London, NW7 1QT
Decision: Approved subject to conditions
Decision Date: 22 January 2013
Description: Demolition of stables and ancillary farm buildings.

Reference: H/04579/11
Address: Belmont Farm, The Ridgeway, London, NW7 1QT
Decision: Approved subject to conditions
Decision Date: 30 July 2012
Description: Installation of an 11.8m high slimline monopole and 2no. equipment cabinets to replace the existing equipment within the existing Vodafone compound at Belmont Farm.

Reference: W00180BQ/05
Address: Belmont Farm, The Ridgeway, London, NW7 1QT
Decision: Refused
Decision Date: 13 April 2005

Description: The Installation of a 10m monopole (telecommunications mast) with telegraph pole design, with 3 No. shrouded antennas, radio equipment housings and ancillary development.

Reference: W00180BL/03

Address: Belmont Farm, The Ridgeway, London, NW7 1QT

Decision: Refused

Decision Date: 6 February 2004

Description: Installation of 27m high telecommunications lattice mast with 6 cross polar antennae and 2 relay dishes and associated equipment cabin and 1.8m high chain-link fence.

Reference: W00180BF/02

Address: Belmont Farm, The Ridgeway, London, NW7 1QT

Decision: Refused

Decision Date: 26 April 2002

Description: Erection of 21 metre high lattice mast with 4 antennae in new post and rail fenced compound, in addition to a separate, ancillary single storey equipment cabin.

Enforcement Notice - The erection of fences, animal and bird enclosures and apparatus.' under reference ENF/01575/09/H and appeal dismissed and enforcement notice upheld.

3. Proposal

The proposals are for change of use of existing indoor riding school involving its demolition and re-build to provide for the relocation of the existing unauthorised children's Farm with addition of animal enclosures and alterations to existing access and provision of 50 no. car parking spaces.

4. Public Consultation

Consultation letters were sent to 53 neighbouring properties.

4 responses have been received, comprising 2 letters of objection and 2 letters of support.

Date of Site Notice: 15 October 2015 and re-posted on 31 December 2015.

The objections received can be summarised as follows:

- Negative impact upon the green belt.
- Light pollution.
- Impact on travel and parking.
- Comments relating to another location and the incorrect siting of the site notice.

The representations received can be summarised as follows:

- The proposal will bring the site back into use.
- Investment for the future of the community.

Other Consultations:

Mill Hill CAAC - The Committee had some reservation about the proposed internal alterations, providing conference room, cinema, etc, and were concerned that this might lead to uses of the building incompatible with its Green Belt status. It was expected that the Council would monitor this carefully.

Environmental Health - No objection, subject to conditions.

Traffic & Development - No objection, comments contained within report.

Transport for London - No comment.

Greater London Authority - At Stage 1, have advised that the Mayor of London does not need to be consulted further on the application.

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 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

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, CS5, CS8, CS9, CS10, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM13, DM14, DM15, 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:

Whether the use of the site for the purposes intended is a form of inappropriate development in the Green Belt and if so are there any very special circumstances which outweigh this harm? (Including whether the associated facilities are reasonably required as part of the farm or form a separate use)

Whether the proposals would preserve or enhance the character and appearance of Mill Hill conservation Area

Whether the proposals would harm neighbouring amenity

Whether the proposals would harm highway safety

Whether the proposals are acceptable in sustainability terms

Any Section 106 Issues

Policy Context:

Policy CS 5 - Protecting and enhancing Barnet's character to create high quality places

We will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design. Developments should : address the principles, aims and objectives set out in the following national design guidance :

By Design, Secured by Design, Safer Places, Inclusive Design, Lifetime Homes and Building for Life:

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 from places within Barnet (as set out in Map 8)

enhance the borough's high quality suburbs and historic areas through the provision of buildings of the highest quality that are sustainable and adaptable

All development should maximise the opportunity for community diversity, inclusion and cohesion and should contribute to people's sense of place, safety and security.

Policy CS 8 ' Promoting a strong and prosperous Barnet

The council and its partners will ensure a strong and prosperous Barnet that provides opportunity for economic advancement.

Policy CS 9 ' Providing safe, effective and efficient travel

'We will promote the delivery of appropriate transport infrastructure in order to support growth, relieve pressure on Barnet's transport network and reduce the impact of travel whilst maintaining freedom and ability to move at will.

We will ensure that new development funds infrastructure (through Community Infrastructure Levy (CIL), Section 106 and other funding mechanisms) that enables Barnet to keep the existing traffic moving and cope with new movements both by all modes of transport.

Ensuring more efficient use of the local road network

In order to enable traffic to flow more smoothly we will prioritise the reduction of congestion, including through encouraging trips to route according to the road hierarchy,

the implementation of development related schemes that also address pinch-points, a review of traffic signals, parking management measures and more efficient freight movements.

Policy CS 10 ' Enabling Inclusive and Integrated Community Facilities and Uses

'The council will work with our partners to ensure that community facilities including schools, libraries, leisure centres and pools, places of worship, arts and cultural facilities, community meeting places and facilities for younger and older people, are provided for Barnet's communities.

We will:

ensure that our programmes for capital investment in schools and services for young people address the needs of a growing, more diverse and increasingly younger population promote the role of schools as 'community hubs', providing a wide range of educational, advice, leisure and support services to children, families and the wider community

support the enhancement and inclusive design of community facilities ensuring their efficient use, and the provision of multi-purpose community hubs that can provide a range of services to the community at a single accessible location

expect development that increases the demand for community facilities and services to make appropriate contributions towards new and accessible facilities, particularly within the regeneration and development areas of the borough or improving existing provision, particularly within town centres

work with the Mayor and cemetery providers to establish current supply of burial space, identify barriers to supply and any necessary changes to planning policy.

In addressing educational needs within Barnet and responding to the need for parental choice we will support proposals for parent promoted schools or 'Free Schools' that. '

Policy DM01 states that:

a. All development should represent high quality design which demonstrates high levels of environmental awareness and contributes to climate change mitigation and adaptation.

b. Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

c. Development proposals should ensure attractive, safe and, where appropriate, vibrant streets which provide visual interest, particularly at street level and avoid blank walls.

d. Development proposals should create safe and secure environments and reduce opportunities for crime and minimise the fear of crime.

Policy DM03 advises that development proposals should meet the highest standards of accessible and inclusive design by demonstrating that they meet the following principles:

i. can be used safely, easily and with dignity by all regardless of disability, age, gender, ethnicity or economic circumstances

ii. are convenient and welcoming with no disabling barriers, so everyone can use them independently without undue effort, separation or special treatment

iii. are flexible and responsive taking account of what different people say they need and want, so people can use them in different ways

iv. are realistic, offering more than one solution to help balance everyone's needs, recognising that one solution may not work for all.

Policy DM04 of the Development Management Policies seeks to separate noise sensitive developments from noise generating sources.

Policy DM06 states that:

- a. All heritage assets will be protected in line with their significance. All development will have regard to the local historic context. Proposals affecting heritage assets which respond to climate change will be expected to maintain the quality of the heritage asset.
- b. Development proposals must preserve or enhance the character and appearance of Conservation Areas.
- c. Proposals involving or affecting the heritage assets set out in table 5.1 should demonstrate they comply with the principles set out in PPS5: Planning for the Historic Environment policy HE6 to HE12.
- d. There will be a presumption in favour of retaining all locally listed buildings and any buildings which makes a positive contribution to the character or appearance of a conservation area.
- e. Archaeological remains will be protected in particular in the identified Local Areas of Special Archaeological Significance and elsewhere in the borough. Any development that may affect archaeological remains will need to demonstrate the likely impact upon the remains and the proposed mitigation to reduce that impact

Policy DM13 advises that new community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety. New community or educational uses will be expected to protect the amenity of residential properties

Policy DM15:

a: Green Belt / Metropolitan Open Land

- 1. Development proposals in Green Belt are required to comply with Planning Policy Guidance 2: Green Belt. In line with the London Plan the same level of protection given to Green Belt land will be given to Metropolitan Open Land (MOL).
- 2. Except in very special circumstances, the Council will refuse any development in the Green Belt or MOL which is not compatible with their purposes and objectives and does not maintain their openness and would harm their visual amenity.
- 3. The construction of new buildings, and changes of use of existing land and buildings, within the Green Belt or Metropolitan Open Land, unless there are very special circumstances, will be inappropriate, except for the following purposes:
 - i. Agriculture, horticulture and woodland;
 - ii. Nature conservation and wildlife use; or
 - iii. Essential facilities for appropriate uses will only be acceptable where they do not have an adverse impact on the openness of Green Belt or MOL.
- 4. Extensions to buildings in Green Belt or MOL will only be acceptable where they do not result in a disproportionate addition over and above the size of the original building or an over intensification of the use of the site.
- 5. The replacement or re-use of buildings will not be permitted where they would have a greater adverse impact on the openness of the area or the purposes of including land in it, compared with the dwellings they replace or the previous buildings use.
- 6. Development adjacent to Green Belt/MOL should not have a detrimental impact on visual amenity and respect the character of its surroundings.

b: Open Space

- 1. Open space will be protected from development. In exceptional circumstances loss of open space will be permitted where the following can be satisfied:
 - i. The development proposal is a small scale ancillary use which supports the use of the open space or
 - ii. Equivalent or better quality open space provision can be made. Any exception will need to ensure that it does not create further public open space deficiency and has no significant impact on biodiversity.

2. In areas which are identified as deficient in public open space, where the development site is appropriate or the opportunity arises the Council will expect on site provision in line with the standards set out in the supporting text [para 16.3.7].

Policy DM17 states that:

a: Road Safety

The Council will ensure that the safety of all road users is taken into account when considering development proposals, and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users.

b: Road Hierarchy

The Council will seek to ensure that roads within the borough are used appropriately according to their status in the defined road hierarchy. In taking into account the function of adjacent roads the council may refuse development proposals which would result in inappropriate road use, or adversely affect the operation of roads in an area

c: Development, Location and Accessibility

The Council will expect major development proposals with the potential for significant trip generation to be in locations which are, or will be made, highly accessible by a range of transport modes.

d: Transport Assessment

In considering planning applications for new development, the Council will require developers to submit a full Transport Assessment (as defined by Department for Transport criteria) where the proposed development is anticipated to have significant transport implications in order to ensure that these impacts are considered. This assessment should include an analysis of accessibility by all modes of transport.

e: Travel Planning

For significant trip generating developments, (defined by Department for Transport criteria), the Council will require the occupier to develop, implement and maintain a satisfactory Travel Plan (or plans) to minimise increases in road traffic and meet mode split targets. In order to ensure that they are delivering this the travel plan will need to contain measurable outputs so that they can be monitored.

f: Local Infrastructure Needs

i. Developments should be located and designed to make the use of public transport more attractive for all users by providing improved access to existing facilities, and if necessary the development of new routes and services, including improved and fully accessible interchange facilities.

ii. The Council will expect development to provide safe and suitable access arrangements for all road users to new developments. Where improvements or changes to the road network are necessary by virtue of an approved development, the Council will secure a Legal Agreement from the developer.

iii. The Council will require appropriate measures to control vehicle movements, servicing and delivery arrangements. Where appropriate the Council will require Construction Management and/or Delivery and Servicing Plans.

iv. Where appropriate, development will be required to improve cycle and pedestrian facilities in the local catchment area by providing facilities on site and/or funding improvements off site

g: Parking management

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

i. 2 or more spaces per unit for detached and semi detached houses (4 or more bedrooms)

ii. 1 or more spaces per unit for terraced houses and flats (1 to 3 bedrooms)

2. Residential development may be acceptable which proposes limited or no parking where either of the following can be demonstrated:

- i. surveys indicate that there is sufficient on-street parking capacity and
- ii. In cases where the proposal is within a Controlled Parking Zone (CPZ) or town centre and surveys indicate there is not sufficient on street parking capacity, the roads outside a CPZ which are in close proximity to the proposal will need to have sufficient on-street parking capacity to accommodate parking from the development and the applicant is willing to enter into a legal agreement which restricts future occupiers from obtaining on street parking permits.

London Plan policy 7.16 states that The strongest protection should be given to London's Green Belt, in accordance with national guidance. Inappropriate development should be refused, except in very special circumstances. Development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set out in national guidance.

Policy 7.22 of The London Plan encourages a thriving farming and land based sector particularly in the green belt but the development plan has no specific policy on farm diversification.

Paragraph 88 of the National Planning Policy Framework when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 89 states that A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry; provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Paragraph 90 states that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order.

5.3 Assessment of proposals

As noted in the site history section above, this application follows the approval of planning application H/01150/12 dated 03/06/13 for 'Change of use of existing indoor riding school to provide for the relocation of the existing unauthorised children's Farm. Addition of animal enclosures. Alterations to existing access and provision of 50 no. car parking spaces.' Two further applications at the site were submitted relating to variations of conditions under references H/05605/13 and H/06082/13. H/05605/13 sought the variation of condition 4 (opening hours). This application was refused, however the subsequent appeal under reference APP/N5090/W/14/2215336 was allowed.

Application H/05605/13 sought the variation of condition 10 (outside play equipment). The application was refused, and the subsequent appeal under reference APP/N5090/W/14/2222194 was dismissed.

It is not considered necessary to re-assess those elements previously considered acceptable. Therefore, this appraisal will focus only on those elements which have not previously received approval.

The changes from the previously approved application H/01150/12 dated 03/06/13 are as follows:

- The proposal now includes the demolition and re-build of the existing indoor riding centre.
- Change in the proposed hours of use of the site.

Policy DM15 states that the replacement or re-use of buildings will not be permitted where they would have a greater adverse impact on the openness of the area or the purposes of including land in it, compared with the dwellings they replace or the previous buildings use. As part of application H/01150/12 dated 03/06/13, it was noted as part of the previous enforcement appeal under reference ENF/01575/09/H, that the appeal inspector considered that 'favourable consideration should be given to proposals for diversification in the Green Belt, where openness is preserved and there is no conflict with the purposes of including land within it. In cases of inappropriate development, any wider benefits of the farm diversification may contribute to the 'very special circumstances'. Re-use of buildings is encouraged and account must be taken of the amenity of nearby residents who may be adversely affected by new types of on-farm development.'

The existing animal and bird enclosures would be removed from their current locations around the stable block part of the site.

It was considered as part of the previous application that given the proposal would relocate the farm to the area within and around the existing Indoor Riding Centre and would be viewed against the backdrop of the indoor riding centre. The riding centre building is a two storey building, of rather utilitarian appearance with dark stained timber cladding and some high level glazing. However the building is well hidden due to the relief of the land, being at a lower level than that visible from the street. Views of the enclosures would be limited from closer to The Ridgeway than the existing unauthorised structures. The larger structures would also be removed.

As such, the visual impact of enclosures being constructed would be more limited than those of the currently unauthorised development and although this did not prevent the development from being inappropriate in planning terms it was considered that the benefits provided by the farm diversification amounted to very special circumstances to that

outweighed the harm caused by the inappropriateness of the development in green belt terms in order to justify the development.

It is noted that the re-use of existing buildings is encouraged and the proposal would result in the demolition and re-build of the indoor riding centre building. However, the dimensions of the building would be the same as that of the existing building and in the same location. As such, although no longer re-using the existing building, the visual impact of the proposal would be negligible in relation to what is currently on the site and the materials used in its construction will be subject of a condition. As such, it is still considered that the benefits of the proposal outweigh the harm caused by the inappropriateness of the development in green belt.

The other alteration from the previously approved application includes the hours of use of the site.

The previous application conditioned that the use hereby permitted shall not be open to customers before 8am or after 6pm on weekdays or before 9am or after 6pm on Saturdays, Sundays and Bank Holidays. However, the proposed opening hours are to follow those considered acceptable by the Planning Inspectorate in the appeal APP/N5090/W/14/2215336 stating that the use of the site shall not be open to customers before 8.00am or after 10.00pm on weekdays, Saturdays or Bank Holidays or before 9.00am or after 7.00pm on Sundays. As part of that appeal the inspector concluded that although there is a need to protect the living conditions of the occupants of Millbrae, that this residential property is not located in an exceptionally tranquil area. The Ridgeway is a busy road linking Edgware and Mill Hill. It is also a bus route with a bus stop immediately outside Belmont Farm. Immediately opposite is the Three Hammers public house from which there is likely to be a degree of noise and disturbance up until closing time in the late evening, which on occasions is likely to be substantial. However, the appellant had justified the longer opening hours on the basis that it is a significant means of generating greater revenue to justify the level of investment needed.

The closing time of 10.00pm on weekdays was considered to be reasonable as it would give a sufficiently large window for activities to take place in the evenings whilst ensuring that the site was substantially clear at a reasonable hour - and well before the closing time of the Three Hammers.

It was also considered that In respect of weekends and Bank Holidays, that there was little case for drawing a distinction between opening and closing times on weekdays and Saturdays.

As such, the changes in hours of use stipulating that the use of the site shall not be open to customers before 8.00am or after 10.00pm on weekdays, Saturdays or Bank Holidays or before 9.00am or after 7.00pm on Sundays is considered to be acceptable.

Impact on the visual amenities of the green belt

The inspector also commented that the children's farm caused harm to visual amenities of the green belt, though this is confined to short distance views from The Ridgeway and has a moderate adverse impact.

As a result of the relocation of the children's farm, it would be sited further into the valley at a lower level. Therefore it would not impact the views the inspector referred to previously. It is recognised that the new location is also sensitive given the views across the Totteridge Valley and its rural character. However, the children's farm would be viewed

against the backdrop of the indoor riding centre. Given the presence of the existing indoor riding centre and the proposed building would appear identical to this and given the more limited visibility of this part of the site, it is not considered that the proposals would harm the visual amenities of the green belt.

Whether the proposals would preserve or enhance the character and appearance of Mill Hill Conservation Area

As part of the previously approved application, it was considered that whilst the proposals would be visible from some public footpaths, its prominence would be diminished and it would not be visible from The Ridgeway or other major public viewpoints. It would also be sited further from Sheepwash Pond. The Indoor riding Centre building is somewhat drab in its appearance. It was not considered that the siting of enclosures around the building would detract from its appearance, nor would it detract from the character and appearance of Mill Hill Conservation Area. The building itself lies just outside the Conservation Area boundary.

The existing front car park is unauthorised, and therefore its removal and subsequent landscaping cannot be given any weight in terms of the improvement to the appearance of the area; it is just restoring the land to its lawful state.

It is considered that the proposals would have a neutral impact overall on the appearance of the conservation area, preserving its character and appearance.

Impact on the amenities of neighbouring occupiers

It was considered as part of the previously approved application, that as a result of the proposed relocation of the access, 30m from the boundary with Millbrae, that the proposals would not materially harm the residential or visual amenities of the occupiers of Millbrae. In addition, as the majority of activity would take place within the former indoor riding centre, the relocated farm and access would be unlikely to materially harm the residential or visual amenities of the occupiers of Sheepwood. As part of the current proposals the majority of the activity would still take place within the location of the former indoor riding centre. As such, it is not considered that the current proposal would harm the residential or visual amenity of any neighbouring occupiers.

Impact on highway safety

The previous scheme under reference H/01150/12 was considered to have an acceptable impact and have not objected to the current scheme.

The Council's Highways department have concluded as per the previously approved application that the scheme would have an acceptable impact subject to conditions and a section 106 agreement to provide a travel plan and monitoring costs.

As no changes are being made to the proposal in terms of parking provision and access alterations from what has previously been approved, it is considered that the proposals would have an acceptable impact on highway and pedestrian safety.

5.4 Response to Public Consultation

Mainly addressed in report above.

The application was re-consulted on and the site notice was re-located to the correct location.

6. Equality and Diversity Issues

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

7. Conclusion

It is considered that any harm caused by inappropriateness of the development within the green belt is justified by the very special circumstances in support of the application. The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



Location **Crispin Road Garage Court Land Between 24 And 26 Crispin Road Burnt Oak HA8 9EN** **AGENDA ITEM 9**

Reference: **16/3725/FUL** Received: 7th June 2016
Accepted: 13th June 2016
Ward: Hale Expiry 8th August 2016

Applicant: Ms Sally Young

Proposal: Demolition of existing derelict garages. Erection of pair of semi-detached, two-bedroom houses for affordable rent. Landscaping and associated cycle storage.

Recommendation: Approve subject to conditions

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

A_BA2-S12_DR_0400; A_BA2-S12_DR_0001; A_BA2-S12_DR_0100; A_BA2-S12_DR_0300; A_BA2-S12_DR_0200 Rev A; A_BA2-S12_DR_0101; Arboricultural Impact Assessment (AGB Environmental); Design and access statement (HTA Design); Planning Statement (HTA Design); Transport Statement (Vectos); Utility record search (Premier Energy Services); Daylight and Sunlight assessment (HTA Design).

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 2015.

- 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 2015.

- 5 a) Notwithstanding the details submitted with the application and otherwise hereby approved, prior to the commencement of the relevant phase of the development (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).

- 6 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 prior to the relevant phase of the development.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any

part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

7 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).

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order shall be carried out within the curtilage of the property without the prior written permission of the local planning authority

Reason: To safeguard the amenities of neighbouring occupiers and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

9 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).

10 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied

to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 11 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of any of the new dwellings (Use Class C3) permitted under this consent, the dwellings shall have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) prior to the first occupation of either of the new dwellings (Use Class C3) permitted under this consent. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 12 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 34.25 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 13 Before the development hereby permitted is occupied cycle parking spaces as per the submitted planning application shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 14 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with

the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

15 Part 1

Before development commences other than for investigative work:

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

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and

- the development of a Method Statement detailing the remediation requirements.

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

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

Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2011.

- 16 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as shown on the tree protection plan approved under Condition 1 of this permission 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 permission.

Reason: To safeguard the health of existing tree(s) 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 (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 17 a) No site works or works on this development including demolition or construction work shall commence until details of the temporary means of enclosure, including boundary treatments to neighbouring properties, 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 site works including demolition and construction work commence, and retained as such throughout the demolition and construction period of the development.

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 during the demolition and construction work 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).

18 No development shall commence until the arrangements to ensure that affordable housing as affordable rent (as defined by the National Planning Policy Framework Annex 2) is provided on site, are submitted to and approved in writing by the Local Planning Authority by means of a legal agreement pursuant to Section 106 of the Town and Country Planning Act (1990). The development shall be implemented in accordance with these details and be retained permanently as such thereafter. The agreement shall provide

(i) That 100% of all housing units to be provided as affordable housing on site are to be occupied on an Affordable Rent tenure as defined in Annex 2 of the NPPF and any future guidance that replaces it.

(ii) For the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing ; and

(iii) For the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

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

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 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames

Water Developer Services will be required. They can be contacted on 0800 009 3921.

- 3 If the development is carried out it will be necessary for any existing redundant vehicular crossovers to be reinstated to footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South London, N11 1NP
- 4 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 5 Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 6 The applicant is advised that for construction works adjacent or affecting the public highways, the council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary.
- 7 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 8 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 9 The applicant is advised that any works required on public highway to facilitate the development will require a separate agreement with the Highways Authority under S184 or S278 of the Highways Act 1980.

10 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

In addition, the applicant is advised that the building on site may contain asbestos. Advice on removal is available at: <https://www.barnet.gov.uk/citizen-home/environmental-health/pollution/hazardous-substances/asbestos.html>

Reference should be made to the uncovering and disposing of asbestos in complying with the contaminated land conditions part 1 and 2.

11 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.

12 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially

registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 7294.

- 13 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 14 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 15 The grant of planning consent confers no rights for any work to be undertaken to a tree on public highway land and you are advised to consult the Council's Principal Arboricultural Officer - Greenspaces and Streets prior to taking any further action
- 16 The applicant is advised that the garages on site may contain asbestos. Advice on removal is available at: <https://www.barnet.gov.uk/citizen-home/environmental-health/pollution/hazardous-substances/asbestos.html>
- 17 Prior to the commencement of the development hereby approved, details and statutory orders of any highways required to be stopped up to facilitate the development shall made under Section 247 of the Town and Country Planning Act 1990. These shall be submitted to and agreed with the Local Planning and Highway Authority.

Officer's Assessment

1. Site description

The site consists of a small garage court (containing 13 garages) on the southern side of Crispin Road. The site is located within a predominantly residential area in Burnt Oak. Deansbrook Road runs to the south of the site connecting Mill Hill with Edgware Road. The site is currently surrounded by hoarding, however within the site there are a number of derelict garages that separates the site from 24 and 26 Crispin Road. The site is located within the Walting Estate Conservation Area. The area is characterised by narrow estate roads leading off from arterial roads. Properties are generally two storey semi detached or terraced properties with a mixture of render or brick external finish. Crispin Road generally comprises of terraces of rendered buildings.

There are trees to the front of the site which are located within the area currently enclosed within the site hoarding. These trees are subject to protections as a result of the conservation area location. There are no listed buildings on adjoining sites which may be affected by any proposed development. There is an existing vehicular access from garages to the site.

2. Site history

None

3. Proposal

Planning permission is sought for the demolition of the thirteen existing garages on the site and the erection of a pair of two storey semi detached dwelling houses. Each property would be a two bed, four person property. The development would be delivered as affordable housing utilising an affordable rent product where rents would be capped at 80% of market rents.

The proposed development is set back from 26 Crispin Road but set further forward than 24 Crispin Road in order to mediate between the established building lines within the street and to reduce as much as possible the impacts on amenity that would arise through the continuation of any of the established building lines.

The proposed development would be finished in an off white render to match the predominant character of building situated most locally to the site. However, the front porches of each dwelling would be finished in brick to reflect the use of brick within the area.

Each property has an internal floor area of 84sq.m. Each property would also have a private rear garden of over 90sq.m

No car parking would be provided on the site and the full needs of the scheme would be met by utilising the onstreet car parking capacity within the area. No trees including the singular tree at the front of the site and the pair at the rear boundary of the site will be removed. The tree at the front would be crown reduced on its southern side.

4. Public consultation

Consultation letters were sent to 193 neighbouring properties.

At the time of writing no objections, comments or representations were received by the Council.

Environmental Health - No objection subject to conditions

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 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

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, CS5, CS9, CS10, CS11, CS15
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM17

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

development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Policy DM04 states that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.

Policy DM17 states that the council will ensure that the safety of all road users is taken into account when considering development proposals, and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users. The council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi detached houses and flats (4 or more bedrooms);
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

2. Residential development may be acceptable:

- i. with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be

demonstrated through a survey that there is sufficient on street parking capacity.

- ii. with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.

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:

- Whether the principle of the development is acceptable
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the proposals would provide an acceptable level of amenity for future residents
- Whether the proposals would have an acceptable impact on highway and pedestrian safety
- Whether the proposals would have an acceptable impact on security in the vicinity of the site
- Whether the proposals would make adequate provision for drainage
- Sustainability Issues

Whether the principle of the development is acceptable

Planning permission is sought for the erection of a pair of semi detached dwellings providing two bedroom four person units following the demolition of garages. The

proposed development would be for the benefit of Barnet Homes and both units would be provided as affordable housing utilising an affordable rent product.

The National Planning Policy Framework promotes a presumption in favour of sustainable development requiring local authorities to permit development which accords with the development plan. A fundamental principle of achieving sustainable development, is the ability of a developer to provide housing, which is affordable and which meets local identified need on a previously developed site.

Policy DM08 (Ensuring a variety of sizes of new homes to meet housing need) states that development should where appropriate provide a mix of dwelling types and sizes in order to provide choice within the Borough, having regard to the borough wide target of 40% affordable housing provision.

Policy CS4 of the Core Strategy DPD (2012) seeks to ensure a mix of housing products in affordable and market sectors to provide choice for all households. Policy DM08 (Ensuring a variety of sizes of new homes to meet housing need) states that development should where appropriate provide a mix of dwelling types and sizes in order to provide choice within the Borough, having regard to the borough wide target of 40% affordable housing provision. Policy DM10 (Affordable housing contributions) seeks the maximum reasonable amount of affordable housing to be provided on all new sites that provide 10 or more units, having regard to the Borough wide target for 40% affordable housing provision.

Policy 3.10 of the Mayor's London Plan (2015) states that affordable rented housing should meet the criteria outlined in Policy 3.10 and be let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

The site to which this application relates is considered to be previously developed land given that the development is to be carried out within the curtilage of an already existing residential development on an area of hardstanding. Furthermore, the all the proposed units are for affordable rent, exceeding the policy requirement for 40% on site affordable housing and exceeding the policy target for 60% of affordable housing to be social or affordable rent. The units are therefore more affordable for future occupiers and will make a more significant contribution to a mixed and balanced community.

The recommendation for planning permission would be subject to a planning condition which would secure the units within the proposed development for the purposes of being affordable housing on an affordable rent product basis.

It is considered that the proposed development would provide a compelling factor in the consideration of all the relevant matters in the planning balance.

The existing site has been derelict and redundant for a long period of time and as a result none of the garages have been used. Consequently, there is no concern arising from the loss of this space with respect to the impact of relocated car parking. As a result, it is considered that the loss of parking is acceptable and the principle of site redevelopment for the purposes of residential development would be acceptable.

Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;

The proposed development would consist of a pair of semi detached dwellings finished predominantly in render with brick porches and grey slate roofs. This design would be consistent with the character of the wider area and the spatial pattern of development around Crispin Road and the Watling Estate Conservation Area in general. The Watling Estate was designed and created in the late 1920s and early 1930s to accommodate people moving out from the slum clearance in inner London. The Watling Estate Conservation Area Appraisal was published in 2007 and identified positive characteristics inherent within the residential areas. These included an estate design and layout which was cohesive and comprehensive. Buildings were all of a similar scale, form and height. Although there was a significant uniformity within the overall development, there were also opportunities for variety including semi detached pairs being interspersed among terraces. In addition, interest is generated by asymmetry within developments. Also found to be positive, were the creation of landscaped areas between dwellings and the highway for communal benefit.

It is considered that the proposed development in the form of a pair of semi detached dwellings would respect and respond to these positive characteristics of the conservation area set out in the conservation area appraisal. The buildings are two storey semi detached dwellings which correspond to the local character. The use of off white render and brick porches would combine the two most common building materials in the estate. The use of hipped roofs would also accord with local character. The building would respond to the established roof lines within the street.

There are two building lines within the street. The terrace to the west is set further back from the road to incorporate an area of grass verge between the curtilage of the properties and the edge of the highway. The terrace to the east sits in a more advanced position, closer to the highway. The front elevation of the proposed development would sit between these two positions and would mediate between the two building lines without harming established patterns of development. The rear building line would however correspond with 24 Crispin Road.

The proposed development would retain visual amenity landscaping to the front to continue this pre existing facility within the street. There would also be sufficient detachment between the two terraces to both east and west which would reflect the original principles of the conservation area.

Of greatest significance, the proposed development would bring back into use a site that has become derelict, unsafe and unattractive. As a result, the proposed development would preserve and enhance the character and appearance of the conservation area.

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

The proposed development would remove a visually unattractive and under utilised site which would improve the visual amenity of immediate neighbours and the street as a whole which would be of significant benefit.

As already stated, the proposed development would be situated between the two established building lines. This aims to reduce the extent and severity of the impact on amenity caused by the relationship between adjoining buildings. The proposed development would be set in advance of the 24 Crispin Road and behind the front building

line of 26 Crispin Road. As a result, the proposed development would be perceptible from the front windows of the former and from the rear windows of the latter.

In respect of the front elevation of 24 Crispin Road, the proposed development would not result in the loss of light to this property and the development would not exceed the 45 degree angle when measured from the nearest window. 26 Crispin Road has been extended at the ground floor following the grant of planning permission in 2012. At ground floor again, the proposed development would not breach the 45 degree angle from the nearest ground floor window. At the first floor level, the proposed development would fail the 45-degree angle on the horizontal plane. This window serves a bedroom (not the main bedroom within the development). However, at the first floor level, the window would not fail the 45 degree angle on the vertical plane and on this basis, it is considered that the proposed development would not be affected in respect of either daylight or sunlight. The submitted sunlight and daylight assessment indicates that despite the tree being in position, the occupiers of the proposed development would benefit from acceptable levels of daylight and sunlight.

Whether the proposals would have an acceptable impact on highway and pedestrian safety

Policy DM17 states that for one and two bedroom units, parking should be provided at a ratio of up to 1 space per unit. This would result in the need to provide at least one car parking space.

The proposed development results in the loss of 13 garages. However none of these are in use and it is considered that the permanent loss of these garages would result in a detrimental impact on highway conditions or the ability of the local road network to accommodate any additional car parking.

Although the removal of the crossover would allow for an additional car parking space to be provided on street kerbside, the access restrictions associated with the crossover area already being abused and as such, no gain would arise as a result. A parking survey has been carried out, these surveys were carried out overnight, and they have established that there is ample on street parking space available on street to accommodate the likely car parking demand associated with this development. On this basis it is considered that the parking demand would be adequately accommodated within the street.

Cycle parking is provided within the curtilage of the site and refuse storage can be accessed in common with other properties in Crispin Road effectively.

Whether the proposed development would constitute an acceptable level of sustainability

The applicant's energy strategy has demonstrated that the proposed development would result in a decrease of 34.25% in respect of Carbon Dioxide above and beyond the 2013 building regulations. A large part of this saving arises from the use of photovoltaics at roof level.

Changes to the accessibility standards which replace Lifetime Homes, which were introduced in 2015 now require developments to provide step free access to dwellings. Where these entrances are above the ground level access, these should then be provided with a lift to provide access. Each dwelling house would be provided with step free access from the street and would therefore qualify as M4(2) accommodation which would be acceptable. Both properties would also have toilets on the ground floor.

Whether the proposed development would harm trees of positive landscape value

The proposed development would have implications on two tree locations on or close to the site. At the front of the site there is a mature Ash tree immediately outside of the hoarding but is within the red site outline. The second location comprises an ash and a pair of sycamores. These are located immediately beyond the rear boundary of the site. The group G1 off site will not be modified by the development and their existence will not have an impact on the amenity of future occupiers. These trees will be protected using agreed measures set out in the British Standard BS5837:2012. The Ash tree at the front of the development will also be retained but will endure crown management during the course of the development to allow the building and the tree to co-exist. The canopy and crown works will not undermine the vitality of the tree and it will still be able to make a positive contribution to the character and appearance of the conservation area.

Community Infrastructure Levy

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail.

The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet.

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013 at £135 per sqm.

However, as the development is for social housing floorspace, the CiL regulations (2010) exempt such development from being liable.

Response to public consultation

No objections were raised

Equality and diversity issues

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

Conclusion

Having taken all material considerations into account, it is considered that the new application satisfactorily addresses the previous reasons for refusal and is therefore considered subject to recommended conditions to comply with the Adopted Barnet Local Plan, London Plan and National Planning Policy Framework policies. This application is therefore recommend for approval.



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Location **Garage Site West Close Banet EN5 3BY**

Reference: **16/3869/FUL**

Received: 13th June 2016

Accepted: 13th June 2016

Ward: Underhill

Expiry 8th August 2016

Applicant: Mr

Proposal: Demolition of existing garages and erection of 3no. two-storey terraced dwellinghouses for affordable rent with associated car parking, cycle storage, refuse storage and amenity space

AGENDA ITEM 10

Recommendation: Approve subject to conditions

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

15-290-D07-01-Rev A; 15-290-D07-02-Rev A; 15-290-D07-10-Rev A; 15-290-D07-11-Rev A; 15-290-D07-50-Rev A; 15-290-D07-100-Rev A; 15-290-D07-200-Rev A; 15-290-D07-201-Rev A; 15-290-D07-202-Rev A; 15-290-D07-203-Rev A; 15-290-D07-204-Rev A; 15-290-D07-300-Rev A; Design and access statement (BPTW); Land contamination assessment (AGB Environmental); Planning Statement (BPTW); Sunlight, daylight and overshadowing assessment (HTA Design); Sustainability statement with energy statement (BBS Environmental); Transport statement with parking survey (Campbell Reith); Tree Survey (AGB Environmental); Topographical Survey (MSurv); Utilities (Premier Energy);

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 2015.

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 2015.

5 a) Notwithstanding the details submitted with the application and otherwise hereby approved, prior to the commencement of the relevant phase of the development (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).

6 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 prior to the relevant phase of the development.

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

7 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).

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order within the curtilage of the property without the prior written permission of the local planning authority.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent TPO trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

9 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).

- 10 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 11 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of any of the new dwellings (Use Class C3) permitted under this consent, the dwellings shall have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) prior to the first occupation of either of the new dwellings (Use Class C3) permitted under this consent. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 12 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 35 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 13 Before the development hereby permitted is occupied cycle parking spaces as per the submitted planning application shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

14 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

15 Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual

Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

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

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

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

Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2011.

- 16 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as shown on the tree protection plan approved under Condition 1 of this permission 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 permission.

Reason: To safeguard the health of existing tree(s) 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 (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 17 a) No site works or works on this development including demolition or construction work shall commence until details of the temporary means of enclosure, including boundary treatments to neighbouring properties, 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 site works including demolition and construction work commence, and retained as such throughout the demolition and construction period of the development.

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 during the demolition and construction work 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).

- 18 No development shall commence until the arrangements to ensure that affordable housing as affordable rent (as defined by the National Planning Policy Framework Annex 2) is provided on site, are submitted to and approved in writing by the Local Planning Authority by means of a legal agreement pursuant to Section 106 of the Town and Country Planning Act (1990). The development shall be implemented in accordance with these details and be retained permanently as such thereafter. The agreement shall provide

(i) That 100% of all housing units to be provided as affordable housing on site are to be occupied on an Affordable Rent tenure as defined in Annex 2 of the NPPF and any future guidance that replaces it.

(ii) For the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing ; and

(iii) For the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

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

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 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.
- 3 If the development is carried out it will be necessary for any existing redundant vehicular crossovers to be reinstated to footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South London, N11 1NP
- 4 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 5 Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 6 The applicant is advised that for construction works adjacent or affecting the public highways, the council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary.
- 7 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from

London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 8 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 9 The applicant is advised that any works required on public highway to facilitate the development will require a separate agreement with the Highways Authority under S184 or S278 of the Highways Act 1980.
- 10 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');

- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);

- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;

- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;

- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;

- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

In addition, the applicant is advised that the building on site may contain asbestos. Advice on removal is available at: <https://www.barnet.gov.uk/citizen-home/environmental-health/pollution/hazardous-substances/asbestos.html>

Reference should be made to the uncovering and disposing of asbestos in complying with the contaminated land conditions part 1 and 2.

- 11 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

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

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 7294.

- 13 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 14 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 15 The grant of planning consent confers no rights for any work to be undertaken to a tree on public highway land and you are advised to consult the Council's Principal Arboricultural Officer - Greenspaces and Streets prior to taking any further action

- 16 The applicant is advised that the garages on site may contain asbestos. Advice on removal is available at: <https://www.barnet.gov.uk/citizen-home/environmental-health/pollution/hazardous-substances/asbestos.html>
- 17 Prior to the commencement of the development hereby approved, details and statutory orders of any highways required to be stopped up to facilitate the development shall be made under Section 247 of the Town and Country Planning Act 1990. These shall be submitted to and agreed with the Local Planning and Highway Authority.

Officer's Assessment

1. Site description

The application site measures 0.06ha and contains 19 garages, accessed from a cul-de-sac accessed from the south side of Ryecroft Crescent. There is an expansive area of open countryside to the west and south of the site which is located within the Green Belt and separates the A411 Barnet Road in the north from the A5189 Totteridge Lane in the south. It would appear that this land is public accessible open space. A minor watercourse runs along the boundary to the rear of the built up area. However, this site is not designated by the Environment Agency as being within a Flood Risk Zone.

Unusually the rear garden for 12 West Close extends southwards along the rear boundary of the garage area between the garages and the open space at the rear.

The applicants have advised that of the 19 garages, nine are void (empty properties) while the others are used as storage facilities. Many of these are used for storage and are not suitable for use for car parking. The immediate street block is principally characterised by two storey semi detached properties and short terraces of three dwellings. There are also chalet bungalows which feature accommodation in the roof space. The site is not in a conservation area and there are no listed or locally listed buildings close to the site. There are no Tree Preservation Orders pertaining to any trees which might constrain the development. The site is located in a PTAL 1b location equating to poor local passenger transport access. Many properties around the site have off street car parking by way of an area of hard standing within the front garden of the property. Abundant on street car parking is available.

Land levels change markedly across the site running downhill from east to west towards the open land to the rear and from north to south towards the rear of St Peter's Close.

2. Site history

There is no site history pertaining to the garage area. However, planning permission was granted in 2001 for a single storey extension to 12 West Close (immediately to the north of the site) and in 2007, planning permission was granted for replacement windows on properties at 51 - 57 Ryecroft Crescent immediately to the east of the site.

3. Proposal

Planning permission is sought for the demolition of all the existing garages and the erection of a short terrace of three, two storey, two bed/four person dwellings. The terrace would constitute a continuation of the existing building form expressed by 8 - 12 West Close. The proposed dwellings would be constructed from brick to match the predominant building material in the area. Each property would have an internal floor area of 83sq.m. The middle property would have a garden area of approximately 45sq.m while the two end of terrace properties would have a fully private and enclosed and usable garden area of approximately 64sq.m. As stated above, the rear gardens would be enclosed by the rear garden of 12 West Close which would separate the development from the open land to the rear. Each dwelling would be provided with a car parking space as well as private refuse and cycle storage space.

4. Public consultation

Consultation letters were sent to 91 neighbouring properties.

No responses were received.

Environmental Health - No objection subject to conditions

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 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

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, CS5, CS9, CS10, CS11, CS15

- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM17

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

Policy DM04 states that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.

Policy DM17 states that the council will ensure that the safety of all road users is taken into account when considering development proposals, and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users. The council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

i. 2 to 1.5 spaces per unit for detached and semi detached houses and flats (4 or more bedrooms);

ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and

iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

2. Residential development may be acceptable:

i. with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be

demonstrated through a survey that there is sufficient on street parking capacity.

ii. with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.

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:

- Whether the principle of the development is acceptable

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;

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

- Whether the proposals would provide an acceptable level of amenity for future residents

- Whether the proposals would have an acceptable impact on highway and pedestrian safety

- Whether the proposals would have an acceptable impact on security in the vicinity of the site

- Whether the proposals would make adequate provision for drainage

- Sustainability Issues

Whether the principle of the development is acceptable

Planning permission is sought for the erection of a pair of semi detached dwellings providing two bedroom four person units following the demolition of garages. The proposed development would be for the benefit of Barnet Homes and both units would be provided as affordable housing utilising an affordable rent product.

The National Planning Policy Framework promotes a presumption in favour of sustainable development requiring local authorities to permit development which accords with the development plan. A fundamental principle of achieving sustainable development, is the ability of a developer to provide housing, which is affordable and which meets local identified need on a previously developed site.

Policy DM08 (Ensuring a variety of sizes of new homes to meet housing need) states that development should where appropriate provide a mix of dwelling types and sizes in order to provide choice within the Borough, having regard to the borough wide target of 40% affordable housing provision.

Policy CS4 of the Core Strategy DPD (2012) seeks to ensure a mix of housing products in affordable and market sectors to provide choice for all households. Policy DM08 (Ensuring a variety of sizes of new homes to meet housing need) states that development should where appropriate provide a mix of dwelling types and sizes in order to provide choice within the Borough, having regard to the borough wide target of 40% affordable housing provision. Policy DM10 (Affordable housing contributions) seeks the maximum reasonable amount of affordable housing to be provided on all new sites that provide 10 or more units, having regard to the Borough wide target for 40% affordable housing provision.

Policy 3.10 of the Mayor's London Plan (2015) states that affordable rented housing should meet the criteria outlined in Policy 3.10 and be let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

The site to which this application relates is considered to be previously developed land given that the development is to be carried out within the curtilage of an already existing residential development on an area of hardstanding. Furthermore, the all the proposed units are for affordable rent, exceeding the policy requirement for 40% on site affordable housing and exceeding the policy target for 60% of affordable housing to be social or affordable rent. The affordable rent level proposed for these units is 65% of the local market rent level which is lower than the 80% market rent threshold as defined in national planning policy. The units are therefore more affordable for future occupiers and will make a more significant contribution to a mixed and balanced community.

The recommendation for planning permission would be subject to a planning condition which would secure the units within the proposed development for the purposes of being affordable housing on an affordable rent product basis.

It is considered that the proposed development would provide a compelling factor in the consideration of all the relevant matters in the planning balance.

The existing site has been derelict and redundant for a long period of time and as a result none of the garages have been used. Consequently, there is no concern arising from the loss of this space with respect to the impact of relocated car parking. As a result, it is considered that the loss of parking is acceptable and the principle of site redevelopment for the purposes of residential development would be acceptable.

Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;

The proposed development would result in the removal of a largely redundant garage block which detracts from the character and appearance of the area and its redevelopment to provide a terrace of three dwelling houses. The proposed development would constitute the continuation of the spatial pattern of development along the western side of West Close.

The proposed development would also respond to the topography of the site and as a result, the size, scale and massing would correspond with existing building lines and ridgelines without appearing incongruous or out of keeping with the established form of development in West Close.

To the rear of the development is an area of open space which is publicly accessible. As such, the proposed development would be highly visible. However, it is considered that given its design, appearance, size and massing, that the proposed development would also be acceptable in this regard.

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

The proposed development would not give rise to any significant harm to the amenity that is currently enjoyed by the occupiers of neighbouring properties.

The proposed development would be situated 5.5m from the flank elevation of 12 West Close and would project by approximately 5.8m from the rear building line. However, the distance from the affected property, the retained open vista to the west and the preservation of a 45 degree line to the nearest window would not unduly affect this property. It is noted that the garden depth of the proposed development is no greater than 8m at which point the garden of 12 West Close wraps around the rear of the proposed properties. Although this brings an area of private rear garden within close proximity to the rear windows of proposed development and that this garden is currently private, it is considered that this garden arrangement is rather unorthodox. Secondly, much of the rear garden's function and use is contained directly to the rear of that property and it is considered that this arrangement should not be used to prevent affordable housing coming forward. This property as well as others around the perimeter of this site benefit from the garage walls also forming the boundary wall of these properties. The demolition of the garages will result in these boundaries being demolished during construction. It is recommended that the boundaries (and the privacy, security and amenity that they provide) should be replaced temporary during construction and permanently following development in accordance with details agreed in writing by the planning authority.

49 - 53 Ryecroft Crescent is over 23m away and 2 - 18 St Peters Close is over 22m away. As a result it is considered that the impact on these adjoining properties is negligible.

Whether the proposals would provide an acceptable level of amenity for future residents

Each of the proposed units exceed the internal space standard for two storey two bedroom four person dwelling houses. Each unit has an internal floor area of 83 sq.m with the standard for such a dwelling being 79sq.m. With the external garden area being 45sq.m for the middle property and 64sq.m for the outer properties it is considered that the private garden areas would be acceptable. Subject to being enclosed by appropriate boundary treatments the proposed garden areas would be acceptable. The proposed development would be orientated west to east and as such, all habitable rooms would benefit from an

acceptable standard of daylight and sunlight and would not endure unacceptable standard of enclosure.

Whether the proposals would have an acceptable impact on highway and pedestrian safety

Policy DM17 states that for one and two bedroom units, parking should be provided at a ratio of up to 1 space per unit. This would result in the need to provide at least one car parking space. Each unit would be provided with an off street car parking space at the front of the property.

The proposal would result in the loss of 19 garages. 9 of these garages are vacant. Of the remaining 10, five of these are occupied by people living more than 200m away. The applicant's transport assessment and parking survey suggests that there is adequate on street parking closer to these occupiers which would accommodate any overspill parking that may occur. In addition, most of the properties in West Close and many more in Ryecroft Crescent have off street curtilage parking. There is also an onstreet car parking area close to the junction with Ryecroft Crescent. As such, it is considered that the parking needs of the properties located with most proximity to the proposed development would be accommodated within the existing infrastructure.

The proposed development would also provide three parking spaces which would equate to one space per unit. This parking provision is considered acceptable. Each unit would be provided with cycle storage. In addition, waste and recyclables would be collected in common with other properties in West Close.

Whether the proposals would make adequate provision for sustainable drainage and flood risk alleviation.

Despite a watercourse at the rear of the site and beyond the additional garden area of 12 West Close, the site is located in Flood Risk Zone 1 and as such no additional measures would be required.

Sustainability

The applicant's energy strategy has demonstrated that the proposed development would result in a decrease of over 35% in respect of Carbon Dioxide above and beyond the 2013 building regulations. A large part of this saving arises from the use of photovoltaics at roof level.

Changes to the accessibility standards which replace Lifetime Homes, which were introduced in 2015 now require developments to provide step free access to dwellings. Where these entrances are above the ground level access, these should then be provided with a lift to provide access. Each dwelling house would be provided with step free access from the street and would therefore qualify as M4(2) accommodation which would be acceptable. Both properties would also have toilets on the ground floor.

CIL

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail.

The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet.

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013 at £135 per sqm.

However, as the development is for social housing floorspace, the CiL regulations (2010) exempt such development from being liable.

Response to public consultation

No objections were raised

Equality and diversity issues

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

Conclusion

Having taken all material considerations into account, it is considered that the new application satisfactorily addresses the previous reasons for refusal and is therefore considered subject to recommended conditions to comply with the Adopted Barnet Local Plan, London Plan and National Planning Policy Framework policies. This application is therefore recommend for approval.



Location **Garages Off Salcombe Gardens London NW7 2NU**

Reference: **16/3372/FUL**

Received: 23rd May 2016

Accepted: 31st May 2016

Ward: Mill Hill

Expiry 26th July 2016

Applicant: Ms Sally Young

Proposal: Demolition of existing garages and erection of 6no self contained flats (within two separate buildings). Reconfiguration of car parking on-site. Associated cycle parking, landscaping and refuse storage

AGENDA ITEM 11

Recommendation: Approve subject to conditions

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

Drawing No. A_BA1 -S05-DR_001 Revision B
Drawing No. A_BA1 -S05_DR_0100 Revision B
Drawing No. A_BA1 -S05_DR_0200 Revision A
Drawing No. A_BA1 -S05_DR_0201 Revision A
Drawing No. A_BA1 -S05_DR_0300 Revision A
Drawing No. A_BA1 -S05_DR_0301 Revision A
Drawing No. A_BA1 -S05_DR_0302 Revision A
Drawing No. A_BA1 -S05_DR_0303 Revision A
Drawing No. A_BA1 -S05_DR_0400 Revision A
Drawing No. A_BA1 -S05_DR_0401 Revision A
Drawing No. A_BA1 -S05_DR_0402 Revision A
Drawing No. A_BA1 -S05_DR_0403 Revision A

Arboricultural Impact Assessment by agb Environmental Ltd, dated 28 April 2016, including Drawing No. 002 (Tree Protection Plan)

Sustainability Report by Bespoke Builders Services Ltd, dated May 2016

Design and Access Statement and Planning Statement by bptw Partnership, dated May 2016

Transport Statement by Campbell Reith Hill LLP, dated May 2016

Daylight, Sunlight and Overshadowing Report by hta Design LLP, dated May 2016

Land contamination Report by Site Remedial Services Ltd

Utility Site Investigation Report by Premier Energy

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 2015.

- 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 2015.

- 5 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).

6 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 2015.

7 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).

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

- 9 Prior to the first occupation of the new dwelling(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 10 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of any of the new dwellings (Use Class C3) permitted under this consent, the two ground floor units shall have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). All other dwellings shall have been constructed to meet and achieve all the relevant criteria of Part M4(1) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) prior to the first occupation of any of the new dwellings (Use Class C3) permitted under this consent. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 11 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 35% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 12 Before the development hereby permitted is occupied the car parking spaces as shown on Drawing No. A_BA1 -S05_DR_0100 Revision B shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 13 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.

- 14 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

15 Part 1

Before development commences other than for investigative work:

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

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

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

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

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

Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2011.

16 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as shown on the tree protection plan approved under Condition 1 of this permission has been erected around existing trees on site and/or at neighbouring sites. 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 permission.

Reason: To safeguard the health of existing tree(s) 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 (adopted September 2012) and Policy 7.21 of the London Plan 2015.

17 a) No site works or works on this development including demolition or construction work shall commence until details of the temporary means of enclosure, including boundary treatments to neighbouring properties, 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 site works including demolition and construction work commence, and retained as such throughout the demolition and construction period of the development.

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 during the demolition and construction work 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).

18 No development shall commence until the arrangements to ensure that affordable housing as affordable rent (as defined by the National Planning Policy Framework Annex 2) is provided on site, are submitted to and approved in writing by the Local Planning Authority by means of a legal agreement pursuant to Section 106 of the Town and Country Planning Act (1990). The development shall be implemented in accordance with these details and be retained permanently as such thereafter. The agreement shall provide

(i) That 100% of all housing units to be provided as affordable housing on site are to be occupied on an Affordable Rent tenure as defined in Annex 2 of the NPPF and any future guidance that replaces it.

(ii) For the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing ; and

(iii) For the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

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

19 Prior to the commencement of development, details of the proposed fenestration including details of materials, glazing bars and frames and reveal depths shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed with the approved details.

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.

- 20 Details of balustrades, fixtures and fittings shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in accordance with the approved details.

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.

- 21 The development shall be carried out in accordance with the details, recommendations and measures of the submitted Tree Survey/Arboricultural Impact Assessment and Method Statement (agb Environmental Ltd).

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 Notwithstanding the approved plans and elevations, prior to the commencement of development, a proposed roof plan shall be provided indicating the design and position of the proposed photovoltaic panels to be installed on the roof surface of the proposed development. The development shall be constructed in accordance with these approved details and be retained permanently thereafter.

Reason: To ensure that the proposed development contributes to sustainable development and to ensure that the design and appearance of the proposed PV array does not harm the character and appearance of the building and the wider area to ensure that the development complies 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).

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

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

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2011.

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 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.
- 3 If the development is carried out it will be necessary for any existing redundant vehicular crossover(s) to be reinstated to footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.
- 4 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.

- 5 Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 6 The applicant is advised that for construction works adjacent or affecting the public highways, the council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary.
- 7 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 8 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 9 The applicant is advised that any works required on public highway to facilitate the development will require a separate agreement with the Highways Authority under S184 or S278 of the Highways Act 1980.
- 10 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
 - 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
 - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
 - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
 - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
 - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
 - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

In addition, the applicant is advised that the building on site may contain asbestos. Advice on removal is available at: <https://www.barnet.gov.uk/citizen-home/environmental-health/pollution/hazardous-substances/asbestos.html>

Reference should be made to the uncovering and disposing of asbestos in complying with the contaminated land conditions part 1 and 2.

- 11 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.

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

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 7294.

- 13 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 14 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 15 The grant of planning consent confers no rights for any work to be undertaken to a tree on public highway land and you are advised to consult the Council's Principal Arboricultural Officer - Greenspaces and Streets prior to taking any further action.
- 16 The applicant is advised that the garages on site may contain asbestos. Advice on removal is available at: <https://www.barnet.gov.uk/citizen-home/environmental-health/pollution/hazardous-substances/asbestos.html>
- 17 Prior to the commencement of the development, details of any works proposed on public highway to facilitate the development shall be submitted to and approved by the Highway Authority and highway works shall only be carried out in accordance with the approved plans.
- 18 Prior to the commencement of the development hereby approved, details and statutory orders of any highways required to be stopped up to facilitate the development shall be made under Section 247 of the Town and Country Planning Act 1990. These shall be submitted to and agreed with the Local Planning and Highway Authority.
- 19 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

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

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

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;

- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 20 The applicant is advised that legal changes under The Water Industry (Scheme for the Adoption of Private Sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes, we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over/near-to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit www.thameswater.co.uk.
- 21 The applicant is advised that there are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of a public sewer. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.

Officer's Assessment

1. Site Description

The application site measures 0.11ha and consists of a cul-de-sac containing 26 garages situated off of the junction between Moreton Close and Salcombe Gardens. It is within the ward of Mill Hill.

Pedestrian and vehicular access to the site is gained from Moreton Close by way of an existing access road. The site is covered in hard surfacing and garages, with the exception of a grassed area fronting Salcombe Gardens.

The site is bounded to the east, west and south-west by existing residential development. Mill Hill Cemetery abuts the application site to the North.

The typology and character of the area is varied. The properties to the east along Salcombe Gardens are pairs of two storey semi-detached dwellings. To the south west is a three storey parade with six commercial units at ground floor, and residential units above. To the west on Moreton Close is a terrace of single storey, flat roof houses (used as sheltered housing).

Planning Officers note that permission has been granted to the west for the demolition of the existing buildings and construction of a three storey building with rooms in the roofspace, to provide extra care residential housing, including 51 x 1 bedroom and 2 bedroom flats (reference: 15/00568/FUL, dated 11 June 2015). This permission has yet to be implemented.

The surrounding properties are characterised by pitched roofs, as well as flat roofs. Materials used on the surrounding buildings are predominantly brick, tiled roofs and render elements.

The application site is not within a conservation area and there are no statutory listed or locally listed buildings within or adjoining the site. There are no Tree Preservation Orders on the application site however trees on the adjacent Mill Hill Cemetery site to the north are included within an area Tree Preservation Order. Mill Hill Cemetery is also located within the Mill Hill Conservation Area. There are no other site specific policy designations or allocations for this site.

The site is relatively level, with no significant level changes.

The site is located within a Flood Zone 1, according to the Environment Agency's Flood Zone Maps. As such, there is no significant risk of flooding.

The site is located in a PTAL 1b location (where 1a is low and 6b is high). There is a regular bus route (the 221) in close proximity to the site on Pursley Road. Mill Hill Underground Station is located approximately 0.7 miles to the east of the site. There is on-street parking bays along Salcombe Gardens and in front of the parade of shops, which are subject to certain restrictions.

2. Site History

Reference: 15/00568/FUL

Address: Land At Moreton Close, Mill Hill, London, NW7 2PH

Description: 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

Decision: Approved subject to conditions

Decision date: 11 June 2015

3. Proposal

The application seeks planning permission for the demolition of all 26 garages and the construction of 6 no. self-contained flats (within two separate buildings). It will also include the reconfiguration of car parking on-site, associated cycle parking, landscaping and refuse storage. The proposed development would utilise the existing access off Salcombe Gardens.

The development would be for the benefit of Barnet Homes and all units would be provided as affordable housing, intended to be for 100% affordable rent.

There are two separate buildings proposed, both accommodating 3 self-contained flats each (thus a total of 6 self-contained flats proposed). The proposed buildings would be three storeys in height with the proposed flats designed laterally on each floor.

Both buildings would accommodate 3 x 2 bedroom 3 person units. All six flats would have one double bedroom and one single bedroom with an open plan kitchen/living/dining area.

Two of the units (on the ground floor of both buildings) will be designed to meet the access standards set out in Part M4(2) of the 2013 Building Regulations, whilst the remaining four units on the upper floors of the building will meet the requirements of M4(1) of the 2013 Building Regulations.

All six units would measure 63 sqm in total floorspace. These would meet the minimum internal space standards set out in the London Plan (MALP 2016).

All dwellings would benefit from generously sized open-plan kitchen/living/dining areas, which would meet the minimum widths and floor areas for living/kitchen/dining areas, as set out in Table 2.2 of Barnet's adopted Sustainable Design and Construction SPD (2013). Minimum bedroom areas and widths, as set out in Table 2.2, would be met.

The ground floor unit in the South block would be provided with approximately 30 sqm of rear garden and 11 sqm of private terrace to the front. The upper two units in the South block would be provided with 6.7 sqm of private balcony, in addition to separate communal garden area of approximately 75 sqm.

The ground floor unit in the North block would be provided with 77 sqm of rear garden area and 8 sqm of private terrace to the front. The two upper units in the North block would be provided with 6.7 sqm of private balcony, in addition to separate communal garden area of approximately 200 sqm.

Taking into consideration the number of habitable rooms (in the total development) these private amenity areas would exceed the minimum London Plan and Barnet standards for outdoor amenity space for the units.

The buildings would be of contemporary design and would have pitched tiled roofs, gable ends with flat roof elements and be constructed in brick, reflecting the design and character of the surrounding properties.

It is considered that all units would benefit from adequate daylight, sunlight, privacy and outlook.

Each unit would be provided with 1x car parking space as well as associated refuse storage and bicycle storage within the rear gardens (with space for 2 bikes per unit).

The North block would be sited at a distance of 1 metre (at its closest point) and 6.2 metres (from its greatest point) from the boundary adjacent to No. 17 Salcombe Gardens, and a distance of 8.2 metres (at its closest point) from No. 13 Salcombe Gardens to the south-west.

The South block would be sited at a distance of over 1 metre from the boundary adjacent to No. 33 Moreton Close to the west, and a distance of 6.6 metres from the boundary adjacent to Mill Hill Cemetery to the north of the site.

4. Public Consultation

Consultation letters were sent to 122 neighbouring properties.

A site notice was erected on 9 June 2016.

A press notice was published on 9 June 2016.

3 responses have been received, comprising 0 letters of objection, 1 letters of support and 2 letters of comment (including 1 letter of comment from Thames Water discussed below).

The representations received can be summarised as follows:

- Comments on behalf of Mill Hill Preservation Society: Support construction of much needed affordable housing however communal garden is poor. The cycle stores should be re-configured to allow more garden space. Also concerns of loss of garages and impact on parking.
- Comments on behalf of Mill Hill Neighbourhood Forum: support this scheme. Small green in the front of properties should be improved as public space with lighting and CCTV. Look of properties appropriate.

Internal and External Consultation responses:-

Traffic and Development Team:

The Traffic and Development team assessment is set out in greater detail in the relevant sections of the report below. In summary, they have confirmed that subject to the imposition of suitable conditions they raise no objection to the development and find the proposal to be acceptable.

Planning Tree Team:

Tree Officers have confirmed that subject to the imposition of suitable conditions they raise no objection to the development and find the proposal to be acceptable.

Thames Water:

Thames Water has advised that with regard to sewerage infrastructure capacity, they would not have any objection to the planning application.

In regards to surface water drainage, Thames Water have advised that it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. An informative has been added accordingly.

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 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

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, CS5.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their 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

Residential Design Guidance SPD (adopted April 2013)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

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:

- Whether harm would be caused to the character and appearance of the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether harm would be caused to the living conditions of future residents.
- Whether harm would be caused to the health and quality of trees
- Whether the development would impact traffic and highways to an unacceptable level

5.3 Assessment of proposals

Principle of development and redevelopment of the site

For areas such as the application site policies CS1 and CS3 of the Barnet Core Strategy expect new developments to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

The proposed development would result in the demolition of the 26 existing garages on the site and their replacement with two buildings accommodating a total of six self-contained flats. These units would be developed by Barnet Homes and would both be intended for 100% affordable rent housing.

The application site has not been identified for any specific use in development plan planning policies, is previously developed land and is situated in an area characterised by residential housing. The land is located within walking distance of a number of bus stops, is close to local amenities and utilises existing access off Salcombe Gardens. As abovementioned, all units are intended to be 100% affordable rent housing,

In such circumstances, Planning Officers find that there is nothing to specifically preclude the redevelopment of the site in the broadest sense, subject to the scheme proposed being compliant with the relevant development plan policies.

As such the principle of redevelopment of the site is deemed acceptable.

Affordable housing

Policy CS4 of the Core Strategy DPD (2012) seeks to ensure a mix of housing products in affordable and market sectors to provide choice for all households. Policy DM08 (Ensuring a variety of sizes of new homes to meet housing need) states that development should where appropriate provide a mix of dwelling types and sizes in order to provide choice within the Borough, having regard to the borough wide target of 40% affordable housing provision. Policy DM10 (Affordable housing contributions) seeks the maximum reasonable amount of affordable housing to be provided on all new sites that provide 10 or more units, having regard to the Borough wide target for 40% affordable housing provision.

Policy 3.10 of the Mayor's London Plan (2015) states that affordable rented housing should meet the criteria outlined in Policy 3.10 and be let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

All proposed units are for affordable rent, exceeding the policy requirement for 40% on site affordable housing and exceeding the policy target for 60% of affordable housing to be social or affordable rent.

The affordable rent level for these units are intended to be 65% of the local market rent level, which is lower than the 80% market rent threshold as defined in the London Plan (2015), and therefore more affordable.

In summary, the units would provide affordable housing for future occupiers above and beyond affordability levels set out in regional policy, and would contribute to providing a mix of housing products for all households.

Design, appearance and character matters

The National Planning Policy Framework (published in 2012) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development.

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

The locality and wider area consists of low to medium density residential development of a suburban character.

The application proposes two detached buildings which are three storeys in height. The two proposed buildings would be sited at a distance of over 10 metres from each other and would be set back from Salcombe Gardens, retaining a degree of openness.

When viewed from the streetscene, the proposed buildings would in line with and set behind the existing three storey parade to the south-west of the site. The front building line of the South Block would be in line with that of the properties to the east. Officers also acknowledge that a three storey building has been granted planning permission to the west (application reference: 15/00568/FUL, dated 11 June 2015).

The proposed dwellings would have pitched roofs, with an element of flat roof projections. In terms of height, size, scale and massing it is considered that these proposed dwellings would not detrimentally harm the local character.

In terms of their design and appearance, the proposed buildings would reflect that of the surrounding properties. Design features would include light red/brown brick and rusticated brick detailing at ground floor, slate grey roof tiles and fenestration with deep reveals. Such features are considered to respond positively to its context and are found to have an acceptable relationship with the neighbouring buildings and spaces.

Conditions have been recommended to ensure that the materials used in for the new building are of an appropriate quality. Conditions are also recommended to ensure that a suitable design and quality of materials are used for the areas of hard and soft landscaping around the new building and means of enclosing the site.

Subject to the conditions recommended, the proposal is found to be acceptable and compliant with development plan policies as they relate to design, character, appearance and landscaping matters.

Quality of accommodation for future occupants

Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings and outdoor amenity space.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new residential accommodation. The council also has adopted SPD's (entitled Sustainable Design and Construction and Residential Design Guidance) providing more detailed guidance on a range of matters related to creating new residential accommodation in addition to the Mayors adopted SPG's (entitled Housing).

Dwelling size:-

The units proposed would both have gross internal areas which would meet the requirements of the London Plan for a dwelling of that type.

Dwelling layout and outlook:-

Development plan policy requires that new dwellings are provided with adequate outlook. The design approach proposed maximizes the outlook of occupiers of the new dwellings, while also taking account of the need to prevent unacceptable levels of overlooking at neighbouring properties.

It is considered that each of the units proposed in this instance have an acceptable degree of outlook.

External amenity space provision:-

Amenity spaces would exceed the requirements of the Council's guidance on the provision of private amenity areas for the relevant type of units.

Privacy and overlooking:-

There are no first floor windows in the flank elevation of No. 17 Salcombe Gardens facing the proposed South Block. Although there are first floor and second floor side windows of No. 13 Salcombe Gardens, the flank elevation is sited at an angle and as such does not directly face proposed habitable windows of the South block. At single storey, there would be no overlooking from No. 33 Moreton Close. There would be no overlooking from the Cemetery to the rear.

It is considered the design and layout of the windows, doors and amenity areas in the dwellings proposed is such that, subject to the provision of suitable boundary treatments and soft landscaping secured through conditions, the new residential units would be provided with an acceptable level of privacy and not suffer unacceptable overlooking.

Daylight and sunlight:-

The submission documents include an assessment of the levels of daylight and sunlight that would be received in the habitable rooms of the dwellings proposed. This was carried out by HTA Design LLP.

The evaluation found that all of the habitable rooms proposed would be provided with adequate levels of daylight and adequate levels of sunlight throughout the year.

Although it is recognised in the study that the proposed garden areas of the buildings may suffer from overshadowing due to their orientation, taking into consideration the planning merits of this scheme, this is deemed acceptable.

The proposal is found to be acceptable in this regard.

Accessibility: -

The applicant that two of the units (on the ground floor of both buildings) will be designed to meet the access standards set out in Part M4(2) of the 2013 Building Regulations.

The applicant has advised that the inclusion of lifts in small blocks such as this has an impact on viability of the development. As such, the remaining four units on the upper floors of the buildings will meet the requirements of M4(1) of the 2013 Building Regulations.

Taking into consideration the merits of the proposed scheme, in particular the deliverability of six units for 100% affordable rent, this is deemed acceptable.

Conclusions on the amenities of future occupiers:-

For the reasons set out above the development, as controlled by the conditions recommended, is found to be compliant with development plan policy.

Impact on amenity of neighbouring occupiers

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

There are no neighbouring occupiers to the north of the application site.

The proposed North block would not project past the rear building line of No. 33 Moreton Close to the west. The North block is sited at a distance of 5.6 metres from the flank elevation of No. 33 Moreton Close. Taking into consideration this distance it is not considered that the proposed North block would impact the visual or residential amenities of these occupiers to an unacceptable level.

In regards to the approved but yet not implemented scheme under reference: 15/00568/FUL, dated 11 June 2015, the approved three storey development would be close to the boundary adjacent to the proposed North Block. There would be side windows facing the proposed development on all three storeys. However, these windows would either serve communal corridors or non-primary windows. Both developments, if implemented, would be three storeys in height. Therefore it is not considered that the development under consideration in this application would impact the visual or residential amenities of occupiers/users of the scheme approved under reference 15/00568/FUL.

The north block would be sited at a distance of 16 metres from No. 13 Salcombe Gardens whilst the south block would be sited at a distance of over 8 metres from the No. 13, which is sited at an angle. It is not considered that the proposed development would impact the visual or residential amenities of these occupiers to an unacceptable level.

The south block would not project past the front building line of No. 17 Salcombe Gardens. It would project past the rear building line of No. 17 Salcombe Gardens by approximately 5.8 metres. The south block would be sited at a distance of 3.8 metres from the boundary adjacent of No. 17 Salcombe Gardens, increasing to a distance of 6.2 metres. There are no first floor side windows at No. 17 facing the application site. Taking into consideration the above points, it is not considered that the proposed development would impact the visual or residential amenities of these occupiers to an unacceptable level.

By virtue of the proposed buildings design, height, massing and an inset from adjoining boundaries, it is not considered that the dwellings would impact the amenity of neighbouring properties to an unacceptable level.

The submission documents include an assessment of the proposals impact on daylight and sunlight of the neighbouring residential properties. This was carried out by HTA Design LLP. The report concludes that there would be no significant adverse impact on the daylight, sunlight or overshadowing received at neighbouring residential properties. Officers accept the findings of this assessment and conclude that the application is

acceptable in terms of its impact on the daylight, sunlight and overshadowing at neighbouring properties.

Officers consider that the occupation and natural surveillance that would come from these proposed buildings and their garden areas would provide a greater sense of security for occupiers at the neighbouring properties, compared to the existing garages.

In conclusion, the proposed development is considered to be acceptable and compliant with the relevant development plan policies in regards to the amenities of neighbouring and surrounding occupiers.

Highways and Parking

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 (Travel impact and parking standards) of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

The development site is an existing garage court accommodating 26 garages, 12 of which are occupied according to the applicant. Pedestrian and vehicular access to the site is gained from Moreton Close/Salcombe Gardens by way of an existing access road. The Public Transport Accessibility Level (PTAL) for the site is 1b (where 1a is low and 6b is high).

6 parking spaces are being proposed in total (1 parking space per dwelling). No replacement parking is being proposed for the existing garage parking.

A Transport Statement has been submitted to accompany this application, produced by Campbell Reith Hill LLP. A parking beat survey was undertaken by the applicant. The parking beat survey results have indicated that there is parking available within 200 metres of the development site.

Taking into consideration the PTAL rating of 1b for the site, Highways Officers have considered that the parking provision proposed for the dwellings is in accordance with the Barnet Local Plan, Development Management policy DM17.

Access will be from Salcombe Gardens via the existing access road. Conditions are recommended to ensure that refuse collection points are within an adequate distance of the public highway.

Cycle parking in accordance with the requirements of the London Plan will be provided as part of the proposals.

In conclusion, subject to the conditions recommended, the proposal is considered to be acceptable and compliant with policy in respect of parking, highways and transport matters.

Refuse and recycling

Refuse and recycling storage has been provided for the proposed units.

Notwithstanding the details on the plans submitted, a condition has been recommended to secure satisfactory refuse and recycling facilities are provided at the proposed development.

Trees and Landscaping

Policy DM01 identifies that proposals will be required to include hard and soft landscaping and states that trees should be safeguarded.

There are no trees on site subject to a Tree Preservation Order. The site is predominantly hardstanding and garage blocks. There is a small grassed area to the south, containing a newly planted tree supported by stakes. The trees on the neighbouring site to the North (Mill Hill Cemetery) are subject to a Tree Preservation Order.

An Arboricultural Impact Assessment accompanies the application, produced by agb Environmental Ltd. The report confirms that there is no tree removal or reduction proposed under this application.

Tree Officers has been consulted as part of this application. They have assessed the proposals and advise that the new buildings are located outside the Root Protection Area of the retained trees in Mill Hill Cemetery.

The applicant's report specifies the protection measures to be implemented in order to ensure that there is no negative impact on any trees during the construction of the proposed development. These are considered acceptable by Officers.

Conditions have been recommended to ensure that the landscaping finally installed is of an appropriate design and quality and makes a positive contribution to the area. Subject to these conditions, trees and landscaping matters are deemed acceptable.

Sustainability

In regards to water usage, a condition has been attached to ensure the proposed dwellings are constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulation.

The applicant has confirmed in writing that the proposed development will achieve over 35% reduction in carbon dioxide emission with reference to part L1A 2013 of the building regulations. A condition has been attached accordingly.

Contaminated Land

The application has been accompanied by a Phase 1 Ground Contamination Desk Study (February 2016, agb environmental Ltd).

Officers are satisfied any potential concerns they may have regarding contaminated land issues can be adequately addressed through the conditions recommended in this respect. As such, subject to the conditions recommended, the proposal is acceptable and compliant with development plan policy.

Safety and Security

The design and layout of the development proposed is considered to be such that it would provide a safe and secure environment for users of the proposed buildings and surrounding properties.

Barnet and Mayoral Community Infrastructure Levy

The proposed development is liable for charge under the Barnet Community Infrastructure Levy (CIL) and is liable for charge under the Mayoral CIL.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sqm 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 sqm on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

However, The Community Infrastructure Levy Regulations 2010 make provisions for CIL relief for new social housing. Given the proposals comprises 100% affordable housing, the proposed development will be eligible for Social Housing Relief.

5.4 Response to Public Consultation

- Comments on behalf of Mill Hill Preservation Society: Support construction of much needed affordable housing however communal garden is poor. The cycle stores should be re-configured to allow more garden space. Also concerns of loss of garages and impact on parking.

The location of cycle stores can be secured by condition in the event of an approval. As proposed the rear garden amenity space meets outdoor amenity space standards for all proposed units.

The loss of the garages and impact on parking has been carefully considered and has been recommended for approval by Highways Officers, subject to conditions.

- Comments on behalf of Mill Hill Neighbourhood Forum: support this scheme. Small green in the front of properties should be improved as public space with lighting and CCTV. Look of properties appropriate.

The design and layout of the development proposed is considered to be such that it would provide a safe and secure environment for users of the proposed buildings and surrounding properties.

The implementation of any additional lighting and/or CCTV on the application site would be matter for the applicant. It is not considered reasonable to attach as a condition in this particular instance.

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 careful regard to the requirements of this Section and have concluded that the proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme.

The proposed development would benefit future occupiers/users with disabilities, who are protected under this act, and therefore would support the Council in meeting its statutory equality responsibilities and is a clear merit of the proposed scheme.

7. Conclusion

The application proposes the redevelopment of an existing group of garages into six high quality units, which meet minimum internal and external space standards. All proposed dwellings are intended to be 100% affordable rent.

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

For the reasons set out in the previous sections of this report it is concluded that the proposed development generally and taken overall accords with the relevant development plan policies and constitutes a sustainable form of development. Accordingly, APPROVAL subject to conditions is recommended.



Location **Land Adjacent To 106 -128 Mount Pleasant And 27-37 Langford Road Barnet EN4 9HG**
AGENDA ITEM 12

Reference: **16/3262/FUL** Received: 17th May 2016
Accepted: 2nd June 2016
Ward: East Barnet Expiry 1st September 2016

Applicant:

Proposal: Demolition of garden walls and erection of two 3-storey buildings comprising of 12no. self-contained flats for affordable rent with associated access, car parking, cycle and refuse storage, amenity space and landscaping

Recommendation: Approve subject to conditions

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

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

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

15-290-02 D04-001 Rev A; 15-290-02 D04-002 Rev A; 15-290-02 D04-010 Rev A; 15-290-02 D04-011 Rev A; 15-290-02 D04-050 Rev A; 15-290-02 D04-051; 15-290-02 D04-100 Rev A; 15-290-02 D04-101 Rev A; 15-290-02 D04-200 Rev A; 15-290-02 D04-201 Rev A; 15-290-02 D04-202 Rev A; 15-290-02 D04-203 Rev A; 15-290-02 D04-300 Rev A; 5-290-02 D04-301 Rev A; 15-290-02 15-290-02 D04-500; Design and access statement (BPTW); Ecological Assessment (AGB Environmental); Land contamination assessment (AGB Environmental); Statement of Community Involvement (BPTW); Sunlight/daylight and overshadowing assessment (HTA); Sustainability Statement with energy statement (BBS Environmental); Transport Statement with parking survey (Vectos); Tree survey/Arboricultural impact assessment method statement (AGB Environmental); Utilities - site investigation report (Premier Energy Services).;

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).

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

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

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

- 4 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).

- 5 Prior to the commencement of development, details of the proposed fenestration including details of materials, glazing bars and frames and reveal depths shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed with the approved details.

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.

- 6 Details of rainwater goods, soil and vent pipes, fixtures and fittings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant phase of the development. The development hereby approved shall be carried out in accordance with the approved details.

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.

- 7 Notwithstanding the approved plans and elevations, prior to the commencement of development, a proposed roof plan shall be provided indicating the design and position of the proposed photovoltaic panels to be installed on the roof surface of the proposed development. The development shall be constructed in accordance with these approved details and be retained permanently thereafter.

Reason: To ensure that the proposed development contributes to sustainable development and to ensure that the design and appearance of the proposed PV array does not harm the character and appearance of the building and the wider area to ensure that the development complies 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).

- 8 Refuse and recyclables storage shall be provided and made ready for use prior to the first occupation of the proposed development and shall be retained permanently 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 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).

- 9 Prior to the first occupation of the proposed development, the relocated refuse and recyclables storage and residents' stores for existing residents shall be constructed and made ready for use. These structures shall be retained permanently 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 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).

- 10 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).

- 11 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- 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 The development shall be carried out in accordance with the details, recommendations and measures of the submitted Tree Survey/Arboricultural Impact Assessment and Method Statement (AGB Environmental)

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.

- 14 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and

efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy 5.15 of the London Plan (2015).

- 15 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 35% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012) and policies 5.2 and 5.3 of the London Plan (2015)."

- 16 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent, the units at ground floor level only shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter. All other units shall be constructed in accordance with M4(1) of the Building Regulations.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8, 7.2 and 7.6 of the London Plan (2015) and policies DM02 and DM03 of the Barnet Development Management Policies document (2012)."

- 17 No development shall commence until the arrangements to ensure that affordable housing as affordable rent (as defined by the National Planning Policy Framework Annex 2) is provided on site, are submitted to and approved in writing by the Local Planning Authority by means of a legal agreement pursuant to Section 106 of the Town and Country Planning Act (1990). The development shall be implemented in accordance with these details and be retained permanently as such thereafter. The agreement shall provide

(i) That 100% off all housing units to be provided as affordable housing on site are to be occupied on an Affordable Rent tenure as defined in Annex 2 of the NPPF and any future guidance that replaces it.

(ii) For the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing ; and

(iii) For the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

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

18 Part 1

Before development commences other than for investigative work:

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

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

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

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

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

Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the

Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

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

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

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

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

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

- 20 The proposed car park layout as indicated on the approved drawing LBB-SMP_HTA-L_S03_DR_0900 shall be laid out and made ready for use prior to the first occupation of the proposed development hereby approved.

Reason: In the interests of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 21 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;

- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13 , CS14, DM01, DM04 and DM17 of the Barnet Local Plan and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 22 Prior to commencement of any construction or demolition works detailed application shall be submitted to Highway Authority for approval of amendments to vehicular access from public highway and the access shall be constructed in accordance with the approved plans.

Reason: To ensure that the access is satisfactory in terms of highway safety and 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.

- 23 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).

- 24 Prior to the commencement of the relevant phase of the development, details of mechanical ventilation, extraction and filtration to be installed within the development shall be submitted to and approved in writing by the Local Planning Authority. These details shall be supported by an acoustic statement to ensure that noise and vibration levels both internally and externally from the development do not exceed background noise levels.

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

- 25 The development hereby approved shall not commence until a surface water drainage strategy for the site has been submitted to and approved in writing by the local planning authority.

Reason:

To ensure that the development manages surface water in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-statutory Technical Standards for Sustainable Drainage Systems).

- 26 The development should discharge surface water runoff as high up the discharge hierarchy as possible. Where it is not possible to achieve the first hierarchy, discharge through the ground, applicants must demonstrate in sequence why the subsequent discharge destination was selected. Proposals to dispose of surface water into a sewer, highway drain, surface water body or another drainage system must be accompanied by evidence of the system having spare capacity downstream and acceptance of the surface water by the appropriate authority(ies).

Reason: To ensure that the development discharges surface water from the site in a manner that takes into consideration the statutory duties, legislation and regulatory requirements of authority(ies) receiving surface water and ensures that downstream flood risk is mitigated in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan,

- 27 The surface water drainage strategy shall use SuDS to manage peak surface water runoff rates in accordance with S2 and S3 of the Non-statutory Technical Standards for Sustainable Drainage Systems. SuDS shall be used to provide volume control in accordance with S4, S5 and S6 of the Non-statutory Technical Standards for Sustainable Drainage Systems.

Reason: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development in accordance with in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014,

- 28 The surface water drainage strategy for the site must be accompanied by evidence of an Adopting Authority accepting responsibility for the safe operation and maintenance of SuDS within the development. The Adopting Authority must demonstrate that sufficient funds have been set aside and / or sufficient funds can be raised to cover operation and maintenance costs throughout the lifespan of the development. The Adopting Authority shall be responsible for satisfying themselves of the suitability of the adopted SuDS prior to adoption, and shall keep records of operation and maintenance activities, for possible inspection by the Council.

Reason:

To ensure that the surface water drainage system and SuDS are constructed appropriately and are adopted by an Adopting Authority responsible for the safe operation and maintenance of the system throughout the lifetime of the development. Appropriate construction of SuDS should take into consideration S13 of the Non-statutory Technical Standards for Sustainable Drainage Systems. Operation and maintenance of SuDS should take into consideration the Written

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 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.

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

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 7294.

- 4 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 5 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
 - 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
 - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
 - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
 - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
 - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
 - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.
- 6 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 7 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

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

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

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up

- 8 The applicant is advised that legal changes under The Water Industry (Scheme for the Adoption of Private Sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes, we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over/near-to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit www.thameswater.co.uk.
- 9 The applicant is advised that there are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of a public sewer. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.
- 10 The applicant is advised that it is their responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where you propose to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, and they can be contacted on 0800 009 3921. The above is in order to ensure that the surface water discharge from the site is not detrimental to the existing sewerage system.
- 11 Informative: If the development is carried out it will be necessary for any existing redundant vehicular crossover(s) to be reinstated to footway by the Highway

Authority at the applicant's expense. You may obtain an estimate for this work from the Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

Informative: The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.

Informative: Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

Informative: The applicant is advised that for construction works adjacent or affecting the public highways, the council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary.

Informative: The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

Informative: Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.

Informative: The applicant is advised that any works required on public highway to facilitate the development will require a separate agreement with the Highways Authority under S184 or S278 of the Highways Act 1980.

- 12 Prior to the commencement of the development hereby approved, details and statutory orders of any highways required to be stopped up to facilitate the development shall be made under Section 247 of the Town and Country Planning Act 1990. These shall be submitted to and agreed with the Local Planning and Highway Authority.

Officer's Assessment

1. Site description

The application site is located on land between Mount Pleasant and the Langford Road to the east of the Mount Pleasant roundabout near Cockfosters. The site is currently utilised for residential purposes and comprises two three storey residential blocks. The largest is L - shaped and faces both southwest towards Mount Pleasant and also north west towards the roundabout. A smaller block is situated towards the northeast closer to Langford Road.

The site is predominantly residential in character, although there is a small retail parade on the southwestern side of the roundabout at Mount Parade. There is a small church to the immediate east of that parade. A vacant public house is situated on the northwestern side of the roundabout

The northwestern side of the roundabout largely features large three storey blocks of flats set within spacious amenity areas either side of the junctions with Langford Road and Mount Pleasant. Hamilton Road, Mount Pleasant (south side), Grove Road and Edgeworth Road is predominantly characterised by semi detached dwellings. The roundabout dominates the local area. Immediately to the southeast of the site, the development typology gives way to semi detached two storey dwellings and their rear gardens forms the boundary of the site.

The proposed development would be located on an existing area of hardstanding on the southeastern section of the site which is currently used as a substantial drying area for residents in addition to communal amenity space and storage for refuse and recyclables which is largely hidden from the street by a boundary wall.

The land levels change within the wider area and within the site with the land dropping from northeast to southwest. There is a bus stop situated immediately outside of the site on Mount Pleasant. The site is not located in a conservation area and there are no listed buildings or structures within or adjoining the site which may be affected by the proposed development. The neighbouring property at 104 Mount Pleasant contains a tree which is subject to a Tree Preservation Order.

2. Site history

There is no planning history for the site.

3. Proposal

Planning permission is sought for the erection of two detached three storey blocks of flats to provide 12 units to be used in their entirety as affordable housing. Each of the 12 units would be in the affordable rent tenure and all would be 2 bed units.

The main block would be situated on the southwestern frontage of the site to Mount Pleasant and would infill the gap between the existing block of flats at 106 - 116 Mount Pleasant and the adjoining property at 104 Mount Pleasant which is a two storey semi detached dwelling. This block would project slightly further forward than the existing flatted block but would follow the building line of dwelling houses within Mount Pleasant. In addition, its rear building line would not project beyond that of 104 Mount Pleasant. This block would contain two flats per floor arranged over a central core.

Situated twelve metres to the northeast is a further three storey block providing a further six flats. This block would be situated 23m from the elevation of the existing block (116 - 128 Mount Pleasant) directly opposite to the northwest. The distance from this block to the boundaries with 104 Mount Pleasant is 13m. The garden of 25 Langford Road narrows further towards the rear of the garden meaning that the distance from the rear elevation to the garden boundary increases from 10m to 13m. Each building has balconies on its front elevations meaning that these would be located on the Mount Pleasant frontage and on the elevation facing the 116 - 126 Mount Pleasant.

Each building would be constructed from brick to match the material palette in the area. The Mount Pleasant building would have a hipped roof to match the existing building form adjoining the development. The rear building would have gable ends facing north and south and also towards 1116 - 126 Mount Pleasant. In this regard, the proposed development would be similar to the adjoining block at 27 - 37 Langford Road. Connecting the two new buildings would be a low rise single storey building providing storage for refuse and recyclables and cycle storage.

The proposed building would be located on the site of residents' drying areas and communal open space. The communal open space will be re-provided within the development and enhanced. The site currently provides no car parking on the site, and 12 spaces are to be provided accessed from a new crossover on Langford Road. The

4. Public consultation

Consultation letters were sent to 153 neighbouring properties. 21 representations have been received including 21 objections.

The objections can be summarised as follows:

- o There is insufficient parking in the area, and despite the additional parking being provided, this is not enough.
- o The new car park is directly opposite an objector's property and concern is expressed about the noise and disturbance that this might cause. T
- o The scheme results in a loss of open space which is actively used.
- o The proposed development would have a strain on local resources and community infrastructure.
- o There are more appropriate sites where this development could be located in the Borough and the increase in density would harm the area.
- o This development would overlook properties to the east of the site in Langford Road and Mount Pleasant.
- o There would be a loss of sunlight.
- o There would be lots of noise.
- o The development might harm local trees.
- o Crime is high in the area which would be exacerbated by the proposed development.
- o There have been a lot of car accidents which would be exacerbated by the proposed development.
- o Anti social behaviour is problematic in the area.
- o Loss of play areas and washing/drying areas which are well used.
- o The creation of a through pedestrian route through the development would reduce safety for existing residents.
- o Impact on utilities infrastructure.

- o The parking survey cannot be deemed to be accurate.
- o Inaccuracies in the application submission information.
- o The depth of the communal space from the rear elevation of 27-37 Langford Road to the car parking area is insufficient. Anyone using this area would be encroaching on the privacy of this block.
- o The scheme involves garden grabbing which national and local policy discourages.
- o The proposed development would affect the character, density and environment of the neighbourhood.
- o Concerns that the fire brigade may not be able to access the site and other properties in the area.
- o While affordable housing should be provided, this should not be to the detriment to the existing residents.
- o Effects of construction will cause disruption and harm to amenity.
- o Loss of parking as the new crossover in Langford Road would prevent three cars parking on street.

Highways - No objection subject to conditions

Environmental Health - No objection subject to conditions

Capita Drainage - Objections raised in respect of insufficient detail to address drainage requirements. Conditions can be imposed to secure details that mitigate against the non compliance of this policy.

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 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

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, CS5, CS9, CS10, CS11, CS15
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM17

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

Policy DM04 states that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.

Policy DM17 states that the council will ensure that the safety of all road users is taken into account when considering development proposals, and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users. The council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- 2 to 1.5 spaces per unit for detached and semi detached houses and flats (4 or more bedrooms);
- 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

2. Residential development may be acceptable:

- with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be

demonstrated through a survey that there is sufficient on street parking capacity.

- with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.

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:

- Whether the principle of the development is acceptable
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

- Whether the proposals would provide an acceptable level of amenity for future residents
- Whether the proposals would have an acceptable impact on highway and pedestrian safety
- Whether the proposals would have an acceptable impact on security in the vicinity of the site
- Whether the proposals would make adequate provision for drainage
- Sustainability Issues

Whether the principle of the development is acceptable

Planning permission is sought for the erection of two three storey buildings to provide twelve flats enclosing a parking area on its northern side. The proposed development would comprise of twelve, two bed flats.. The development would be for the benefit of Barnet Homes and all twelve units would be provided as affordable housing utilising an affordable rent product.

The National Planning Policy Framework promotes a presumption in favour of sustainable development requiring local authorities to permit development which accords with the development plan. A fundamental principle of achieving sustainable development, is the ability of a developer to provide housing, which is affordable and which meets local identified need on a previously developed site.

Policy CS4 of the Core Strategy DPD (2012) seeks to ensure a mix of housing products in affordable and market sectors to provide choice for all households. Policy DM08 (Ensuring a variety of sizes of new homes to meet housing need) states that development should where appropriate provide a mix of dwelling types and sizes in order to provide choice within the Borough, having regard to the borough wide target of 40% affordable housing provision. Policy DM10 (Affordable housing contributions) seeks the maximum reasonable amount of affordable housing to be provided on all new sites that provide 10 or more units, having regard to the Borough wide target for 40% affordable housing provision.

Policy 3.10 of the Mayor's London Plan (2015) states that affordable rented housing should meet the criteria outlined in Policy 3.10 and be let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

The site to which this application relates is considered to be previously developed land given that the development is to be carried out within the curtilage of an already existing residential development on an area of hardstanding and communal open space.

Furthermore, all the proposed units are for affordable rent, exceeding the policy requirement for 40% on site affordable housing and exceeding the policy target for 60% of affordable housing to be social or affordable rent. The affordable rent level proposed for these units is 65% of the local market rent level which is lower than the 80% market rent threshold as defined in national planning policy. The units are therefore more affordable for future occupiers and will make a more significant contribution to a mixed and balanced community.

The recommendation for planning permission would be subject to a planning condition which would secure the units within the proposed development for the purposes of being affordable housing on an affordable rent product basis.

It is considered that the proposed development would provide a compelling factor in the planning balance when the evaluation of all the material considerations is undertaken.

Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;

Policy DM01 (Protecting Barnet's Character and amenity) states that proposals should preserve or enhance local character and should respect the appearance, scale, height and pattern of the surrounding area.

The National Planning Policy Framework (published in 2012) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development.

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

The application site consists of the area of hardstanding and communal open space adjacent to existing residential flat blocks. The residential character of the area is mixed and includes either three storey flatted blocks within areas of open space or more established two storey semi detached dwellings. The application site is situated between buildings of both these types. More generally, it is considered that the northeastern and eastern side of the roundabout is predominantly characterised by the larger development typology.

The development seeks to infill the space between 104 and 106 Mount Pleasant with a three storey block that essentially follows the building line along Mount Pleasant. The design and appearance of the building would largely follow that of the existing adjoining flatted block at 106 - 116 Mount Pleasant in respect of building depth, height, roof form and materials. It is considered that the overall building height, size and scale would not appear incongruous within the streetscene. Although it is three storeys in height adjoining two storey dwelling houses, it is considered that the proposed development would not appear incongruous within the streetscene. The proposed development would not be deeper than the dwelling houses and would not project beyond the front building line. On this basis the massing, size and scale in correlation to the proposed dwellings would be acceptable. The proposed development would be constructed of brick to match the existing flatted residential blocks. The hipped roof would reflect the development at 118-128 Mount Pleasant.

The second building would be located to the northeast of the Mount Pleasant frontage and would enclose the space between the three existing blocks. This second, smaller building would be different in design to the first. The building would terminate with gable ends at each end as well as gable ends within the design facing 118 - 128 Mount Pleasant. Although it is acknowledged that balconies are not regularly occurring features within the locality, it is considered that no visual harm would occur and that these features would not detract from the character and appearance of the area.

It is considered that this both buildings would not give rise to overdevelopment and significant spaciousness is retained within and around all five blocks. The proposed development would have a density of approximately 73 units per hectare which would be consistent with the London Plan density matrix in relation to a low PTAL suburban location.

The range suggested by the London Plan density matrix is approximately 50 - 95 units. It is acknowledged however, that overdevelopment is not singularly expressed by the density. Layout, design, access and the protection of amenity are also attributes which contribute to demonstrating whether a site would be subject to overdevelopment. It is considered that the proposed development would be acceptable in this regard.

The proposed development would allow for the existing landscaping to be enhanced within the development. Although the existing 18 flats within the development do not have private amenity space, it is considered that all the open space remaining available to the units would be sufficient in conjunction with the additional garden space that would be created for residents.

New facilities would be provided for residents with respect to refuse and cycle storage by way of a single storey link building. It is considered that this element of the proposal would not be visually harmful.

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

The design and layout of the proposed building has been developed to have regard to the amenity of the existing occupiers of the adjoining blocks within the development at 106 - 116 Mount Pleasant, 118 - 128 Mount Pleasant and 25 - 37 Langford Road. In addition, the orientation and layout of the proposed development has been considered to ensure that the amenity of occupiers of semi detached dwellings in Langford Road and Mount Pleasant are not significantly affected by the development.

Due to its orientation and position within the site, it is considered that the frontage block would not have any harmful impact on the residential amenities of neighbouring properties. It would follow the building line of 104 Mount Pleasant and would not project beyond either the front or rear elevations of this property. It would generate no additional or more harmful overlooking than that arising from 102 Mount Pleasant for example. The proposed development would be 4.5m away from and 7m in advance of the existing block at 106 - 116 Mount Pleasant. There are habitable room windows in the front elevation of this block, supplemented by a secondary window in the eastern elevation. It is considered that the proposed development would not affect this amenity of these nearest units given the that the angle of obstruction is not greater than 45-degrees.

The front elevation of the rear block is 23m away from the rear elevation of 118 - 128 Mount Pleasant and it is considered that the impact is not harmful in respect of either privacy or light. The orientation of the rear block combined with the use of balcony screening would limit the impact on 106 - 116 Mount Pleasant. For the same reason, the proposed development would not have an impact on 27 - 37 Langford Road.

The proposed rear block permits oblique angles to 25 Langford Road windows of less than 21m, however generally to the rear elevation of that property it would be 21m. The distance from the rear elevation to the garden boundary would be less than 10.5m for a short period of the garden boundary distance. However, this would not be harmful to residential amenity and rear windows facing east above ground floor level would be bedrooms and communal stair core. The straight line distance from the rear window to the side boundary would be 13 which is considered to be acceptable.

Whether the proposals would provide an acceptable level of amenity for future residents

Each of the proposed twelve new residential units exceed the standards for internal floorspace set out in the London Plan (as modified in March 2016). Each two bed, three person unit would have an internal floor area of 62sq.m which is greater than the standard of 61sq.m set out in the London Plan (MALP 2016).

Each unit benefits from either a private balcony at the first to third floors. Each of the ground floor units have a screened private garden area. All occupants would benefit from communal open space situated to the rear of the building.

All units would be dual aspect with living rooms, kitchens and dining rooms facing southeast and would therefore be in receipt of daylight. Bedrooms would face towards the northern boundary of the site and the Sternberg Centre which is considered to be acceptable given the lesser demand for daylight and sunlight within these rooms. No primary room windows would need to be obscure glazed.

A daylight and sunlight assessment has been provided with the application which considers the average daylight factor and daylight distribution for each room based on the BRE Guidelines for sunlight and daylight in respect of site layout planning. The proposed development would have an acceptable exposure to sunlight and daylight with bedrooms facing north and key living spaces facing south. The distance between each of the new blocks is approximately 12m and would not have any harmful impact on the amenity of the occupiers of either block.

Whether the proposals would have an acceptable impact on highway and pedestrian safety

Policy DM17 states that for one and two bedroom units, parking should be provided at a ratio of up to 1 space per unit. This would result in the need to provide twelve car parking spaces for the development. There is no car parking on the site at present and the proposed development would generate the full parking needs of the site within the curtilage of the proposed development and off the street. Although the creation of the means of access from Langford Road, would reduce the extent of available kerbside parking in Langford Road, this would not result in a significant impact on parking stress in the area.

The applicants have also commissioned a parking survey which took place on the 19th - 20th April (during school term) in accordance with policy DM17 and established methodology which has determined that the parking stress does not exceed 73% and is therefore acceptable to accommodate any overspill parking that may occur.

Information provided with the application demonstrates that refuse and emergency vehicles would satisfactorily access the proposed development and service the existing properties within this part of the estate.

Whether the proposals would make adequate provision for sustainable drainage and flood risk alleviation.

The site is highly vulnerable development. However, it is located in a Flood Risk Zone 1 area and is therefore appropriately sited to eradicate risks of flooding to residents living on the ground floor of the proposed development.

As the application is for a major development (of 10 or more units), a Sustainable urban drainage system would be required in compliance with the Government's Written Ministerial Statement of 18 December 2014, policies 5.13 and 5.14 of the London Plan and policy CS13 of the Local Plan Core Strategy (2012).

The Council's drainage consultant has requested that the proposed development would require a more detailed drainage strategy to ensure compliance with the appropriate sustainable drainage requirements. Conditions will be imposed to secure this.

Sustainability

The applicant's energy strategy has demonstrated that the proposed development would result in a decrease of over 35% in respect of Carbon Dioxide above and beyond the 2013 building regulations. The substantial part of the proposed saving arises from the use of photovoltaics at roof level. No details of the photovoltaics at roof level are provided on the submitted proposed roof plan and a condition would be required for detailed drawing showing the position and orientation of this provision.

Changes to the accessibility standards which replace Lifetime Homes, which were introduced in 2015 now require developments to provide step free access to dwellings. Where these entrances are above the ground level access, these should then be provided with a lift to provide access. In this case, flats at the ground floor would be M4(2). All remaining flats would be M4(1) compliant. The London Plan states in policy 3.8 that where it can be demonstrated that the provision of a lift may cause practical difficulties, have implications for the viability of schemes or the affordability of service charges, the scheme can fall back to the implementation of standard M4(1). Given that the proposed development would need to provide a lift which would undermine the objective of delivering 100% affordable housing, affordable to tenants who are nominees from the London Borough of Barnet, it is considered that that policy 3.8 of the London Plan supports the provision of units complying with standard M4(1).

The planning statement confirms that the proposed development would accord with the London Plan Standard in relation to water usage per occupant.

Trees and landscaping

There are a number of trees along the boundary of the site with 104 Mount Pleasant. One of these trees are subject to a Tree Preservation Order, but the proposed development is situated a significant distance away from the boundary treatments to prevent harm occurring to these trees. It is considered that the proposed development would not affect the contribution the existing tree makes to landscape value in the streetscene.

There are two more unprotected trees on the northern side of the site close either side of the brick wall boundary on Langford Road. Each of these trees will be lost. However, these trees are not protected by individual or area specific designations. The loss of trees is unfortunate, however, the proposed landscaping strategy of the site provides for additional tree planting across the site which would in time mitigate against this harm.

CIL

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail.

The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sq.m on all 'chargeable development' in Barnet.

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013 at £135 per sq.m.

However, as the development is for social housing floorspace, the CiL regulations (2010) exempt such development from being liable.

Response to public consultation

Lack of parking

The proposed development would provide 12 spaces for 12 units which meets the policy requirements on a 1 to 1 parking spaces basis. There would be very little change in parking conditions on street for other properties in the area. The parking survey has indicated very little parking stress in surrounding areas and access is safe and there would be no impediment to highway safety and access.

Loss of open space

There is substantial open and amenity space surrounding the development and the roundabout. The locality retains a sense of spaciousness despite the proposed development

Loss of amenity

The orientation and layout both within the buildings and the site permits the preservation of existing amenity to acceptable levels for existing residents within the estate and within neighbouring properties.

Loss of trees

The proposed development would result in the loss of two trees, however, these are not protected and would be replaced through the proposed landscaping strategy.

Development density and site appropriateness

The density of the site is still within acceptable parameters as set out in the London Plan. In addition, spaciousness around the site is still apparent.

Noise and disturbance

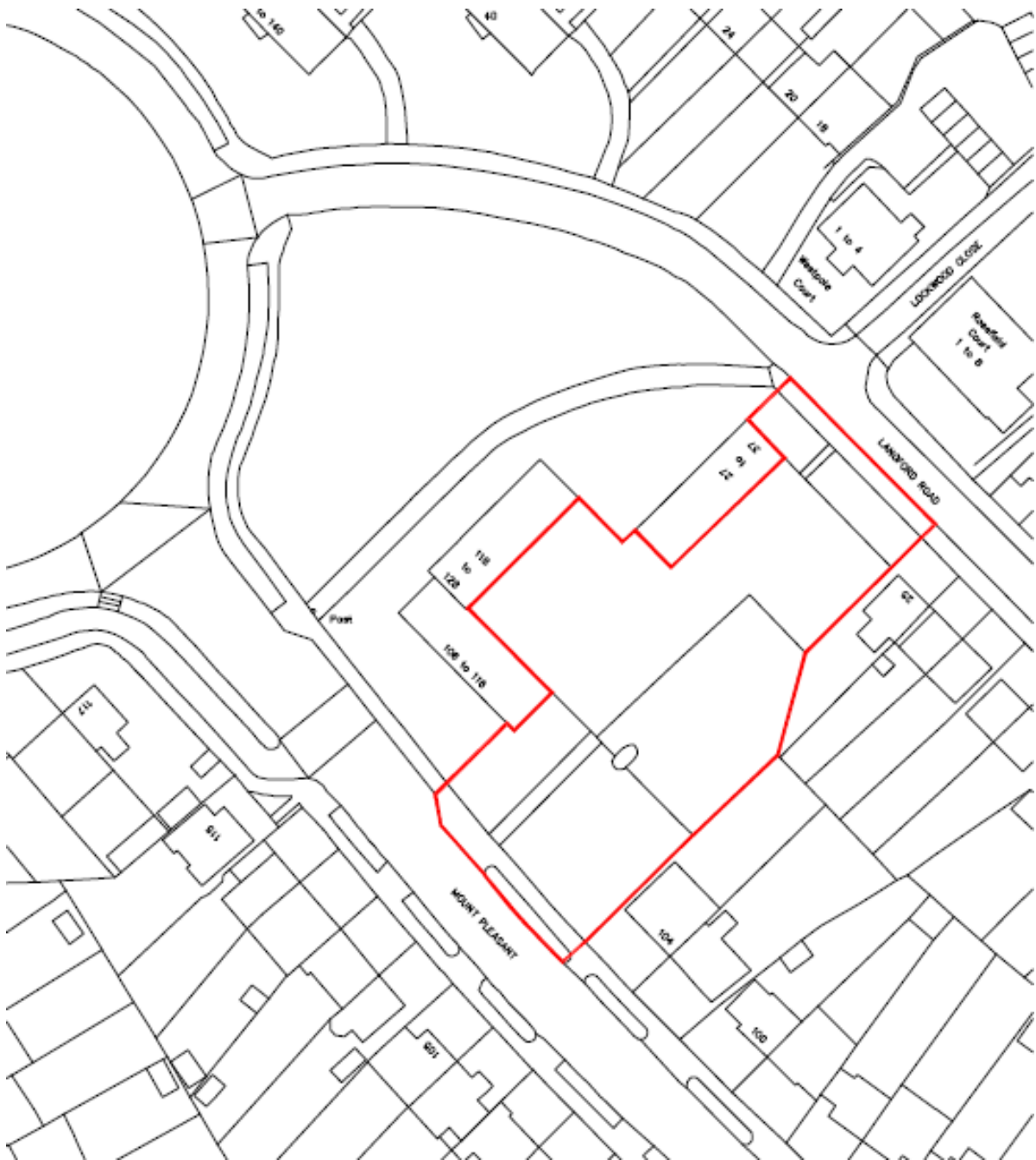
This will inevitably occur during the course of the proposed development, however, this would be controlled by a construction method statement and by the powers of other legislation. The introduction of parking within the scheme would increase noise levels, however, it is considered that this would not differ markedly from existing traffic noise in the a

Equality and diversity issues

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

Conclusion

Having taken all material considerations into account, it is considered that the new application satisfactorily addresses the previous reasons for refusal and is therefore considered subject to recommended conditions to comply with the Adopted Barnet Local Plan, London Plan and National Planning Policy Framework policies. This application is therefore recommend for approval.



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LOCATION: Phase 4B, Millbrook Park, Frith Lane, London, NW7 1HA
REFERENCE: 16/3111/RMA
WARD(S): Mill Hill

Received: 03 May 2016
Accepted: 12 May 2016
Expiry: 11 August 2016

Final Revisions:

APPLICANT: Prime Place (Millbrook) LLP

PROPOSAL: Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 4b of the Mill Hill East development pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011, involving the erection of 188 units in the form of 88 x 1 bedroom flats, 89 x 2 bedroom flats, 12 x 3 bedroom flats, 3 x 3 bedroom house and 4 x 4 bedroom houses, together with details to discharge the requirements of conditions 5, 8, 26, 27, 29, 32, 35, 48, 52, 58,63, 69, 70, 80, 83 and 85

RECOMMENDATION: Approve Subject to Conditions

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

Reason:

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

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

- Site Boundary Plan 30923-BMA-AR-PL-02-01 A3
- Site Location Plan 1:1250 30923-BMA-AR-PL-02-02 A3
- Planning GA - Level 00 30923-BMA-AR-PL-03-00 A1
- Planning GA - Level 01 30923-BMA-AR-PL-03-01 A1
- Planning GA - Level 02 30923-BMA-AR-PL-03-02 A1
- Planning GA - Level 03 30923-BMA-AR-PL-03-03 A1
- Planning GA - Level 04 30923-BMA-AR-PL-03-04 A1
- Planning GA - Level 05 30923-BMA-AR-PL-03-05 A1
- Planning GA - Level 06 30923-BMA-AR-PL-03-06 A1
- Planning GA - Level 07 30923-BMA-AR-PL-03-07 A1
- Planning GA - Level 08 30923-BMA-AR-PL-03-08 A1
- Planning GA - Level 09 30923-BMA-AR-PL-03-09 A1

Refuse Strategy Level 00 30923-BMA-AR-PL-90-00 A1
 Refuse Strategy Level 01 30923-BMA-AR-PL-90-01 A1
 Cycle Storage 30923-BMA-AR-PL-81-01 A1
 1 Bed Open Plan 30923-BMA-AR-03-201 A3
 1 Bed Traditional Plan 30923-BMA-AR-03-202 A3
 2 Bed Traditional Plan 30923-BMA-AR-03-203 A3
 2 Bed Duplex - Mews house - Level 01 30923-BMA-AR-03-204 A3
 2 Bed Duplex - Mews house - Level 02 30923-BMA-AR-03-205 A3
 2 Bed Mansard Type 02 30923-BMA-AR-03-206 A3
 2 Bed Mansard Type 01 30923-BMA-AR-03-207 A3
 2 Bed Penthouse Type 01 30923-BMA-AR-03-208 A3
 2 Bed Penthouse Type 02 30923-BMA-AR-03-209 A3
 2 Bed Penthouse Type 03 30923-BMA-AR-03-210 A3
 2 Bed Duplex - Garden Apartments 30923-BMA-AR-03-211 A3
 3 Bed Houses 30923-BMA-AR-03-212 A3
 4 Bed Houses 30923-BMA-AR-03-213 A3
 1 Bed Typical WAH 30923-BMA-AR-03-214 A3
 2 Bed Duplex - Block A - Level 02 30923-BMA-AR-03-215 A3
 2 Bed Duplex - Block A - Level 03 30923-BMA-AR-03-216 A3
 North and South Elevations 30923-BMA-AR-PL-05-01 A1
 East and West Elevations 30923-BMA-AR-PL-05-02 A1
 Pedestrian Link Elevation 30923-BMA-AR-PL-05-03 A1
 General Sections 30923-BMA-AR-PL-04-01 A1
 General Sections 30923-BMA-AR-PL-04-02 A1
 General Sections 30923-BMA-AR-PL-04-03 A1
 General Sections 30923-BMA-AR-PL-04-04 A1
 Area Schedule N/E 30923-BMA-AR-PL-1807-01
 General Arrangement @A1 L-90-100
 Planting Plan @A1 L-90-200
 Planting Schedule N/A L-90-201
 Typical Site Sections - Section A - AA @A1 L-90-300
 Typical Site Sections - Section B - BB @A1 L-90-301
 Typical Site Sections - Section C - CC @A1 L-90-302
 Typical Site Sections - Section D - DD @A1 L-90-303
 Design and Access Statement (including Landscape Details)
 Development Schedule
 Energy Statement
 Sustainability Report (including Code for Sustainable Homes Pre-Assessment)
 Construction Management Plan
 Bat Survey and Protection Technical Note
 Preliminary Demolition and Site Waste Management Plan
 Drainage Statement
 Remediation and Reclamation Strategy; and
 Daylight/Sunlight Assessment.

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

3. Before the development hereby permitted is occupied the car parking spaces shown on Drawing No. BMA-AR-PL-03-00 and BMA-AR-PL-03-01 submitted with the planning application shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

4. Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the approved parking spaces to be provided with electric vehicle charging facilities and 20% for future use. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan.

5. Before the development hereby permitted is occupied the details of cycle parking spaces for the villa accommodation shall be submitted to and approved by the Local Planning Authority. These spaces shall be provided in a garden store and shall be permanently retained thereafter.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

6. Before the development hereby permitted is commenced details of the basement parking aisles and ramp accesses and vertical clearances shall be submitted to and approved by the Local Planning Authority. The

development shall not be carried out nor shall it be subsequently operated otherwise than in accordance with the approved details.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

7. Notwithstanding the details shown on plans otherwise hereby approved and prior to development commencing details, including samples of the materials to be used for the external surfaces of the buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the visual amenities of the locality in accordance with Policies CS5 of the Core Strategy (2012) and DM01 of the Development Management Policies (2012).

8. All hard and soft landscaping shall be carried out in accordance with the landscaping scheme as hereby approved and shall be completed within the first planting and seeding seasons following the completion of each phase of the development or the occupation of the buildings, whichever is the earlier period.

The new planting and landscape operations should comply with the requirements specified in BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs' and in BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. Thereafter, the areas of hard and soft landscaping shall be permanently retained.

Any tree, shrub or area of turfing or seeding shown on the approved landscaping scheme which, within a period of 5 years from the completion of the development, dies, is removed or in the opinion of the Local Planning Authority becomes seriously damaged or diseased, shall be replaced in the same place in the next planting season with another such tree, shrub or area of turfing or seeding of similar size and species unless the Local Planning Authority first gives written consent to, any variation.

Reason:

To ensure that the landscaped areas are laid out and retained in accordance with the approved plans in order to preserve and enhance the visual amenities of the locality in compliance with Policies CS7 of the Core Strategy (2012) and DM16 of the Development Management Policies

(2012).

9. The development shall accord with the provisions contained within the submitted Construction Management Plan by Prime Place dated April 2016, except as otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13 , CS14, DM01, DM04 and DM17 of the Barnet Local Plan and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan 2015.

10. A crime prevention strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The strategy shall demonstrate how the development meets 'Secured by Design' standards. The development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure that satisfactory attention is given to security and community safety in accordance with policy DM02 of the Development Management Policies (2012).

INFORMATIVE(S):

1. The applicant is reminded that the conditions and planning controls in the outline permission H/04017/09 for the Mill Hill East Development dated 22/09/2011 are still relevant and must be complied with. There are also conditions that require to be discharged prior to the occupation of the development.
2. The costs of any associated works to public highway, including reinstatement works, will be borne by the applicants and may require the Applicant to enter into a rechargeable agreement or a 278 Agreement under the Highways Act 1980.

1. BACKGROUND TO THE CURRENT APPLICATION

1.1 The Mill Hill East Area Action Plan

Mill Hill East is designated as an Area of Intensification in the London Plan (2011) and as a key growth area in the Barnet Core Strategy (2012). The area covered by this designation includes the former Inglis Barracks; Mill Hill East station;

International Bible Students Association (IBSA House); the Council Depot and recycling centre; Bittacy Court; the Scout Camp and former Mill Hill Gas Works (the area now centred around Libbury Square).

The area was first highlighted as an area which could be redeveloped in the London Plan in 2004. This is primarily as a result of Project MoDEL (Ministry of Defence Estates London) which involves the consolidation and sale of surplus MoD properties around London. The activities from Inglis Barracks were transferred to RAF Northolt and the base vacated in 2008 thereby providing an opportunity for redevelopment. The Council recognised that Mill Hill East was an area where more detailed policies were required to guide future development and in 2009 adopted an Area Action Plan (AAP) which covered an area of 48 hectares focused primarily on the former Inglis Barracks site. The aim of the AAP is to seek to ensure that development takes place in a balanced and coordinated manner by setting out a comprehensive framework to guide the delivery of housing, employment, leisure and associated community facilities, infrastructure, transport initiatives and environmental protection and enhancement.

A partnership comprising of a number of the key landowners and developers (the Inglis Consortium) prepared and submitted the outline application in 2009 for the comprehensive redevelopment of most of the area covered by the AAP.

1.2 The outline planning permission

In September 2011 outline planning permission was granted for the redevelopment of Mill Hill East regeneration site (now also known as Millbrook Park). This site covers an area of approximately 33.6 hectares (83 acres) and is located within the Mill Hill ward. The site is bounded to the east by Frith Lane, to the north by Partingdale Lane and to the west by Bittacy Hill (B552). Bittacy Business Park is immediately to the south of the site and Mill Hill East Underground station (Northern Line) lies to the south west.

The site is divided into a number of Development Land Parcels (DLP) or otherwise known as phases. Following approval of the site wide pre-commencement requirements, reserved matters applications will be brought forward for all detailed elements of the development, which would deal with all matters not fully addressed within the outline consent – the ‘reserved matters’ (layout, design, appearance and landscaping). This is controlled by Condition 5 of the outline permission (ref H/04017/09, dated 22nd September 2011).

The current application concerns the development by Prime Place of plot 4b of the outline consent, located in the centre of the wider Millbrook Park Site within the southern hub character area adjacent to the central community park to the north, the east west primary link road to the west and future phases to the south and east.

In addition to the plan drawings submitted, the following information was also submitted in support of the application and forms the supporting information:

- Design and Access Statement (including Landscape Details);
- Development Schedule;
- Affordable Housing Scheme (Appendix C of this Statement);
- Energy Statement;
- Sustainability Report (including Code for Sustainable Homes Pre-Assessment);
- Construction Management Plan;
- Bat Survey and Protection Technical Note;
- Preliminary Demolition and Site Waste Management Plan;
- Drainage Statement;
- Remediation and Reclamation Strategy; and
- Daylight/Sunlight Assessment.

2. MATERIAL CONSIDERATIONS

2.1 Key Relevant Planning Policy

National Planning Policy Guidance / Statements: The National Planning Policy Framework (NPPF)

On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF replaces 44 planning documents, primarily Planning Policy Statements (PPS's) and Planning Policy Guidance (PPG's), which previously formed Government policy towards planning.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

The Mayor's London Plan: March 2015 2.13 (Opportunity Areas and Intensification Areas), 3.3 (Increasing Housing Supply), 3.4 (Optimising housing potential), 3.5 (Quality and design of housing developments), 3.6 (Children and Young People's Play and Informal Recreation Facilities), 3.7 (Large Residential Development), 3.8 (Housing Choice), 3.9 (Mixed and balanced communities), 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes), 5.2 (Minimising carbon dioxide emissions), 5.3 (Sustainable design and construction), 5.7 (Renewable energy), 5.11 (Green roofs and development site environs), 5.12 (Flood risk management), 5.13 (Sustainable drainage), 5.14 (Water quality and wastewater infrastructure), 5.21 (Contaminated land), 6.3 (Assessing effects of development on transport capacity), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's neighbourhoods and communities), 7.2 (An inclusive environment), 7.3 (Designing out crime), 7.4 (Local character), 7.5 (Public Realm), 7.6 (Architecture), 7.8 (Heritage Assets and Archaeology), 7.15 (Reducing noise and enhancing soundscapes), 7.19 (Biodiversity and Access to Nature), 7.21 (Trees and Woodlands).

Core Strategy (Adoption version) 2012

Development Management Policies (Adoption version) 2012

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD).

Relevant Core Strategy Policies: CS NPPF (National Planning Policy Framework – Presumption in Favour of Sustainable Development), CS4 (Providing Quality Homes and Housing Choice in Barnet), CS5 (Protecting and Enhancing Barnet's Character to Create High Quality Places), CS7 (Enhancing and Protecting Barnet's Open Spaces), CS9 (Providing safe, effective and efficient travel), CS12 (Making Barnet a Safer Place), CS13 (Ensuring the Efficient Use of Natural Resources), CS14 (Dealing with Waste).

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

Relevant Development Management DPD Policies: DM01 (Protecting Barnet's Character and Amenity), DM02 (Development Standards), DM03 (Accessibility and Inclusive Design), DM04 (Environmental Considerations), DM06 (Barnet's Heritage and Conservation), DM08 (Ensuring a variety of sizes of new homes to meet housing Need), DM16 (Biodiversity), DM17 (Travel Impact and Parking Standards).

Mill Hill East Area Action Plan (AAP) 2009

The Mill Hill East Area Action Plan (AAP) was adopted by the Council in 2009 and forms part of Barnet's Local Plan containing policies relevant to the determination of planning applications in the area. The AAP forms a material consideration in the determination of Planning Applications in this area.

The relevant policies for the consideration of this application are: MHE2 (Housing), MHE6, MHE10 (Making the Right Connections), MHE12 (Sustainable Transport), MHE13 (Parking), MHE14 (Creating a Sustainable Development), MHE15 (Design), MHE16 (Delivering Design Quality), MHE17 (Conserving Built Heritage), MHE18 (Delivering the AAP).

Approved Design Code

The approved Design Code pursuant to Condition 4 of the outline consent (ref H/04565/11, 21st Dec 2011) also sets out the guidelines for how the site, its neighbourhoods, open spaces and key amenities could be designed and built. It informs the formulation of individual reserved matter applications related to specific phases of development. Site-wide or phase related reserved matters must be in compliance with the agreed Design Code unless satisfactorily justified and this will be assessed in detail below.

2.2 Relevant Planning History

Application Reference:	H/04017/09
Case Officer:	Jo Dowling
Proposal:	Outline application for the comprehensive redevelopment of the site for residential led mixed use development involving the demolition of all existing buildings (excluding the former officers mess) and ground re-profiling works, to provide 2,174 dwellings, a primary school, GP Surgery, 1,100sqm of 'High Street' (A1/2/3/4/5) uses, 3,470sqm of employment (B1) uses, a district energy centre (Sui Generis) and associated open space, means of access, car parking and infrastructure (with all matters reserved other than access). Full application for the change of use of former officers' mess to residential (C3) and health (D1) uses.
Stat Start Date	30/10/2009
Application Type	Outline Application
Decision	Granted
Decision Date	22/09/2011

Application Reference:	H/04655/11
Case Officer:	Colin Leadbeatter
Proposal:	Demolition of existing buildings within the curtilage of the Millbrook Park development (formerly Inglis Barracks) as approved under outline application reference H/04017/09 (Approved September 2011)
Stat Start Date	12/11/2011
Application Type	Prior Notification (Demolition)
Decision	Granted
Decision Date	20/12/2011

Application Reference:	H/00480/12
Case Officer:	Colin Leadbeatter
Proposal:	Reserved matters application seeking approval for advance infrastructure works in relation to Phase 1A of Millbrook Park (Mill Hill East) pursuant to outline planning permission reference H/04017/09 dated:

	22/9/2011
Stat Start Date	07/02/2012
Application Type	Reserved Matters
Decision	Granted
Decision Date	19/04/2012

Application Reference:	H/00642/12
Case Officer:	Colin Leadbeatter
Proposal:	Reserved matters application seeking approval for advance infrastructure works in relation to Phase 2 of Millbrook Park (Mill Hill East), pursuant to outline planning permission H/04017/09 dated 22/09/2011
Stat Start Date	20/02/2012
Application Type	Reserved Matters
Decision	Granted
Decision Date	20/04/2012

Application Reference:	H/03057/12
Case Officer:	Wing Lau
Proposal:	Reserved matters application seeking approval for landscaping works to Officers' Mess Gardens (including associated infrastructure works) for Phase 2 (public open space OSI) of Mill Hill East development, pursuant to Condition 5 of Outline planning permission reference H/04017/09 dated: 22/9/2011, together with details to discharge the requirements of conditions 26 (Pedestrian and Vehicular Access Points), 48 (Design of Open Space) and 52 (Children's Play Space)
Stat Start Date	13/08/2012
Application Type	Reserved Matters
Decision	APC
Decision Date	23/10/2012

Application Reference:	H/03548/12
Case Officer:	Thomas Wyld
Proposal:	Reserved matters application seeking approval of Appearance, Landscaping, Layout and Scale in relation to Phase 1a for the erection of 58 houses comprising 39 x 3 bed houses and 19 x 4 bed houses at 'Millbrook Park' (Inglis Barracks) submitted to meet the requirements of Condition 5 of outline planning

	application H/04017/09 dated 22 September 2011.
Stat Start Date	17/09/2012
Application Type	Reserved Matters
Decision	Granted
Decision Date	31/01/2013

Application Reference:	H/03904/12
Case Officer:	Wing Lau
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 2 of Mill Hill East development pursuant to Condition 5 of Outline planning permission reference H/04017/09 dated: 22/9/2011 involving the erection of 103 dwellings comprising 3 x one bed flats, 20 x two bed flats, 45 x 3 bed houses, 25 x four bed houses and 10 x five bed houses. Approval of layout and landscaping works to Phase 2 public open space (OS2), together with details to discharge the requirements of: Conditions 12 (relating to Plot L only); 57 (relating to plots within Phase 2 only); and 8,26, 27, 29, 48, 52, 70, 80, 83, 85 and 91 all in relation to Phase 2 only.
Stat Start Date	08/10/2012
Application Type	Reserved Matters
Decision	Granted
Decision Date	28/03/2013

Application Reference:	H/04080/12
Case Officer:	Wing Lau
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 1 of Mill Hill East development (Millbrook Park) pursuant to Condition 5 of Outline planning permission reference H/04017/09 dated: 22/9/2011 involving the erection of 133 residential dwellings comprising 31 x one bed flats, 61 x two bed flats, 14 x three bed houses and 27 x four bed houses, including associated infrastructure, access roads, car parking, landscaping and approval of layout and landscaping works to Phase 1 public open space OS5, together with details to discharge the requirements of

	conditions 8, 13, 26, 27, 29, 32, 48, 52, 70, 80 and 85.
Stat Start Date	29/10/2012
Application Type	Reserved Matters
Decision	Granted
Decision Date	29/04/2013

Application Reference:	H/04386/12
Case Officer:	Kevin Waters
Proposal:	Construction of a three storey primary school (3 forms of entry) with nursery, community facilities and associated works and landscaping, including staff parking, hard play and sports games area, retaining walls, drainage attenuation measures and provision of a temporary drop off car park
Stat Start Date	10/12/2012
Application Type	Full Planning Application
Decision	Granted
Decision Date	22/04/2013

Application Reference:	H/00668/13
Case Officer:	Wing Lau
Proposal:	Reserved matters application seeking approval for construction of associated advanced infrastructure works and landscaping associated with Phase 3 (public open space OS4) of Mill Hill East development to create 'Panoramic Park' and advance infrastructure works in relation to Phases 3, 4a, 4b and 5, pursuant to Conditions 5 and 5b of Outline planning permission reference H/04017/09 dated: 22/9/2011, together with details to discharge the requirements of conditions 26 (Pedestrian and Vehicular Access Points), 48 (Design of Open Space) and 52 (Children's Play Space). Ground re-profiling works to Phases 10, 11 and part of Phase 7.
Stat Start Date	12/02/2013
Application Type	Reserved Matters
Decision	Granted
Decision Date	22/04/2013

Application Reference:	H/03441/13
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval for

	Phase 3a (Central Community Park) and advanced infrastructure works in relation to phases 3a, 8, 9, 10 and 11 of Millbrook Park (Mill Hill East) pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011, together with details to discharge the requirement of condition 5 (Reserved matter details), 25 (East-West and North-South links), 26 (Pedestrian and vehicular access points), 48 (Design of open spaces) and 52 (Children's play spaces).
Stat Start Date	06/08/2013
Application Type	Reserved Matters
Decision	Granted
Decision Date	13/02/2014

Application Reference:	H/03860/13
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 3 of Mill Hill East development pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011 involving the erection of 138 units 7 x 5 bedroom houses, 41 x 4 bedroom houses, 47 x 3 bedroom houses, 26 x 2 bedroom apartments and 17 x 1 bedroom apartments together with details to discharge the requirements of: Conditions 5 (Reserved matter details), 8 (Affordable housing), 12 (Noise Survey along Boundary with IBSA House), 26(Access points), 27 (Details of Estate Roads), 29(Internal access roads), 35 (Petrol/oil interceptors), 48(Open space), 52 (Children's playing space), 57 (Boundary treatment/buffer), 70 (Home standards), 80 (Sustainable homes), 83 (Grey water/rainwater recycling),85 (Green/brown roofs).
Stat Start Date	28/08/2013
Application Type	Reserved Matters
Decision	Granted
Decision Date	12/11/2013

Application Reference:	H/00065/14
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase

	3a of Mill Hill East development involving the erection of 92 dwellings comprising 27 x 1 bed flats, 42 x 2 bed flats, 13 x 3 bed houses and 10 x 4 bed houses to meet the requirements of Condition 5 of outline planning application H/04017/09 dated 22 September 2011.
Stat Start Date	23/01/2014
Application Type	Reserved Matters
Decision	Granted
Decision Date	20/03/2014

Application Reference:	15/01546/RMA
Case Officer:	Andrew Dillon
Proposal:	<p>Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 4a of the Mill Hill East development pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011, involving the erection of 114 units 6 x 5 bedroom houses, 37 x 4 bedroom houses, 12 x 3 bedroom houses, 50 x 2 bedroom apartments and 9 x 1 bedroom apartments together with details to discharge the requirements of:</p> <p>Conditions 5 (Reserved matter details), 8 (Affordable housing), 26 (Access points), 27 (Details of Estate Roads), 29 (Internal access roads), 32 (Shared Footways/ Cycleways), 35 (Petrol/oil interceptors), 48 (Open space), 52 (Children's playing space), 69 (Noise from Plant), 70 (Home standards), 80 (Sustainable homes), 83 (Grey water/rainwater recycling) and 85 (Green/brown roofs).</p>
Stat Start Date	20/03/2015
Application Type	Reserved Matters
Decision	Granted
Decision Date	25/06/2015

Application Reference:	15/06898/RMA
Case Officer:	Andrew Dillon
Proposal:	<p>Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 4c of the Mill Hill East development pursuant to Outline planning permission reference H/04017/09 dated:</p>

	22/9/2011, involving the erection of 89 units consisting of 12 x 1 bedroom apartments, 24 x 2 bedroom apartments, 16 x 3 bedroom houses, 24 x 4 bedroom houses, 13 x 5 bedroom houses together with details to discharge the requirements of: Conditions 5 (Reserved matter details), 8 (Affordable housing), 26 (Access points), 27 (Details of Estate Roads), 29 (Internal access roads), 32 (Shared Footways/ Cycleways), 35 (Petrol/oil interceptors), 48 (Open space), 52 (Children's playing space), 69 (Noise from Plant), 70 (Homes standards), 80 (Sustainable homes), 83 (Grey water/rainwater recycling) and 85 (Green/brown roofs).
Stat Start Date	11/11/2015
Application Type	Reserved Matters
Decision	Granted
Decision Date	10/03/2016

Application Reference:	15/06417/OUT
Case Officer:	Andrew Dillon
Proposal:	Outline planning application for up to 66 residential units, 700 sqm of B1 floorspace, 630 sqm energy centre (CHP) and associated car parking and landscaping.
Stat Start Date	19/10/2015
Application Type	Reserved Matters
Decision	Granted
Decision Date	13/05/2016

Application Reference:	16/2719/RMA
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval for advance infrastructure works in relation to Phase 4b of Millbrook Park (Mill Hill East) pursuant to outline planning permission reference H/04017/09 dated 22/9/2011.
Stat Start Date	25/04/2016
Application Type	Reserved Matters
Decision	Granted
Decision Date	04/07/2016

2.3 Consultations and Views Expressed

Public Consultation

Neighbours Consulted: 177

Replies: 0

Neighbours Wishing
To Speak 0

Elected Representatives.

No Comments Received.

Residents Associations and Amenity Groups.

1 Letter received from the Mill Hill Preservation Society making the following comments:

'The MHPS Committee entertained the Client and design team for phase 4B on the evening of 6th June 2016.

We had previously seen the scheme on two occasions and made many comments. However, this last meeting went very well, many of the points previously raised had been dealt with and there were no major issues that came up.

The main one is that we would like to be assured that the tree sizes shown on the drawings can be achieved as some of them are shown planted over the underground car park, and we were concerned about soil depth for root growth.

The Committee has general concerns about lack of car parking for residences and visitors, but this is more a Design Brief issue than anything else.

We were also minded that the underground parking areas should all be linked to facilitate alternative means of access.

(This would allow for unforeseen circumstances, like a vehicle braking down across a car park entrance or similar.)

The cycle parking in the basement area for the affordable housing units is in an inconvenient position and needs rethinking.

A major management concern to MHPS is the fact that the proposed 'walk-through-the site will be gated and locked at night.

If the route is there to provide a link from the lower part of the site to Central Park then we would really like to see it open continuously.

If it is to be managed, we trust the times set for opening and closing will be sensible. Might we suggest the route should be open from 6.00 am through to 11.00 pm – and that it be well illuminated in winter months, but not to the detriment of the adjoining residential units.

Lastly, we ran through the process of waste collection and recycling for each unit and the major questions seem to have been sorted out.

Generally the final scheme is of a high quality, and we hope this is evident in the build-out.'

Internal /external and Other Consultations:

Highways

The Council's Highway Officer has confirmed no objection to the amended proposal subject to the attachment of the appropriate conditions:

Environmental Health

The Council's Environmental Health Team have confirmed no objection to the proposal.

Environment Agency

No Objections raised.

Thames Water

No Objections raised.

English Heritage (Archaeology)

No Objections raised.

3. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL

3.1 Site Description and Surroundings

Site in relation to the outline consent:

This application site submitted for assessment falls within Phase 4b of the outline consent, which covers an area of 1.08 hectares in the centre of the wider Millbrook Park site. The application site area itself is currently cleared of all buildings and trees. The application site fronts the primary east/west link road to the west and the Central Park to the north. The approved Cala Homes scheme at Phase 3a (Ref: H/00065/14) is currently being erected on the eastern side of the park. The remaining areas to the south, east and north of the central park consist of future phases of the Millbrook Park development, for which no detailed reserved matters

applications have been sought to date. There are also changes in levels west to east and north to south through the site.

The site falls within the Southern Hub character zone. The Design Code advises that with the Southern Hub Zone housing should be of a higher density housing with heights ranging from 3 to 6 storeys.

3.2 Description of Proposal

The proposal is to seek approval of matters reserved under outline planning consent ref H/04017/09 (layout, scale, appearance and landscaping) to redevelop the site for residential purposes.

Housing:

The proposals would be for a mix of 1, 2, 3 and 4 bedroom units) providing a total of 188 dwellings as follows:

88 x one bed flats
89 x two bed flats
12 x three bed flats
3 x three bed houses
4 x four bed houses

88 x 1 bedroom flats, 89 x 2 bedroom flats, 12 x 3 bedroom flats, 3 x 3 bedroom house and 4 x 4 bedroom houses.

The proposed houses are located along the southern edge of the site containing four pairs of three storey semi-detached houses (one half of a pair split into flats), with the remainder of the perimeter block consisting of apartments ranging from between 4-6 storeys in height. A line of four properties consisting of 4 flats is also located in the centre of the site measuring 2 storeys on top of the podium deck car park. Parking is provided underground, with a podium decked amenity space on top.

Landscaping:

The application proposal also includes the landscaping of the perimeter of the block included both hard landscaping as well provision of low level shrub planting along the frontage of the buildings and the planting of trees along the southern boundary of the site. Further trees are proposed are proposed to be retained on the northern, western and eastern elevations which were authorised under other planning consents pursuant to the Outline Planning Approval. Significant areas of planting are proposed within the communal gardens in the centre of the site.

Discharging of conditions:

This application also involves the partial discharging of a number of planning conditions attached to the outline consent that require information to be submitted for each phase of the development. Those conditions that are to be approved in relation to Phase 4c are as follows:

- 5 – Reserved Matters Details

Sets out the submission requirements for submission accompanying each reserved matters application.

- 8 – Housing Mix and Location of Affordable Housing Units

This requires prior to commencement of the development details of the proposed amount and mix of relevant residential development within that Phase and the proposed Affordable Housing Scheme to be submitted and approved.

- Condition 26 – Pedestrian and Vehicular Access Points

This requires details of access points, estate roads and footways to be submitted and approved.

- Condition 27 – Details of Estate Roads

This requires details of lighting, pedestrian facilities, crossing points, cycle facilities, signing, bus stops/shelters, bus standing/layover facility, bus driver facilities, highway improvements and estate road layout and gradient.

- Condition 29 – Internal Access Roads

This requires the construction of the highway intended to serve that dwelling before any dwelling is occupied within any phase of development (scheme to be approved by the LPA).

- Condition 32 – Shared Footways/ Cycleways

This requires the construction of the highway intended to serve that dwelling before any dwelling is occupied within any phase of development (scheme to be approved by the LPA).

- Condition 35 – Petrol/ oil interceptors

This requires details of petrol/ oil interceptors or justification concerning why this is not required.

- Condition 48 – Design of Open Space

This requires details on the construction of any communal open space and should be in accordance with the principles and parameters contained within Parameter Plan 2, Landscape (A6157/2.1/04) and the Revised Public Realm and Open Space Strategy (MHE/OPA/5.1).

- Condition 52 – Children’s Play Space

This requires details of children’s play areas to be submitted and approved and shall be provided within 12 months of the first occupation of any dwelling located within that phase.

- Condition 58 – Bat Survey and Protection and Bat License

This condition requires a bat survey to be carried out prior to the demolition of any buildings or the removal of any trees.

- Condition 63- Contamination Strategy

This condition requires the submission of a Remediation and Reclamation Strategy prior to the commencement of any phase.

- Condition 69 – Noise from Plant

This condition requires details of any plant and machinery proposed as part of this development.

- Condition 70 – Design to Lifetime Homes Standards & Wheelchair Standards

This condition requires all residential units to be built in accordance with Lifetime Homes Standards. Furthermore 10% of the units shall be designed to be fully wheelchair accessible.

- Condition 80 – Code for Sustainable Homes

A statement to be submitted to demonstrate measures incorporated to achieve a minimum standard of Code for Sustainable Homes Level 4 (with a minimum level of Code Level 6) by 2016.

- Condition 83 – Greywater/Rainwater Recycling Provision

This requires details demonstrating the incorporation of either rainwater or grey water recycling facilities into each of the buildings to be submitted and approved.

- Condition 85 – Green/Brown Roofs Provision

This requires details to demonstrate the provision of Green or Brown roofs into each of the buildings to be submitted. Details shall also include a reconciliation plan or table showing how the proposed provision complies with the 10% target fixed by condition 84.

4. PLANNING CONSIDERATIONS

4.1 The Principle of Development

The principle of constructing 188 residential dwellings and provision of public open space is established by the outline planning consent. Condition 5 (Reserved Matters Details) seeks details (layout, scale, landscaping and appearance) to be submitted to and approved by the Local Planning Authority (LPA) prior to the commencement of development.

The reserved matters currently under consideration are:

Scale – the height, width and length of each building proposed in relation to its surroundings.

Layout – the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development.

Appearance – the aspects of a building or place which determine the visual impression it makes, excluding the external built form of the development.

Landscaping – this is the treatment of private and public space to enhance or protect the site's amenity through hard and soft measures, for example, through planting of trees or hedges or screening by fences or walls.

Access – The internal road layout was established at outline stage. This current application shows roads in the same location in compliance with the outline parameters for access.

The outline planning permission consists of a series of parameter plans which establish a series of parameters and principles to create a clear framework of planning control and fix the quantum of development, land uses, levels and access arrangements.

The key parameter plans of relevance to the consideration of this application are:

- **Parameter Plan 1: Access and Movement**
Establishes the main vehicular and pedestrian access points and vehicular movement hierarchy.
- **Parameter Plan 2: Landscape**
Establishes the location and extent of areas of public open space.
- **Parameter Plan 3: Land use**
Establishes the location and distribution of land uses and open spaces.
- **Parameter Plan 4: Scale**
Establishes the maximum height permissible across the whole Millbrook Park site.
- **Parameter Plan 5: Character Areas**
Establishes the extent and disposition of the strategic character areas.
- **Parameter Plan 6: Levels Strategy**
Establishes the proposed spot levels at street junctions and maximum permissible gradients along each of the streets.

In order to support the detail contained within the parameter plans the outline consent has a number of additional documents that form a 'strategic development framework' in accordance with the requirements of Policy MHE18 of the AAP. The

'framework' establishes a series of development principles that will be used to guide detailed elements and the preparation of reserved matter applications. Of relevance to the consideration of this application are the following documents:

- Design Principles Document;
- Phasing and Delivery Strategy
- Technical/Infrastructure Strategy
- Revised Public Realm and Open Space Strategy (MHE/OPA/5.1)
- Technical and Infrastructure Strategy (MHE/OPA/6)
- Revised Phasing and Delivery Strategy (MHE/OPA/10.2) which includes phasing plan ref Figure 4.1

Design Code

In addition to the above a site wide design code has been approved in the clearance of condition 4 of the outline application and forms the guide to the assessment of reserved matters applications. This reserved matters application for Phase 3 is therefore considered within the framework of established broad development principles, Parameter Plans, and a detailed design code.

The applicant has submitted a statement of compliance with this application to describe the proposed development and demonstrates general compliance with the outline planning permission. There are some small areas where the application does not conform and the applicant has provided justification for any deviations. These are explained in the sections below.

4.2 Amount of Development

Housing

The amount and mix of development for 188 dwellings in Phase 4b is in line with the outline consent, the latest approved phasing plan and the s.106 schedule of accommodation. 29 units are to be affordable dwellings consisting of 22 properties for affordable rent (5 x 1 bed flats, 5 x 2 bed flats and 12 x 3 bed flats) and 47 intermediate properties (1 x 1 bed and 12 x 2 bed flats) with the rest of the development to be private sale properties. This accords with the baseline tenure mix required under the S106 and accords with the latest agreed site wide phasing plan. Condition 8 (Housing Mix and Location of Affordable Housing Units) of the outline consent requires the submission of details of affordable housing, and the proposed submission is considered to accord with this requirement.

4.3 Scale

Parameter Plan 4 (Scale) sets out the maximum permissible dimensional height and maximum level of storeys throughout the wider Millbrook Park Development. In relation to Phase 4b the approved storey heights range between 4 and 6 storeys.

Figure 1: Parameter Plan 1 (Scale)



Legend

- Site Boundary
- Up to 6 storeys
- Up to 5 storeys
- Up to 4 storeys
- Up to 3 storeys
- Up to 2 storeys
- Single storey

The scale of some parts of the scheme exceeds the approved parameters in terms of the number of storeys. These consist of:

- The apartment block to the west of the plot features a limited breach in the elevation along Inglis Way. The change in levels across this part of the site

results in a breach in storey height to the internal facing elevation and southern part of this block.

- The north-west corner of the west block, which has been designed to include additional storeys to define a gateway feature and announce the Central Park. This corner has been identified as an important gateway and an opportunity to provide a key landmark building, enhancing legibility of the place and delivering a distinctive urban design response, in accordance with the Design Code.
- The majority of the apartment block to the east is compliant in terms of storey height, with the exception of a small section on the north-facing elevation (fronting the Central Park) and a small section along Royal Engineers Way.

These 'breaches' are the outcome of extensive pre-application discussions which has taken into account various factors including the topography of the site, daylight/sunlight levels, the urban character of the Southern Hub, and the requirement for a landmark gateway with Phase 8 to the north, which are specific to this site. The height and massing of the scheme, along the southern boundary of the site, has also been reduced below the maximum storey heights to take account of the site's topography and to allow increased levels of sunlight into the scheme. The approved design code allows departures from the approved parameters where such departures a justified in planning terms and will result in the delivery of a better quality scheme. The Local Planning Authority is therefore able to use its discretion to approve minor breaches to approved parameter plans, where justified. The proposed departures are considered acceptable for various reasons which are discussed below under the design section of this report.

As highlighted above, Millbrook Park outline planning consent is split into 4 character areas (as shown on Parameter Plan 5) as follows:

Green Belt Edge – low density houses, green character

Central Slopes - medium density, mix of houses and apartments up to 4 storeys in height

Southern Hub – highest density, predominantly apartments up to 6 storeys in height.

Mixed Use/retail/community – mixed uses around public square and new primary school.

The approved Design Code for the scheme further splits the Central Slopes Character Zone into East (CZE) and West (CZW) character zones.

The site is located within the Southern Hub character zone (as defined in the Design Code for Millbrook Park).

The Design Code advises that with the Southern Hub housing should be high density housing consisting of terraced housing and apartments measuring between 3-6 storeys of a 'urban court layout' with active ground floor frontages around a block perimeter and a landscaped deck over parking areas.

The design and layout of the scheme predominately follows the above parameters.

Density

The amount of development and minimum/maximum building dimensions have already been approved at the outline stage and therefore the target residential density is also established, with the development providing 188 dwellings at 203 dwellings per hectare (dph).

4.4 Layout

Policies CS5 and DM01 require development to be of a high quality design and should ensure attractive, safe and vibrant streets which provide visual interest. Proposal should also create safe and secure environments, reduce opportunities for crime and minimise fear of crime.

No roads are proposed under this application although the accompanying reserved matters application for the delivery of advanced infrastructure for this phase (Ref: 16/2719/RMA approved by Planning Committee on the 4th July) proposed a road along the southern edge of the phase linking into the wider Millbrook Park road network. In addition to this the application incorporates a pedestrian link through the centre of the phase from the south leading through to the Central Park to the north. While the public will have the right to transverse the route, it is not intended to create a public right of way and gates are proposed at the northern and southern entrances which are intended to be closed at night.

The proposals demonstrate a building layout in broad accordance with the Illustrative Masterplan and the Access and Movement Parameter Plan 1.

Parking

The application proposes the provision of 195 car parking spaces within this phase. Spaces will be allocated at the ratio of 1 space for 1 and 2 bed units, 1.5 spaces per 3 bed unit and 2 spaces for the four bed units. 10% of parking will be for disabled persons.

The majority of the spaces are provided in the form of a secure basement car park built on two levels in the centre of the development accessed from the south. Parking to the houses and apartments on the southern elevation of the phases will be provided with forecourt car parking spaces.

Cycle Parking is also proposed within secure cycle lockers for the houses and apartments on the southern elevation and within communal cycle stores for the

remainder of the apartments at the rate of 1 space for 1 and 2 bed units and 2 spaces for 3 and 4 bed units.

The level of parking is discussed in the highways section of this report.

Access

The Design Code has been approved to enable the delivery of a permeable and legible new neighbourhood. In relation to the development the primary access routes that run along the western and eastern boundaries of Phase 4b already have consent under earlier advanced infrastructure permissions (Ref's H/00480/12 and H/03441/13). A planning application for advanced infrastructure within this phase including a secondary access route along the southern boundary of Phase 4b was approved by the Planning Committee on the 4th July 2016 (Ref: 16/2719/RMA). This is in accordance with the Design Code and the provisions of condition 5b of the Outline Planning Permission.

Open space

The approved 'Revised Public Realm and Open Space Strategy' and the Design Code establishes the design principles for the landscape works.

Due to the nature of this plot, no public open space is included within this phase. The proposed adjoins the proposed Central Community Park to the north.

Crime

The proposed layout follows a perimeter block approach, which ensures that all street and public open spaces benefit from being overlooked by active frontages, including the central pathway leading through the site. Secure access will also be provided to the proposed underground car park. It is considered however that a condition should be attached requiring the development to achieve Secured by Design accreditation.

Levels

Parameter Plan 6 (Levels Strategy) approved under the outline consent sets out the existing contours of the site and proposed spot levels at street junctions as well as the maximum permissible gradients.

In relation to Phase 4b, the existing site slopes approximately 7m west to east and approximately 3-5m north to south. The advanced infrastructure works reserved matters application for the redevelopment of this phase (Ref: 16/2719/RMA approved at planning committee on the 4th July 2016) included ground reprofiling to standardise the gradients within the phase to create a more level site from west to east although there are still significant level changes from north to south throughout

the phase and the development contains three different ground floor levels. As a result of this car parking is staggered over two levels and terraces are formed above these forming the central 'secret' communal garden areas. The approved finished site levels are in accordance with the approved levels strategy as set out in Parameter Plan 6 approved as part of the Outline Planning Approval and the approved Design Code.

4.5 Appearance

The National Planning Policy Framework 2012 makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document states that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

As discussed, Phase 4b is within located within the southern hub character zone and as such it is of a higher level of density than the northern parts of the wider Millbrook Park Site.

The principal design rationale behind the scheme was set around the central space contained within the centre of the blocks. The Design and Access Statement refers to these elements as the 'secret gardens' in the centre of the site, which connects through to the public space to the north of the phase comprising the Central Park. The central pedestrian spine is flanked by duplex apartments that have access to both the eastern and western courtyards.

In relation to the main buildings around the periphery of the site, the apartment blocks are arranged in a 'horse shoe' layout that addresses the open central park to the north, and the primary streets along the east and west boundaries. The apartment buildings are tiered on to address the sloping landscape. The southern edge of the scheme contains a series of individually placed semi-detached villas. These are widely spaced on the southern street to provide greater permeability in terms of views and sunlight.

The southern boundary of the site is defined by a low density typology, with 7 semi-detached villas spread across the length of the southern edge. This frontage is completed by the addition of 2no. duplex apartments on the south-western edge of the southern road.

In relation to the detailed design of the building, along the western elevation, the buildings range from between four storeys and six storeys in height, with the highest element being located in the North West corner of the plot facing the Central Park. The buildings are primarily constructed of a 'Crème' Colour brick, with textured brick insert elements arranged in a zig-zag pattern. The proposed fenestration consists of floor to ceiling windows with inset balconies with inset timber panels to the sides.

The top storeys above 3rd and 4th storey level (levels slope down the hill) is inset behind the parapet and is finished in a bronze effect finish.

The eastern elevation is finished in a similar way with a simpler pattern of materials, with 'Crème' effect brickwork, inset balconies and a recessed bronze effect top storey. The elevation facing the Central Park contains an offset opening providing access from the Park to the centre part of the development. Areas of roof garden are also proposed in front of the recessed top storey to provide a more verdant setting facing the Park.

In relation to the houses on the southern part of the site, these are fairly traditional in design with contemporary elements, measuring three storey in height, finished in Crème brickwork with a pitched standing seam metal roof.

In relation to the internal spaces, a central pathway is located running through the centre of the site, flanked on one side by a short terrace of two storey duplex apartments with Crème brickwork and a flat green roof that face towards the more open eastern communal garden to the east and the more secluded western courtyard to the rear. Privacy to these units is achieved through the use of low hedgerows and the use of raised planters.

Conclusion for External Appearance

Overall, the proposal successfully incorporates various architectural elements within a coherent design and is considered acceptable in principle resulting in a high quality development in accordance with the requirements detailed within the Design Code and Policies CS5 and DM01.

4.6 Landscaping

The 'Revised Public Realm and Open Space Strategy' approved at outline stage sets out the principles for a landscape and open space strategy for Millbrook Park and provides detailed design guidance for reserved matters applications. The approved Design Code adds another layer of detail and requires a number of landscaping features in Phase 4b.

Along the street-scape surrounding the development zone proposes the planting of *Pyrus chalcidifolia* (Callery Pear) along the southern boundary, *Alnus cordata* (Italian Alder) along the eastern boundary and *Platanus x acerifolia* (London Plane Tree) along the western boundary, with the northern boundary being free from tree planting as it will be overlooking the central park.

Internally within the site all vegetation has previously been cleared and the application proposes to introduce an attractive and biodiversity rich planting palette and adhere to guidance in the design code. The landscape and external realm proposals includes the introduction of trees suitable to the site and local environment

which are specified in the application documents. All existing trees located beyond the perimeter of the site will be retained

Further landscape and environmental enhancements include the introduction of native species shrub planting. In the form of native species shrub planting with a mixture of evergreen plants providing the structure to the landscape planting design combined with herbaceous perennial planting to provide colour, scent and seasonal variations and interest. The palette of proposed shrub planting species will include considerations from Indicative swale species (where planting conditions are suitable).

The application also includes the use of extensive green roofs, planted with a variety of native species sedum, will further augment the ecological improvements of the development again benefiting biodiversity levels as well as assisting towards the design guideline SUDS requirements. Further attenuation strategies will include the installation of urban swales to the northern perimeter of the development site as well as the creation of podium deck / roof garden attenuation tanks suitable for future forecasted precipitation eventualities.

The application proposes the use of non-prescriptive natural play using the existing undulating topography. The inclusion of a number of specific fixed play interventions, along with the non-prescriptive play, will mix the formal and informal play opportunities and balance the overall strategy. Each individual landscape zone within the development masterplan will include play opportunities designed for a wide range of ages and abilities avoiding zoning areas for specific play requirements, which reinforces the concept of play throughout the external realm. This will include the provision of safe and suitable doorstep toddler play and relaxing and comfortable amenity courtyards.

Formal Play is available immediately to the north of the phase within the Central Park.

In relation to ecology the application proposes the use of wildflower planting, flowering & fruiting trees and plants, green roofs, SUDS, and the introduction of a variety of habitats which would be considered to represent appropriate ecological enhancements.

Hard areas

The application proposes a high quality, man-made palette of materials is proposed, taking reference from the Design Code.

Within public footways and spaces textured blocks with high natural stone aggregate content are proposed. A subtle blend of colours provides a unique and elegant finish to the surfaces. Colours are carefully selected to compliment the architectural elevation finishes.

Within communal spaces a softer materials is proposed. A resin bound gravel is identified to provide a clear contrast between public and communal realm.

Conservation style kerbs are proposed throughout to maintain uniformity.

Landscape Management

The areas of public realm surrounding the site will be transferred to the Millbrook Park Residents Management Company on completion. The remaining landscaping areas will be subject to an on-going maintenance contract with a suitable provider. This provider could also be the Millbrook Park Residents Management Company or another provider. The maintenance contract will be in place prior to the first occupation and the provision will be included within the legal agreement with purchasers and will be based upon a rolling annual provision.

A schedule of landscape maintenance for a minimum period of 5 years has been provided with the current application.

Street Lighting

Street lighting locations on the eastern, western and southern side of the development have already been agreed under previous advanced infrastructure work applications including the most recent approval on the 4th July 2016.

Conclusion for Landscaping

The landscaping approach is considered to be in accordance with design principles set in the Design Code and parameter plans. It will help to introduce a human scale to the frontages of the proposed buildings and will frame and complement the architectural approach whilst increasing the overall biodiversity of the site's environment. It complies with Policies CS5 and DM16.

4.7 Amenities of Future Occupants

Dwelling outlook and daylighting

Development plan policy requires that new dwellings are provided with adequate outlook. The layout proposed for Phase 4b maximizes the outlook of occupiers of the new dwellings, with all houses being located on a north south axis. Where possible apartment units are designed to be dual aspect, however in certain circumstances this is not possible due to the size of the block. In order to ensure that these units receive sufficient light the development incorporates large floor to ceiling windows to maximise the amount of light entering rooms. The application is accompanied by a Daylight/ Sunlight report which confirms that all units will receive adequate daylight and sunlight.

Privacy

The layout of the development has been designed to ensure the protection of residential privacy and the avoidance of overlooking.

The proposed design has considered minimum distances between buildings and, where pinch-points between buildings occur as a result of the building parameters, windows have been positioned to achieve oblique views between units.

In the few instances where windows are directly opposed to each other, these are generally openings to non-habitable rooms and privacy film will be proposed as a finish to these windows. The recessed balconies increases the privacy of the units both in relation to adjacent units and external views without the need to use additional privacy screens between residential units.

Dwelling size

Table 3.3 in the London Plan provides a minimum gross internal floor area for different types of dwelling. The Mayor's Housing SPG November 2012 includes a wider ranging Minimum Floorspace Table based upon the same standards.

All of the units proposed would have a gross internal floor area which exceeded the requirements of the London Plan for a dwelling of that type. The proposal is therefore considered to be acceptable in this regard.

Amenity space

The Council's adopted Supplementary Planning Document entitled Residential Design Guidance as well as the Millbrook Park Design Code requires the provision of 5 sq.m of amenity space each habitable room for flats, and between 40 and 85 sq.m for houses depending on the number of habitable rooms.

Every dwelling has access to some form of private amenity space. The houses all have individual rear gardens and in relation to the apartment buildings all units are provided with individual balconies and also have access to the shared external amenity areas. All of the proposed units meet or exceed the minimum standards outlined in the as stated and the proposal is acceptable on grounds of private and communal amenity space provision.

4.8 Impacts on amenities of neighbouring and surrounding occupiers and users

The periphery of the site is delineated by the east west primary link to the west, the Central Park to the North and other minor estate roads to the south and east. The site to the north east on the opposite side of the Central Park is currently being built and is near completion. Due to the distance separation between these buildings across a public park, it is not considered that the proposal would adversely affect the amenities of these properties. To the west on the opposite side of the East West link road are a series of refurbished apartment blocks managed by Notting Hill. This buildings are angled on a east west axis and obliquely face the application site. Again due to the distance separation, as these buildings are also set back from the

road, it is not considered that the proposal would result in any material impact on the amenities of these properties in terms of daylight, sunlight or privacy.

In relation to future phases located to the south and east of the development, no detailed reserved matters application have been submitted, however the distance separation between the development and these future plots will be similar to the relationship of plots to the north with any overlooking being limited to the public faces of development over internal roads and it is not considered that the proposal would significantly affect the amenities of dwellings contained within future phases or be unduly impacted upon by future development.

4.9 Transport, parking and highways matters:

Access

The access points have already been established and the surrounding roads including the east west link road to the west and Royal Engineers Way to the east have been authorised under earlier reserved matters approval. The road to the south of the phase which links these two roads and forms the southern boundary of the site was authorised under the recent advanced infrastructure consent (Ref: 16/2719/RMA). Access to the basement car park is via two accesses formed on the southern road.

Pedestrian Facilities

Access and movements for pedestrians were established as part of the outline application, with access available to the sides of the phase along both Inglis Way and Royal Engineers Way. In addition to this a pedestrian and cycle only path has been created through the centre of the site providing access to the Central Park to the North. This path is not intended to operate as a formal right of way and the submitted application documents suggest that this would be closed at night. The creation of this pathway which is not required under the terms of the Outline Planning Permission is welcomed in creating an additional safe pedestrian route and helps to integrate the proposal into the wider area. Overall it is considered that the proposal would provide a satisfactory pedestrian environment in accordance with the aims of the design code.

Parking

Parking Standards set out in the Local Plan Policy DM17 is as follows:
Maximum Standards will be:

- (i) 2 to 1.5 spaces per unit for detached and semi detached houses and flats (4 or more bedrooms)
- (ii) 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms)
and

- (iii) 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom)

Condition 23 of the outline consent limits the number of residential parking spaces to 2,522 (plus limited visitor parking) across the whole site.

The table below shows the typical parking requirement as set out in the Design Code and that set out in the outline planning permission for the proposed development.

No. of units	Types	Parking Ratio Permission	Parking Ratio Design Code	Parking Req.
80	1b	1	1.1	80-88
89	2b	1	1.1	89-98
15	3b	1.2	1.5/2	18-30
4	4b+	2	2.0	8
				195-224

There is some flexibility in the provision but the total development should not exceed 2522 spaces so that individual phases may contain a higher number of spaces providing that the total number of spaces does not exceed the maximum number. A total of 195 parking spaces are proposed and would meet the outline planning permission standard and is spread between 2 no basement levels with access off the southern road (the car parking entrances are located to the East and West of this road). The basement provides parking for 179 spaces and 16 spaces for the Villa residences as shown on page 146-147 of the DAS located on the Phase 4b Estate Road Drawing No's BMA-AR-PL-03-00-01. The additional 10 bays are not shown on the plans but states that additional visitor parking is provided on curtilage that forms part of the site-wide grade parking provision. 10% of spaces are for disabled use with 17 provided in the basement parking in close proximity to lift access.

20% of parking spaces are to be provided with electric charging points and a further 20% for future provision and is in accordance with the London Plan.

The scheme therefore provides adequate car parking and would not result in significant overspill to neighbouring roads.

A Parking Management Strategy has yet to be submitted and must be conditioned in order for the proposal to be considered acceptable. This will demonstrate how vehicles will be prevented from parking on the non designated areas. A condition to this effect is included.

Accessibility and Inclusivity

Nineteen units within Phase 4b are wheelchair accessible, which equals to 10% and in compliance with Condition 70 (Design to Lifetime Homes Standards and Wheelchair Standards) of the outline consent. The allocated car parking spaces have level access to these properties are as far as responsibly possible located in close proximity to their entrance points.

All of the proposed dwellings are designed to comply with the design criteria necessary to meet Lifetime Homes standards however due to the topography of the site some of the internal paths between terraces are by necessity stepped. However alternative routes exist to access these areas albeit in a less direct manner. Given the topography of the site this is considered acceptable and it is considered satisfactory to meet Condition 70. The scheme has followed principles of inclusivity and accessibility.

Cycle Parking

Cycle parking spaces have been identified on Drawing No BMA-AR-PL-81-01 on Level 00 41 spaces and Level 02 166 spaces in the basement parking areas. For the garden apartments 2 bed duplex 2 spaces are provided as shown on Drawing No BMA-AR-03-211. For the 3 bed houses 2 spaces are provided as shown on Drawing No BMA-AR-03-212. For the 3 bed houses 2 spaces are provided as shown on Drawing No BMA-AR-03-213. In total 255 cycle spaces will be provided. The Design code set out the cycle standard 1 space per one and two bed dwelling 2 spaces per three and four bedroom dwelling 10% cycle spaces to be provided for visitors within the street in robust, vandal resistant stands.

No. of units	Types	Cycle Space	Space Req.
80	1b	1	80
89	2b	1	89
15	3b	2	30
4	4b+	2	8
	Visitor	10%	21
Total			228

The spaces for the 2 bed duplex and houses should be provided in a garden store and not in the open as shown on the above drawings. The cycle parking numbers provided is acceptable.

Waste Management

Refuse storage locations are shown on Drawing No's BMA-AR-PL-90-00-01. Refuse storage within the basement will be placed by the management company on collection days in the external lay-down area that will allow for containers to be

collected from within 10 metres distance of the proposed refuse collection point. The doors of the storage shown on Drawing No BMA-AR-PL-90-01 will open into the circulating area for parking and will be a conflict. The storage area should be designed so that doors open inwards.

Conclusion for Transport, Parking and Highways

In summary, the application provides for adequate parking without harming the local highway network and promotes sustainable modes of travel and complies with Policies CS9 and DM17.

4.10 Environmental issues

Construction management

A Construction Management Plan for the whole of Millbrook Park was approved pursuant to Condition 17 of the outline consent (ref H/04183/11). The document incorporates the view that succinct method statements will be required for each reserved matters application. A Construction Management Plan has also been submitted with the current application which accords with the site wide policy and is considered acceptable.

Contamination

A contamination strategy for the whole site has been dealt with under Condition 63 of the outline consent (ref H/00643/12, approved April 2012). This condition is split into 4 parts and parts i) and ii) which includes desk top studies and site investigation have been approved. Parts iii) of the condition requires the approval of a remediation strategy and part iv) requires a verification to be submitted for each phase.

This approved advanced infrastructure consent for this phase contained details of proposed measures to deal with contaminated land (Ref: 16/2719/RMA) which was considered satisfactory by the Scientific Services Officer subject to final verification. Given that this is required both under the Outline Planning Consent and under the Advanced Infrastructure Consent there is no need to attach any further conditions to this application.

4.11 Energy, climate change, biodiversity and sustainable construction matters:

Sustainable design and construction

An overarching energy strategy for the whole of Millbrook Park was submitted to and approved pursuant to Condition 79 of the outline consent (ref H/00560/12). The

approved strategy outlines how a centralised energy supply to the south of the site will be delivered, and a decentralised supply to the north. The south of the site will be served by a District Heating Network provided by a single Energy Centre while the north of the site is expected to adhere to the Mayor's Energy Hierarchy by utilising an energy efficient building fabric and where applicable photovoltaic panels (PV).

The Mayor's Energy Hierarchy sets out three methods for achieving a minimum 25% reduction in carbon emissions:

- 1 Be lean: use less energy (fabric efficiency standards)
- 2 Be clean: supply energy efficiently
- 3 Be green: use renewable energy

The application is accompanied by a Energy Strategy and Code for Sustainable Homes Pre-Assessment which demonstrates that the proposal would reach the equivalent of Code for Sustainable Homes Level 4 as well as achieving a 49.3% reduction in CO₂ emissions as is required by London Plan policies and Condition 80 (Code for Sustainable Homes) of the outline consent. This is achieved partly through implementing high building fabric specifications and energy efficient measures and partly by the proposed connection to the proposed District Heat Network to the South of the site. As the main district energy centre is not proposed to be built until 2019 a temporary energy centre has been consented adjoining the Central Park which will be delivered by the Inglis Consortium.

Water resources and Drainage

The Drainage plan submitted with the Advanced Infrastructure Works provided details of surface water and foul water drainage. Further details were set out in the Drainage Strategy Technical Note, which supported the application and which was considered consistent with the site-wide drainage strategy approved under discharged Conditions 43, 44 and 46 (permission ref: H/04340/12) attached to the OPP.

SUDS Infrastructure

The Drainage Strategy submitted with the Advanced Infrastructure Works application for this phase set out the available SUDS techniques and identifies the ones that are considered appropriate for the development site. The identified suitable SUDS techniques for the site include attenuation storage tanks, green roofs, gravity rainwater harvesting (waterbutts) and proprietary treatment systems.

Biodiversity and Ecology

The AAP encourages the planting of native species to encourage biodiversity. The Environmental Statement at outline stage concluded that there are no overriding

concerns with respect to ecology and nature conservation preventing redevelopment taking place.

A site wide Ecological Mitigation and Management Plan (EMMP) was submitted and approved (H/04184/11, November 2011) pursuant to Condition 60 of the outline consent. It was considered that the document as approved demonstrated a comprehensive overall management plan for ecological assets on the application site.

Green/ Brown Roofs

Condition 84 (Green/Brown Roofs Target) of the outline consent requires a minimum of 10% of green or brown roofs across the whole of Millbrook Park site. Condition 85 (Green/Brown Roofs Provision) requires details to be submitted and approved demonstrating this provision across the whole site including a reconciliation plan or table showing how it meets the 10% target fixed by Condition 84.

The scheme meets this requirement through the use of podium deck gardens and extensive green roof areas on the apartment buildings, the inclusion of podium decks has been previously included in brown/ green roof calculations and the development would in itself comply with the requirements of Condition 84 and contribute to the overall provision within the Millbrook Park Development.

5. EQUALITIES AND DIVERSITY ISSUES

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

- “(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”*

For the purposes of this obligation the term “protected characteristic” includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under the above legislation.

6. CONCLUSION

As conditioned the proposal would not compromise the outline planning permission (H/04017/09) for the redevelopment of the wider site. It accords with the relevant development plan policies, conforms to the design principles and the parameters established in both the approved outline application for the former Inglis Barracks site and the Design Code.

The proposal is acceptable on visual amenity, access, highways, biodiversity, and drainage grounds. The proposal would not significantly affect the amenities of neighbouring residential properties. It would provide for much needed quality family housing that would have a good standard of accommodation including outlook, privacy and access to daylight.

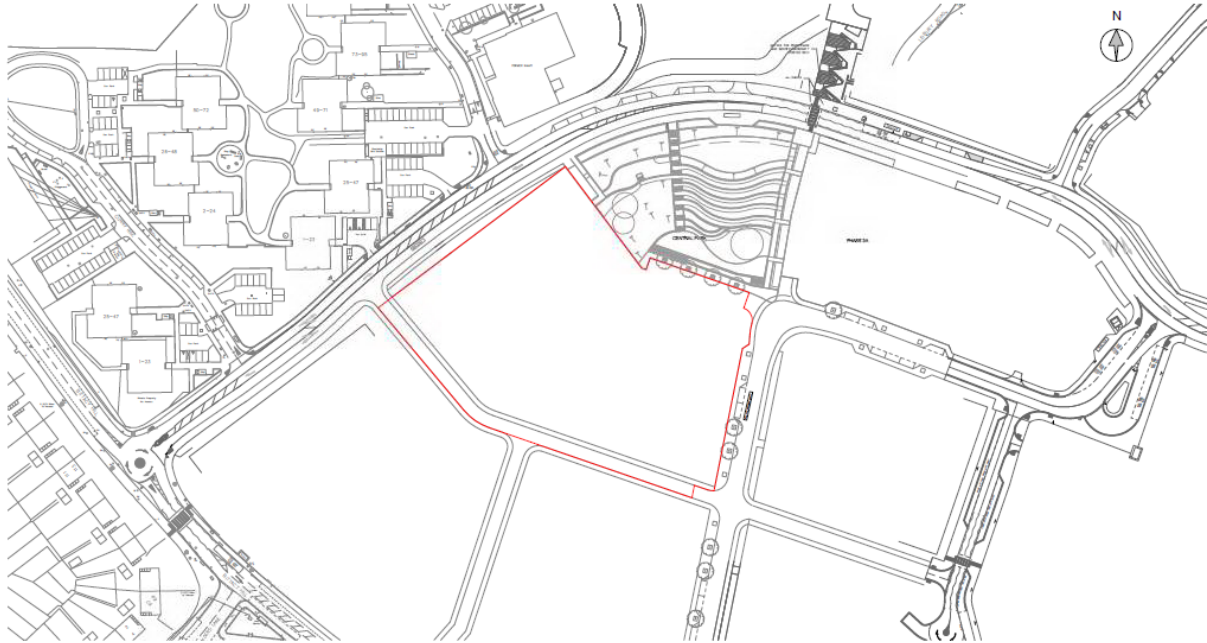
The design of the development is appropriate for the Southern Hub Character area, which also provides for variety and legibility. The materials and form relates well to the surrounding development. The layout of the development provides permeability around the site as well as to the wider Millbrook Park site.

The application also satisfies the requirements of Conditions 5, 8, 26, 27, 29, 32, 35, 48, 52, 58, 63, 69, 70, 80, 83 and 85 of the outline consent.

It is recommended that the application be **approved** subject to the attached conditions.

**SITE LOCATION PLAN: Phase 4b, Millbrook Park (former Inglis Barracks),
Mill Hill East, London, NW7 1PZ**

REFERENCE: 16/3111/RMA



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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 2015.

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 2015.

5 a) Notwithstanding the details submitted with the application and otherwise hereby approved, prior to the commencement of the relevant phase of the development (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).

6 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 prior to the relevant phase of the development.

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

7 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).

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order shall be carried out within the curtilage of the property without the prior written permission of the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring occupiers and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

9 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).

- 10 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 11 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of any of the new dwellings (Use Class C3) permitted under this consent, the dwellings shall have been constructed to meet and achieve all the relevant criteria of Part M4(3) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) prior to the first occupation of either of the new dwellings (Use Class C3) permitted under this consent. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 12 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 34.25 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 13 Before the development hereby permitted is occupied cycle parking spaces as per the submitted planning application shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

14 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13 , CS14, DM01, DM04 and DM17 of the Barnet Local Plan and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

15 Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual

Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

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

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

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

Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2011.

- 16 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as shown on the tree protection plan approved under Condition 1 of this permission 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 permission.

Reason: To safeguard the health of existing tree(s) 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 (adopted September 2012) and Policy 7.21 of the London Plan 2015

- 17 a) No site works or works on this development including demolition or construction work shall commence until details of the temporary means of enclosure, including boundary treatments to neighbouring properties, 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 site works including demolition and construction work commence, and retained as such throughout the demolition and construction period of the development.

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 during the demolition and construction work 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).

- 18 No development shall commence until the arrangements to ensure that affordable housing as affordable rent (as defined by the National Planning Policy Framework Annex 2) is provided on site, are submitted to and approved in writing by the Local Planning Authority by means of a legal agreement pursuant to Section 106 of the Town and Country Planning Act (1990). The development shall be implemented in accordance with these details and be retained permanently as such thereafter. The agreement shall provide

(i) That 100% off all housing units to be provided as affordable housing on site are to be occupied on an Affordable Rent tenure as defined in Annex 2 of the NPPF and any future guidance that replaces it.

(ii) For the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing ; and

(iii) For the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

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

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 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.
- 3 If the development is carried out it will be necessary for any existing redundant vehicular crossovers to be reinstated to footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South London, N11 1NP
- 4 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 5 Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 6 The applicant is advised that for construction works adjacent or affecting the public highways, the council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary.
- 7 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 8 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 9 The applicant is advised that any works required on public highway to facilitate the development will require a separate agreement with the Highways Authority under S184 or S278 of the Highways Act 1980.
- 10 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');

2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);

3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;

4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;

5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;

6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

In addition, the applicant is advised that the building on site may contain asbestos. Advice on removal is available at: <https://www.barnet.gov.uk/citizen-home/environmental-health/pollution/hazardous-substances/asbestos.html>

Reference should be made to the uncovering and disposing of asbestos in complying with the contaminated land conditions part 1 and 2.

- 11 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.

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

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 7294.

- 13 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 14 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 15 The grant of planning consent confers no rights for any work to be undertaken to a tree on public highway land and you are advised to consult the Council's Principal Arboricultural Officer - Greenspaces and Streets prior to taking any further action
- 16 The applicant is advised that the garages on site may contain asbestos. Advice on removal is available at: <https://www.barnet.gov.uk/citizen-home/environmental-health/pollution/hazardous-substances/asbestos.html>

- 17 Prior to the commencement of the development hereby approved, details and statutory orders of any highways required to be stopped up to facilitate the development shall made under Section 247 of the Town and Country Planning Act 1990. These shall be submitted to and agreed with the Local Planning and Highway Authority.

Officer's Assessment

1. Site Description

The application site measures 0.06ha and consists of a cul-de-sac containing 16 residents garages at the end of Reets Farm Close. Pedestrian and vehicular access to the site is gained from Fryent Grove along an existing adopted road that serves a small number of bungalows around a public amenity area. The site is bounded on all sides by existing residential development. The immediate street block around the site consists of Goldsmiths Avenue, Fryent Grove and Hyde Crescent. The site is located to the western side of the A5, close to the boundary with the London Borough of Brent. The surrounding area is principally residential, although, because of the close proximity to the A5, there are commercial employment and retail uses in the vicinity.

With the exception of the properties in Reets Farm Close which are bungalows, the properties surrounding the site are two storey semi detached and terraced dwellings. Brick is the principal materiality in the area. The site is not within a conservation area and there are no listed buildings on or adjacent to the site which may be affected by the proposed development. There are no trees subject to a Tree Preservation Order. However, there are trees around the periphery of the site which form significant features within the locality. There is a substation at the eastern end of the site which would be retained. Access to the substation would also be retained as is currently the case.

The site is located within a Flood Zone 1, according to the Environment Agency's Flood Zone Maps. As such, there is no significant risk of flooding.

The site is located in a PTAL 2 location (where 1a is low and 6b is high). However, there are bus stops within close proximity to the site on Kingsbury Road and The Hyde. Hendon railway station is a short distance away.

Most properties around the site have off street car parking by way of an area of hard standing within the front garden of the property. On street car parking is also available.

2. Site History

No history of relevance for the garages site.

3. Proposal

The application seeks planning permission for the demolition of all the existing garages and the erection of one detached single storey bungalow. The proposed dwelling would be orientated so that its front elevation would face towards the southwest. The proposed development would be constructed from brick and would have gable ends on its front and rear elevations with a central ridge line running southwest to northeast.

The proposed development be a two bed three person wheelchair dwelling house and would have an internal floor area of 71.4sq.m with a surrounding garden area of 171sq.m. The site outline runs along an existing wall that separates a terrace of bungalows overlooking the site. Refuse and cycle storage would be located on the opposite side of this separating wall as well as a disabled parking space. At its closest the proposed development would be 12m from the edge of the building at 19 Reets Farm Close, noting that the principal habitable room windows overlook the open space to the west rather than the development. The proposed development would be at least 23m away from the rear

elevations of properties in Hyde Crescent and Goldsmith's Avenue. As well as the landscaped rear garden, the proposed development would lead to the resurfacing of the access road to the substation and the approach to the proposed dwelling. The proposed dwelling would be 8m distant from the substation.

4. Public Consultation

Consultation letters were sent to 156 neighbouring properties.

A site notice was erected on 23 June 2016.

6 responses have been received, comprising 5 letters of and 1 letter of support.

The objections received can be summarised as follows:

- o The proposed development would result in a loss of privacy
- o The proposed development would reduce sunlight to neighbouring properties
- o The removal of the garages would result in the loss of the boundary walls to surrounding properties giving rise to a reduction in security.
- o The proposed development would give rise to more refuse being stored externally close to surrounding properties. This would increase odours and other amenity harm.

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 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

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, CS5.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their 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

Residential Design Guidance SPD (adopted April 2013)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

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:

- Whether harm would be caused to the character and appearance of the the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether harm would be caused to the living conditions of future residents.

- Whether harm would be caused to the health and quality of trees
- Whether the development would impact traffic and highways to an unacceptable level

5.3 Assessment of proposals

Principle of development and redevelopment of the site

For areas such as the application site policies CS1 and CS3 of the Barnet Core Strategy expect new developments to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

The proposed development would result in the demolition of the 16 existing garages on the site and their replacement with a single bungalow. This property would be developed by Barnet Homes and would both be intended for 100% affordable rent housing. The dwelling would also be specifically constructed for wheelchair housing.

An assessment has been made of the existing car parking by the applicant. The planning statement provided with this planning application indicates that of the 16 garages, 7 of them are vacant. Of the remaining 9 garages, three are let to people who live more than 500m away and on this basis, it is unlikely that these garages are used for parking of cars. Furthermore, the existing garages are unlikely to be able to accommodate private cars and are more likely to be used for storage by residents. There is no presumption against the loss of facilities within Development Plan Policy. Finally, the garages are considered to be in a poor state of repair and not fit for purpose.

The application site has not been identified for any specific use in development plan planning policies, is previously developed land and is situated in an area characterised by residential housing. The land is located within walking distance of a number of bus stops, is close to local amenities and utilises existing access off Quinta Drive.

As abovementioned, the dwelling is intended to be 100% affordable rent housing and would be specifically constructed for wheelchair users.

In such circumstances, Planning Officers find that there is nothing to specifically preclude the redevelopment of the site in the broadest sense, subject to the scheme proposed being compliant with the relevant development plan policies.

As such the principle of redevelopment of the site is deemed acceptable.

Affordable housing

Policy CS4 of the Core Strategy DPD (2012) seeks to ensure a mix of housing products in affordable and market sectors to provide choice for all households. Policy DM08 (Ensuring a variety of sizes of new homes to meet housing need) states that development should where appropriate provide a mix of dwelling types and sizes in order to provide choice within the Borough, having regard to the borough wide target of 40% affordable housing provision. Policy DM10 (Affordable housing contributions) seeks the maximum reasonable amount of affordable housing to be provided on all new sites that provide 10 or more units, having regard to the Borough wide target for 40% affordable housing provision.

Policy 3.10 of the Mayor's London Plan (2015) states that affordable rented housing should meet the criteria outlined in Policy 3.10 and be let by local authorities or private

registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

The unit is proposed to be offered for affordable rent, exceeding the policy requirement for 40% on site affordable housing and exceeding the policy target for 60% of affordable housing to be social or affordable rent.

The affordable rent level for this unit is intended to be 65% of the local market rent level, which is lower than the 80% market rent threshold as defined in the London Plan (2015), and therefore more affordable.

In summary, the unit would provide affordable housing for future occupiers above and beyond affordability levels set out in regional policy, and would contribute to providing a mix of housing products for all households.

Design, appearance and character matters

The National Planning Policy Framework (published in 2012) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development.

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

The locality and wider area consists of low density residential development within an open and spacious character comprising two storey semi-detached properties and short terraces.

The application proposes a single storey, detached bungalows which would be subordinate within their context and respect the spacing in this area. The proposed dwelling would have pitched roofs, with ridges and gables. In terms of height, size, scale and massing it is considered that these proposed dwellings would not detrimentally harm the local character.

Given the removal of a number of garages and existing hardstanding, and their replacement with the single-storey dwelling and associated soft landscaping, it is considered that the proposed development would improve the character and appearance of the application site.

In terms of their design and appearance, the proposed building would reflect that of the surrounding properties. Design features of the proposed dwelling include pitched tiled roofs; gable ends; glazing; and red brick elevations with linear brick detailing. Such features are considered to respond positively to its context and are found to have an acceptable relationship with the neighbouring buildings and spaces.

Conditions have been recommended to ensure that the materials used in for the new building are of an appropriate quality. Conditions are also recommended to ensure that a suitable design and quality of materials are used for the areas of hard and soft landscaping around the new building and means of enclosing the site.

Subject to the conditions recommended, the proposal is found to be acceptable and compliant with development plan policies as they relate to design, character, appearance and landscaping matters.

Quality of accommodation for future occupants

Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings and outdoor amenity space.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new residential accommodation. The council also has adopted SPD's (entitled Sustainable Design and Construction and Residential Design Guidance) providing more detailed guidance on a range of matters related to creating new residential accommodation in addition to the Mayors adopted SPG's (entitled Housing).

Dwelling size:-

The unit proposed would have gross internal areas which exceed the requirements of the London Plan for a dwelling of that type.

Dwelling layout and outlook:-

Development plan policy requires that new dwellings are provided with adequate outlook. The design approach proposed maximizes the outlook of occupiers of the new dwellings, while also taking account of the need to prevent unacceptable levels of overlooking at neighbouring properties.

The bungalow is multi-aspect with at least one façade orientated south-west or east-west, and will feature a sufficient amount of glazing.

It is considered that the dwelling proposed in this instance has an acceptable degree of outlook.

External amenity space provision:-

The proposed dwelling would have access to a substantial area of open space with a provision of over 170 sq.m of private garden space which would exceed requirements set out in the London Plan.

Privacy and overlooking:-

It is noted that Table 2.4 of Barnet's Sustainable Design and Construction SPD (2013) states that in new residential development there should be a minimum distance of 21 m between properties facing windows to habitable rooms to avoid overlooking and 10.5 m to a neighbouring garden.

Properties in Goldsmiths Avenue and Hyde Crescent would all be at least 22m away and would therefore have negligible impact on these properties. However, the proposed development would result in the demolition of the garages, removing the means of enclosure, privacy and security that these properties currently enjoy. Given the importance of protecting residential amenity a condition will be imposed on the planning permission

requiring a robust temporary means of enclosure during the construction and a means of enclosure that is of equivalent type or better following the completion of development.

The nearest properties are 17 to 19 Reets Farm Close which are currently separated from the garage and parking courts by a boundary fence. These properties are approximately 12m away from the nearest point of the proposed development. These bungalows have windows facing the development however, these are not the main habitable room windows of the bungalows. Nevertheless, the separating means of enclosure prevents harmful amenity impacts between properties.

Daylight and sunlight:-

The submission documents include an assessment of the levels of daylight and sunlight that would be received in the habitable rooms of the dwelling proposed. This was carried out by HTA Design LLP.

The evaluation found that all of the habitable rooms proposed would be provided with excellent levels of daylight and adequate levels of sunlight throughout the year. The proposal is found to be acceptable in this regard.

Accessibility: -

The proposed development has been designed for and would be constructed for occupation by a wheelchair user. The proposed development would therefore be constructed in accordance with standard M4(3). The proposed development should therefore be welcomed in its ability to contribute to the full variety of housing stock in the Borough, thereby providing for balanced and mixed communities.

Conclusions on the amenities of future occupiers:-

For the reasons set out above the development, as controlled by the conditions recommended, is found to be compliant with development plan policy.

Impact on amenity of neighbouring occupiers

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

As single storey dwellings which would be bounded by the rear gardens of neighbouring properties, it is considered that the proposed development would not give rise to a harmful impact on the residential and visual amenities of adjoining occupiers.

As stated above, the bungalow would be at least 22m distance from properties in Hyde Crescent and Goldsmiths Avenue. Existing boundary treatments would mitigate any harm even though these distances are greater than those set out in the Supplementary Planning Document.

By virtue of the proposed dwelling's design, height, massing and an inset from adjoining boundaries, it is not considered that the dwellings would impact the amenity of neighbouring properties to an unacceptable level.

The submission documents include an assessment of the proposals impact on daylight and sunlight of the neighbouring residential properties, produced by HTA Design LLP. The

report concludes that the criteria relating to both daylight and sunlight would be met and that there would be no significant adverse impact on the daylight or sunlight received at neighbouring residential properties. Officers accept the findings of this assessment and conclude that the application is acceptable in terms of its impact on the daylight and sunlight received at neighbouring properties.

Officers consider that the occupation and natural surveillance that would come from these proposed dwellings and their private gardens, would provide a greater sense of security for occupiers at the neighbouring properties, compared to the existing garages.

In conclusion, the proposed development is considered to be acceptable and compliant with the relevant development plan policies in regards to the amenities of neighbouring and surrounding occupiers.

Highways and Parking

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 (Travel impact and parking standards) of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

The development site is an existing garage court accommodating 16 garages. Pedestrian and vehicular access to the site is gained from Fryent Grove by way of an existing access road. The Public Transport Accessibility Level (PTAL) for the site is 2 (where 1a is low and 6b is high).

1 parking space is being proposed in total (1 parking space per dwelling). No replacement parking is being proposed for the existing garage parking.

A Transport Statement has been submitted to accompany this application.. Barnet Homes have confirmed in the Transport Statement that the existing garages are considered sub-standard as they are not suitable for parking standard vehicles nor do they allow comfortable access to/from the vehicles. Barnet Homes have also advised that, of the 9 garages leased, it is likely that many are used for storage purposes, and not parking.

Taking into consideration the PTAL rating of 2 for the site, Highways Officers have considered that the parking provision proposed for the dwellings is in accordance with the Barnet Local Plan, Development Management policy DM17.

Access will be from Reets Farm Close via the existing access road. Conditions are recommended to ensure that refuse collection points are within an adequate distance of the public highway as well as easily accessible for users of the property.

Cycle parking in accordance with the requirements of the London Plan will be provided as part of the proposals.

In conclusion, subject to the conditions recommended, the proposal is considered to be acceptable and compliant with policy in respect of parking, highways and transport matters.

Refuse and recycling

Refuse and recycling storage has been provided for the dwelling. Notwithstanding the details on the plans submitted, a condition has been recommended to secure satisfactory refuse and recycling facilities are provided at the proposed development.

Trees and Landscaping

Policy DM01 identifies that proposals will be required to include hard and soft landscaping and states that trees should be safeguarded.

There are no trees currently on site. There are tree outside the site in neighbouring properties rear gardens. No trees on neighbouring sites are subject to a Tree Preservation Order. It is not proposed to remove any neighbouring trees.

An Arboricultural Impact Assessment accompanies the application, produced by agb Environmental Ltd. The Report states that some reduction would be required to two trees, involving the south-west crown fact of T3, Lawson's cypress, and the east crown face of T8, Ash, in order to prevent obstruction to new parking and access, and provide clearance for construction.

The report specifies the protection measures to be implemented in order to ensure that there is no negative impact on any trees during the construction of the proposed development. These are considered acceptable by Officers.

Conditions have been recommended to ensure that the landscaping finally installed is of an appropriate design and quality and makes a positive contribution to the area. Subject to these conditions, trees and landscaping matters are deemed acceptable.

Sustainability

In regards to water usage, a condition has been attached to ensure the proposed dwellings are constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulation.

The agent has confirmed in writing that the proposed development will achieve over 35% carbon dioxide emission reduction when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. A condition has been attached accordingly.

Contaminated Land

Garages such as those proposed have often been constructed using asbestos materials and their demolition may require statutory controls. The planning permission will be subject to a condition requiring that investigations accompanied by appropriate mitigation is carried out.

The proposed development is located within 8m of a substation. This substation is not located in a fully enclosed facility and is an open structure. It is recommended that further information to analyse the likely impacts on amenity arising from electro magnetic currents generated by the substation. This information should be submitted to the Council in order to discharge an appropriate condition with the objective of protecting safety and amenity.

Safety and Security

The design and layout of the development proposed is considered to be such that it would provide a safe and secure environment for users of the proposed buildings and surrounding properties. As stated above, a condition will be added to the permission addressing the removal of existing boundaries during construction, securing restoration of a boundary treatment to protect the security of existing residents and also a permanent means of enclosure for adjoining residents once the development has been completed.

Barnet and Mayoral Community Infrastructure Levy

The proposed development is liable for charge under the Barnet Community Infrastructure Levy (CIL) and is liable for charge under the Mayoral CIL.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sqm 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 sqm on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

However, The Community Infrastructure Levy Regulations 2010 make provisions for CIL relief for new social housing. Given the proposals comprises 100% affordable housing, the proposed development will be eligible for Social Housing Relief.

5.4 Response to Public Consultation

- The proposed development would result in a loss of privacy

The proposed development would be contained entirely by surrounding boundaries. An occupier will not be able overlook adjoining properties in Hyde Crescent, Reets Farm and Goldsmiths Avenue. There would also be a removal of permitted development rights which would prevent any alterations to the dwelling house which would permit overlooking to occur.

- The proposed development would reduce sunlight to neighbouring properties

The development would be single storey. The development would be higher than the existing garages. However, as these garages run around the perimeter of the site, and the development is centrally located, the impact on these adjoining properties would be very limited. The distance of 22m to Goldsmiths Avenue and Hyde Crescent would exceed the distances set out in SPD. BRE guidelines indicate that where the distance from the obstruction to the nearest window is more than three times the height of the obstruction, it is unlikely that there would be any harmful impact on residential amenity. This is the case in this scenario.

- The removal of the garages would result in the loss of the boundary walls to surrounding properties giving rise to a reduction in security.

This objection is noted and is of significance. Existing residents should not have to endure harm to their privacy and security. Prior to the demolition work taking place, details of temporary means of enclosure forming a robust replacement boundary should be

submitted to and approved by the Local Planning Authority for approval. In addition, replacement boundary treatment should also be provided for permanent retention that would ensure that these objectives are maintained in perpetuity.

- The proposed development would give rise to more refuse being stored externally close to surrounding properties. This would increase odours and other amenity harm.

Refuse and recyclables storage is already stored on the reverse side of the separating wall from 17 to 19 Reets Farm Close. This development would increase the required capacity by one small dwelling's worth. The impact arising from odours would be negligible.

- Self seeding trees are giving rise to impacts on neighbours.

These trees are not in the ownership of the applicant and not in the red line site. These trees do not form part of the description of the proposed development and are not part of the application.

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 careful regard to the requirements of this Section and have concluded that the proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme.

The proposed development would benefit future occupiers/users with disabilities, who are protected under this act, and therefore would support the Council in meeting its statutory equality responsibilities and is a clear merit of the proposed scheme.

7. Conclusion

The application proposes the redevelopment of an existing group of garages which are currently in a visible state of disrepair and disuse, into a high quality dwelling, which

exceed minimum internal and external space standards. The dwelling is intended to be 100% affordable housing, and will be specifically constructed for wheelchair users.

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

For the reasons set out in the previous sections of this report it is concluded that the proposed development generally and taken overall accords with the relevant development plan policies and constitutes a sustainable form of development. Accordingly, APPROVAL subject to conditions is recommended.



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Location **St Marys Church Of England High School Downage London NW4
1AB** **AGENDA ITEM 15**

Reference: **16/2877/FUL** Received: 29th April 2016
Accepted: 10th May 2016

Ward: Hendon Expiry 5th July 2016

Applicant: Governors of St Mary's and St John'

Proposal: Demolition of existing single storey classrooms and two storey south block and construction of a new three storey classroom block. Creation of new entrance and canopy. New glazed roof to central courtyard. Replacement of windows and cladding. Replacement of existing rails and gate. New hard and soft landscaping. Creation of weld mesh fencing. Relocation of bike store

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Demolition and Construction Method Statement by Loxton & Associates; Noise Impact Assessment Report by Auricl Acoustic Consulting dated 5th April 2016; Noise Survey Report by Auricl Acoustic Consulting dated 30 March 2016; Design and Access Statement incorporating a Sustainability Statement by Loxton & Associates; Energy Statement by Services Project Engineers Reference SPE/533/V1; Transport Statement by SK Transport Planning Ltd April 2016; Letter from Green Structural Engineering dated 23rd April 2016; Drawing no. L1181/2.3/01; Drawing titled "Landscape Design, Planning Specification and Planting schedule" by Randa Hughes; Drawing no. C/01 Rev P3; Drawing no. L1181/2.1/02; Drawing no. L1181/2.1/03; Drawing no. L1181/2.1/04; Drawing no. L1181/2.1/05; Drawing no. L1181/2.1/06; Drawing no. L1181/2.1/10; Drawing no. L1181/2.1/11; Drawing no. L1181/2.1/12; Drawing no. L1181/2.1/13; Drawing no. L1181/2.1/14; Drawing no. L1181/2.1/15; Drawing no. L1181/2.1/16; Drawing no. L1181/2.1/18 Rev P1 Proposed Elevations ; Drawing no. L1181/2.1/18 Sections as proposed; Drawing no. L1181/2.1/20; SMSJ Downage - Jacksons Sentry Security Fencing.

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 The site levels of the development shall be implemented in accordance with the details as specified on Drawing no.C/01 Rev P3 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 2015.

- 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 2015.

- 5 Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards as indicated on the hereby approved Drawing no. L1181/2.1/10 and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason: To ensure and promote easier access for disabled persons to the approved building 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 which in turn refers to London Plan Parking Standards.

- 6 Before the building hereby permitted is first occupied the proposed first and second floor window(s) in the rear elevation facing the properties on Sunningfields Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 7 The development shall thereafter be implemented in accordance with the measures detailed in the Demolition and Construction Method Statement by Loxton & Associates hereby approved.

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 (2015).

- 8 a) Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.
- b) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and Policy 5.3 of the London Plan 2015.

- 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, including a technical report have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed using anti-vibration mounts. 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 The level of noise emitted from the plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

- 11 a) Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority.

It shall have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment, the London Air Quality Network and London Atmospheric Emissions Inventory. 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) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

c) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and Policy 5.3 of the London Plan 2015.

- 12 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 40 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 13 All landscaping works shall be carried out in accordance to the hereby approved Drawing titled "Landscape Design, Planning Specification and Planting schedule" by Randa Hughes.

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 14 The existing parking provision within the site shall be retained and the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of

Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 15 The premises shall be used as a school and no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

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

- 16 The photo voltaic panels as shown as shown on Drawing L1181/2.1/16 shall be installed on the flat roof of the building prior to the commencement of the use or first occupation of the development and retained as such thereafter.

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 (2015).

- 17 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 40 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 18 a) Three months prior to the development hereby permitted is first occupied or brought into use, a School Travel Plan covering all 3 sites and all travel movements to and from and between the 3 sites and incorporating measures to reduce trips to the school by the private car and encourage non-car modes such as walking, cycling and public transport shall be submitted to and approved by the Local Planning Authority. This should include reference to the changes made to the school building/s and the impact this will have on travel and access, the contact details of the School Travel Plan Champion and appropriate actions to ensure that the STP will meet at least Bronze level in the Transport for London STARS (Sustainable Travel Active Responsible Safe) accreditation scheme for the following 5 years.

The School Travel Plan (STP) shall include SMART targets and a clear action plan for implementing the measures. A School Travel Plan Champion shall be in place for the lifespan of STP with STP Reps on each site. The School Travel Plan shall be monitored, reviewed and resubmitted in writing annually, for approval by the local planning authority, in accordance with the targets set out in the Plan and the associated S106 agreement.

b) The measures set out in the Travel Plan approved under this condition shall be implemented and retained until such time as the site is no longer in use or occupied.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012) and Policy DM17 of the Development Management Policies DPD (adopted September 2012).

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

For developments that require an Air Quality report; the report should have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network. The report should be written in accordance with the following guidance: 1) Environmental Protection UK Guidance: Development Control: Planning for Air Quality (2010); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(09); 4) London Councils Air Quality and Planning Guidance (2007).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

Officer's Assessment

1. Site Description

The application site is located on the western side of Downage within the Hendon ward. The host building is not listed nor does it lie within a Conservation Area. The site lies within an Area of Archaeological interest.

The school site is triangular in shape with the narrowest section to the north. Vehicular access is provided from Downage and the parking area is located to the northern corner of the site. The main pedestrian access to the site is from Downage located immediately in front of the building entrance, with pedestrian paths at either end (north and south) of the side facilitating access from Sunnyfields Road.

This part of Hendon is a well-established and flourishing residential area with a wide range of dwelling type, size and tenure served by equally well established community, commercial and leisure amenities in Hendon nearby.

There are no protected trees on the site.

2. Site History

Reference: H/03646/13

Address: St Marys Church Of England High School, Sunningfields Road, London, NW4 4QR

Decision: Approved subject to conditions

Decision Date: 4 October 2013

Description: Single storey extension within, and enclosure of, internal courtyard to create ancillary rooms.

Reference: H/02114/13

Address: St Marys Church Of England High School, Sunningfields Road, London, NW4 4QR

Decision: Approved subject to conditions

Decision Date: 23 July 2013

Description: Single storey front extension and associated external works to school front entrance to Sunningfields Road.

Reference: H/01408/11

Address: St Marys Church Of England High School, Sunningfields Road, London, NW4 4QR

Decision: Approved subject to conditions

Decision Date: 27 May 2011

Description: Increase in the height of existing railings and gates along site boundary fronting Church Terrace, and new railings and gates fronting Sunningfields Road.

3. Proposal

The application relates to the demolition of the existing two storey block and temporary structures to the south and south west of the site respectively, and erection of a three storey classroom block to provide 16 no. additional classrooms and sixth form centre.

The proposed new block would have a maximum width of 29m at the front and minimum width of 13m (approximately) at the rear. The building would have an approximate length of 37m and would be three storeys in height. At first and second floors, the building would be recessed from the rear elevation of the ground floor by 3m.

In addition, there would be associated works including:

- Creation of new entrance and canopy
- New glazed roof to central courtyard
- Replacement of windows and cladding to existing building
- Replacement of existing rails and gate
- New hard and soft landscaping
- Creation of weld mesh fencing
- Relocation of bike store

The proposed single storey infill/ new glazed canopy to central courtyard would be sited behind the new entrance. The new entrance would be sited centrally along the building and would include a canopy to formalise the entrance.

The building works to the existing building would include cladding of the existing structure and replacement of windows with double glazed aluminium windows to match the existing in style and pattern.

The existing gates and fencing would be replaced at the front of the site and these would have a height of 1.5m and would be painted black; the proposed railing would be Jacksons Sentry Security Fencing. The two metre mesh fencing will be sited within the grounds of the school itself away from the front boundary.

4. Public Consultation

Consultation letters were sent to 295 neighbouring properties.

9 responses have been received, comprising 1 petition letter with 8 objections and 1 letter of support.

The objections received can be summarised as follows:

- Downage is a quiet road
- Impinge on amenities of residents on Downage
- Three storey building would give appearance of a commercial building
- Detrimental to character
- Detrimental to parking with more vehicles

The letter in support from Councillor Mark Shooter received can be summarised as follows:

- Support of application

A site notice was erected on the 19th May 2016.

The Council's Highways team have been consulted and consider the proposal to be acceptable subject to conditions.

The Council's Environmental Health team have been consulted and consider the proposal to be acceptable subject to conditions.

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 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

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, CS5, CS9, CS10, CS11, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM07, DM13, 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:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

Principle of Development

The application relates to the Downage site of the St Marys Church Of England High School which also operates from two other locations within the Borough. Years from nursery to year 4 are taught at the Prothero Gardens site with pupils moving from the Bennett House, Sunningfields Road site from years 5 to 8. Although not currently in use, the Downage site would accommodate years 9 to 13.

The Sunningfields Road site (Bennett House) would expand to a 6 form entry school from the current 4 form entry; with an approved extension being implemented to accommodate the additional students (reference 15/05731/FUL). By 2017, it is proposed that the Downage site (Stamford Raffles Campus) will accommodate the year 9 group and the building would reach capacity by 2021.

A three storey block to provide 16 classrooms is proposed to replace the existing structures to the south and south east of the site.

The school building, before the closure of the previous school, accommodated a total of 773 pupils and 60 members of staff when fully operational.

The proposal is expected to comprise of between 740 and 790 pupils when fully operational, with 60 members of staff.

Policy DM13 of the Adopted Barnet Development Management Policies 2012 states that:

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

Core Strategy policy CS10 is generally supportive of new educational development to meet demand.

The expansion programme is supported by the Local Education Authority and officers do not oppose to it. On balance, the proposal is not considered to result in a significant increase in additional number of students than the original school building accommodated (up to a maximum of 17 additional pupils than the current capacity of the building). As such the principle is considered to be acceptable.

Impact on the character of the area

The demolition of the existing two storey wing and erection of a three storey extension in the location proposed is considered to be acceptable given the siting of the building, the design and the context of the site. The overall design and built form would reflect that of the existing school building

The proposed height of the new block would be 12.4m; which would be an additional 2.7m above the existing three storey school building. Whilst the height of the proposed building would not match the height of the existing structure, due to the set back of the building from the road, it is not considered that the proposed wing would be detrimental to the overall appearance of the building as a whole on the streetscene.

The proposed landscaping and other works to the main building are considered to be acceptable and would result in a positive alteration to the site, to the benefit of the local character of the area.

There is sufficient spacing between the existing school building and the new classroom block to ensure that there is adequate spacing around the buildings and the site. The building line of the new block will be consistent with the building line of the existing school building.

As such the proposed building is considered to have an unacceptable impact on the character of the area and the appearance of the building itself.

Impact on the amenities of neighbours

Given the distance of the proposed building from the properties on Downage and the block of flats on Mulberry Close to the south of the site, the proposed building at three storeys in height and despite the increase in height compared to the existing, is not considered to be detrimental to the visual amenities of these occupiers.

The proposed building would be sited approximately 18m from the boundary with properties on Sunningfields Road at ground floor and approximately 21m at first and second floor levels. Whilst there are some windows on the new wing fronting the gardens of these properties, a condition has been attached to the recommendation to require the rear windows at first and second floor levels to be obscured glazed and prevent overlooking. Due to the distance and siting of the building, it is not considered that the building would appear imposing or detrimental to the visual amenities of the occupiers of the Sunningfield Road properties.

The Environmental Health team have reviewed the application and consider subject to further details regarding Extraction and ventilation equipment and noise mitigation measures from the development, the proposal would be acceptable.

Loss of play space

Sports England would not need to provide comment on the application as the development does not fall within its statutory or non-statutory remit. The marginal realignment of the sports area/ playground is not considered to be unacceptable and facilitates the building being set away from the boundary to the south west; the nominal reduction in playground area is justified by the additional building and associated benefits.

Traffic and Highways

The Council's Highway's team have been consulted and the team consider that the increase in pupil numbers compared to the maximum capacity of the school as existing would have a negligible impact on local highways.

As part of the expansion of the school, a full School Travel Plan will need to be submitted. A contribution of £5,000 will need to be provided for the monitoring of the objectives of the Travel Plan; this would be part of a section 106 agreement with the applicant and the applicant has confirmed willingness to enter into this agreement. The purpose of the Travel Plan is to ensure that car use is maintained at a suitable level as the school expands; this will help mitigate against the concerns relating to increased vehicle movement to and from the school.

The school travel plan requirements via S106 are as follows:

- Full School Travel Plan that meets the TFL guidance ' What a School travel Plan should contain' at least 3 months prior to occupation
- The STP should be for the whole St Mary's and St John's school covering all 3 sites and all travel movements to and from and between the 3 sites.
- Life span of STP at least 5 years with annual review
- To meet at least Bronze level STARS (Sustainable travel; Active, Responsible, Safe) for at least 5 years
- £5K Travel Plan monitoring fee.

Highways have also reviewed the Demolition and Construction Method Statement submitted with the application and have recommended that this is acceptable.

A cycle storage would be included on the site and this would comply with the London Plan.

Access to the site is provided from three locations on the Downage on the eastern boundary of the site. The northern access provides access to the school car park and delivery area; the middle access is for pedestrians only and the southern access is for maintenance vehicles and the main pupil access. There are 16 on-site parking spaces which would be retained.

The proposal will not result in an increase in staff on site from the maximum the site can accommodate without planning consent (in full capacity the school accommodated 60 members of staff).

The proposal would not alter the access points.

It is not considered that the proposal would result in a heightened impact on existing parking pressures and as such would be acceptable on highways grounds.

Accessibility and Sustainability

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 40% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

5.4 Response to Public Consultation

It is considered that the comments raised by objectors have been addressed in the report above. The letter of support has been noted.

6. Equality and Diversity Issues

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

7. Conclusion

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

