

MEETING

PLANNING COMMITTEE

DATE AND TIME

THURSDAY 24TH NOVEMBER, 2016

AT 7.00 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

Councillors

Maureen Braun	Eva Greenspan	Agnes Slocombe
Claire Farrier	Tim Roberts	Stephen Sowerby
Mark Shooter	Laurie Williams	Jim Tierney

Substitute Members

Anne Hutton	Dr Devra Kay	Sury Khatri
Reema Patel	Gabriel Rozenberg	Hugh Rayner

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

Andrew Charlwood – Head of Governance

Governance Services 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	5 - 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.	Addendum (if applicable)	
6.	Land North off Charcot Road, Colindale (Colindale Ward)	11 - 40
7.	Garages off Linden Road and Pine Road London N11 (Brunswick Park Ward)	41 - 66
8.	Former Garage Site Back Lane Edgware HA8 (Edgware Ward)	67 - 94
9.	Garage Court Hanshaw Drive Edgware HA8 (Edgware Ward)	95 - 128
10.	Finchley Police Station 193 Ballards Lane London N3 (West Finchley Ward)	129 - 158
11.	Any item(s) that the Chairman decides are urgent	

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Decisions of the Planning Committee

7 November 2016

Members Present:-

AGENDA ITEM 1

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

Councillor Maureen Braun	Councillor Stephen Sowerby
Councillor Eva Greenspan	Councillor Laurie Williams
Councillor Tim Roberts	Councillor Jim Tierney
Councillor Agnes Slocombe	Councillor Anne Hutton (substitute for Councillor Claire Farrier)

Apologies for Absence

Councillor Claire Farrier Councillor Mark Shooter

1. MINUTES OF THE LAST MEETING

RESOLVED that the minutes of the meeting held on 19 October 2016, be agreed as a correct record.

CHAIRMAN'S WELCOME

The Chairman welcomed everyone to the meeting and outlined the running order.

It was also noted that the meeting was being audio recorded.

2. ABSENCE OF MEMBERS

Councillor Claire Farrier sent her apology, with Councillor Anne Hutton attending as substitute.

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

None.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ALLIANZ PARK, GREENLANDS LANE, LONDON, NW4 1RL

Officers explained that the proposal was for an extension and development of the existing Community Stadium at Allianz Park and the rationalisation of certain elements of existing consent for the site.

It was proposed to demolish the existing West Stand and replace with a new permanent spectator stand comparable in scale and appearance to the exiting West Stand. The new stand would increase capacity of the Stadium from 10,000 to no more than 10,500.

The Chairman welcomed Heath Harvey, Chief Executive Officer and Gordon Banks, Community Director from Saracens who highlighted the following points:

- This was an exciting opportunity which would also benefit the local community and Middlesex University, whilst enhancing sports participation, recreation and health and well- being;
- Saracens were in the process of engaging with other stakeholders;
- The vision was to create a community hub site with a vibrant venue for sport and community engagement;
- The site would continue to host celebration events, such as the fireworks event held yesterday which attracted 3000 people;
- The current site had embraced athletics, with usage more than doubling in recent years and the new proposals would continue to support this increase;
- The proposals aims were to enhance facilities, such as the club rooms, meeting rooms, training facilities disabled access, and the café area;
- The Community gardens would be improved and enhanced visually and could help provide a useful environment for adults with mental illnesses and young people with learning difficulties;
- There would be a small increase in seating capacity (from 10,000 to 10,500) to improve the elite sports experience;
- There would be the option to temporarily increase the seating capacity to 15,000 to cater for one off cup games;
- The current Middlesex University sports academy would expand and occupy a considerable amount of space in the West Stand;
- There would be a tree lined avenue to the centre of the new building;
- There would be a stadium management plan to ensure that detailed operation plans were in place;
- Travel plans would need to be amended for non-match days and it was pointed out that there would be no student parking on site;
- The stadium would be open throughout construction and noise and lighting would be reviewed;
- Middlesex University school of Health and Sports would share the training rooms in the new stand.

Members asked the following questions:

1. How many regular seats were there currently and how would this reconcile with the proposal to only increase regular capacity by 500 seats?

Members were informed that:

East Stand Seating – 3,000 premium seats increasing to 4,500 during the rugby season;

West Stand – there were 3,200 seats proposed, no temporary seating and this stand also had to accommodate two gantries and 40 wheelchair and carer spaces;

There were also 1,200 seats both in the North and South Stands.

2. Would disabled access be expanded?

Members were informed that there would be two different positions at two different levels, to enhance facilities which would reflect different pricing levels.

3. Would schools be able to hire facilities?

Members were informed that all schools in the Borough would have free access to the facilities.

4. How many disabled wheelchair places would there be in total?

100 – at different levels.

5. Were the entrances in the most suitable location?

Yes, they conformed with terrorist legislation.

6. What were the very special circumstances with regard to green belt?

The aim was to provide the best sports facility in North London.

7. Would there be any conflicts in terms of the University using the facilities?

There would not be a significant overlap between the University, Rugby Club and community needs.

8. Had there been consultation with residents?

Yes, there had been regular consultation with Residents Associations and other groups. Three formal public consultation meetings were due to be held on Thursday, Friday and Saturday and 10,000 residents had been emailed about the consultation meetings.

9. Was CCTV in place as part of the security measures?

Yes, it was.

10. What transport measures were in place?

There was a comprehensive transport system in place. 12 – 15 buses were provided on match days and this worked very well.

11. Was the proposed surface for the second car park suitable?

Yes, this area had experienced serious drainage problems since it was originally resurfaced and it was proposed that this area be resurfaced to match the existing south car park, in order to improve usability and appearance.

The Chairman thanked the representatives from Saracens for attending the meeting.

6. EUROPEAN DESIGN CENTRE, EDGWARE ROAD, COLINDALE, NW9 5AE

Officers drew Members attention to the proposal to demolish the existing two storey building and replace it with residential development ranging in height from 2 to 12 storeys.

It was noted that the proposal was for 75 residential units and not 500 as detailed in the Committee papers.

Julia Riddle, Planning Consultant for the scheme gave a presentation, supported by the schemes architect:

- The progress in meetings with the Council prior to this pre-application meeting;
- The purpose of this presentation concentrated on the principle of the development and issues around bulk and massing;
- Details of the existing site and use;
- It was proposed that the ground floor of the new development would accommodate commercial use, with residential use above;
- Highlighted the current site plan;
- Spoke about the Colindale Area Action Plan and explained that it supported delivery of new homes in the vicinity;
- Detailed comparisons between the existing site and the proposed scheme;
- Explained that there were up to 71 units proposed and talked about impact on Neighbours;
- The proposal was for up to 12 storeys in height, scaling down to 2 storeys;
- This was a high scale amenity for new and existing residents with a view to enhancing amenity spaces;
- TFL were comfortable with Edgware Road frontage;
- Massing images were detailed;
- It was explained that the outlook from existing residential units was 24.5 metres;
- Proposals for access were detailed and it was noted that there would be 'one to one' parking provision;
- The next steps would be to look at feedback from this meeting and engage in public consultation.

The Chairman thanked the scheme's representatives for the presentation and invited Members questions:

1. What was the nearest point of impact for existing properties?

10.5 metres currently, 16 metres under the new proposals.

2. What would be the implications for 'shadowing' under the new proposals?

There would not be much difference between the existing site and proposed scheme. There would be benefits to neighbouring properties for most of the year but a 20% reduction at certain times of the year.

3. There seems to be a significant amount of enclosure (not just in relation to light) – has this been assessed?

Yes – against the building that has received planning permission. It has been designed to have minimal impact.

4. Is the nearest point of impact for existing properties 16 metres as stated in 1) above or still 10.5 metres?

It was confirmed that whilst the existing 10.5 metre separation distance would be retained, the height of the development adjacent to the boundary would reduce from 2 storeys to 1 storey.

5. Would the windows of existing residents face the new site?

No, they would not.

6. Would the aim be to secure 40% affordable housing?

Yes – this would be the starting point in the viability test.

7. Would residents on site have rear access into Greenway?

No – access would be from the front.

8. What was the height of Imperial House?

14 storeys. It was clarified that the scheme would have 12 storey height adjacent to Imperial House.

9. Would there be a steeper view for properties looking up to Portland House?

Yes – but it is marginal.

The Chairman thanked the representatives for attending the meeting.

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

None.

The meeting finished at 8.14pm

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LOCATION: Land North Of Charcot Road, Colindale

REFERENCE: 15/01661/FUL

Registered: 16 March 2015
Expiry date: 25 October 2016

AGENDA ITEM 6

WARD: Colindale

APPLICANT: Fairview New Homes (Colindale) Ltd

PROPOSAL: Erection of a footbridge linking Charcot Road to Montrose Playing Fields, including all enabling works.

APPLICATION SUMMARY

The application proposes 'the erection of a footbridge linking Charcot Road to Montrose Playing Fields, including all enabling works.' The provision of the footbridge is a planning obligation contained within the S106 agreement pursuant to the planning consent for the Former Colindale Hospital site currently referred as The Pulse Phase 1 (H/00342/09 dated 20 Nov 2009).

The proposed bridge and extended paths at each end will create a non-motorised user route that will enable pedestrians and cyclists to travel between the new residential development on the former Colindale Hospital site (referred to as The Pulse) and the existing Montrose Playing Fields.

The route extends north of Charcot Road across the Tramway Ditch and its tributary and a new bridge and culvert are proposed to enable the flow within these watercourses to be maintained. The bridge will provide 300mm vertical clearance between soffit of the structure and the bank to ensure floodwater and debris flow below the bridge during events with return period of up to 1 in 100 years. Open handrails are also proposed to allow structure to be submerged in the event that floodwater is not contained within bank to ensure that the bridge will not obstruct flood flows during events with a return period of greater than 1 in 100 years.

To the south of the proposed footbridge, works include the removal of vegetation and the construction of a new 3m wide shared non-motorised footway / cycleway to tie in with the footbridge, and to be supported on a low height embankment to enable the maximum longitudinal gradient to be constrained to 3%.

To the north of the proposed footbridge, works include the horizontal and vertical realignment of an existing 1.5m wide footway on Montrose Playing Fields to tie in with proposed bridge. The longitudinal gradient along this realigned footway is also proposed to be restricted to 3% on either side of the bridge to enable pedestrians to use the proposed route.

External lighting columns are proposed to link to existing lighting network. Materials proposed are steel for the bridge with steel beams and deck with non-slip surface.

Following the installation of the proposed user route this will be offered for adoption to LBB.

A number of conditions have been recommended to ensure that the development achieves a suitable quality of access route, does not cause any unacceptable harm to the amenities of neighbouring occupiers or biodiversity, achieves the benefits that the submission advances in support of the scheme and mitigates any potential adverse impacts from the proposal, such as tree removal or surface water flood risk.

All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development generally and taken overall accords with the relevant development plan policies. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, the application is recommended for APPROVAL subject to conditions.

RECOMMENDATION: Approve Subject to Conditions

COMMENCEMENT

1. This development must be commenced within two years from the date of this permission.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

PLANS OF THE DEVELOPEMNT

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

1016-100 Rev P1 – Location Plan
NTS – Site Plan Colindale bridge red line
D124074-ML-150-001 Rev F – General Arrangement & land ownership
D124074-ML-150-002-B – Proposed Longitudinal Sections
D124074-ML-1100-001 Rev F – Proposed pavement and kerb construction
D124074-ML-1300-001 Rev F – Proposed Street Lighting
Planning Statement dated 18 October 2016
Data Sheet - Steel Beams and Parapet Bridge by CTS Bridges
MCA2514/01A – Tree Survey & Impact Assessment& Tree Protection
Method Statement
D124074 - Montrose Park Access Flood Risk Briefing Memo by AECOM
dated 1 October 2016

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).

MATERIALS

3. Notwithstanding the details shown on the plans otherwise hereby approved the development hereby permitted shall not commence (other than for Ground works and Site Preparation Works) unless and until details and appropriately sized samples of the materials and architectural features to be used for the proposed bridge (including supporting/retaining structures) and all hard surfaced areas have been submitted to and approved in writing by the Local Planning Authority. The Development shall thereafter be implemented in full accordance with such details and samples as so approved.

Reason:

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

SITE LEVELS

4. Notwithstanding the details shown in the drawings submitted and otherwise hereby approved the development is not to commence unless and until details of the levels of the proposed bridge, footpath/cycleway, and other landscaped areas relative to adjoining land and any other changes proposed in the levels of the site associated with the works permitted by this permission have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with such details as so approved.

Reason:

To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the amenities of the area and neighbouring occupiers and the health of any trees or vegetation in accordance with policies DM01, DM04 and DM17 of the Barnet Local Plan and policies 7.2, 7.3, 7.4, 7.5, 7.6, 7.13 and 7.21 of the London Plan.

WATER AND DRAINAGE

5. No development work in relation to the proposed culvert shall commence without first obtaining Watercourse Consent from the Lead Local Flood Authority in pursuance to the Flood and Water Management Act 2010.

Reason: To protect the waterway in accordance with LB Barnet Policies CS13 and DM04.

HIGHWAYS

6. No development shall commence without first obtaining detailed technical approval from the Local Highway Authority in pursuance to Section 38/278 of the Highways Act 1980. The development shall be implemented in accordance with such details as approved including its future maintenance of the footpath/cyclepath and in accordance with the covenants within the existing Section 106 for the Montrose Park Access Works. The approved works shall be completed at the applicant's expense under Section 38/278 of the Highways Act.

Reason: To ensure the safe form of access to the development to conform to 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, and Section 38/278 of the Highways Act 1980.

LIGHTING

7. No development (other than ground works, site preparation) shall commence before a full Lighting Design submission has been submitted to and approved in writing by the Local Planning Authority. The detailed Lighting Design submission shall include but not be limited to the following:

- Risk Assessment assessing the particular risks associated with the proposed bridge and path including footfall;
- Design details including philosophy, reasons and targeted achievements dealing with expectations, controls, light pollution and spillage, lighting category to be lit to;
- Adopted and non-adopted lighting identified, hours of operation of units, as well as full details of all lighting equipment including images full technical specifications for each luminaire;
- Isolux diagrams of the report to be overlaid with the parking areas, public areas and the surrounding houses and roads, intrusive light calculations to nearby properties to be incorporated, and all external lights to be included if they affect the design area.

All illuminating design to be adopted should be in accordance of current

British Standards BS 5489 using ILP guidelines, meet the Council's Developer specifications, be LED based and complete with the Harvard CMS system.

Reason:

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

LANDSCAPING

Tree Protection and Method Statement

8. The Tree Method Statement and Tree Protection Plan (MCA2514/01A) hereby approved shall be fully implemented and strictly adhered to for the duration of the development. No site works (including any temporary enabling works and site clearance) or development shall take place until temporary tree protection has been erected around the 'Work Zone Corridor-Tree Protection Fencing' boundary as shown in drawing MCA2514/01A hereby approved. 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.

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.

Tree Replacement Strategy

9. Prior to completion of the development hereby approved, details of the tree replacement strategy shall be submitted to and agreed in writing by the Local Planning Authority. These details shall include measures to ensure replacement of felled trees is achieved at appropriate planting sizes and densities in accordance with both the landscaping details approved within the site boundaries (Condition 10) and the Council's Green Spaces landscape objectives at Montrose Playing Fields. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason:

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

Soft landscaping

10. Notwithstanding the plans hereby approved a scheme of soft landscaping including details of existing trees to be retained, tree works and the size, species, planting heights, densities and positions of any proposed

soft landscaping within the site boundaries of this application including new footway embankments and Tree Protection Zone hereby approved - and in accordance with the Council Green Spaces Department's requirements. Details shall be submitted to and agreed in writing by the Local Planning Authority prior to the completion the development hereby permitted.

Reason: To safeguard the health of existing trees which represent an amenity feature and to ensure a satisfactory appearance of and contribution to biodiversity from the development in accordance with policies DM01, DM02 and DM16 of the Barnet Local Plan and policies 3.6, 7.19 and 7.21 of the London Plan.

11. All work comprised in the approved scheme of soft landscaping shall be carried out before the end of the first planting and seeding season following completion of the construction of this approved development.

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

12. Any trees, hedges and shrubs 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, shrubs or other planting of appropriate size and species in the next planting season.

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

13. a) No tree felling or pruning works shall commence outside the 'Work Zone Corridor – Tree Protection Fence' indicated in drawing MCA2514/01A until a detailed Tree Replacement Strategy and landscape scheme in accordance with Condition 9 and 10 have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

CONSTRUCTION METHOD STATEMENT

Construction Method Statement

14. a) No development or site works shall take place on site until a '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 (2015).

Informatives:

1. Applicant is advised that any development within 8m of the watercourse may also require consent for works from the Environment Agency under the Water Resources Act 1991 and the Thames Land Drainage Byelaws 1981. For further information the applicant should contact a Flood Risk Officer on 01707632419.

2. Any details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.

3. The costs of any associated works on the public highway, including reinstatement works, will be borne by the applicants and will require the Applicant to enter into a rechargeable agreement or a 278 Agreement under the Highways Act 1980.

4. For construction works adjacent to the public highways, the applicant must contact the Council on 0208 359 2000 for any necessary Highways Licenses

5. Applicant is advised that no development work of the development hereby approved commences without first obtaining prescriptive right from the Council's Green Team to get access to such land to build.

6. Applicant is advised that the developer responsible to use Bouygues Energies & Services for lighting design & build as they are the Council's service provider and have the Council's required specifications for build, and who will ensure any lighting installation meets the Authority's required standards in all respects. If Bouygues Energies & Services are involved with the design, specification and installation of the project's lighting requirements, this will avoid the need for lengthy, and possibly costly, post-installation discussions regarding handover/adoption of the proposed lighting to our inventory. For further information the applicant should contact Bouygues Energies & Services on bls@bouygues-es.co.uk contact number on: 0800 032 6788.

1. MATERIAL CONSIDERATIONS

1.1 Key Relevant Planning Policy

Introduction

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

Barnet's Local Plan is made up of a suite of documents, including the Core Strategy, Development Management Policies, and Colindale Area Action Plan development plan documents. The Core Strategy and Development Management Policies documents were both adopted by the Council in September 2012. The Colindale Area Action Plan document was adopted by the Council in March 2010.

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

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

here.

Officers have considered the development proposals very carefully against the relevant policy criteria and have concluded that that the development will fulfil them to a satisfactory level, subject to the conditions recommended. The proposed development is therefore considered to comply with the requirements of the development plan.

The London Plan

The London Plan (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:

Context and Strategy:

1.1 (Delivering the Strategic Vision and Objectives for London)

London's Places:

2.6 (Outer London: Vision and Strategy); 2.7 (Outer London: Economy); 2.8 (Outer London: Transport); 2.15 (Town Centres); and 2.18 (Green Infrastructure: the Network of Open and Green Spaces)

London's People:

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

London's Economy:

4.1 (Developing London's Economy); 4.2 (Offices); 4.3 (Mixed Use Development and Offices); 4.4 (Managing Industrial Land and Premises); 4.6 (Support for and Enhancement of Arts, Culture Sport and Entertainment Provision); 4.7 (Retail and Town Centre Development); 4.8 (Supporting a Successful and Diverse Retail Sector); 4.10 (Support New and Emerging Economic Sectors); and 4.12 (Improving Opportunities for All)

London's Response to Climate Change:

5.1 (Climate Change Mitigation); 5.2 (Minimising Carbon Dioxide Emissions); 5.3 (Sustainable Design and Construction); 5.4 (Retrofitting); 5.5 (Decentralised Energy Networks); 5.6 (Decentralised Energy in Development Proposals); 5.7 (Renewable Energy); 5.8 (Innovative Energy Technologies); 5.9 (Overheating and Cooling); 5.10 (Urban Greening); 5.11 (Green Roofs and Development Site Environs); 5.12 (Flood Risk Management); 5.13

(Sustainable Drainage); 5.14 (Water Quality and Wastewater Infrastructure); 5.15 (Water Use and Supplies); 5.17 (Waste Capacity); and 5.21 (Contaminated Land)

London's Transport:

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

London's Living Places and Spaces:

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

Implementation, Monitoring and Review:

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

Barnet Local Plan

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

Colindale Area Action Plan (Adopted 2010):

The Council has prepared an Area Action Plan for Colindale which was adopted in March 2010. This provides a planning policy and design framework to guide and inform the development and regeneration of the area up to 2021 in response to the London Plan's Opportunity Area designation.

The AAP contains guidance on sustainable development and identifies a number of key infrastructure improvements needed to support the delivery of growth in Colindale. It identifies four character areas, the 'Corridors of Change', which identify specific development sites and set specific policy objectives to be achieved from redevelopment.

The site falls within the Colindale AAP area and is identified as a route that forms part of the core route for pedestrians and cycles to improve permeability across Colindale.

The adopted Colindale AAP forms a material consideration, under Section 38(6) of the Planning and Compensation Act 2004, in the determination of any planning applications for sites within the AAP area.

Objective 5 of the CAAP is to identify new and improved routes and connections to increase permeability in Colindale. Policy 3.1 Improving Connectivity in Colindale states that development within Colindale will be based on a network of new and improved streets linking development to the wider area and increasing connectivity and permeability within Colindale, creating direct and safe links for walking, cycling and public transport.

Core Strategy (Adopted 2012):

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

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

CS3 (Distribution of growth in meeting housing aspirations)

CS4 (Providing quality homes and housing choice in Barnet)

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

CS6 Promoting Barnet’s Town Centres

CS7 (Enhancing and protecting Barnet’s open spaces)

CS8 (Promoting a strong and prosperous Barnet)

CS9 (Providing safe, effective and efficient travel)

CS10 (Enabling inclusive and integrated community facilities and uses)

CS11 (Improving health and well being in Barnet)

CS12 (Making Barnet a safer place)

CS13 (Ensuring the efficient use of natural resources)

CS14 (Dealing with our waste)

CS15 (Delivering the Core Strategy)

Development Management Policies (Adopted 2012):

DM01 (Protecting Barnet’s character and amenity)

DM02 (Development standards)

DM03 (Accessibility and inclusive design)

DM04 (Environmental considerations for development)

DM05 (Tall Buildings)

DM06 (Barnet’s Heritage and Conservation)

DM08 (Ensuring a variety of sizes of new homes to meet housing need)

DM10 (Affordable housing contributions)

DM11 (Development principles for Barnet’s town centres)

DM13 (Community and education uses)

DM14 (New and existing employment space)

DM15 (Green belt and open spaces)

DM16 (Biodiversity)

DM17 (Travel impact and parking standards)

Supplementary Planning Guidance and Documents

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

Local Supplementary Planning Documents:

Sustainable Design and Construction (April 2013)

Residential Design Guidance (April 2013)

Planning Obligations (April 2013)

Affordable Housing (February 2007 with updates in August 2010)

Strategic Supplementary Planning Documents and Guidance:

Accessible London: Achieving an Inclusive Environment (April 2004)

Sustainable Design and Construction (May 2006)

Health Issues in Planning (June 2007)

Wheelchair Accessible Housing (September 2007)

Planning for Equality and Diversity in London (October 2007)

All London Green Grid (March 2012)

Land for Industry and Transport (September 2012)

Shaping Neighbourhoods: Play and Informal Recreation (September 2012)

Housing (November 2012)

National Planning Guidance

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published in March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications which are considered to accord with the development plan. In March 2014 the National Planning Practice Guidance was published (online) as a web based resource. This resource provides an additional level of detail and guidance to support the policies set out in the NPPF.

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. The applicant has agreed the obligations set out in Recommendation 1.

1.2 Relevant Planning History

H/04098/14

A proposal for the "Erection of a footbridge linking Charcot Road to Montrose Park including alterations to ground levels." was received by the Council on

29 July 2014. This application was withdrawn by applicant on 17 September 2014.

H/00342/09 (Redevelopment referred as The Pulse, Phase 1)

Site Address: Colindale Hospital, Colindale Avenue, London, NW9 5HG

Planning permission granted by decision notice dated 20 Nov 2009 for the 'Redevelopment of the former Colindale Hospital to include the erection of 714 residential units including the change of use and conversion of the listed former Administration building to residential, a new primary care trust facility (Use Class D1) of 1,132sqm, commercial units (Use Class A1/A2//A3/B1) and site management office (Use Class D1/B1), together with access roads, car parking and cycle parking, new public and private open space, children's play space and landscaping.'

H/04541/11 (Redevelopment referred as The Pulse, Phase 2)

Site Address: Land At The Rear Of The Former Colindale Hospital Site Comprising Former NHSBT Expansion Site, Birch Court, Willow Court And Elysian House, Colindale Avenue, London NW9 5DZ.

Planning permission granted by decision notice dated 29 March 2012 for the 'Demolition of existing buildings and construction of 240 flats within three separate blocks ranging from four to seven storeys in height, together with associated car parking, landscaped public and private open space and new public square.'

1.3 Public Consultations and Views Expressed

Public Consultation

To publicise this application letters were sent to 239 addresses in April 2015.

Number of Responses from Residents

3 responses were received from residents. One of the respondents have requested to speak at committee. All three of the responses received were in support of the proposal.

Statements of Support

- 1) It is a highly needed connection to the park.
- 2) It will allow for easy access between the residential site and the playing fields.
- 3) It will improve access to people of all ages.

Comments

- 1) Seating, covered bins and signage should be installed on the park side of the bridge. Litter is a problem all over the park, signage about same

and an allotted time monthly for users to help clean-up is recommended. Hopes for footbridge to lead to improved amenities with help of all the families who will use it and who would need some help to get it organised.

Consultation Responses from Statutory Consultees and Other Bodies:

Environment Agency:

The Environment Agency has confirmed that they have no objection to the above proposal under letter reference NE/2015/122830/01-L01 dated 3 June 2015. The EA state that drawing D124074-ML-150-001 Rev D demonstrates that a minimum of 300mm clearance for the soffit of the bridge from the top of the bank to allow for flood water and debris to flow without obstruction has been achieved with the proposal. The EA also note that 'any development within 8m of the watercourse may also require consent for works under the Water Resources Act 1991 and the Thames Land Drainage Byelaws 1981. For further information the applicant should contact a Flood Risk Officer on 01707 632419.' An informative advising consent for such works from the Environment Agency is therefore recommended.

Internal Consultation responses

Transport and Regeneration Team:

Have no objections or significant comments on this application. The works already forms part of the original scheme and has previously been agreed under the Section 106 Agreement as part of the covenants for its construction to be undertaken. As the bridge will be offered for adoption applicant is advised to make an application directly to the Council under the Section 38 (or Section 278) of the Highways Act.

Drainage Team:

The Council's drainage officers have reviewed the Flood Risk Assessment for the Montrose Park Sites (former Colindale Hospital Site, Phase II) prepared by URS Scott Wilson dated October 2011. Officer noted that this primarily referred to the area of the residential development southeast of the proposed footbridge without identifying risks associated with the proposed structure. Also, it did not make reference to the Environment Agency consultation response and any associated requirements specified regarding the structure.

The Council's drainage officers therefore requested the applicant to provide additional information in the form of a Flood Risk Memo to provide enough detail in relation to the proposed structure over the Main River and the culvert, and how flood risk has been considered in the design of these structures. It was requested that the Memo included the plans associated with the bridge, details regarding the Adopting Body(ies) for the structures, proposed maintenance regimes to mitigate flood risk and provide details on how surface water drainage shall be managed from the bridge over ditch (main river),

footpath and culvert within ditch tributary.

The Applicant subsequently submitted a Montrose Park Access Flood Risk Briefing Memo Ref. D124074 by AECOM dated 1 October 2016 which provided all the additional information requested, which are detailed under the planning consideration section of this report. The applicant also specified that the path, bridge and culvert are all being offered up to Barnet Council for adoption upon completion of installation. The submitted memo also incorporates operation and maintenance recommendations for the Council

Having reviewed the additional details in the Flood Risk Memo mentioned above, drainage officers considered this appropriate without requiring any further SUDS for the size of this area. Officers confirmed no objections to the development and find the proposal to be acceptable.

Green Spaces Team:

The Council's Green Spaces team asked the applicant to provide justification for the proposed handrails over the wing walls.. The Applicant has advised that these handrails (as well as those proposed along the span of bridge) are intended to reduce the likelihood of pedestrians or cyclists from falling into the Tramway Ditch, as a significant number of non-motorised users are anticipated. Whilst the illumination is proposed to reduce the likelihood of deviation, if handrails were not provided there is a risk that pedestrians and cyclists would be injured by falling into the watercourse from an approximate 1 meter height from the deck and the top of the banks of the ditch. Officers were satisfied with this response and considered this element acceptable.

Green Spaces also asked the applicant to confirm why the proposed realignment of the existing footpath on Montrose Playing Fields is required and to consider the initial design work for the 'Montrose-Silkstream Masterplan'. The Applicant has confirmed that due to a 2.5meter level difference between the Montrose Park Square and the existing footpath on Montrose Playing Fields, the need to provide an accessible longitudinal gradient for a non-motorised route, and the need to provide a 300mm vertical clearance between the soffit of the structure and the bank. Due to all of these constraints it is required that both a horizontal and vertical realignment of the existing footpath on Montrose Playing Fields is made in order for this to tie in with the proposed bridge and provide an engineering solution for an accessible bridge from both ends. Officers were satisfied with this response and considered this element acceptable.

Officers were also supportive of shrub clearance through this corridor to increase visibility and space with some management aspects taken into account, and with preference given to removal of scrub over trees.

Officers also confirmed metal is the material preferred for the bridge in terms of providing a durable structure and that also facilitates maintenance, and therefore finds this aspect of the proposal acceptable.

Green Spaces officers have no objections to the proposal subject to the

detailed design of the proposed footbridge and tree mitigation proposal that is aligned to the Council's Masterplan vision for this space.

Tree Team:

The Council's Tree officer has reviewed the submitted Tree Survey & Impact Assessment, and a Tree Protection Method Statement (ref MCA2514/01A).

The tree officer has assessed the value and number of trees affected by this development, the suitability of the affected trees to the location, wildlife habitat implications, the impact on the integrity of the wooded strip and general screening benefits.

The proposed footway involves an area of raised ground over the wet woodland and a small bridge over a drainage ditch that has a very small flow level. This will require the loss of 27 trees. Most of these trees are small species such as hawthorn and blackthorn. One Category B Oak tree identified as T6 will be required to be removed due to the raised soils within the RPA.

The alignment of the raised footpath on the residential side has been designed to avoid the T10 Oak, and raised soil levels are proposed only over a small section this tree. This has been carefully reviewed and is considered acceptable.

The loss of trees will have detrimental impact on visual amenity that can be offset in the long term with additional tree planting at the ends of the access path. The loss of trees will initially expose the newly developed buildings to the park which are currently screened very effectively. New planting should take place on the embankments to offset the loss of trees for the access path.

The provision of native tree/shrub planting on the embankments to offset tree loss, such as an avenue of oak trees (*Quercus robur*) planted at the base of the footpath slope, is recommended. This would ensure that the trees do not interfere with daily use but will provide long term high quality visual tree amenity and ecological value. Twenty extra heavy standard trees measuring 14/16cm in girth are proposed to be planted with 10 trees either side of the path. These trees are required to be maintained until established and subsequently allowed to grow to maturity. A condition requiring a tree planting plan is recommended to ensure that the proposed planting is carried out to the Local Authorities satisfaction.

In relation to wildlife implications, the woodland strip is an important green corridor stretching from the railway embankment around the park joining with Silk Stream, a main river that runs through the park. Notwithstanding this the Council's arboricultural officer has confirmed there is a low risk that the development through the woodland will disrupt the movement of animals and plants along this wooded strip.

In conclusion the submitted tree method statement and tree protection plan is considered acceptable and is recommended to be fully implemented and

strictly adhered to for the duration of the development.

Street Lighting Team:

The Council's Street Lighting Officers have reviewed this application and confirmed the footpath would need to be risk assessed to assess the particular risks associated with the proposed path, including footfall, and a full lighting design will need to be submitted showing what lighting category the path is to be lit to. All adopted lanterns would need to be LED type to Barnet specifications with Harvard CMS system, in line with the rest of the borough using specified materials outlined in the Council's developer's specifications. All adopted lanterns would also need to be connected to the Council's central management system. All designs should be in accordance of current British Standards BS 5489 using ILP guidelines.

Officers urge the developer responsible to use Bouygues Energies & Services for design & build as they are the Council's service provider and are familiar with the Council's required specifications for build, and who will ensure any lighting installation meets the Authority's required standards in all respects. If Bouygues Energies & Services are involved with the design, specification and installation of the project's lighting requirements, this will avoid the need for lengthy, and possibly costly, post-installation discussions regarding handover/adoption of the proposed lighting to the Council's inventory.

The lighting Design submission must detail philosophy, reasons and targeted achievements dealing with expectations, controls, light pollution and spillage. Without which the Council cannot judge the impact of the lighting on the surrounding area. The Council does not expect more than 3 lux to escape the site boundary when using a horizontal measurement (plan diagram). The Council's Street Lighting Team will require details on all the equipment used, specific lamps, luminaires and columns with images. For each luminaire full technical specifications such as glare ratings, wattage, colour rating and e-class proposed will be required. The Council requires to know what light levels have been chosen and why, which guidelines used to arrive at the chosen level and how they applied the guidelines.

The lighting design submission will also need to specify when the units be used and for how long. The Council requires the isolux diagrams of the report to be overlaid with the parking areas, public areas and the surrounding houses and roads showing as a minimum 3, 5 and 10 lux lines. Additional information is required in relation to the linking points where the footbridge leads into the park to ensure that the lighting is integrated into surrounding infrastructure. In the case of lighting near residential properties it is required that vertical illuminance calculations across the backs of all the properties are taken at 10 to 20 metre intervals – it is necessary to see the highest and average point on the surrounding properties at 2m and 4m heights and everything above 10 lux. It is also required that intrusive light calculations are carried out in relation to nearby properties.

All of the external lights, whatever they are, whoever they belong to and wherever they are, need to be included if they affect the design area. As far as neighbouring residents are concerned any additional or changed lighting will have an effect on nearby houses. To be acceptable it must be shown the design does not add to sky glow, lighting nuisance or intrusive light trespass. Applicant must demonstrate that light can be controlled to limit spillage.

2. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL

2.1 Site Description and Surroundings

The application site adjoins Montrose Playing Fields to the northwest, allotments gardens on Montrose Playing Fields to the northeast, residential redevelopment. The Pulse Phase II (Land At The Rear Of The Former Colindale Hospital Site) to the southeast, and the southern woodland edge on Montrose Playing Fields to the southwest.

The area southeast of the site is predominantly residential, whilst to the northeast of the site is located Montrose Playing Fields with Silkstream Park located further to the north.

The footbridge structure is proposed to be constructed over the Tramway Ditch on Montrose Playing Fields. This ditch is classified as a Main River by the Environment Agency. An existing tributary of this ditch is located to the south of it, and a culvert is proposed as part of the footpath that would link to the residential side.

The former Colindale Hospital site to the south is subject to a blanket Tree Preservation Order. However, the proposed link crosses land outside the Colindale Hospital site boundary and therefore this particular TPO blanket does not apply.

2.2 Description of the Proposed Development

The proposed bridge and associated paths will have three main parts to it:

Footway /cycleway between Montrose Park Square and Tramway Ditch:

A 3 meter wide footway/cycleway extending approximately 40 meters from the existing S38 footpath/Montrose Park Square, through the existing woodland edge, to tie in to the southern end of the proposed footbridge over the Tramway Ditch. The shared footway/cycleway will be supported on an approximately 1.5 meter height embankment with 1:3 side slope. The longitudinal gradient of this non-motorised user route will be constrained to 3%. The alignment of this section has been amended to protect existing Oak tree T9. On the southern end where the proposed footway/cycleway meets the existing S38 footpath/Montrose Park, a culvert through the proposed embankment is also proposed for an existing tributary of the Tramway Ditch that would allow the flow within these watercourses to be maintained.

The proposed surface treatment materials consist of asphalt and precast concrete edging to the retained footway against embankment along each of its sides.

Bridge:

A 3 meter wide steel beam bridge with a 10 meter span is proposed over the existing Tramway Ditch. The bridge deck is proposed to sit flat and raised approximately 1 meter from the top of the existing banks of the ditch with a steel deck surface and non-slip overlay. A 1.4 meter high open handrail is proposed on each side of the bridge along its 10 meter span to allow the structure to be submerged in the event of a flood. An abutment with retaining wing walls is proposed on both ends of the bridge, set back approximately 3 meters from the start and top of the bank at each side of the ditch with 1.4meter high open pedestrian guardrails as protection over the wing walls on both ends of bridge.

In relation to materials, the bridge and deck surfaces will be constructed out of steel with non-slip overlay, steel handrails. Materials for the wing walls and abutment have not been specified and as such details of these will need to be secured by condition.

Realignment of existing footway on Montrose Playing Fields:

Existing 1.5 meter wide footway of 100 meters in length along the southern edge of Montrose Playing Fields to be horizontally and vertically realigned to tie in with the proposed footbridge over the Tramway Ditch. Vertical realignment will be achieved by a low height embankment raised by approximately 1 meter at its highest point, and with a 1:3 side slope. The longitudinal gradient will be constrained to 3% on either side of the bridge to enable pedestrians to use the proposed route.

The proposed surface treatment materials consist of asphalt and precast concrete edging to the retained footway along each of its sides and where it ties in with footbridge.

The development is proposed to be brought forward in three stages:

1. Enabling works requiring tree removal by qualified tree surgeon as per proposed plans and tree protection for remaining trees, and the vertical realignment of the land as proposed in this application.
2. Construction works to include the manufacture and installation of the bridge and path. Detail design is anticipated to be split between enabling and construction works.
3. Following installation, the path and bridge will be offered for adoption and hand over to LBB.

3. PLANNING CONSIDERATIONS

BACKGROUND TO THIS APPLICATION

The Colindale Area Action Plan (CAAP) was adopted by the Council in March 2010. Policy 3.2 (Walking and Cycling) of the CAAP identifies the creation of a new pedestrian and cycling route from the Colindale Hospital Site to Montrose Park. The CAAP seeks to create a series of high quality pedestrian and cycle routes throughout the CAAP area linking open spaces, local centres, sports facilities and the public transport interchange in accordance with a core walking/cycle network where high quality pedestrian facilities will be developed and associated key junctions, linking areas and key destinations. The site is a new pedestrian/cycle access route between the former Colindale Hospital site and Montrose Playing Fields, intended to improve access to the Fields from Colindale Avenue, and as such forms part of Colindale's core walking/cycle network as identified on Figure 3.5 and 3.6 of the adopted CAAP.

Subsequent to the adoption of the CAAP, planning permission was granted by decision notice dated 20 Nov 2009 under planning application H/00342/09, for the redevelopment of the former Colindale Hospital to include the erection of 714 residential units including the change of use and conversion of the listed former Administration building to residential, a new primary care trust facility (Use Class D1) of 1,132sqm, commercial units (Use Class A1/A2//A3/B1) and site management office (Use Class D1/B1), together with access roads, car parking and cycle parking, new public and private open space, children's play space and landscaping. This redevelopment is referred to as The Pulse, Phase 1.

The Section 106 pursuant to this approval included the following requirement for 'Montrose Park Access Works'. These are defined in the agreement as: *'Montrose Park Access Works means works to improve and extend the existing footpath and provide for a new cycle/foot bridge between the Land and Montrose Park as indicated on Plan 5.'*

Schedule 2 of the agreement (Owner's Covenants in relation to Open Space Measures) specifies that the development

'Not to Occupy the 520th Residential Unit until the Owner has carried out and Completed the Montrose Park Access Works at its own cost not exceeding the aggregate the sum of £80,000 (including fees, expenses and value added tax and an appropriate commuted sum to be used for the future maintenance of the cycle/footbridge), subject to: a) the Owner and the Council agreeing the details and specifications of the Montrose Access Works; b) the grant of all Requisite Consents for the implementation of the Montrose Park Access Works as soon as reasonable practicable; c) the Council authorising and granting a licence to the Owner as soon as reasonable practicable to enable the Owner to carry out the Montrose Park Access Works on behalf of the Council.'

In summary, the proposed access route forms part of the Council's core walking/cycling network for Colindale Area as established in Policy 3.2 of the CAAP, and complies with the subsequent planning obligations within the S106 agreement established with the planning consent for The Pulse Phase 1 (H/00342/09 dated 20 Nov 2009). As a result of the above the London Borough of Barnet is committed support such development ,subject to details being in accordance with the Local Development Plan.

3.1 Principle of development

The principle of creating an access route for pedestrians and cycles between Montrose Playing Fields and former Colindale Hospital site is established in Policy 3.1 Improving Connectivity in Colindale and Policy 3.2 Walking and Cycling of the CAAP and the associated core pedestrian/cycle network identified in Figure 3.5 and 3.6. It is also established in the subsequent planning obligations pursuant to planning permission for residential development The Pulse Phase 1 (H/00342/09 20 Nov 2009). The agreed Montrose Park Access Works required as part of the residential scheme are considered to be a key element of the consent as it provides an essential access route for future residents into the Montrose Playing Fields, along with providing a key gateway into the wider existing area connecting with Colindale Station and Colindale Avenue to the south; Montrose Avenue, Silkstream Park, Burnt Oak tube station to the north, Edgware Road to the west, and Booth Road to the east over the railway line.

The proposed use of the site to improve and extend the existing informal connection would formalise the access use of the land, providing new access infrastructure and facilities for pedestrians and cycles. The proposal would replace an informal connection with a desire line through dense vegetation and corrugated steel sheets in the ditch that currently allow crossing, with a new purpose built bridge for cycles and pedestrians complying with safe and accessible standards of access. The use of this land for such purposes is encouraged by policies 6.9 and 6.10 of The London Plan and the provisions of the Mayor's Sustainable Design and Construction SPG.

Overall the proposal is considered to accord with national, regional and local planning policy which seek accessibility and inclusive design and therefore the principle of the development on this site is acceptable.

3.2 Design, appearance and character matters:

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

The London Plan also contains a number of relevant policies on character,

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

The bridge is proposed to be of steel with steel beams with a non-slip surface, and a data sheet by CTS Bridges has been provided showing reference images, the content of which is considered satisfactory. This aspect of the design approach and layout is welcomed as it provides a robust and solid durable structure that conforms with the natural requirements of a floodplain and open space maintenance requirements confirmed by the Council's Green Spaces Team.

Notwithstanding the information submitted, full design details and materials of the proposed structure and their integration with the rest of the site have not been provided with this application. A condition to require this and that also considers the Council's current landscape design plans under the Silkstream-Montrose Masterplan is also recommended.

Subject to the conditions recommended above the proposal is found to be acceptable and compliant with development plan policies as they relate to design, appearance and character matters.

3.3 Light spillage:

Policy DM01 of the Barnet Local Plan requires that proposals for lighting schemes must not have a demonstrably harmful impact on residential amenity. In this instance conditions have been recommended to control any external lighting erected at the site as part of the development. Subject to these controls, it is considered that the design of the development has taken reasonable steps to prevent unacceptable levels of light spillage and light pollution occurring. The proposal is found to be adequate and compliant with development plan policies in this respect.

The submitted lighting drawings show a total of 4 adoptable 6m height lighting columns with 0.4m 5 degree projection bracket and 1 SON-T 100w lamp which are proposed along the new footway/cycleway at even intervals from the existing Montrose Park through to the proposed realigned footpath at Montrose Playing Fields. The drawing also shows existing and proposed low voltage electricity supply routes, and the proposed LV cut joint.

While the basic principle of lighting provision over the footpath is welcomed, a condition is suggested requiring the applicant to submit a full Lighting Design

submission and associated risk assessment in accordance with the request by the Council's Street Light Officer in order to assess the impact of the lighting on the surrounding area, and the impact on amenities of neighbouring and surrounding residential occupiers.

Subject to the above condition, the proposed development is found to be compliant with the relevant development plan policies as they relate to the protection of the amenities of neighbouring and surrounding residential occupiers and users.

3.4 Trees and Landscaping:

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

The application is accompanied by a Tree Survey & Impact Assessment, and a Tree Protection Method Statement under reference MCA2514/01A, which identifies and evaluates the impacts of the proposal on existing trees within and around the site. The information submitted provides information identifying tree route size and location and suitable tree protection measures to ensure that trees are not adversely affected by the proposed development.

A total of 27 trees are proposed to be removed as these are located within the work zone corridor for the construction of the bridge link. Of this group, the T6 Oak tree is considered to be of highest value with a Category B1 (remediable defects) classification. However a third of its RPA would be affected and compaction/alteration is likely to compromise tree health and longevity. T9 has a severe 45 degree lean and tangled with bushes, and both Group D (17 Hawthorn and Elder) and Group F (15 Hawthorn and Elder with Ash saplings) are weak and tangled and suppressed by Ivy and Category C2 (low or temporary benefits).

A total of 8 established trees and 4 Groups (38 trees) are proposed to be retained and protected within a tree protection zone. These are located outside the proposed work zone corridor that surround the embankments extents. Of this group a T10 Oak is of Category A1 (high value, with a likely contribution of 40 years or more) is located adjacent to the proposed link corridor and for this reason the footpath and associated embankment have been designed to curve around the stem of T10. The submitted drawing shows that bridge link corridor avoids approximately 95% of T10's RPA and the Council's Tree officer has considered this acceptable.

The remainder of the 4 Groups of trees to be protected referred to above consists of a mix of Hawthorn and Elder with Horse Chestnut saplings. All are of a mature age, fair condition, and Category C2 (low or temporary benefits), with constituent trees weak and tangled and suppressed by Ivy.

Whilst the construction of the bridge link corridor would not directly impact upon these trees, it would be beneficial for the scheme to consider landscape

improvements for this area, including the removal of the ivy in order to improve visibility to create a safe access route as well as to provide landscape improvements to offset the loss of trees as a result of this development in conjunction with the proposed tree planting plan. A condition that requires this is recommended.

The tree protection method statement submitted with the application provides details in relation to fencing, working zone and work phasing, including boundaries and fence details.

The council's tree officer has reviewed the above details and stated that subject to the inclusion of suitable conditions in the event of approval, including details of levels, a scheme of soft landscaping, and strict adherence to the provisions of the submitted Tree Protection Method Statement, the proposal would not impact adversely on the health of adjoining trees and mitigate for tree loss.

It is concluded that the development provides sufficient detail to assess the likely impact of the proposal on the health of adjoining trees. Subject to the inclusion of conditions in the event of approval, the scheme is acceptable and compliant with development plan policy in respect of tree removal matters.

3.5 Walking, cycling and highways matters:

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

Objective 5 of the CAAP is to identify new and improved routes and connections to increase permeability in Colindale. Policy 3.1 Improving Connectivity in Colindale states that development within Colindale will be based on a network of new and improved streets linking development to the wider area and increasing connectivity and permeability within Colindale, creating direct and safe links for walking, cycling and public transport.

The CAAP also states that all street design will be required to follow the latest Government highways guidance set out in the Manual for Streets (DFT/DCLG 2007). The Manual makes an important distinction between streets and roads and stresses the importance of placemaking and a move away from highway dominated developments. 6.3.27 of Manual for Streets states designers should attempt to keep pedestrian (and cycle) routes as near to level as possible along their length and width, within the constraints of the site, and

longitudinal gradients should ideally be no more than 5%.

The longitudinal sections submitted with the application show gradients of both paths at end of the bridge will be constrained to a maximum of 3% which demonstrates the design of the proposal has been influenced by the desire to make it accessible for both pedestrians and cycles as well as disabled or less ambulant users.

The planning statement submitted with the application also confirms that the shared footway/cycleway will be offered for adoption to LBB to form part of the wider non-motorised user network, as the works are proposed to be constructed within land that is owned by the LBB in order to comply with the S106 agreement pursuant to the planning approval for the Colindale Hospital site. The bridge over the Tramway Ditch and the culvert within the Tramway Ditch tributary support the shared footway/cycleway; therefore will also be offered for adoption to the LBB.

Council Highway Officers conclude that the layout and access arrangements of the development proposed do not present any defects that would raise a highway safety concern. The proposal is found to be acceptable and compliant with development plan policies in this respect. A condition is recommended to require the submission of an application to the local authority under Section 38 for detailed technical approval before any work commences.

3.6 Flooding and water infrastructure matters:

Policy 5.12 Flood Risk Management of the London Plan requires that 'development proposals must comply with the flood risk assessment and management requirements set out in the NPPF and the associated technical Guidance on flood risk over the lifetime of the development'.

The Tramway Ditch is classified as a Main River and the site sits within the river's floodplain in an area categorised as Flood Zone 2 by the Environment Agency. The application has been accompanied by a Flood Risk Assessment for the Montrose Park Sites (former Colindale Hospital Site, Phase II) prepared by URS Scott Wilson dated October 2011, and a supplementary Flood Risk Memo for Montrose Park Access prepared by AECOM dated 1 October 2016. The memo demonstrates how the proposed footway/cycleway, bridge and culvert have been designed to ensure that flood risk will not be increased and are summarised below.

Bridge over the Tramway Ditch:

The EA's Flood Map for Planning indicates that fluvial flood water will be confined within the banks of the Tramway ditch during rainfall events with a return period of up to 1 in 100 years, but that floodwater generated during more extreme events has potential to flow out of the bank. Drawing 124074-ML-150-002-B submitted with the application demonstrates that the bridge has been designed to provide 300mm vertical clearance between the soffit of

the structure and the bank in order to ensure that floodwater and debris may generally flow below the structure during events with a return period of up to 1 in 100 years. Notes on this drawing also indicate that open handrails have been proposed to allow the structure to be submerged in the event that floodwater is not contained within bank to ensure that the bridge will not obstruct flood flows during events with a return period of greater than 1 in 100 years. The Environment Agency has reviewed the proposed drawings and have confirmed that they have no objections, subject to obtaining Consent for the Works.

Culvert within the Tramway Ditch Tributary:

The Tramway Ditch Tributary is classified as an Ordinary Watercourse. This watercourse originally conveyed unrestricted surface water runoff from a significant portion of the former Colindale Hospital site to the Tramway Ditch. However, the redevelopment works within the former Colindale Hospital site have enabled the peak discharge rate to the existing watercourse to be reduced significantly below the conveyance capacity of the watercourse, as new surface water drainage network has been provided to intercept attenuate and improve the quality of surface water runoff from the new residential buildings and associated paved areas.

Drawing D124074-S38-500-501 contained within the Flood Risk Memo shows the watercourse geometry used to determine the variation in conveyance capacity of the watercourse. With this, hydraulic calculations have been prepared to design a culvert that will enable flow to be maintained within the tributary when the shared foot/cycleway is constructed. These calculations indicate that the culvert should be formed using a 450mm diameter precast concrete pipe installed with a gradient of 1:34 to provide a full bore capacity of 450 l/s in order to ensure that the culvert will not restrict the flow within the watercourse.

Shared footway/cycleway supported by new embankment:

The shared footway/cycleway on the residential side has an impermeable area of approximately 0.016 hectares (3m wide, and approximately 55m in length from Montrose Square to Montrose Playing Fields) and that a filter drain will be incorporated within the upper section of the embankment, adjacent to the shared footway/cycleway to act as a source control feature that will be capable of intercepting, attenuating and improving the quality of surface water before it is discharged to the Tramway Ditch.

The memo identifies and assesses the risks of all forms of flooding to and from the development and concludes that the proposal would not adversely effect on site or neighbouring properties. As part of the Flood Risk Memo the applicant has also included maintenance regimes that are proposed to mitigate flood risk.

The proposal is considered to be acceptable and compliant with planning policies on flooding and water infrastructure matters, subject to the conditions

recommended.

4. EQUALITIES AND DIVERSITY ISSUES

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

- “(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”*

For the purposes of this obligation the term “protected characteristic” includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this Section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council’s statutory duty under this important legislation.

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, providing a safe and wheelchair accessible route between the hospital site and Montrose playing fields. The proposals do not conflict with either Barnet Council’s Equalities Policy or the commitments set in its Equality Scheme and support the council in meeting its statutory equality responsibilities.

5. COMMENTS ON GROUNDS OF OBJECTIONS

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

6. CONCLUSION

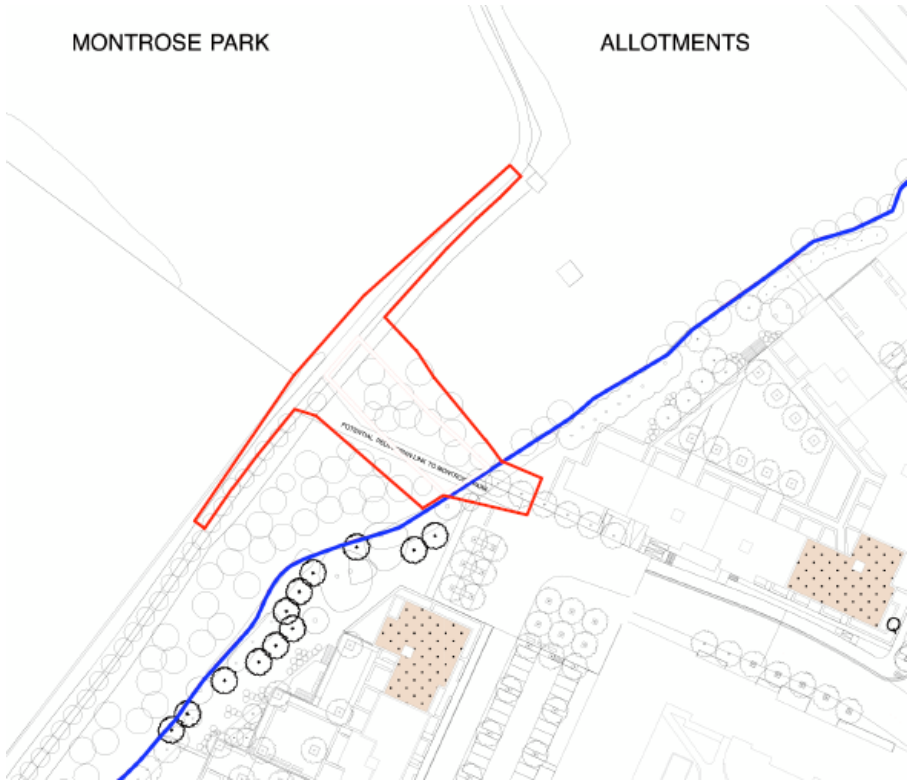
Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory

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.

It is recommended that the application be **Approved** subject to the conditions as set out in the recommendations section at the beginning of this report.

APPENDIX 1: SITE LOCATION PLAN



Location **Garages Off Linden Road And Pine Road London N11 1ER**

Reference: **16/3377/FUL**

Received: 24th May 2016

Accepted: 31st May 2016

Ward: Brunswick Park

Expiry 26th July 2016

Applicant: Ms Sally Young

Proposal: Demolition of existing garages. Erection of 1no two storey houses and a two storey building comprising 4no self-contained flats on site A and 1no two storey house on site B. Provision of 6 x car parking spaces on site C in Linden Road. Associated cycle parking, landscaping and refuse storage (AMENDED DESCRIPTION AND REVISED PLANS)

AGENDA ITEM 7

Recommendation: Approve subject to conditions

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

Design and access statement (HTA); Planning Statement (HTA); Arboricultural Impact Assessment (AGB); Sustainability Statement (BBS); Transport Statement (Campbell Reith); Daylight, Sunlight and Overshadowing Report (HTA); Land Contamination Report (SRS Ltd); Utility Site Investigation Report (Premier Energy); A_BA1-S06-DR_001; A_BA1-S06-DR_0200 Rev B; A_BA1-S06-DR_202 Rev B; A_BA1-S06-DR_400 Rev B; A_BA1-S06-DR_401 Rev B; A_BA1-S06-DR_402 Rev B; LBB-SMP-200_HTA-A_BA1-S06_DR_0110_Linden Road and Pine Road_Site Sections-REV -; LBB-SMP-200_Linden Pine Rd_3D View 1 from Pine Road; LBB-SMP-200_Linden Pine Rd_3D View 2 from Linden Road
LBB-SMP-200_Linden Pine Rd_3D View 3 from Thorndene Avenue; LBB-SMP-200_Linden Pine Rd_3D View 4 from Prevost Road;

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 except demolition and exploratory works 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) Prior to the commencement of development 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 commencement of above ground construction work.

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. LBB-SMP-200_HTA-A_BA1-S06_DR_0100-REV 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 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.

- 19 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.

- 20 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.

- 21 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).

- 22 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.

- 23 Prior to the first occupation, a Car Parking Management Scheme shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that parking is provided and managed in line with the Council's standards in the interests of highway and pedestrian safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (2012) and Policy DM17 of the London Borough of Barnet Local Plan Development Management Policies (2012).

- 24 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% passive 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.

- 25 Prior to the commencement of the development hereby approved, details of any highways to be stopped under Section 247 of the Town and Country Planning Act

shall be submitted to and agreed with the Local Planning Authority.

Reason: To ensure that adequate public access is provided throughout the development.

- 26 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 and E of Part 1 of Schedule 2 of that Order shall be carried out at any of the properties hereby approved.

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).

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 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 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 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.
- 5 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.
- 6 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.
- 7 The applicant advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant. The applicant is advised that photographic records should be kept of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site. To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section – Development and Regulatory Services, London Borough of Barnet, Barnet House, 1255 High Road, Whetstone N20 0EJ

Officer's Assessment

This report for this planning application was originally presented to the Planning and Environment Committee on 19 October 2016. It was deferred from that Committee to the following Committee to enable the applicants to respond to the concerns expressed by the registered speakers at the Committee meeting. These concerns covered three main issues: the distance between front elevation to front elevation, the loss of the open spaces around the junction with Linden Road and Thorndene Avenue and finally the implications of the development on the safety of the junctions of Thorndene Avenue, Prevost Road and Linden Road.

Planning permission was sought for the erection of a two storey block comprising of four flats and the erection of two detached dwelling houses on the land either side of the junction at Thorndene Avenue. Parking is proposed on a further site a short distance away on Pine Road.

In response to these concerns, the applicant has made some minor revisions to the main block and has also provided a comprehensive written justification for the scheme's approach to these specific issues.

The scheme remains the same as per the previous iteration with the exception that the balconies to the front elevation have been removed from the main building. This results in that the only windows to the front elevation which would fail a nominal threshold of 21m are bedrooms which have a lesser impact on the privacy of others through overlooking than other room uses.

The building has not been reduced in size and has not been removed of its building line towards the rear of the site.

In respect of the other matters of concern the applicant has added the following points:

- The highway interrupts direct sightlines across the street and this is an accepted principle in urban design and site layout.
- Bedrooms would benefit from occupiers' own means of privacy protection.
- The loss of balconies does not harm the amenity provision for the proposed flats who would have ample communal space provision at the rear.
- The London Plan strongly advises against the use of using rigid inflexible guidelines for amenity protection.
- The applicant's transport consultants have advised that visibility splays across the junction would be acceptable, would be safe and would accord with the Manual for Streets. This specific matter was raised internally with the Council's Highways team in September who advised that they had no concerns.
- Census and demographic data indicates that 45% of social housing occupants in this ward do not have access to a car and only 11% have access to more than one vehicle and based on this data, the car ownership demand would be 6 spaces.
- Parking stress surveys were carried out overnight in February 2016 which indicated that the on street parking stress was just 28%.
- There will be loss of open space which will be replaced within the site as private communal open space.
- The space does not make an important contribution to the open space hierarchy and the loss of this space would be outweighed by the benefits of 6 affordable housing units.

Following the receipt of this information, adjoining neighbours were reconsulted for a focussed short period of 10 days. This period of time reflects that the main principles of the scheme have been known by the community since the summer of 2016. It is only the changes and written justification now being provided which is in the public interest and it is considered that the time period is sufficient to advertise this and to allow the public to assess this.

Nevertheless, consultation took place from 3 November 2016 for a period of 10 days to all existing neighbour consultees: A number of objections have been received setting out the following objections:

- There is an inconsistency in the separation analysis and it is considered incomplete and confusing.
- There is no dimension between the first floor windows on the new building and the ground floor windows of 3 -5 Linden Road
- The open spaces are used daily.
- Some sightlines are missing and should have been checked for compliance.
- Road width dimensions are inaccurate.
- Insufficient time has been given to remove design flaws from the scheme and facing windows could be replaced with oriel windows.
- People use the open spaces and those who do not physically use this benefit from the visual amenity value.
- It is acknowledged that a short front garden strip is required to protect amenity elsewhere but this demonstrates that the scheme is unacceptable.
- The loss of balconies does not improve the character of the area.
- The position of the building has a disregard for site layout principles in the wider area and the lack of a front garden is out of character.
- Views across the street and the junction will be lost.
- A single storey development would be more appropriate on this site as opposed to a two storey development.
- The bay windows are not shown on the distance analysis drawings.
- The open spaces are used daily.
- The proposed development remains an invasion of privacy.
- This does not mitigate previously held objection.
- Planning officers previously refused a scheme on site B on the basis that the loss of the open space would be harmful to the character of the area.
- Loss of privacy remains.
- The scheme remains overdevelopment.
- Two storey properties would not be in keeping with other properties in the area.
- The scheme would overlook into properties to the rear.
- Development as proposed would be an impediment to visual awareness around this site. It would be better to have a house on site C and parking on site B.
- The site would not have an oblique relationship

Assessment of the modifications and additional information

Separation distance

The site layout now as previously comprises a separation distance between front elevations of 18.1m. This is measured to the bay window. This increases to 19.3m to the front elevation of the main part of the dwelling house. It is accepted and acknowledged that this would be slightly below the guideline set out in the Sustainable Design and

Construction SPD. The applicant has removed the balconies at the first floor level and replaced these with Juliette balconies. As a result, this recessed living room window is 20.5m to the bay window and 21.5m to the main elevation of the dwelling house opposite. It is considered that this relationship is acceptable in accordance with the guidelines set out in the SPD. It therefore leaves just the relationship between bedrooms in the new block and the existing dwellings opposite.

It is considered that the room use function as a bedroom with its main function for sleeping during the hours of darkness would preclude any overlooking across the street to properties. In order to maintain privacy for future occupiers, curtains and other privacy mitigation would be likely to be installed in any case.

Nevertheless, officers have regard to the role and function of privacy guidelines for new development as set out in the London Plan 2016 which as a material consideration is of weight. It states clearly that the privacy guidelines normally vary between 18 to 21metres but there should be flexibility inbuilt to a scheme and its relationship with neighbours to ensure that development is not compromised coming forward. Furthermore, with respect to this scheme, the relationship is a front elevation to front elevation, the least sensitive relationship given that the public realm including the street, pedestrian realm and public activity which can often be more harmful occurs between elevations.

Furthermore, a Government commissioned document, 'By Design' (2000) states development should not necessarily be designed through the use of standards such as privacy distances but rather through performance criteria which achieves good development, as a whole.

An objector has suggested the use of Oriel windows which is a projecting window with clear glazed windows to the side and frosted windows facing outwards would be the most ideal method of achieving appropriate mitigation. It is considered that this would not be necessary given the removal of the balconies and the fact that the harm to outlook and light may be disproportionate to the benefit that would otherwise result.

Visibility at junctions

A public speaker at the Committee spoke regarding the lack of visibility at the junctions of Thorndene Avenue, Linden Road, Pine Road and Prevost Road that may occur following the construction of the proposed development. The speaker has further objected to the application in the latest public consultation round to state that the proposed development would cause drivers who use these junctions a lack of visual awareness and lack of perception of other hazards at this junction.

The applicants have provided further graphic information to show how there would be adequate visibility splays. Notwithstanding this information, the Council's highways officers were instructed in September 2016 to consider the impact of the proposed development on visibility at each of the key junctions. The view of officers following an evaluation of the scheme amendments was that the proposal would satisfy these requirements.

The use of amenity open space for the purposes of development

The Local Plan and the London Plan both set out a presumption in favour of the protection of open space in the Borough. These spaces are housing estate amenity space generally for the purposes of visual amenity rather than for any explicit open space, leisure or recreation purposes and as such, do not enjoy the same level of protections as set out in

garage block which is accessed from Pine Road. The area is residential in use and character. The site is not located in a conservation area and there are no listed buildings on either site or adjoining either site. Linden Road and Pine Road is a newer estate of residential properties accessed from Brunswick Park Road with more traditional semi detached housing situated around along Dene Road, Prevost Road and Thorndene Avenue.

2. Site History

None

3. Proposal

Planning permission is sought for the demolition of garages on site A and site C and the erection of a two storey block of four flats on site A, the erection of a two storey, 2 bed dwelling house on site A and a two storey two bed dwelling house on site B and the formation of a car parking area on site C.

The proposed development on site A would involve the demolition of the garage block, the removal of the crossover and the construction of a two storey block of four, two bed flats. The building would be constructed from brick with a low profiled zinc roof. The building would be 7.6m in height, 19.65m in width and 11.8m in depth. It would be set back from the highway by approximately 2.0m. The rear elevation would be between 8.75 and 11.3m away from the rear boundary. The rear elevation to rear elevation distance in Dene Road would be over 26m at their closest. The front elevation to front elevation distance across Linden Road would be 18.2m at their shortest.

There would be balconies to the front elevations. Ground floor flats would have private terraces to the front and rear with communal gardens also to the rear. The other part of Site A would include a two storey, two bed property oriented perpendicular to the flatted block. It would have a height of 7.15m and would have a width of 10m and a depth of 5.4m. The dwelling on site B would be a mirror image of the detached dwelling on site A. It would be 12m from the flank elevation of the nearest property in Prevost Road.

In order to facilitate the construction of the proposed dwelling, an excavation into the bank will be required. This will facilitate level access from the street, throughout the building and into the rear garden. A boundary fence on Pine Road would prevent overlooking into the rear of the property. The proposed development at site C would involve the demolition of the existing garages the laying out of six car parking spaces and the retention of the existing means of access.

4. Public Consultation

Consultation letters were sent to 190 neighbouring properties on two occasions. The first consultation exercise took place on the 19 June 2016. Following the submission of amended plans, a further consultation took place for a period of 14 days commencing on 20 September 2016

46 responses have been received, comprising 46 letters of objection across both periods of consultation.

The objections from the first period of consultation can be summarised as follows:

- o A three storey block would be out of keeping with the area which is mainly two storey.
- o Green spaces should be retained.
- o The two green spaces are small but essential oases.
- o The proposed development would jut out in front of the established building line.
- o Removing the garages and adding new residents would put pressure on the highway for existing residents.
- o Infilling the sites would be harmful to the character of the area.
- o Two bungalows would be more acceptable.
- o The proposed development would be dangerous for drivers using the existing surrounding road junctions.
- o The proposed front elevation would be less than 21m from the front elevation of the properties opposite and would therefore harm the amenity of the neighbours opposite.
- o The green spaces break up the built up character of the area. In addition, it would take away from the general well being of the area.
- o The building would constitute overdevelopment.
- o The proposed development would have a harmful impact on local infrastructure.
- o The proposed development is located within a conservation area. The proposed development does nothing to conserve the local area.
- o The proposed development would result in overlooking.
- o The proposed development would cause a loss of light in neighbouring gardens.
- o The street is currently incapable of providing sufficient space to permit the passage of ambulances safely to neighbouring houses.
- o Disruption caused during the construction phase.
- o The refuse storage is questionable
- o There is no information concerning landscaping.
- o Site C is too remote from the proposed housing.
- o There is no convenient disable parking.
- o The street is too narrow to have buildings on both sides of the street. The
- o A major development in the area of 7000 homes means that additional housing here is not needed.

The objections from the first period of consultation can be summarised as follows:

- o The perspectives along the street are not sufficient
- o A full and realistic assessment of the likely parking impact has not been provided.
- o The reduction by two units is not going to be sufficient to reduce the impact to an acceptable level.
- o Parking is already difficult and as homes now have more than one car, the impact would be harmful.
- o The proposed dwellings would be harmful to amenity in respect of overlooking and privacy.
- o The Right to Light (Prescriptions Act 1832) should be enforced.
- o The distance between properties is not sufficient and where land slopes, the distance should increase between properties.
- o There would be a harmful impact on natural drainage.
- o Although the plans have changed there is still a total disregard for the protection of open space.
- o The amended plans do not address the issue of overcrowding of the immediate area.
- o Where any open space is built on, this should be replaced in the local area.
- o Inadequate parking is provided.
- o Reduction of the ridge heights does not improve the overcrowding that the development would cause.

- o There will be a loss of light and privacy.
- o The development on nearby sites would have a grave impact on the streets around Linden Road and Pine Road.
- o The proposed development still does not address the privacy of 1 - 7 Linden Road. Commuter parking from nearby developments as well as overspill parking from Russell Lane has an impact on this area which will not be able to accommodate parking demand from this proposed development.
- o The two week reconsultation period is not sufficient.
- o There would be light pollution.
- o The description does not describe the loss of amenity space

Highways and transport: No objections 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 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

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.

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 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 garages on sites A and C and the construction of a two storey block of four flats and two detached dwelling houses.

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 proposed development would take place on two existing garage blocks. These garages are not being used for car parking purposes and are not suitable for the parking of modern vehicles. The provision of 6 spaces for off street parking at Site C would alleviate the parking demand on the basis of a 1 space per unit ratio.

Part of the proposed development would take place on two existing grassed areas which contribute to the visual amenity of the immediate area. These spaces do not contribute to the Borough's open space hierarchy and open space network. As such, the provision of open space in the Borough would not be harmed. Furthermore, the site is not located in an area deficient in open space.

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

The National Planning Policy Framework and the National Planning Policy Guidance states that where small scale development of less than 11 units come forward for determination, they should not need to make a contribution towards either affordable housing or other tariff style obligations.

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).

During the pre-application phase and within the application documentation, Barnet Homes have advised that the proposed residential accommodation coming forward for all the sites for both the DCLG defined categories of major and minor applications would be delivered as affordable housing. These units would be brought forward as affordable rent with a rent level indicated as being 65% of the market rent. Based on this commitment, the provision of affordable housing constituted a significant material consideration which was dominant in the planning balance evaluation if there were any disbenefits associated with particular schemes.

The applications which have been submitted by Barnet Homes are at present a mixture of small schemes of less than 11 units (so far forming the greater majority) and a small number of major schemes delivering 11 or more units. Nevertheless, all the applications which have been put forward to the Planning and Environment Committees on 14 and 27 July, contained a planning condition which the applicant to enter into a legal agreement to secure affordable housing on an affordable rent basis at 65% of market rent. The planning consultants representing Barnet Homes are firmly of the view that the amendment to the NPPG following the *West Berkshire District Council and Reading Borough Council v Secretary of State for DCLG* means that the Council should not be seeking to secure affordable housing by condition or by legal agreement for the smaller schemes. In addition, the applicant is of the view that the imposition of a requirement to enter into a legal agreement to secure affordable housing would have an impact on the ability of the developer to secure the levels of further funding to provide more homes in the future.

Barnet Homes is a wholly owned subsidiary of Barnet Council, responsible for the management and maintenance of the Council's 15,000 rental properties. Barnet Homes is in the process of setting up a new Registered Housing Provider known as Open Door Homes as a further subsidiary, committed to providing affordable housing. Utilising a loan from Barnet Council, the first programme of homes will be let at affordable rents. This position will be protected by the terms of the loan agreement and by the transfer of the sites from Barnet Council. Barnet Homes are therefore contractually obliged to provide affordable (rent) housing.

With respect to the larger sites where both Local Plan Policy DM10 supported by the London Plan and the NPPF states that there is a Borough wide target to bring forward 40% of new dwellings in a tenure that meets the definition of affordable housing in the NPPF. Barnet Homes is willing to enter into a legal agreement to secure these units. Barnet Homes and subsequently Opendoor have indicated their willingness to enter into a legal agreement in order to deliver a policy compliant affordable housing level. However, as stated, an onerous legal agreement would reduce the ability of Opendoor to raise future funds to continue the development cycle. Barnet Homes have a programme to deliver 326 affordable homes in order to alleviate homelessness in the borough. However, some sites may not be able to deliver the 100% provision on all sites and the monies raised will enable Barnet Homes to deliver more than the identified 326 units.

Barnet Homes recognises the concern that affordable housing secured outside of a legal agreement under Section 106 of the Planning Act, would be susceptible to disposal through Right to Buy, however the monies raised will be recycled for further investment and further build.

The overarching aim of Opendoor Homes is to build 750 units by 2020. Some dwellings will be delivered on the open market which will not be possible if the land value is based on having to provide affordable housing above policy. However, despite the absence of a legal agreement, Opendoor have every intention to provide affordable housing at affordable rent levels based on a local nominations agreement.

Ultimately, the provision of no affordable housing units on the smaller sites and the provision of at least 40% of units in affordable tenure on the larger sites would be policy compliant in respect of all the relevant tiers of policy. Nevertheless, an interpretation of the NPPF and NPPG would suggest that contributions or provision should not be sought, as opposed to must not be sought. As such, the Council could be entitled to secure affordable housing through a legal agreement on the smaller schemes. Furthermore a Council may be able to seek affordable housing at a proportion greater than 40% just as a developer may choose to deliver housing in affordable housing on a small scheme or at a ratio of greater than 40% on larger schemes.

Undoubtedly, the position promoted by Barnet Homes since their engagement with planning officers in December 2015 has been based entirely on a 100% affordable housing provision. Supporting planning documents including the planning statement and the application form has been clear in stating that it is the intention to provide this. The applications came before Committee carrying a condition seeking a legal agreement.

Nevertheless, there is a clear intention to provide affordable housing through other means and securing this for at least the first occupants under a Barnet Nominations procedure. The schemes, both small and large are policy compliant. Barnet Homes will be providing affordable rented housing on these sites although Members are being asked to consider these schemes purely on the basis of them being new dwellings only. Barnet Homes will be able to secure and raise funding on more advantageous site values allowing them to invest and earn greater sums of money. This would enable Barnet Homes to deliver effectively the stated aim of 326 units in this next phase and 750 in total by 2020. In a holistic view, this is a tangible planning benefit and it is considered that there would be an inherent risk to the programme that could be compromised.

On balance, the amended approach is considered to be acceptable and it is considered that the proposed development would provide a compelling factor in the consideration of all the relevant matters in the planning balance.

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 to medium density residential development of a suburban character.

Planning permission is sought for the development of the existing garages and the erection of a two storey flatted block containing four flats and the erection of two detached two storey dwellings following the demolition of a garage block.

The proposed development has been revised since the application was first submitted to the Council. The revisions have included a removal of one storey from the flatted block to create a two storey building and a reduction in the roof height of each of the detached dwellings in order to ensure that the proposed dwellings integrate into the streetscene.

The site and surroundings incorporate significant changes of levels along Linden Road and also from Linden Road into Prevost Road and Thorndene Avenue. The flatted block has been designed to respond to these changes in land levels and although the block would be situated to a short terrace of bungalows, it is considered that the levels change would allow the building height to be largely consistent with the ridge height of these bungalows.

The proposed development would be constructed from brick and would use a metal profiled roof which would allow the design to minimise the height impact within the streetscene. It is acknowledged that the proposed development would come forward of the established building line in Linden Road. This is mainly intended to reduce the impact on the amenity of properties in Dene Road. However, it is considered that this development should be taken to be entirely independent of the established principles of site layout in this case. The proposed development would be sufficiently distant from the bungalows to the west so as to reduce the impact on these bungalows.

Nevertheless, it is considered that the proposed development would make a more positive contribution to the character and appearance of the area than the existing garages on the site. Furthermore, given the size and scale of the dwellings in Dene Road and the intervention to their rear elevations which have taken place over time, it is considered that the proposed development would not be so visually harmful in this context.

Two detached dwellings are proposed on the corners of the junction between Thorndene Avenue and Linden Road. These properties have been reduced in height by over half a metre from the original planning application submitted drawings. The proposed development design would reflect the height as well as the materials, design and appearance of the flatted block. It is considered that this would optimise the use of unused space which does not form part of the Borough's open space hierarchy. In views across the junction and through the site, it is considered that the proposed development would not be incongruous to building heights, design and massing in this context. The properties would terminate with a gable end and would largely reflect the character of this immediate area. The property on site B would act as the counterpoint to the detached dwelling on Site A. However by virtue of the site layout would constitute a striking difference to the terrace in Prevost Road by virtue of its orientation and projection. Nevertheless, it is considered that its separation from the nearest property in Prevost Road would offset this impact. In

order to respond to the levels change which is most pronounced on Site B and to provide level access throughout, an excavation would be carried out within this embankment.

Nevertheless, the height and width of the proposed development and the spaciousness to the front and its sides would ensure that the proposed development does not appear visually dominant or overly large within the plot. The use of materials consistent with those used in the area as well as front garden areas emphasise the acceptable appearance, size, scale and massing.

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).

The units proposed would have gross internal areas which would meet the requirements of the London Plan for a dwelling of that type. The ground floor dwellings would feature private terraces which would exceed the thresholds set out in the Adopted SPD (Sustainable Design and Construction). This private amenity area would be defensible space to both front and rear. It would be functional space. The communal garden space would also exceed the requirements for the two first floor units, which would in any case be supported by two small balconies. The two detached dwellings would have a small garden area which would be small but would in any case exceed the requirements for open space. Nevertheless, the proposed development would have

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. In respect of garden depths, the proposed distances from rear elevations would vary. In the flatted block it would vary from 8.5m to 11.3m. In the detached houses it would be much less than this. In respect of the detached houses, this would not satisfy the requirements of policy, however, it is considered that in the context of the proposed development it would not outweigh the benefits that would accrue from the development of affordable housing.

It is considered that each of the units proposed in this instance have an acceptable degree of outlook.

The orientation of buildings on site A suggests that there will be some overlooking from the detached house into the garden of the flat block. The bedrooms in the detached dwelling would be dual aspect and it would be possible therefore to secure the prevention of overlooking through imposing obscured glazing at the first floor level.

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.

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

The proposed development has been designed to prevent any harmful impact on the amenity of adjoining residents. While it is acknowledged that the proposed development would be two storeys within a very short garden depth to the rear, it is considered that no harm in relation to sense of enclosure, loss of privacy through overlooking or loss of light would occur.

The proposed development would not affect the daylight or sunlight conditions of any other neighbouring property in Linden Road, Pine Road or Prevost Road. In respect of privacy, the proposed front elevation of the development would be at least 17m distant from the front elevation of Linden Road properties. Objections have been received which state that this would be less than the 21m set out in Council's guidance. However, this should be taken as a rear elevation rear to rear elevation distance and not between front elevations. The distance across the street is comparable to many other streets in the Borough and although the character around the site is of a more spacious arrangement it is considered that this would not be detrimental to the amenity of existing neighbours.

The London Plan Housing SPG states that developments should be able to protect the amenity of existing neighbours. However, local authorities should avoid using specific distance and separation standards to achieve this. Increasing the separation would make the scheme unviable in this regard as it would push the proposed development rearwards, reducing the garden space, reducing the quality of amenity for the proposed development and would also harm the amenity of the occupiers to the rear of the development in Dene Road. On this basis, it is suggested that the proposed level of separation would not be unduly harmful.

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 within a dedicated parking area a short distance away.

The proposal would result in the loss of 15 garages. Nine of these are tenanted, two of which are known to be let to people living more than half a kilometre away. Of the seven that remain, it is asserted that these garages constructed several decades ago would be too small to be able to park a private car. The highways officers have considered the application and are of the view that it would be unlikely that any overspill parking would occur and that the parking demand associated with the development would be adequately met by the proposed parking area at site C.

It is considered that the proposed development would not lead to any impediment to highway safety within Linden Road and Pine Road and that sufficient visibility splays would remain in place at the relevant junctions to maintain driver and pedestrian safety.

Each unit has provision for cycle parking. Refuse collection can be undertaken from kerbside.

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.

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, this is deemed acceptable.

The planning statement confirms that the proposed development would accord with the London Plan Standard in relation to water usage per occupant.

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.

5.4 Response to Public Consultation

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene 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 **Former Garage Site Back Lane Edgware HA8**

Reference: **16/3818/FUL**

Received: 10th June 2016

Accepted: 16th June 2016

Ward: Burnt Oak

Expiry 11th August 2016

Applicant: Ms Sally Young

Proposal: Erection of a two-storey building comprising of 4no. self-contained flats with associated amenity space and refuse storage

AGENDA ITEM 8

Recommendation: Approve subject to conditions

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

Design and access statement (HTA)
Planning Statement (HTA)
Daylight and Sunlight Statement (HTA)
Transport Statement (Vectos)
Sustainability Statement (BBS)
Arboricultural Impact Assessment (AGB)
Foul Sewage Statement
Ground Contamination Statement (AGB)
Utilities Record Search (Premier Energy)
A_BA2-S10_DR_0201
A_BA2-S10_DR_0200 rev A
A_BA2-S10_DR_0001 rev A
A_BA2-S10_DR_0202 rev B
A_BA2-S10_DR_0300 rev A
A_BA2-S10_DR_0100 rev A

LBB-SMP-200_HTA-A_BA2-S10_DR_0202_Back Lane_Proposed First Floor and
Roof Block Plan-REV A
LBB-SMP-200_HTA-A_BA2-S10_DR_0400_Back Lane_Block
Elevations_2B4PF_Type A1-REV B
LBB-SMP-200_HTA-A_BA2-S10_DR_0401_Back Lane_Block
Elevations_2B4PF_Type A1-REV C
LBB-SMP-200_HTA-A_BA2-S10_DR_0102_Back Lane_Privacy Study 2-REV A
LBB-SMP-200_HTA-A_BA2-S10_DR_0202_Back Lane_Proposed First Floor and
Roof Block Plan-REV A

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

- 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 except demolition and exploratory works 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) Prior to the occupation of development 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 commencement of above ground construction work.

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 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.

13 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.

14 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.

- 15 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.

- 16 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).

- 17 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.

- 18 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 and surrounding environment 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.

- 19 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.

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.

- 20 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.

Reason:

To ensure that adequate public access is provided throughout the development.

- 21 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 (2015).

- 22 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).

- 23 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

- 24 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 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 Policy 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 2015.

- 25 The level of noise emitted from the mechanical extracton ventilatioin and filtration plant that may be added to the buildng 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.

26 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

27 a) No development shall take place until a scheme of hard and soft landscaping to the front forecourt area, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, has been submitted to and agreed in writing by the Local Planning Authority.

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.

28 a) No development shall take place until the implementation of a programme of archaeological evaluation has been secured in accordance with a written scheme which has been submitted by the applicant and approved by the Local Planning Authority in writing and a report on that evaluation has been submitted to the Local Planning Authority.

b) If heritage assets of archaeological interest are identified by the evaluation under a) above, then before development (other than demolition to present ground level) commences the implementation of a programme of archaeological investigation shall be secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.

c) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under b).

d) The development shall not be first occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under b), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To enable archaeological investigation of the site in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD and Policy 7.8 of the London Plan 2015.

- 29 Before the development hereby permitted commences details of dry risers shall be submitted to and approved in writing by the Local Planning Authority in consultation with the London Fire and Emergency Planning Authority. In addition, an emergency access strategy 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 protect the safety of future and neighbouring residents

- 30 Prior to the first occupation of the proposed development, details of a lighting strategy for Back Lane shall be submitted to and approved in writing by the Local Planning Authority which shall indicate the siting, design and illuminance of lighting which shall be installed within the curtilage of the site to improve the safety of the access and approaches to the site.

Reason: In the interests of community safety and to ensure that the proposed development is able to provide a safe means of access for users of Back Lane and occupiers of the site. Policy CS1, CS NPPF and CS12 of the Adopted Local Plan Core Strategy (2012) and policies DM01 and DM02 of the Adopted Local Plan Development Management Policies DPD (2012)

- 31 The proposed development shall demonstrate compliance with the relevant Secured by Design standards.

Reason: In the interests of community safety and to ensure that the proposed development is able to provide a safe means of access for users of Back Lane and occupiers of the site. Policy CS1, CS NPPF and CS12 of the Adopted Local Plan Core Strategy (2012) and policies DM01 and DM02 of the Adopted Local Plan Development Management Policies DPD (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. 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. Your planning application has been assessed at this time as liable for a £11340 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 £43740 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.

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 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.
- 5 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.
- 6 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.
- 7 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.
- 8 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 9 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.

- 10 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.

- 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 Highways works agreement. 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.

Officer's Assessment

Officer's Assessment

1. Site Description

The site subject to this application consists of previously developed land which formerly consisted of garages within Back Lane. Back Lane is a service road to the rear of retail use (with upper floor residential units) on Watling Avenue. The previous garages have been demolished on the site and the site is closed off. The site is located on the northwestern side of Back Lane and falls within the predominantly residential character situated within Barnfield Road which runs parallel to both Watling Avenue and Back Lane. The site is located within the Watling Estate Conservation Area however, there are no listed buildings or locally listed buildings close to the site. Dwellings within Barnfield Road largely follow the orientation of the street for most of its length from Watling Avenue to Burnt Oak Broadway, however to the northwest of the site, the building line turns 90 degrees and travels towards Back Lane. As such, properties within Back Lane come close to the application site and then run parallel to Back Lane.

Back Lane is a largely run down and derelict street, which runs down hill from Bunt Oak Broadway to its junction with Barnfield Road. It is heavily parked and is of restricted width. Access to the rear of commercial properties as well as access to the upper floor flats is gained from Back Lane.

A number of mature trees are located at each end of the site and given the site's inclusion within the Burnt Oak Conservation Area, these trees benefit from the protections afforded to trees subject to a Tree Preservation Order.

It should be noted that only one property in the retail parade to Watling Avenue is in use as a hot food and drink premises which is located at 43 Watling Avenue. This is not directly adjacent to the site.

Neither Back Lane or Barnfield Road are subject to a Controlled Parking Zone. There is a bus stop on Watling Avenue and Burnt Oak underground station is located 225metres away from the site.

2. Site History

11.09.1996 - Conditional planning permission granted for the change of use of the Labour Hall to a fitness centre (D2) W10949.

No planning applications have been submitted in relation to the application site.

3. Proposal

Planning permission is sought for the redevelopment of this site involving the erection of a two storey building incorporating four self contained two bed four person flats with a frontage to Back Lane. The proposed development would have a width of 24.64m and a footprint depth of 8.85m. The site is set back from the edge of the highway by a distance of 1.21m. The building has a height of 7.6m to the ridgeline.

The proposed development has a plot depth of 17.6m

In order to facilitate the construction of the proposed dwelling, an excavation into the bank will be required. This will facilitate level access from the street, throughout the building and into the rear garden. A boundary fence on Pine Road would prevent overlooking into the rear of the property. The proposed development at site C would involve the demolition of the existing garages the laying out of six car parking spaces and the retention of the existing means of access.

4. Public Consultation

Consultation letters were sent to 276 neighbouring properties on two occasions.

1 comment has been received from a local residents association advising the Council that the site is located in an Archaeological Priority Area and as such, appropriate conditions should be imposed were planning permission approved.

Highways and transport: No objections subject to conditions

Historic England: Although there is some archaeological potential in which mainly follows the route of the A5 which is a Roman Road, it is considered that the site is located too far from this route to have any archaeological value.

Environmental Health: No objections subject to conditions relating to contaminated land, air quality and noise pollution.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2015

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

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

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.

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 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 redevelopment of a site that has previously been used as garages but which have now been demolished within a residential area.

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.

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

The National Planning Policy Framework and the National Planning Policy Guidance states that where small scale development of less than 11 units come forward for determination, they should not need to make a contribution towards either affordable housing or other tariff style obligations.

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).

During the pre-application phase and within the application documentation, Barnet Homes have advised that the proposed residential accommodation coming forward for all the sites for both the DCLG defined categories of major and minor applications would be delivered as affordable housing. These units would be brought forward as affordable rent with a rent level indicated as being 65% of the market rent. Based on this commitment, the provision of affordable housing constituted a significant material consideration which was dominant in the planning balance evaluation if there were any disbenefits associated with particular schemes.

The applications which have been submitted by Barnet Homes are at present a mixture of small schemes of less than 11 units (so far forming the greater majority) and a small number of major schemes delivering 11 or more units. Nevertheless, all the applications which have been put forward to the Planning and Environment Committees on 14 and 27 July, contained a planning condition which the applicant to enter into a legal agreement to secure affordable housing on an affordable rent basis at 65% of market rent. The planning consultants representing Barnet Homes are firmly of the view that the amendment to the NPPG following the *West Berkshire District Council and Reading Borough Council v Secretary of State for DCLG* means that the Council should not be seeking to secure affordable housing by condition or by legal agreement for the smaller schemes. In addition, the applicant is of the view that the imposition of a requirement to enter into a legal agreement to secure affordable housing would have an impact on the ability of the developer to secure the levels of further funding to provide more homes in the future.

Barnet Homes is a wholly owned subsidiary of Barnet Council, responsible for the management and maintenance of the Council's 15,000 rental properties. Barnet Homes is in the process of setting up a new Registered Housing Provider known as Open Door Homes as a further subsidiary, committed to providing affordable housing. Utilising a loan from Barnet Council, the first programme of homes will be let at affordable rents. This position will be protected by the terms of the loan agreement and by the transfer of the sites from Barnet Council. Barnet Homes are therefore contractually obliged to provide affordable (rent) housing.

With respect to the larger sites where both Local Plan Policy DM10 supported by the London Plan and the NPPF states that there is a Borough wide target to bring forward 40% of new dwellings in a tenure that meets the definition of affordable housing in the NPPF. Barnet Homes is willing to enter into a legal agreement to secure these units. Barnet Homes and subsequently Opendoor have indicated their willingness to enter into a legal agreement in order to deliver a policy compliant affordable housing level. However, as stated, an onerous legal agreement would reduce the ability of Opendoor to raise future funds to continue the development cycle. Barnet Homes have a programme to deliver 326 affordable homes in order to alleviate homelessness in the borough. However, some sites may not be able to deliver the 100% provision on all sites and the monies raised will enable Barnet Homes to deliver more than the identified 326 units.

Barnet Homes recognises the concern that affordable housing secured outside of a legal agreement under Section 106 of the Planning Act, would be susceptible to disposal through Right to Buy, however the monies raised will be recycled for further investment and further build.

The overarching aim of Opendoor Homes is to build 750 units by 2020. Some dwellings will be delivered on the open market which will not be possible if the land value is based on having to provide affordable housing above policy. However, despite the absence of a legal agreement, Opendoor have every intention to provide affordable housing at affordable rent levels based on a local nominations agreement.

Ultimately, the provision of no affordable housing units on the smaller sites and the provision of at least 40% of units in affordable tenure on the larger sites would be policy compliant in respect of all the relevant tiers of policy. Nevertheless, an interpretation of the NPPF and NPPG would suggest that contributions or provision should not be sought, as opposed to must not be sought. As such, the Council could be entitled to secure affordable housing through a legal agreement on the smaller schemes. Furthermore a Council may be able to seek affordable housing at a proportion greater than 40% just as a developer may choose to deliver housing in affordable housing on a small scheme or at a ratio of greater than 40% on larger schemes.

Undoubtedly, the position promoted by Barnet Homes since their engagement with planning officers in December 2015 has been based entirely on a 100% affordable housing provision. Supporting planning documents including the planning statement and the application form has been clear in stating that it is the intention to provide this. The applications came before Committee carrying a condition seeking a legal agreement.

Nevertheless, there is a clear intention to provide affordable housing through other means and securing this for at least the first occupants under a Barnet Nominations procedure. The schemes, both small and large are policy compliant. Barnet Homes will be providing affordable rented housing on these sites although Members are being asked to consider these schemes purely on the basis of them being new dwellings only. Barnet Homes will be able to secure and raise funding on more advantageous site values allowing them to invest and earn greater sums of money. This would enable Barnet Homes to deliver effectively the stated aim of 326 units in this next phase and 750 in total by 2020. In a holistic view, this is a tangible planning benefit and it is considered that there would be an inherent risk to the programme that could be compromised.

On balance, the amended approach is considered to be acceptable and it is considered that the proposed development would provide a compelling factor in the consideration of all the relevant matters in the planning balance.

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.

Planning permission is sought for the redevelopment of the existing garage site and the erection of a two storey building comprising of four flats. The proposed building would have a frontage to Back Lane would continue the building line expressed by 18 - 24 Barnfield Road. The proposed development would have a width of 24.6m, a depth of approximately 8.6m and a height of 7.8m to the eaves. There would be a generous area of private garden space around the site enclosed by a significant existing and retained boundary wall to the site.

The proposed development would be set back from the edge of the highway by just over 1.2m and would incorporate a strip of planting to form defensible space for the ground floor flats and the communal door for the building.

The proposed development would be constructed from brick and would have a hipped roof at each end and a two storey flat roof rear projection. There would be balconies to each end which would have a privacy screen to its northeastern and southwestern end for the purposes of amenity protection.

This design would be consistent with the character of the wider area and the spatial pattern of development around Barnfield 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 or appearance of a short terrace would respect and respond to these positive characteristics of the conservation area set out in the conservation area appraisal which correspond to the local character. The use of a predominantly brick 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.

Within residential areas, the conservation area retains a degree of spaciousness expressed by gardens and also through amenity spaces within the public realm. The proposed development occupies a much smaller footprint than the existing garages, enhances and improves the site and provides a generous area of communal garden within the red line site outline.

The proposed development introduces a new frontage and activity within Back Lane which is characterised by unattractive and negative quality back of retail development with anonymous residential entrances to upper floor flats. The proposed development would be set back slightly from the street and would be framed by mature trees at each of the site. It is considered that the proposed development would not unduly affect the character and appearance of Back Lane and nor would it appear unduly imposing within the street.

There are three trees close to the site which all appear to be located outside of the site outline and in the rear gardens of 24 Barnfield Road and 58 Barnfield Road. However, each tree has a significant canopy spread. The proposed development would result in minor crown management works for tree T1 which is situated close to the corner of 24 Barnfield Road where its site boundary meets the road and the application site. The arboricultural report suggests that this is for the purpose of construction. Crown management has occurred before to this tree because of its relationship with the road. Nevertheless, it is considered that the proposed development would not harm the setting, viability and visual and landscape character of these trees subject to the protection measures set out in the submitted report.

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).

The units proposed would have gross internal areas which would meet the requirements of the London Plan for a dwelling of that type. The ground floor dwellings would feature private terraces which would exceed the thresholds set out in the Adopted SPD (Sustainable Design and Construction). This private amenity area would be defensible space to both front and rear. It would be functional space. The communal garden space would also exceed the requirements for four units within the proposed development.

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 from neighbouring properties. In this flatted block it would vary from 8.5m to 11.3m.

It is considered that each of the units proposed in this instance have an acceptable degree of outlook with the main living areas being served by windows on three elevations. The main outlook for the living areas would be situated to the rear of the site. Bedrooms would therefore face onto Back Lane. Although these room uses would be the most sensitive particularly in relation to lower night time background noise levels, it is considered that the proposed activity that might take place adjoining these rooms would take place by day. Nevertheless, it is considered appropriate that adequate sound proofing and insulation should be installed within the development. In order to ensure that there is adequate sound proofing, there may need to be mechanical ventilation, details of which would need to be secured. Finally, Environmental Health have advised that the air quality in the area is poor which would further justify non opening windows close on the Back Lane frontage and the use of mechanical ventilation. There is only one hot food takeaway in the parade opposite. This does not adjoin the site, however, this is a material consideration to ensure that protection against noise and air pollution is robust.

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

The proposed development would face directly towards the rear elevation of properties at first floor and above on Watling Avenue. The proposed development would also be situated close to 24 - 30 Barnfield Road and the rear gardens of 38 - 58 Barnfield Road would all adjoin the rear boundary of the site.

The rear elevation of the terrace in Watling Avenue is approximately 20m distant from the facing front elevation of the proposed development and it is considered that the impact would be limited and would not be harmful to the occupiers of these existing residential occupiers in relation to privacy, overlooking, light and outlook.

24 Barnfield Road would not be affected by the proposed development following an amendment to the scheme to include a privacy screen for the depth of the balcony and the elimination of any harm through overlooking. The proposed development is nearly 18m distant and it is considered that the building in conjunction with the proximity of the tree would not affect the light for this property or the visual amenity of the occupiers.

With respect to 30 to 58 Barnfield Road, the proposed development would be situated too far from either the rear elevation or the adjoining garden to give rise to any impact on the amenity of the occupiers of these properties. By way of illustration, the proposed development would be 34 m to the rear of 38 Barnfield Road and would be 22m to the side boundary with 30 Barnfield Road. As such, the most affected properties would be 26 and 28 Barnfield Road. Due to land level changes, the building will be built on a level lower than the garden of 26 and 28 Barnfield Road and the rear garden of the site. The boundary wall is already of a height approaching three metres. The application proposes a minor increase adding a trellis and climbing plants which would result in a boundary wall of at least 3.1m. Due to the land level change, the height of an average eyeline above the garden of 26 and 28 Barnfield Road would be in the region of 4.2m. A 3.1m boundary wall would prevent overlooking into the rear garden of 26 Barnfield Road and the distance to 28 Barnfield Road garden would be 16m. With respect to windows at the rear of 26 Barnfield Road, the closest window at the first floor level is a bathroom and therefore the nearest bedroom window is 18.6m away at an oblique angle from the balcony which would significantly limit the impact on the amenity of this property.

A daylight and sunlight assessment has been provided in respect of this planning application and it is demonstrated that the impact in respect of the receipt of daylight and sunlight would not be unduly affected, although it is situated to the south and east of an easterly facing building.

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 within a dedicated parking area a short distance away.

All the garages previously on the site have already been demolished and as such no parking would be relocated to the surrounding highway network as a result of this proposed development. The site provides for no car parking on site. The site is located

within 225 m of Burnt Oak underground station and there are bus stops on both Watling Avenue and Burnt Oak Broadway to offset the demand from car ownership and usage. This is reflected by the PTAL 5 score for this site.

Based on the PTAL score and local car ownership demographics in the context of affordable rent/social housing, the applicant's transport consultants have established that the site would generate approximately 0.7 spaces per unit which based on a four unit scheme would provide three spaces. The applicants have undertaken a parking stress survey of surrounding streets within a 200m radius of the site and have established that there would be up to 40 car parking spaces available on street which would be able to accommodate the proposed parking demand. Back Lane is an adopted road and there is limited parking control along this site. However, parking is possible for much of its length and as a result, some parking could take place in this location with overspill moving to adjoining streets.

Sufficient cycle parking to meet London Plan standards will be provided and this will be secured through planning condition.

Given the narrow width of the street, limited access for construction traffic would be permissible. As a result, the proposed development will be subject to a construction management and logistics plan to ensure that access to the site for construction and the carrying out of the construction process can be undertaken without harm to the servicing and access demands of Back Lane and other users in the locality. Refuse storage will be kept on the site and it is expected that this will be moved to Barnfield Road on refuse collection days. A refuse collection strategy will be secured by condition which will be required to be approved prior to the occupation of the development.

Access for fire brigade and ambulance will also be necessary and at present, it is considered that the road width would be too narrow for a fire brigade vehicle to attend the site, although dry risers could be installed within the site. In light of previous concerns expressed by members surrounding fire brigade and rescue access, it is considered that it would be necessary for this access to be further considered by way of details provided and approved by planning condition.

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.

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, this is deemed acceptable.

The planning statement confirms that the proposed development would accord with the London Plan Standard in relation to water usage per occupant.

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.

5.4 Response to Public Consultation

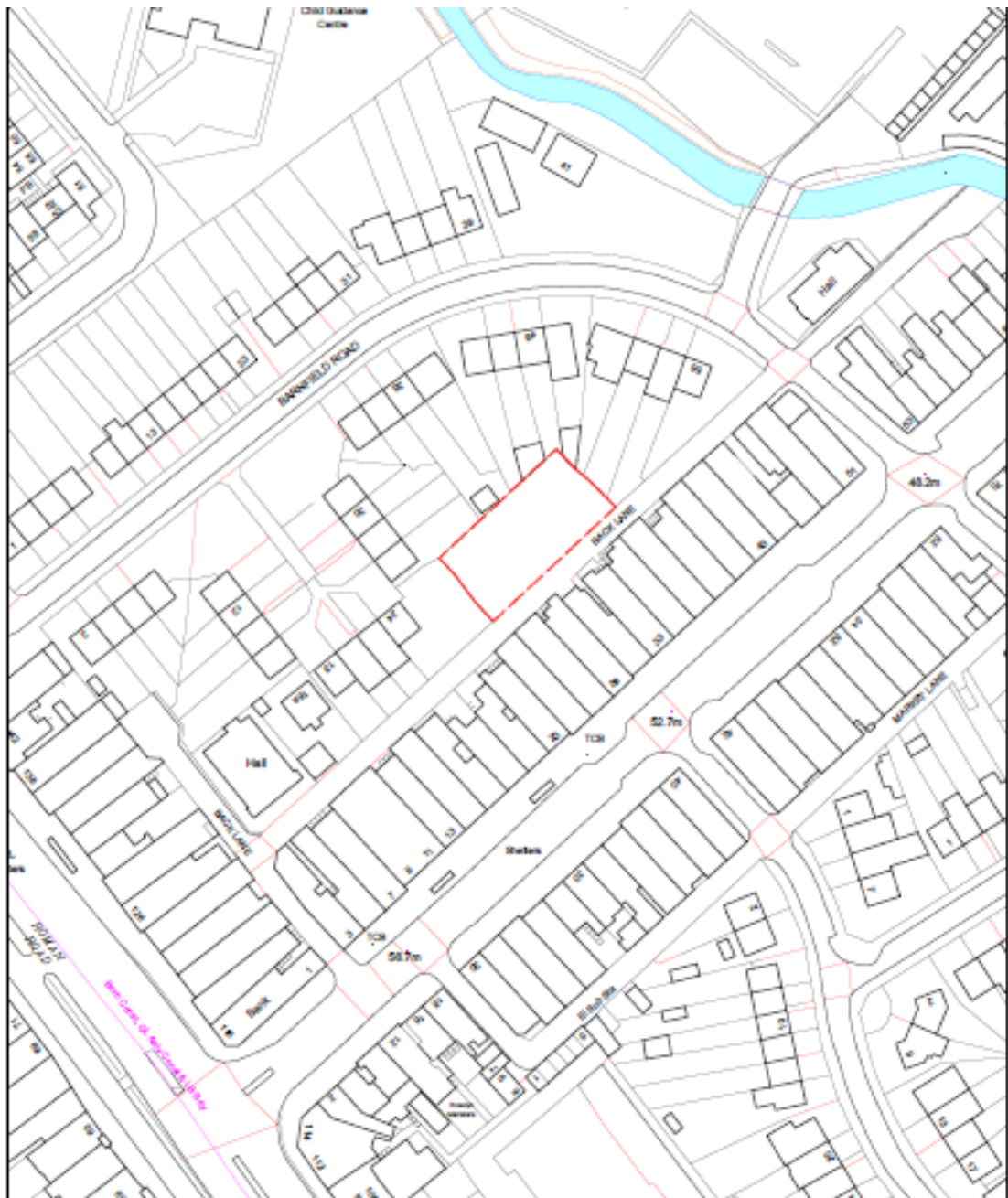
None

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene 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.



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Location **Garage Court Hanshaw Drive Edgware HA8**

Reference: **16/5815/FUL**

Received: 5th September 2016

Accepted: 15th September 2016

Ward: Burnt Oak

Expiry 10th November 2016

Applicant: Ms Christine Coonan

Proposal: Demolition of existing garages. Erection of 5no. two storey terraced houses. Associated amenity space, hard and soft landscaping, refuse/recycling stores and cycle storage. Provision of 12no. parking spaces. Relocation of electric substation. [AMENDED DESCRIPTION]

AGENDA ITEM 9

Recommendation: Approve subject to conditions

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

Drawing No. A_BA2-S17-DR_0001 - Revision B (Existing site location plan)

Drawing No. A_BA2-S17_DR_0100 - Revision C (Proposed site plan)

Drawing No. A_BA1-S17_DR_0101 - Revision A (Proposed first and roof plan)

Drawing No. A_BA2-S17_DR_0200 - Revision A (Existing and proposed street elevations)

Drawing No. A_BA2-S17_DR_0300 - Revision A (2B4P House Type B1 - Unit Plans)

Drawing No. A_BA2-S17_DR_0301 - Revision C (6B10P House Type A1 - Unit Plans)

Drawing No. A_BA2-S17_DR_0400 - Revision B (Proposed block elevations)

Drawing No. A_BA2-S17_DR_0401 - Revision B (Proposed block elevations - side elevations)

Drawing No. A_BA2-S17_DR_0402 (Proposed Block Elevations - Substation)

agb Environmental Arboricultural Impact Assessment dated 16 June 2016

hta Daylight, Sunlight and Overshadowing report dated June 2016

BBS Sustainability Report dated June 2016

Vectos Transport Statement September 2016

hta Design and Access Statement dated September 2016

hta Planning Statement dated August 2016

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) No development other than demolition work shall take place until details of the location within the development and specification of the **** 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.

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

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 7 a) 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.

- 8 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).

- 9 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 area of Hanshaw Drive, HA8, hereby approved.

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).

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

- 11 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.

- 12 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, Dwelling House Type A1 (as shown on Drawing No. A_BA2-S17_DR_0301 Revision C) 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). All remaining dwellings hereby approved 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 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.

- 13 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), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 14 Before the development hereby permitted is occupied the car parking spaces and ambulance parking bay as shown on Drawing No. A_BA2-S17_DR_0100 Rev. C 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.

- 15 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.

- 16 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.

- 17 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.

- 18 a) No development shall take place until the implementation of a programme of archaeological evaluation has been secured in accordance with a written scheme which has been submitted by the applicant and approved by the Local Planning Authority in writing and a report on that evaluation has been submitted to the Local Planning Authority.
- b) If heritage assets of archaeological interest are identified by the evaluation under a) above, then before development (other than demolition to present ground level) commences the implementation of a programme of archaeological investigation shall be secured in accordance with a Written Scheme of Investigation which has

been submitted by the applicant and approved by the local planning authority in writing.

c) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under b).

d) The development shall not be first occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under b), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To enable archaeological investigation of the site in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD and Policy 7.8 of the London Plan 2015.

19 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.

- 20 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 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 Policy 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 2015.

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 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 The applicant is advised that written schemes of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with Historic England Greater London Archaeology guidelines. They must be approved by the Local Planning Authority before any on-site development related activity occurs.
- 18 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.

- 19 Your attention is drawn to the need to provide facilities for the disabled, as set out in Building Regulation Part M Access & Facilities for Disabled Persons. A copy of Part M is available via the Planning Portal at <http://www.planningportal.gov.uk/buildingregulations/>.
- 20 It is recommended that demolition should be carried out by an approved contractor and neighbouring residents notified at least seven days before commencement.

Officer's Assessment

1. Site Description

The application site measures 0.1208 ha and consists of a cul-de-sac containing 44 garages within the close of Hanshaw Drive. It is within the ward of Burnt Oak.

Hanshaw Drive is an un-adopted cul-de-sac, providing vehicular and pedestrian access to the existing garages and the sheltered housing building. Limited parking runs along the western side of Hanshaw Drive. Pedestrian through-access can also be gained from Watling Avenue.

The site is bounded on all sides by existing residential development. Immediately to the west is a part two, part three storey sheltered housing building. To the north, east and south, residential gardens abut the site boundary.

It is located within the Watling Estate Conservation Area.

The surrounding residential buildings are typical of the Watling Estate, and comprise two storey terraced and semi-detached workers' cottages, mostly with front and back gardens, hipped, pitched, tiled roofs, and faced in brick, render or painted weather boards. The sheltered housing scheme is of contrast in design and architecture to the traditional characteristics of the Estate, dating to the 1960s, with lighter facing brick, shallower copper roof and use of cladding.

There are no statutory or locally listed buildings within or adjoining the site. There are no Tree Preservation Orders pertaining to any trees which may constrain the development.

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 3 location (where 1a is low and 6b is high). The site is accessed off Thirleby Road, with bus routes in close proximity and Burnt Oak tube station (Northern Line) within walking distance.

A very small north western corner of the boundary falls within an Area of Special Archaeological Significance, but for the most part the site falls outside this area.

The site is relatively level.

There are no other site specific policy designations or allocations for this site.

2. Site History

No history of relevance for the garages site.

3. Proposal

The application proposes the demolition of all existing garages on site and the construction of a terrace of five new two-storey dwellinghouses running north-south and facing onto Hanshaw Drive, with associated amenity space, landscaping, refuse/recycling storage and cycle storage. The proposed dwellings would utilise the existing access of Hanshaw Drive. The development will provide 12 no. parking spaces.

It will also involve the relocation of an electric substation, whereby there is one on site as existing.

The development would be for the benefit of Barnet Homes.

Four of the terrace dwellings (House Type B1) would of identical floor plates and internal layouts. They would be 2bed/4 person dwellings with two double/twin bedrooms, a separate kitchen, utility/store and living area. These dwellings have the option for a future lift between the two floors, with a knock-out panel provided, as well as knock out panels between Bedroom 1 and the bathroom at first floor, and an optional partition between the living area and separate kitchen at ground floor.

The fifth end-terrace (House Type A1), located to the north east of the site, will be a bespoke 6bed/12 person dwelling spread over two floors of accommodation with an additional ground floor extension to the rear and side. The intention of this dwelling's size and design is to meet a specific demand which has arisen within Barnet Homes' housing list.

All of the proposed homes will meet the M4(2) standard, with the wheelchair unit achieving full M4(3) compliance of the 2015 Building Regulations.

The four identical terrace properties would, according to Officer calculations, measure 79 sqm in gross internal area. These would meet the minimum internal space standards set out in the London Plan (MALP 2016) and Table 2.1 of Barnet's Sustainable Design and Construction SPD (2016). Minimum room dimensions and floor areas for bedrooms would be met, as set out in Table 2.2 of the Barnet's SDC SPD (2016).

The four identical terrace properties would be provided with private amenity space of 40 sqm and above, meeting the minimum London Plan and Barnet standards for outdoor amenity space.

The fifth larger unit would, according to Officer calculations, measure 211 sqm in gross internal area which would exceed a minimum target of 173 sqm, in accordance with the standards set out in the London Plan (MALP 2016). It would be provided with, according to Officer calculations, 115 sqm of private outdoor amenity space, meeting the minimum London Plan and Barnet standards for outdoor amenity space.

The dwellings would be of contemporary design would have pitched tiled roofs, gable ends and be constructed in brick, reflecting the design and character of the surrounding properties.

It is considered that all dwellings would benefit from adequate daylight, sunlight and outlook.

A shared surface is proposed to the front of the new dwellings. It will also involve the rearrangement of the parking to the front of the sheltered housing scheme. Overall, in front of the proposed dwellings 8 parking spaces will be provided, including 1 x allocated parking space for each of the four two-bedroom houses and 2 x allocated disabled parking spaces for the larger 6-bedrooms, wheelchair unit. There will also be 2 x unallocated general needs spaces to the front of the proposed houses.

In regards to parking in front of the sheltered housing home, there will be 2 x unallocated general needs spaces and 2 x unallocated disabled parking spaces. Existing ambulance parking space and the hatched drop off area will be retained.

The terrace would be sited at a distance of 17.5 metres from the front elevation of the sheltered housing scheme.

The rear elevations of the four 2 bed-terrace dwellings (Housing Type B1) would be sited at a distance of 8 metres from boundary adjacent to the properties facing Gunter Grove.

At its closest point, the rear elevation of the larger 6 bedroom unit (Housing Type A1) would be sited at a distance of 4.2 metres from the boundary adjacent to the properties facing Gunter Grove.

The side elevation of Housing Type A1 would be sited, at its closest point, at a distance of 1.5 metres from the boundary adjacent to the properties facing Watling Avenue.

The side elevation of the end of terrace Housing Type B1 would be sited, at its closest point, at a distance of 1.5 metres from the boundary adjacent to the properties facing Thirleby Road.

4. Public Consultation

Consultation letters were sent to 117 neighbouring properties.

A site notice was erected on 15 September 2016.

A press notice was published on 15 September 2016.

29 responses were received, comprising 29 letters and/or signatures of objections.

- Residents at Hanshaw Sheltered Housing Scheme submitted a petition. The objections were: The Sheltered Housing Scheme already has refuse and recycling so I assume these will be installed for use by the tenants in the new houses. Parking in submission is misleading - the plans read like there will be 12 new parking spaces but I think the plans include 6 parking bays and 2 ambulance bays already marked in Hanshaw Drive, the other parking places will be in front of the new houses. Our opinion has not changed since previous consultation meetings with Barnet Homes. Where will the sub-station be moved to?

- Highways concerns: the roads surrounding Hanshaw Drive are narrow and building work will cause a lot of problems in terms of traffic and would obstruct public's way/pedestrian routes. Development will cause significant traffic and parking issues in Hanshaw Drive and surrounding road - what do you propose to do about the problems I predict are about to happen. I need assurance residents will be helped and not hindered. Lack of clarity throughout objections of parking spaces retained and parking arrangement proposed. Carers will need parking spaces. Parking is in regular use.

- Impact of construction works: Noise, visual and air pollution. Will damage the community. The building works near the old people's home would be damaging because they are very vulnerable, and some are in poor health (mentally/physically). Would not offer residents peace and protection.

- Other matters: submission documents cannot decipher the difference between a residential care home and sheltered housing scheme. Lack of clarity on refuse and recycling arrangement. Garages provide safety from vandalism. Lack of consideration for existing tenants living in Hanshaw Drive.

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.

Environmental Health Department:

The Environmental Health Department have confirmed that subject to the imposition of suitable conditions they raise no objection to the development and find the proposal to be acceptable.

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, updated 2016)

- 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, updated 2016)

- 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 all existing garages on the site and their replacement with five new homes. These properties would be developed by Barnet Homes. One of the dwellings would also be specifically constructed for wheelchair housing.

It has been advised that occupancy data indicates that 11 of the 44 garages are currently vacant (25%), with the remaining occupiers registered as living across a broad spread from within the immediate area and further away (0.3+ miles). There are 18 registered addresses within 0.2 miles of the site. It is also considered that the garages have limited use for modern-day cars due to their size, and therefore likely used for other uses, such as storage. This is the experience of Barnet Homes as the managers of the garages.

The applicant has advised that garages are let to individuals on rolling contracts and are not allocated to particular properties. Car parking appears to be accommodated for within the front of the Sheltered Housing Scheme and also on the surrounding streets. As such, there is no objection to the redevelopment of this parking area.

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 of Thirleby Road.

The site is located within the conservation area, however, this itself does not preclude redevelopment of the garages.

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.

Design, appearance and character matters and impact on character and appearance of conservation area and wider 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.

Policy CS1 of Barnet's Core Strategy (2012) states that will seek the highest standards of urban design in order to generate development proposals of landmark quality. Policy CS5 of the Core Strategy states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'.

Policy DM01 of the Council's Development Management Policies (2012) states that 'development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets' development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused'.

Policy DM06 of the adopted Development Management Documents DPD (2012) states that development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

The site falls within the Watling Estate conservation area, which has a proud artisan / arts and crafts history, as well as a tradition of social housing since 1890 and the passing of the Housing of the Working Classes Act.

The applicant's submission has explained how the character studies helped inform the design proposals through the use of brick detailing and angle of the roof pitch on the proposed homes.

There are two key character areas of the interwar housing of short linear terraces, two storeys in height, with multi-stock brick, painted render, hipped roofs, brick detailing and porch entrance doors, as seen in the surrounding roads of Watling Avenue, Thirleby Road and Gunter Grove. The other is the post war architecture (as seen in the Sheltered Housing Scheme), dating to the 1960s/70s, of a semi-formal block arrangement and use of multi-stock brick, shallow roofs, and timber cladding.

The scheme has been designed to reflect and integrate with its immediate surrounding by reason of the regular repeated rhythm of housing type, design of pitched tiled roofs and gable ends, and brick-facing façades.

Although it is noted that Housing Type A1 is of larger size than the other proposed units, and those existing properties in the surrounding area, the general design of the property is in keeping with the terrace, with additional subordinate ground floor extensions. The Planning Officer received comments from a representative at Barnet Homes, via email dated 27th October 2016, which explained:

"The household makeup comprises of the parents (mother and father) and four children (4 sons and two daughters). The household had been residing in long term temporary from 20 January 2009. A traffic accident in April 2014 left the mother and one of the daughters severely disabled resulting from spinal cord injuries. The accommodation the family were previously residing in were not suitable for their needs and the mother and her daughter have been temporarily rehoused in a spinal unit in Edgware where they currently reside. The father and the remaining children live in a separate temporary accommodation property. No available existing stock within our current stock portfolio is suitable or has the potential to be adapted to suit the complex needs of the household. The design presented in this application has been designed to accommodate the size and complexity of the care and support requirements of the household, which has had input from the household as well as Occupational Therapists. There has been no indication to date that the condition of the two prospective residents will improve and their support needs lessen hence the requirement for this design."

Furthermore there would be limited views of this dwelling from the main street scene. On balance, the larger size of Housing Type A1 is deemed acceptable in this particular instance.

Furthermore, as existing, it is not considered the existing garage court preserves or enhances the character or appearance of the designated conservation area.

It is considered that the proposed dwellings would preserve the character and appearance of the conservation area.

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, conservation 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 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 all of the dwellings proposed in this instance have an acceptable degree of outlook.

External amenity space provision:-

All dwellings proposed would have access to their own private external amenity space. All amenity spaces would meet the requirements of the Council's guidance on the provision of private amenity areas for the relevant type of dwelling.

Privacy and overlooking:-

It is noted that Table 2.4 of Barnet's Sustainable Design and Construction SPD (2016) 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.

The recommended distance of 21 metres between properties facing windows to habitable rooms is met for all dwellings at first floor.

The new dwellings would be sited at a distance of 8 metres to the neighbouring gardens serving the properties facing Gunter Grove, short of the recommended distance of 10.5 metres. However, in this particular instance a dense barrier of foliage both within the site boundary of the properties along Gunter Grove, and in some cases, between the subdivided gardens of these properties, provide sufficient screening not to result in unacceptable levels of overlooking into the proposed dwellings.

As such the above is deemed acceptable.

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 the rooms within the proposed development see good levels of internal daylight/sunlight; 100% of the 24 rooms tested exceeded the BRE daylight factor (ADF) targets 80%, whilst only 4 rooms fell marginally short of the BRE's Sky View test. All principle kitchen-living spaces met the sunlight analysis tests.

Overall, the performance for daylight in the proposed dwellings was deemed 'excellent'.

Accessibility: -

The applicant has advised that Housing Type A1 would accord with the requirements of M4(3) of 2013 Building Regulations, and all Housing Type B1 would meet building regulation M4(2).

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.

The terrace would be sited at a distance of 17.5 metres from the front elevation of the sheltered housing scheme. The ground floor windows on the front elevation of the sheltered housing scheme appeared to serve communal corridors. It is considered that the front facing windows of the upper floor units of the sheltered housing scheme would continue to be served by acceptable levels of outlook and light due to the distances between the buildings (17.5 metres). Furthermore, the arrangement of front facing

windows to front facing windows is not dissimilar to the established pattern of development in the surrounding area, and by reason of the distances, would not cause undue overlooking or loss of privacy of occupiers of the sheltered housing scheme.

At its closest point, the rear elevation of the larger 6 bedroom unit (Housing Type A1) would be sited at a distance of 4.2 metres from the boundary adjacent to the properties facing Gunter Grove. The rear elevations of the four 2 bed-terrace dwellings (Housing Type B1) would be sited at a distance of 8 metres from boundary adjacent to the properties facing Gunter Grove. The first floor rear windows of the proposed dwellings would be sited at distance of over 30 metres, and thus would not cause undue overlooking or loss of privacy for occupiers along Gunter Grove.

The side elevation of Housing Type A1 would be sited, at its closest point, at a distance of 1.5 metres from the boundary adjacent to the properties facing Watling Avenue. These properties along Watling Avenue benefit from rear gardens of approximate depths of over 20 metres. It is not considered that the proposed dwellings would impact the outlook or light enjoyed by these occupiers. No first floor side windows are proposed in the flank elevation of Housing Type A1, and as such would not result in loss of privacy.

The side elevation of the end of terrace Housing Type B1 would be sited, at its closest point, at a distance of 1.5 metres from the boundary adjacent to the properties facing Thirleby Road. The properties along Thirleby Road benefit from rear gardens of a depth of approximately 14 metres. By reason of this distance it is not considered it would impact the light or outlook enjoyed by these occupiers. There are no first floor side windows proposed in the flank elevation of Housing Type B1 and as such would not result in loss of privacy.

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.

An accompanying analysis of the Daylight, Sunlight and Overshadowing (DSO) by HTA Design illustrates good VSC results, and concludes that the proposed building does not reduce the good levels of daylight on the existing surrounding dwellings. In terms of overshadowing, the report concludes that the proposals will not negatively impact on adjacent garden amenity.

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 regards to the relocated substation it is noted that it will be moved closer to the boundary adjacent to No. 144 and No. 146 Watling Avenue. The single storey substation would measure 2.7 metres in height with a flat roof. It would therefore only be 0.7 metres greater in height than a permitted fence. It would be sited at approximately 11 metres from the rear elevation of No. 144 and 25 metres from the rear elevation of No. 146. Taking into the height, size and siting of the substation it is not considered that the structure would impact the outlook or light received by occupiers of No. 144 and No. 146 Watling Avenue. It would not impact neighbouring occupier's privacy. Noise is covered under the relevant environmental health section of this report.

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.

Affordable housing:

The National Planning Policy Framework (2012) and the National Planning Policy Guidance states that where small scale development of less than 11 units come forward for determination, they should not need to make a contribution towards either affordable housing or other tariff style obligations.

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 of the Development Management Document DPD 2012 (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).

During the pre-application phase, Barnet Homes have advised that the proposed residential accommodation coming forward for all the sites for both the DCLG defined categories of major and minor applications would be delivered as affordable housing. These units would be brought forward as affordable rent with a rent level indicated as being 65% of the market rent. Based on this commitment, the provision of affordable housing constituted a significant material consideration which was dominant in the planning balance evaluation if there were any disbenefits associated with particular schemes.

The applications which have been submitted by Barnet Homes are at present a mixture of small schemes of less than 11 units (so far forming the greater majority) and a small number of major schemes delivering 11 or more units. Nevertheless, all the applications which have been put forward to the Planning and Environment Committees on 14 and 27 July, contained a planning condition which the applicant to enter into a legal agreement to secure affordable housing on an affordable rent basis at 65% of market rent. The planning consultants representing Barnet Homes are firmly of the view that the amendment to the NPPG following the *West Berkshire District Council and Reading Borough Council v Secretary of State for DCLG* means that the Council should not be seeking to secure affordable housing by condition or by legal agreement for the smaller schemes. In addition, the applicant is of the view that the imposition of a requirement to enter into a legal agreement to secure affordable housing would have an impact on the ability of the developer to secure the levels of further funding to provide more homes in the future.

Barnet Homes is a wholly owned subsidiary of Barnet Council, responsible for the management and maintenance of the Council's 15,000 rental properties. Barnet Homes is in the process of setting up a new Registered Housing Provider known as Open Door Homes as a further subsidiary, committed to providing affordable housing. Utilising a loan from Barnet Council, the first programme of homes will be let at affordable rents. This

position will be protected by the terms of the loan agreement and by the transfer of the sites from Barnet Council. Barnet Homes are therefore contractually obliged to provide affordable (rent) housing.

With respect to the larger sites where both Local Plan Policy DM10 supported by the London Plan and the NPPF states that there is a Borough wide target to bring forward 40% of new dwellings in a tenure that meets the definition of affordable housing in the NPPF. Barnet Homes is willing to enter into a legal agreement to secure these units. Barnet Homes and subsequently Opendoor have indicated their willingness to enter into a legal agreement in order to deliver a policy compliant affordable housing level. However, as stated, an onerous legal agreement would reduce the ability of Opendoor to raise future funds to continue the development cycle. Barnet Homes have a programme to deliver 326 affordable homes in order to alleviate homelessness in the borough. However, some sites may not be able to deliver the 100% provision on all sites and the monies raised will enable Barnet Homes to deliver more than the identified 326 units.

Barnet Homes recognises the concern that affordable housing secured outside of a legal agreement under Section 106 of the Planning Act, would be susceptible to disposal through Right to Buy, however the monies raised will be recycled for further investment and further build.

The overarching aim of Opendoor Homes is to build 750 units by 2020. Some dwellings will be delivered on the open market which will not be possible if the land value is based on having to provide affordable housing above policy. However, despite the absence of a legal agreement, Opendoor have every intention to provide affordable housing at affordable rent levels based on a local nominations agreement.

Ultimately, the provision of no affordable housing units on the smaller sites and the provision of at least 40% of units in affordable tenure on the larger sites would be policy compliant in respect of all the relevant tiers of policy. Nevertheless, an interpretation of the NPPF and NPPG would suggest that contributions or provision should not be sought, as opposed to must not be sought. As such, the Council could be entitled to secure affordable housing through a legal agreement on the smaller schemes. Furthermore a Council may be able to seek affordable housing at a proportion greater than 40% just as a developer may choose to deliver housing in affordable housing on a small scheme or at a ratio of greater than 40% on larger schemes.

Undoubtedly, the position promoted by Barnet Homes since their engagement with planning officers in December 2015 has been based entirely on a 100% affordable housing provision. Supporting planning documents including the planning statement and the application form has been clear in stating that it is the intention to provide this. The applications came before Committee carrying a condition seeking a legal agreement.

Nevertheless, there is a clear intention to provide affordable housing through other means and securing this for at least the first occupants under a Barnet Nominations procedure. The schemes, both small and large are policy compliant. Barnet Homes will be providing affordable rented housing on these sites although Members are being asked to consider these schemes purely on the basis of them being new dwellings only. Barnet Homes will be able to secure and raise funding on more advantageous site values allowing them to invest and earn greater sums of money. This would enable Barnet Homes to deliver effectively the stated aim of 326 units in this next phase and 750 in total by 2020. In a holistic view, this is a tangible planning benefit and it is considered that there would be an inherent risk to the programme that could be compromised.

On balance, the amended approach is considered to be acceptable and it is considered that the proposed development would provide a compelling factor in the consideration of all the relevant matters in the planning balance.

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.

Impact on trees:

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. No trees on neighbouring sites are subject to a Tree Preservation Order.

There are some adjacent trees over neighbouring boundaries whose root protection areas have been considered under the accompanying Arboricultural Impact Assessment by agb Environmental which confirms that they will not be affected by the proposals.

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.

Impact on refuse and recycling:

Refuse and recycling storage has been provided for each proposed dwelling to the front. Notwithstanding the details on the plans submitted and information clarified by the applicant, a condition has been recommended to secure a satisfactory refuse and recycling strategy and ensure adequate refuse and recycling facilities are provided at the proposed development.

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.

Policy DM17 states that 1.5 to 1 car parking spaces will be expected for terrace houses and flats (2 to 3 bedrooms).

The development site is an existing garage court accommodating over 40 garages. Pedestrian and vehicular access to the site is gained from Hanshaw Drive by way of an existing (non-adopted) access road. The Public Transport Accessibility Level (PTAL) for the site is 3 (where 1a is low and 6b is high).

The existing site benefits from 6 car parking spaces, including 2 x allocated disabled parking bays (as observed on site). There are also two hatched areas for parking and drop off, one of which is marked for an ambulance bay only. All these bay are located to the west along the frontage of the sheltered housing building.

Upon revisions, the proposed development will provide a total of 12 parking spaces. These include 8 parking spaces to the front of the proposed dwellings including: 1 x allocated parking space for each of the four two-bedroom houses; 2 x allocated disabled parking spaces for the larger 6-bedroom house; and 2 x unallocated general needs spaces.

In regards to parking in front of the sheltered housing home, there will be 2 x unallocated general needs spaces and 2 x unallocated disabled parking spaces. Both hatched parking areas, including the ambulance only bay, will be retained within the scheme.

The submission documents advise that occupancy data indicates that 11 of the 44 garages are currently vacant (25%), with the remaining occupiers registered as living across a broad spread from within the immediate area and further away (0.3+ miles), the latter indicating unlikely regular car usage and a high probability that the garages are used for the storage of other, household items. There are 18 registered addresses within 0.2 miles of the site.

The applicant has undertaken a parking beat survey which found that there is sufficient on street parking to accommodate a potential increase in vehicles and that the additional vehicle trips as a result of the proposed development would not be deemed to result in a material impact on the highways network.

In addition, evidence shows that over 50% of those rent their home through the Council or a Housing Association (in the ward of Burnt Oak) have no access to a car, which further supports the cases for the proposed parking provision.

On balance, taking into consideration the provision five new dwellings for affordable rent and the evidence submitted by the applicant, the proposed development is found compliant with the requirements of Policy DM17.

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.

Impact on archaeology:

Policy DM06 of the Development Management Documents DPD (2012) states that archaeological remains will be protected in particular in the 19 identified Local Areas of Special Archaeological Significance and elsewhere in Barnet.

A very small north western corner of the boundary falls within an Area of Special Archaeological Significance, but for the most part the site falls outside this land designation.

Conditions have been attached to ensure that any potential archaeological remains are protected, in line with Policy DM06.

Environmental Health matters:

Having evaluated the information submitted, the Council's Environmental Health Department have confirmed that any potential concerns they may have regarding contaminated land issues can be overcome by remediation and thus adequately addressed through the relevant conditions.

In regards to the relocated substation, a condition has been recommended to produce a noise report to prevent future and existing occupants being disturbed by noise.

As such, subject to the conditions recommended, the proposal is acceptable and compliant with development plan policy.

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.

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.

5.4 Response to Public Consultation

- Residents at Hanshaw Sheltered Housing Scheme submitted a petition. The objections were: The Sheltered Housing Scheme already has refuse and recycling so I assume these will be installed for use by the tenants in the new houses. Parking in submission is misleading - the plans read like there will be 12 new parking spaces but I think the plans include 6 parking bays and 2 ambulance bays already marked in Hanshaw Drive, the other parking places will be in front of the new houses. Our opinion has not changed since previous consultation meetings with Barnet Homes. Where will the substation be moved to?

Plans submitted show that refuse and recycling storage for the proposed dwellings will be located to the front of the respective houses. A condition has been attached to secure

satisfactory details for a refuse strategy and adequate details of refuse and recycling facilities.

As established the proposed development will provide a total of 12 parking spaces. These include 8 parking spaces to the front of the proposed dwellings including: 1 x allocated parking space for each of the four two-bedroom houses; 2 x allocated disabled parking spaces for the larger 6-bedroom house; and 2 x unallocated general needs spaces.

In regards to parking in front of the sheltered housing home, there will be 2 x unallocated general needs spaces and 2 x unallocated disabled parking spaces.

This is compared to the existing situation of 6 parking spaces outside the sheltered accommodation (2 x allocated disabled and 4 x general). Notwithstanding the loss of the garages, there will be no loss of general needs parking spaces for the sheltered housing scheme.

Both hatched parking areas, including the ambulance only bay, will be retained within the proposed scheme.

Plans submitted indicate the position of the relocated substation.

- Highways concerns: the roads surrounding Hanshaw Drive are narrow and building work will cause a lot of problems in terms of traffic and would obstruct public's way/pedestrian routes. Development will cause significant traffic and parking issues in Hanshaw Drive and surrounding road - what do you propose to do about the problems I predict are about to happen. I need assurance residents will be helped and not hindered. Lack of clarity throughout objections of parking spaces retained and parking arrangement proposed. Carers will need parking spaces. Parking is in regular use.

A condition requiring the submission of a Demolition and Construction Management and Logistics Plan has been attached to this recommendation. A degree of temporary disruption is expected with a development of any size. Considering the size of the development proposed it is not deemed that disruption during demolition and construction would constitute a reason for refusal in this instance.

The provision of parking spaces has been explained above.

After careful consideration it is considered that the proposed development is acceptable in terms of highways and parking.

- Impact of construction works: Noise, visual and air pollution. Will damage the community. The building works near the old people's home would be damaging because they are very vulnerable, and some are in poor health (mentally/physically). Would not offer residents peace and protection.

A degree of temporary noise, disturbance and disruption is expected with a new development of any size.

Planning Officers recognise and appreciate the unique needs and circumstances of some occupiers at the Hanshaw Drive sheltered housing scheme.

It is considered that attaching relevant conditions, including the submission of a Demolition and Construction Management and Logistics Plan, and condition stating the hours of construction work on site, would adequately mitigate noise and disturbance.

After careful consideration and balance of all material planning considerations it is not deemed that disruption would be such detrimental harm to constitute a reason for refusal in this particular instance.

- Other matters: submission documents cannot decipher the difference between a residential care home and sheltered housing scheme. Lack of clarity on refuse and recycling arrangement. Garages provide safety from vandalism. Lack of consideration for existing tenants living in Hanshaw Drive.

Planning Officers recognise it is a sheltered housing scheme.

Plans submitted show that refuse and recycling storage for the proposed dwellings will be located to the front of the respective houses. A condition has been attached to secure satisfactory details for a refuse strategy and adequate details of refuse and recycling facilities.

Garages may provide a degree of safety for owners; this however would not constitute a reason for refusal in this instance.

In regards to impact on existing occupiers living on Hanshaw Drive has been addressed above,

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 five high quality dwellings, which meet minimum internal and external space standards. One dwelling 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	Finchley Police Station 193 Ballards Lane London N3 1LZ		AGENDA ITEM 10
Reference:	15/05583/FUL	Received: 3rd September 2015	
		Accepted: 14th October 2015	
Ward:	West Finchley	Expiry	13th January 2016
Applicant:	Mr Jon Murch		
Proposal:	Demolition of existing buildings and erection of a 1 no. 7 storey building and 1 no. 4 storey building with rooms in lower ground level to provide 70 self-contained units and 1 no. Cafe and Restaurant (A3) commercial unit at ground floor level		

Recommendation: Refuse

- 1 The proposal by reason of not including any on-site dedicated car parking would have a harmful impact on highway and pedestrian safety and the free flow of traffic; and have a detrimental impact on residents in a scheme of this size and height, as well as the amenities of neighbouring occupiers. The proposals would be contrary to policies CS9 of the Adopted Barnet Core Strategy 2012, policy DM17 of the Adopted Barnet Development Management Policies 2012, and policy 6.1 and 6.11 of the Mayor's London Plan.

Informative(s):

1 In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant sought formal pre-application advice which was provided. Unfortunately the submitted scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

2 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

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 £92,824.55 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 £619,342.63 payment under Barnet CIL.

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

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is 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.

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

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; 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 any appeal being allowed, please contact us: 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 Extension: 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 www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil for further details on exemption and relief.

Officer's Assessment

1. Site Description

The site has an area of approximately 0.19 hectares in area.

The site is L-shaped and wraps around 197 Ballards Lane and 201 Ballards Lane (Hartnell Court).

The site currently has a three storey flat roof building with projecting front ground floor entrance. This is set back from the neighbouring two storey terrace to the south.

The site has a vehicular entrance from Gruneisen Road and pedestrian entrance from Ballards Lane.

The site is located opposite Victoria Park.

Part of the site that fronts Ballards Lane forms part of the secondary retail frontage of Church End town centre.

The surrounding area is mixed in character, with a three storey building with roof level to the north. Further north still the character is more mixed outside the town centre, with three storey residential properties and taller flat blocks of 5-6 storeys, though these are well set back from the frontage. The majority of the buildings to the south are two storeys in height. These then step up to taller heights closer to Finchley Central Underground Station.

2. Site History

Finchley Police Station

C11571B/01 - Ground floor front addition to form entrance lobby. Rear extension rising above existing roof level to accommodate new lift. Replacement windows. - Approved - 13/06/2001

Hartnell Court (197-203 Ballards Lane)

C03643G/04 - Demolition of existing buildings and erection of a three storey block of 14 No. self contained flats and 315 sqm offices (B1) plus basement car parking for 24 No. parking spaces accessed from Gruneisen Road. (OUTLINE). (Amended description). - Approved - 21/01/2005

197 Ballards Lane

F/02072/13 - Third floor roof extension including a front and a rear dormer window to facilitate conversion into a new office space. - Approved - 23.07.2013

F/04628/12 - Third floor extension over existing second floor including alterations to roof to create new office space. - Refused - 14.03.2013

F/01330/11 - Formation of a third floor to be used as offices (B1 use) including associated roof alterations and extension to lift tower and internal staircase. - Refused - 19/05/2011

3. Proposal

The proposals are for the demolition of existing buildings and erection of a 1 no. 7 storey building and 1 no. 5 storey building with rooms in lower ground level to provide 70 self-contained units and 1 no. Cafe and Restaurant (A3) commercial unit at ground floor level.

The proposals involve the demolition of former police station buildings on the site.

The proposals would create two blocks on the site:

1) A seven storey block fronting Ballards Lane. The glazed roof level would be set in from the edges of the building.

The building would include lower ground floor level. The cafe unit would be located to the front of the site at ground floor level. The rearmost part of the building would be set back from second floor upwards. This block would house 43 units.

2) A four storey block fronting Gruneisen Road. The building would step back to 5 storeys in part at it's rearmost part. This would house 27 units.

Amenity space would take the form of balconies and a centrally located courtyard.

The proposals make no provision for car parking and would be a car free development.

The units proposed are designed as Build to Rent units. The scheme would provide purpose built rental accommodation that would be centrally managed. The scheme is designed with communal lobby and space for an on-site property manager. (Known as a 'Bob' by the applicant on other similar developments).

The applicant also has offered to commit as part of a legal agreement to retain the units as private rental sector housing for 15 years and this could be subject to legal agreement if the application is to be approved. After this period the development would be used for any form of market housing within class C3.

4. Public Consultation

Consultation letters were sent to 282 neighbouring properties.

124 responses have been received, comprising 93 letters of objection, 31 letters of support.

The objections received can be summarised as follows:

Principle of Development

Development makes no provision for affordable housing.

Uncertain what will happen after ten years, will the block be sold on

Development is of excessive density

Character/Appearance Issues

The buildings are too tall and out of scale with other buildings in the area.

Permission was refused to extend 197 Ballards Lane and nothing has changed since.

Development should be no higher than neighbouring buildings.

Design is incongruous and doesn't reflect neighbouring buildings

Overdevelopment

Lack of architectural quality

Lack of benefit to public realm

Amenity Issues

Development will have appearance of blank wall.

Loss of daylight and sunlight.

Loss of light to Hartnell Court, Wentworth Lodge and Wentworth Avenue

Overlooking to Hartnell Court, Wentworth Lodge and Wentworth Avenue and not clear if 21m overlooking distance will be met.

Noise arising from use and number of people within the building.

The proposals provide inadequate amenity space

Environmental Issues

Noise and dust during construction, particularly to disabled and elderly residents.

Highways Issues

Lack of parking proposed for the development or visitors

It is already difficult to park outside CPZ hours. CPZ is known to have high occupancy.

Additional residents using Gruneisen Road will make access dangerous competing with commercial uses

If residents are excluded from permits they will park on streets outside the CPZ which already suffer from parking stress

Parking surveys have not adequately measured parking streets and have included CPZ areas that are not representative

Public transport will be overcrowded

Residents may cycle to cars parked elsewhere

Lack of cycle facilities

Other Issues

Finchley already has enough cafes and doesn't need more.

Will be occupied by more transient community which will impact the local community.

Not enough school or doctors places to support development

How will development be maintained

Appears to involve building on neighbouring land

Increased antisocial behaviour

This sort of residential accommodation is not needed and does not help residents in the area

Impact on security for resident's#

Fact that developer is in competition with developers building for sale is not relevant

The representations received can be summarised as follows:

Police station needs to be developed

Parking is already limited and this will not change

Economic and social benefits to the area

An objection was received from Mike Freer MP on the following grounds:

The proposed development would breach the local roofline, and would be harmful to the area as a result of it's massing, bulk and intensification.

Correspondence was received from the Finchley Residents Group objecting to the proposals for the following reasons:

-Lack of affordable Housing

-Development is too high and does not relate well to local character

-Overshadowing, loss of daylight and sunlight

-Access to Gruneisen Road is unsuitable for a quiet road

-Development is out of scale with it's surroundings

-Development does not provide adequate amenity space for upper floor flats

-Development does not provide adequate green space or areas for wildlife

-Lack of parking provision to serve the development

-What happens after 10 years, will developer sell the complex

Additional consultation was undertaken on 04/04/2016 and 12/04/2016 following minor changes made by the applicant. 72 objections were received to this consultation and one letter of support. These are included within the above comments.

Internal/Statutory Consultation:

Highways - Object. Comments are contained within main body of report.

Environmental Health - No objection, comments are contained within main body of report.

Lead Local Flood Authority - The proposed discharge rate is in line with relevant policies (London Plan, Non-statutory Tech standards for SuDS). The plans provided provide a reasonable level of detail, though more detail is needed as part of the final design (such as the provision of more detailed surface water runoff / storage calcs).

Metropolitan Police – No comments received.

Waste and Recycling – Have advised that additional refuse storage capacity needs to be provided.

Fire Brigade - Adequate brigade access does not appear to be provided to the rear blocks. The applicant has subsequently advised that sprinkler systems would be provided.

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, CS3, CS4, CS5, CS6, CS9, CS10, CS11, CS12, CS14, 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:

- 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.
- 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.
- 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.

- 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.
- 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.
- 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.
- 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 CS6 states that in order to promote competitive town centre environments and provide consumer choice, we will realise development opportunities for the town centres of Edgware, North Finchley, Finchley Church End, and Chipping Barnet. We will pursue the individual planning objectives for each centre as set out in their Town Centre Frameworks and ensure the delivery of environmental, design, transport, car parking and community safety measures.

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, DM05, DM06, DM08, DM10, DM11, DM13, DM14, 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 DM05 states that tall buildings outside the strategic locations identified in the Core Strategy will not be considered acceptable.

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 DM11 states that the council will expect a suitable mix of appropriate uses as part of development within the town centres to support their continued vitality and viability.

Policy DM13 states that loss of community or educational use will only be acceptable in exceptional circumstances

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. 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.

Residential Design guidance Development Plan Document 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 principle of the development is acceptable
- Whether the proposals make adequate provision for affordable housing
- Whether the proposals would have an acceptable impact on highway and pedestrian safety
- 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 and future residents.
- Whether the proposals would have an acceptable impact on local security
- Environmental and Sustainability Issues
- Whether the proposals would make adequate provision for accessibility

- Whether the proposals would make adequate provision for biodiversity
- Whether the proposals would have an acceptable impact on local drainage

5.3 Assessment of proposals

The planning application was initially to be reported to the Finchley & Golders Green Area Planning Committee on 20/07/2016. The applicant requested more time to address concerns raised by officers.

Following discussion with the chairman of the Planning Committee it has been agreed that it is appropriate given the nature and impacts of the scheme that it is referred to the Planning Committee. Therefore the item has been referred to the 24/11/2016 meeting.

Officers have reached this recommendation , following consideration of all of the relevant factors.

Whether the principle of the development is acceptable

1.1. Land Use –Loss of the Police Station

The proposals would seek to demolish the existing police station building and replace it with two residential blocks. The block fronting Ballards Lane would have a café use (A3 Use Class) at ground floor level.

Policy DM13 relates to community uses and states that *'Loss of community or educational use will only be acceptable in exceptional circumstances where:*

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

Page 129 of the Core Strategy suggests that a police station would not technically fall under the description of a community facility and therefore should not be considered under policy DM13. However it must be noted that such a facility could provide some community benefit and this needs to be considered.

Policy CS12 states that LB Barnet *will work with the Metropolitan Police to provide re-modelling of its estate as a basis for an effective and responsive police service in Barnet*. The applicant advises that the police station was identified as being surplus to requirements in the Mayor of London's Policing and Crime (MOPAC) Estates Strategy 2013-2016.

It must also be noted that policy 3.16 of the London Plan states that:

Proposals which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for re-provision should be resisted. The suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered.

The building is no longer used by the Metropolitan Police. Given that the Metropolitan Police have already identified the site as being surplus to requirements, and the policy support within policy CS12 it is not considered that the loss of the police station would

warrant refusal of planning permission in itself. This further needs to be balanced against the benefits that the proposed housing units would provide.

In these ways it is not considered that the loss of the former police station which is surplus to requirements would warrant refusal of the planning application.

1.2 The Proposed Use

It should be noted that the properties would be 'build to rent', and that communal facilities would be provided that would exceed those normally expected for a block of flats. The need for Private Rental Sector (PRS) accommodation within Barnet is identified within policy CS4, the preamble for which states 'An increased supply of decent housing in the private rented sector is of value to households wanting to live in Barnet but not able to access owner occupation'

Policy 3.8 of the Mayor's London Plan highlights that *'boroughs should work with the Mayor and local communities toensure that...the planning system provides positive and practical support to sustain the contribution of the Private Rented Sector (PRS) in addressing housing needs and increasing housing delivery'*

The Barnet Housing Needs Assessment (2015) states that *'home ownership has fallen whilst private renting has increased as more people have found it difficult to buy their own home due to higher prices and reduced housing supply at affordable levels. Private renting is set to continue to increase and means that within 10 years half the properties in the borough are likely to be rented... Private rented sector homes provide flexibility and choice for people. However, the nature of the market means that there are many small scale landlords often with only one or two properties, which makes it more difficult to ensure a consistent quality across the sector. In addition, due to the high level of demand for housing, there has been a tendency towards an increase in the number of homes in multiple-occupation (HMOs) in the borough, particularly through the conversion of family homes into properties shared by 3 or more unrelated people, and in some cases these are not well managed.'*

Whilst it is acknowledged that the proposed accommodation would be at market rent, the proposals would offer additional housing choice.

In this way the Private Rented Sector (PRS) can make a valuable contribution towards housing stock, particularly as private sale will only be able to meet a smaller proportion due to its affordability.

1.3. Land Use –Proposed Café

Policy DM11 states that *'Significant new retail and other appropriate town centre uses outside the town centres or any expansion of existing out of centre sites will be strongly resisted unless they can meet the sequential approach and tests set out in the NPPF or are identified in an adopted Area Action Plan. Edge of centre proposals will not normally be appropriate and therefore should demonstrate why they are not locating in a town centre site.'*

The proposed café would be sited to the Ballards Lane frontage, within the secondary retail frontage of Finchley Church End town centre. The provision of a café within the town centre would accord with policy DM11, in that town centre uses should be located within town centres.

1.4 Density

The gross site area for density purposes is approximately 0.22 hectares.

The London Plan states that for this sort of site, a density range of 200-700 habitable rooms for hectare is advised and 45-260 units per hectare.

Based on the plans provided, the development would be at 318 units per hectare and 750 habitable rooms per hectare. This exceeds the matrix by 58 units and 50 hr respectively.

Policy 3.4 of the London Plan states that *Taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output for different types of location within the relevant density range..... Development proposals which compromise this policy should be resisted.*

The London Plan goes on to say that it is not appropriate to apply the density matrix mechanistically, as its density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential.

In this way, the proposed development would exceed the density matrix to some degree. This needs to be viewed in the context of the Mayor's Supplementary Planning Guidance on Town centres which states that town centres are well suited to high density development.

In this way it is not considered that the density of the scheme is so great as to warrant refusal of the application, as the proposals would otherwise contribute towards the policy objectives of providing additional housing units and mixed use development within a district town centre.

1.5 Unit Mix

The proposals would make provision for:

-46x1bedroom flats

-21x2bedroom flats

-3x3bedroom flats

Policy DM08 identifies family sized home as the biggest priority for housing delivery in Barnet.

The proposals would deliver significant numbers of 2 bedroom units which would provide a good mix on the site. Furthermore, the site is within a town centre, and therefore is suitable for delivering smaller sized units, for which there is also known demand.

The provision of private rental sector accommodation within Barnet would add additional housing choice within Barnet, according with policy CS4 of the Core Strategy and policy 3.8 of the Mayor's London Plan. As such officers consider that the mix of housing is appropriate for the site.

2. Whether the proposals make adequate provision for affordable housing

Policy DM10 of the Development Management Policies Document 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.'*

It should be noted that the scheme is for Private Rental Sector accommodation and that this needs to be considered when assessing viability. The National Planning Practice

Guidance states that *Some privately rented homes can come from purpose built schemes held in single ownership which are intended for long term rental. The economics of such schemes differ from build to sale and should be determined on a case by case basis. To help ensure these schemes remain viable while improving the diversity of housing to meet local needs, local planning authorities should consider the appropriate level of planning obligations, including for affordable housing, and when these payments are required. So these homes remain available to rent only, local planning authorities may choose to explore using planning obligations to secure these schemes for a minimum period of time. Local planning authorities should enforce these planning obligations in the usual way.*

The NPPF defines affordable housing as *Affordable housing is social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices.*

Private rental sector accommodation, whilst meeting a need; could not be described as affordable housing.

The applicant has provided a Financial Appraisal Supporting Statement by Quod in support of the scheme. This states that it is not viable for the scheme to provide any affordable housing.

The supporting statement has been independently reviewed by BNP Paribas on behalf of the Council. They are of the view that the development could viably provide a contribution of £1.7 million towards affordable housing within the borough.

Further discussions have taken place between Quod and BNP Paribas. In their original report, Quod stated that the proposed Development was unviable. After an in depth review of the assumptions used by Quod for their appraisal, BNP Paribas have concluded that the proposed Development is able to viably provide a commuted sum payment of £428,000 for affordable housing. They have also advised that a review mechanism should form part of the legal agreement.

It should also be noted that there are no known examples of a Private Rental Sector scheme being challenged at appeal, especially on viability grounds.

The applicant has agreed to provide a contribution of £428,000 as a commuted sum in lieu of affordable housing. It is considered that given the level of contribution provision on site would not be appropriate as it would be unlikely to be attractive to a potential Housing Association.

It is therefore considered that the proposals would provide the maximum viable amount of affordable housing, and as such the proposals would be compliant with policy DM10 of the Development Management Policies Document.

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

The proposal is for the demolition of the existing building with retention and erection of 70 residential units comprising 46x 1bedroom units, 21x2bedroom units and 3x3bedroom units and a café and a restaurant (A3 use) at ground floor. No parking spaces are being provided. 45 existing parking spaces are being lost.

3.1 Parking Impact

The assessment of parking provision for a residential development is based on various criteria including 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 required. The PTAL Score for the site is calculated as 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 for the proposed development is calculated as follows.

49x1b = a range of (0.0 - 1.0) = 00.00 – 49.0 parking spaces required

18x2b = a range of (1.0 - 1.5) = 18.00 – 27.0 parking spaces required

03x3b = a range of (1.0 - 1.5) = 03.00 – 04.5 parking spaces required

This equates to a range of parking provision of between 21 to 80.5 parking spaces to meet the Barnet Local Plan parking standards contained in the Development Management PoliciesDM17.

The maximum parking provision would be more appropriate in an area with the lowest Public Transport Accessibility Level (PTAL) i.e. 1a or 1b for the site. The PTAL rating for the site is 4. Therefore parking spaces need to be provided to meet the parking standards within policy DM17.

A car free development is proposed therefore no car parking is provided on site and therefore the proposal does not accord with the Parking Policy DM17.

The transport statement submitted with the planning application has attempted to provide justification for a car free development as follows:

- * Enforcement of the car free status through the S106 agreement preventing resident access to parking permits for the Controlled Parking Zone.
- * Provision of 94 cycle parking spaces.
- * Proposed residential Travel Plan (TP);
- * Proposed Car Club as part of the TP;
- * Comparison of sites in other London boroughs with PTAL Rating of 3 and 4;
- * The car ownership for the local area has been assessed as 0.86 cars per household;

The limiting of the purchase of parking permits is unlikely to deal with the impact of parking demand that may result from the proposed development as the site is located on the edge of CPZ which is only a one hour CPZ.

Proposed Car Club is unlikely to address the aspiration of owning a car as the location offers an easy access to wider road network via A406 North Circular Road and the A1000 Great North Road and make it a desirable location for residents who make regular use of the car.

The consultants have also submitted comparison of PTAL ratings in other boroughs in the TS for similar sites. Such comparison does not take into account the local environment and therefore every application has to be considered on its merit and therefore is not a material consideration.

The consultants in the TS have identified that the car ownership for the local area based on the 2011 Census Data is 0.86 per household. Based on the car ownership data it is only logical to conclude that the proposed development may result in parking demand for approximately 60 parking spaces. As no parking is provided for the development it is likely that the overspill parking resulting from the development onto public highway in the surrounding roads and therefore will have a detrimental impact on public highway.

Policy DM17 states that residential development may be acceptable 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.

The development would provide no parking to serve the development. The site is located on the edge of a one Hour Controlled Parking Zone (CPZ), in close proximity of roads with uncontrolled parking which suffer from high parking stress. Any overspill of parking resulting from the proposed development will further exacerbate the parking pressure.

The applicant has undertaken parking surveys within the locality. These appear to show capacity within the CPZ to accommodate some additional parking outside CPZ hours. However this does not address any issues on nearby roads outside the CPZ. There is likely to be significant competition for spaces in the area given the proximity to local shops and amenities, and the CPZ would only be effective in preventing commuter parking.

Highway officers have obtained parking permit information for the area and this is shown below:

	Available Bays - Our data	Available Bays - Applicant's survey	Permits Issued
Ballards Lane	8	8	33
Wentworth Park	64	62	72
St Pauls Way	36	36	41
The Ridgeway	46	21	194
Gruneisen Road	20	20	33
Brownlow Road	17	34	79
Seymour Road	33	32	33

The information shows that parking permits within the surrounding area are heavily oversubscribed which appears to contradict the surveys done by the applicant. Officers are of the view that the surveys would show a snapshot over a few days, and that there is potential for the parking spaces to be more heavily used than this. Consideration must also be given to the comments made in this regard by residents.

In this way, officers are of the view that with no restrictions or mitigation the proposals would provide additional competition for parking spaces within the CPZ area (Outside 2-3pm) and immediately outside the CPZ on roads that are not restricted and already suffer from parking stress.

Proposed Car Club is unlikely to address the aspiration of owning a car as the location offers an easy access to wider road network via A406 North Circular Road and the A1000 Great North Road and make it a desirable location for residents who make regular use of the car.

The consultants have also submitted comparison of PTAL ratings in other boroughs in the TS for similar sites. Such comparison does not take into account the local environment and therefore every application has to be considered on its merit and therefore is not a material consideration.

The consultants in the TS have identified that the car ownership for the local area based on the 2011 Census Data is 0.86 per household. Based on the car ownership data it is only logical to conclude that the proposed development may result in parking demand for approximately 60 parking spaces. As no parking is provided for the development it is likely that the overspill parking resulting from the development onto public highway in the surrounding roads and therefore will have a detrimental impact on public highway.

Taking into consideration the following factors:

- The site on the edge of a town centre location and local amenities;
- The site is located in an area with a Public Transport Accessibility (PTAL) score of 4;
- The site is located on the edge of a one Hour Controlled Parking Zone (CPZ), in close proximity of road with uncontrolled parking which suffer from high parking stress. Any overspill of parking resulting from the proposed development will further exacerbate the parking pressure.
- The location of the site provides an easy vehicular access to A406 North Circular Road, A1, A41 and M1 which will inspire the occupants of the proposed development to own a car. Therefore the proposed development without parking provision in accordance with the parking policy is likely to have a detrimental impact on public highway and free flow of traffic.

Highways officers therefore consider that the development is likely to lead to conditions detrimental to the free flow of traffic and highway and pedestrian safety.

It is therefore necessary to consider whether mitigation can address these issues.

3.1.1 Preventing Parking By Lease

The applicant has explored whether it would be possible to have a term within the lease of the flats preventing residents from owning a car. However, officers are of the view that this would not be a satisfactory mechanism. This is because it is not possible to obtain details of the car owner from the Driving Vehicle Licensing Authority (DVLA). The threat of action itself would not be enough of a deterrent and the 'bob' on site would not be able to monitor all of the CPZ areas within the locality or indeed areas outside the CPZ. It is therefore considered that this option is unworkable.

3.1.2 Limiting Parking Permits for residents

The limiting of the purchase of parking permits is unlikely to deal with the impact of parking demand that may result from the proposed development as the site is located on the edge of CPZ which is only a one hour CPZ.

3.1.3 Extension of Controlled Parking Zone (CPZ)

The applicant has raised the option of extending the existing CPZ. Theoretically, the applicant could make a contribution towards a CPZ review within the locality. Discussions have taken place with the Council's Highways Team regarding what sort of arrangement may adequately mitigate the harm caused by the development.

Counsel opinion has been sought regarding the proposed imposition of CPZ as mitigation for the development. They advise that theoretically; a 'Grampian' style condition could be attached to prevent development commencing until a CPZ consultation had been successful. Feedback from highways officers is that in order to mitigate fully the impact of development, it would be necessary for an extensive all day and evening CPZ.

Highways officers advise that the imposition of a CPZ would be subject to a consultation process, and the success of the CPZ would be dependent on the views of residents. This adds uncertainty. To introduce such a CPZ to mitigate the impact of a development within Barnet would be unprecedented; uncharacteristic of the area as such schemes are generally confined to inner London. There are also practical issues – it is not possible for the relevant team to draw up a scheme for a proposed CPZ until consultation has been undertaken with residents.

There are also likely to be disincentives for residents to accept this given that residents of roads within the new CPZ would need to pay for resident's permits and visitor's permits. Officers consider that it is highly unlikely that this would be successful as a result, also taking into account the significant objection to the scheme from local residents on highways grounds.

It is not for a planning authority to refuse permission for development which is otherwise in the public interest merely because the developer may face serious difficulties in implementing that permission. It is up to the decision-maker as to whether a condition is a reasonable one in the circumstances, with regard to the prospects of whether the relevant matter will be resolved. Nevertheless, highways officers consider that the chance of such a CPZ scheme being approved following consultation is considered negligible, and this therefore weighs against the proposals.

The National Planning Practice Guidance (NPPG) states that there must be some prospect that any condition attached could be satisfied. In this case the development would be subject to a CPZ being created. CPZ areas have been created in other areas within the Borough following consultation, but not of the nature proposed in this case. It is considered that there is little prospect a CPZ will be created in this case, and therefore the condition would not be compliant with NPPG guidance. The Planning Practice Guidance is clear that a condition is a more preferable approach to a legal agreement.

Whilst a Grampian condition is a theoretical solution to the issue, it is not considered in practice that the imposition of such a condition is likely to address the issues identified by Highways Officers.

In the absence of any mitigation that would address the impact of the scheme, the proposals would cause significant harm to the free flow of traffic and highway and pedestrian safety, given the amount and scale of development proposed which would have significant impacts on the area

3.2 Access

The development would be car free, and as such would not require vehicular access. It would make use of pedestrian accesses from Ballards Lane and Gruneisen Road.

3.3 Trip Generation

Taking into account the previous use of the site as a police station, and the location of access points It is not considered that the proposals would harmfully increase traffic flows on surrounding roads.

3.4 Safety

The proposals would make use of vehicular access to Gruneisen Road. It is possible that the proposals will result in more pedestrian activity to this part of the site. There is an existing access point in this location. It is not considered that the use of the site as 70 flats would create increased risk of accidents within the locality.

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

4.1 Layout

The proposed development would take the form of two blocks with courtyard area in between.

The block fronting Ballards Lane would largely fit within the existing linear development on this frontage. The existing building on the site is set back from the terrace to the south. The proposed block to Ballards Lane would extend forward to match the front building line of the building to the south.

The building line to Gruneisen Road is less well defined, with commercial uses having irregular parking areas to the frontage. The proposals would help add more constancy to this.

4.2 Scale/Massing

The proposed block to Ballards Lane would be 6-7 storeys in height. The neighbouring buildings to the south are predominantly two storeys in height and those to the north are three storeys with pitched roofs.

At 6-7 storeys this proposal would be the tallest building in the immediate vicinity and considerably taller than neighbouring buildings. Whilst town centres may be suitable locations for taller buildings where more intensive forms of development may be acceptable, schemes should successfully integrate into the existing urban fabric having regard to the context of the surrounding built-form.

The proposed building is not sited in a prominent location and would be open to views from all sides as a result of the additional height of the building. Given the surrounding built-form, a building of the scale proposed would be more suited to a corner location. However, this is not the case with the scheme sitting between a two storey commercial property and three storey residential on Ballards Lane. Whilst

there are other examples of isolated taller buildings within the town centre, albeit none to the extent of that proposed.

In this way, it is acknowledged that the block to Ballards Lane is taller than neighbouring buildings. Any harm resulting from the height of the building needs to be considered against the benefits of providing additional PRS residential accommodation and additional development within a defined town centre,

The proposals involve the construction of a 4-5 storey building to Gruneisen Road. Levels decrease to the west along Gruneisen Road. In this way Hartnell Court has the appearance of a taller building at close to 4 storeys. The garage immediately to the west of the site has a roof with a ridge of approximately 2 storeys in height. The building further to the west is two storeys with significant roof level, and properties opposite the site are 3 storeys with roof.

The proposed building to Gruneisen Road would be four storeys to the front with additional roof level set back. The area is currently occupied by the police station car park.

It is considered that the scale of the proposed building to Gruneisen Road would be appropriate in the context of neighbouring buildings, and would not appear unduly jarring or tall against these. However it must be noted that this road is outside the town centre.

Whilst officers have previously expressed a view that the massing could be considered acceptable in the previous committee report, this needs to be considered in the context of the fact that there are concerns with regard to the amount of development proposed and whether this is appropriate for the site. It needs to be recognised that the amount and design of the development drives the impact the proposals would have on the local area, especially in terms of highways impact.

4.3 External Appearance

The plans show development with red brick walls with recessed window openings, with composite and tile cladding. Roof material would be metal clad and windows would be full height.

Buildings on Ballards Lane include a mixture of commercial terraces with traditional details such as balustrades and banding, as well as more isolated modern flat roofed development.

Buildings on Gruneisen Road consist more of late 19th century villa buildings and commercial premises.

The materials would give a mix of contemporary and traditional influences, reflecting the mixture of more modern development in the town centre and traditional buildings on Gruneisen Road and this is considered an acceptable approach in principle.

Details of external finishes and materials can be secured by a planning condition.

4.4 Landscaping

Given the urban nature of the site and its layout scope for landscaping is limited to communal courtyard areas. Some details of landscaping are shown on the plans provided. However a condition would be required in the event of approval in order to secure a suitable landscaping scheme to provide an acceptable appearance to the development.

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

5.1 Neighbouring Amenity

5.1.1 Daylight/Sunlight

A daylight and sunlight report accompanies the planning application. This refers to BRE (Building Research Establishment) Guidance.

The report details that generally the impact of the proposals would be complaint with some exceptions:

-It is noted that there would be a material loss of light to the first floor rear windows of properties at Hartnell Court. These currently have outlook over police station car park.

-There would be loss of daylight to bedroom windows of flats in Wentworth Lodge.

In terms of the impact on the rear windows of Hartnell Court, there would be a material impact on the amenities of the residents at these properties. It should be noted that, in the opinion of officers any development over this area is likely to be necessary to deliver a viable scheme on the site. Given the siting of the windows at relatively low level and their relationship to the site it is difficult to see how the site could be developed without some impact.

Given that the nature of the impact on the bedrooms at Wentworth Lodge, as well as the nature of the rooms (Secondary bedrooms) it is not considered that the impact on the residents of Wentworth Lodge would be so great as to warrant refusal of the application, given the overall benefits of the proposals in respect of delivering housing.

5.1.2 Outlook & Visual Impact

The development at ground and first floor would be located between 7.5m and 10.5m from Wentworth Lodge to the rear. At second floor this would increase to 12.5m to 13.5m. At fifth floor this would increase to 17.9m and at sixth floor this would increase 18.2m.

The development would be visible from the rear windows of the block of flats at Wentworth Lodge. It should be noted that the proposed building though taller would be sited further away from this property. Taking into account the distance away, it is not considered that harmful loss of outlook would result. It is not considered that the additional height would make the development appear overbearing or unduly dominating as perceived from the rear windows of Wentworth Lodge or houses on Wentworth Avenue.

The block to Gruneisen Road would be sited to the rear of the windows and garden to Hartnell Court. Given the relatively close proximity, there would be a material impact on the amenities of the residents at these properties. However this would be limited given the difference in levels, as the site is at a lower level. It should be noted that, in the opinion of officers any development over this area is likely to be necessary to deliver a viable scheme on the site. It is not considered that a harmful sense of enclosure would result though there would be some loss of outlook.

5.1.3 Privacy

The proposed wall facing Wentworth Lodge would not have clear glazed habitable room windows and as such overlooking would be limited. Whilst there are terraces these have been reduced in size and screens could be incorporated to prevent overlooking.

The development at ground and first floor would be located between 7.5m and 10.5m from Wentworth Lodge to the rear. At second floor this would increase to 12.5m to 13.5m. At fifth floor this would increase to 17.9m and at sixth floor this would increase 18.2m.

The proposed block to Gruneisen Road would not have windows facing Hartnell Court at it's closest point, and would be a distance of 10.5m away. Whilst the rear part of the block would have facing windows these are sited a distance of 17m away. Although these would not strictly comply with the 21m overlooking distance within the Residential Design Guidance SPD there is a difference in levels and these windows face the rear office at 197 Ballard's Lane rather than Hartnell Court. The windows facing Hartnell Court are located 21.3m away which is compliant.

It is therefore considered that the proposals would not result in harmful loss of privacy to neighbouring residents.

5.1.4 Noise/Disturbance

The proposals involve developing a former police station site as a mixed use scheme consisting 70 flats and café.

The main potential sources of noise are residents entering/leaving the premises, noise from open windows, use of communal areas and balconies.

The nearest residential properties are located to the west on Wentworth Avenue, Wentworth Lodge, to the north on Gruneisen Road, and properties on Ballard's Lane such as Hartnell Court.

The proposed balconies have been designed in a way to minimise noise escape. Similarly, the siting and extent of balconies has been amended to reduce potential noise to neighbouring residents.

Overall taking into account the former use of the premises as a police station it is not considered that the proposals would result in a material harm in terms of noise and disturbance to neighbouring residents as a result of the development.

5.1.5 Light Pollution

Given the sight layout, location of windows, it is not considered that harmful light pollution should result from the development. A condition could be attached to any grant of planning permission to ensure that external lighting is considered especially for the proposed communal areas, balconies, and access areas.

5.2 Future Occupiers

5.2.1 Daylight/Sunlight

The applicant has provided a daylight/sunlight study regarding the proposed development. The applicant has provided additional details regarding the fenestration to the lower ground floor units after officers initially expressed some concern regarding the level of

amenity for future residents. As amended the details would provide an acceptable level of amenity.

5.2.2 Privacy

Adequate privacy for future residents would be provided. It is not considered that harmful overlooking results either between units or from neighbouring properties.

5.2.3 Internal Space

The proposed units would all comply with the standards in the Mayor's London Plan.

5.2.4 Amenity Space

Under policy DM02 and the Supplementary Planning Document: Sustainable Design and Construction, approximately 830 square metres of amenity space would be required to serve the development.

Amenity space is provided in the form of balconies and communal courtyard areas.

As part of amendments to prevent overlooking, the majority of units above ground floor would not have access to balconies though a small number would have access to balcony areas of up to 20 square metres. The size of balconies has been reduced following discussion with officers who expressed concerns regarding overlooking.

Ground floor units would have access to between 0-45 square metres of amenity space. The majority would have access to a small amenity area, with some of the flats on the Gruneisen Road block only having outlook over such areas. Front amenity areas have not been considered as private amenity space.

The courtyard area would provide benefit to residents however this could not be considered private amenity space given that it is overlooked by upper floor flats.

Whilst the level of amenity space provided would not comply with the Supplementary Planning Document on Sustainable design and Construction, it needs to be considered that the site is within a town centre and is located immediately opposite Victoria Park. It is therefore considered that the proposals would provide an acceptable level of amenity.

5.2.5 Playspace

According to the requirements of the London Plan, 35.8 square metres of playspace is required to serve the development. The applicant has advised that this cannot be incorporated on site. Given the proximity to Victoria Park it is not considered that refusal on grounds of lack of provision could be justified.

6. Whether the proposals would have an acceptable impact on local security

The Metropolitan Police have not expressed any objection to the proposals, and at the time of writing the report were providing detailed comments.

7. Environmental and Sustainability Issues

7.1. Whether the proposals would have an acceptable impact in respect of noise pollution

The applicant has submitted an acoustic report with the planning application. Environmental Health officers have considered that the information is generally acceptable but have requested ventilation details and a noise report for proposed plant equipment. It is recognised that an A3 use could generate noise and disturbance from the use as well as any associated plant and ventilation equipment. Therefore mitigation will be required to the new flats to ensure that any impact on residents would be acceptable, and a condition would be attached in the event of an approval to ensure that this is provided. Conditions could be attached to any grant of permission to ensure adequate mitigation against noise from plant.

The applicant has not suggested hours of use for the café. These would need to be restricted by condition in the event of approval to protect the residents of the development and neighbouring properties.

7.2 Waste

The Council's refuse team have been consulted on the proposals. They have suggested that more area needs to be provided for bins associated with both the residential properties as well as the ground floor café. The applicant has indicated that these can be incorporated within the scheme.

7.3 Whether the proposals would have an acceptable impact in respect of air pollution

An air quality report accompanies the planning application.

The majority of the building is set back from Ballards lane. Mitigation measures include a mechanical ventilation system. This would be acceptable to Environmental Health officers subject to details. A condition would be attached in the event of an approval in order to provide mitigation ensure that the impact on future residents of the development would be acceptable.

Potential issues relating to dust during construction could be dealt through a construction management plan.

7.4 Whether the proposals would achieve an acceptable level of environmental performance

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 would be attached in the event planning permission is granted to ensure compliance with these Policies.

The applicant has provided an energy strategy. This indicates that Combined Heat and Power plant and photovoltaic panels can provide adequate reductions in CO2 emissions. At the time of writing the report the applicant had stated that they could achieve a reduction of 21%. This level of reduction is below the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and discussions are on-going at the time of writing the report.

In terms of water consumption, a condition 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).

8. Whether the proposals would make adequate provision for accessibility

London Plan policy requires development to provide 10% of residential units to be wheelchair accessible or adaptable. Policy DM03 of the Adopted Barnet Development Management Policies requires development to comply with good accessibility principles. The applicant has confirmed that the scheme would comply with this and a condition would be attached to ensure compliance in the event of an approval.

9. Whether the proposals would make adequate provision for biodiversity

Policy DM16 of the Barnet Development Management Policies 2012 advises that when considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity.

The applicant has submitted an environmental report which states that ‘ *a preliminary ecological appraisal has been carried out on the proposed site to identify in order to obtain a baseline for the site and provide recommendations for protecting and enhancing the biodiversity of the site. The site is currently of low ecological value as it is predominantly hard standing, and that the Proposed Development will improve on this by the inclusion of living roof areas and a landscaped courtyard. Where feasible, gardens will be planted with native species of low water demand to limit maintenance requirements*’.

Officers agree that the site is of low ecological value, and the proposed landscaping provides opportunities to improve the biodiversity contribution of the site.

10. Whether the proposals would have an acceptable impact on local drainage

The proposed drainage strategy has been reviewed by the Lead Local Flood Authority. They consider that the document is acceptable in principle and that conditions could be attached to any grant of planning permission in order to ensure that the development had an acceptable impact on local drainage.

11. Section 106 Issues

The development would be liable to make a contribution towards Barnet Community Infrastructure Levy and Mayoral Community Infrastructure Levy. In accordance with the Supplementary Planning Document on Skills, Enterprise, Employment and Training, a section 106 agreement to provide 6 apprenticeships as part of the scheme would be sought.

5.4 Response to Public Consultation

Principle of Development

Development makes no provision for affordable housing – The developer has agreed to make a contribution of £428,000 to provide off-site affordable housing

Uncertain what will happen after ten years, will the block be sold on – *The applicant has committed to the site for this time. After this the site can be used for unrestricted residential use*

Development is of excessive density – *Addressed in main report. Officers consider that whilst the development exceeds the standards within the density matrix given the accessible town centre location the density can be justified,*

Character/Appearance Issues

The buildings are too tall and out of scale with other buildings in the area. – *Addressed in main report*

Permission was refused to extend 197 Ballards Lane and nothing has changed since. – *The scheme at no.197 was refused because the extensions related poorly to the remainder of the building and therefore the circumstances are different. All planning applications are assessed on their own merits*

Development should be no higher than neighbouring buildings. - *All planning Applications must be assessed on their own merits*

Design is incongruous and doesn't reflect neighbouring buildings - *Addressed in main report*

Overdevelopment – *Matters relating to the layout, height and density of scheme (which could all constitute over-development) are addressed in main report.*

Lack of architectural quality – *Addressed in main report*

Lack of benefit to public realm – *It is considered that the development would make adequate contribution, given the limited scope to do this*

Amenity Issues

Development will have appearance of blank wall. - *Addressed in main report*

Loss of daylight and sunlight. - *Addressed in main report*

Loss of light to Hartnell Court, Wentworth Lodge and Wentworth Avenue - *Addressed in main report*

Overlooking to Hartnell Court, Wentworth Lodge and Wentworth Avenue and not clear if 21m overlooking distance will be met. - *Addressed in main report*

Noise arising from use and number of people within the building. - *Addressed in main report*

The proposals provide inadequate amenity space- *Addressed in main report*

Environmental Issues

Noise and dust during construction, particularly to disabled and elderly residents. – *Whilst it is acknowledged that development can cause disruption, this is principally covered by environmental health legislation and is not a reason for refusing planning permission. The applicant has provided a construction plan with the application and conditions could be attached in the event of approval in order to secure this.*

Highways Issues

Lack of parking proposed for the development or visitors – *Acknowledged*

It is already difficult to park outside CPZ hours. CPZ is known to have high occupancy. - *Acknowledged and Addressed in main report*

Additional residents using Gruneisen Road will make access dangerous competing with commercial uses - *Addressed in main report*

If residents are excluded from permits they will park on streets outside the CPZ which already suffer from parking stress - *Addressed in main report*

Parking surveys have not adequately measured parking streets and have included CPZ areas that are not representative - *Addressed in main report, though Highways officers have not questioned the methodology used*

Public transport will be overcrowded - *It is not considered that development of 70 flats would have significant impact*

Residents may cycle to cars parked elsewhere - *It is not considered that this is likely to have significant impact*

Lack of cycle facilities – *proposed cycle storage is considered adequate*

Other Issues

Finchley already has enough cafes and doesn't need more. – *The site is within a town centre and therefore a café use would accord with policy. Competition is not a planning issue*

Will be occupied by more transient community which will impact the local community. – *The proposals are for build to rent flats that would be managed, and these would be open to the market. Therefore anyone could live in the flats, they would be open to anyone. As such it is not considered that the residents would be more transient than other forms of residential accommodation that would be expected in town centres.*

Not enough school or doctors places to support development - *The development would make a contribution to local infrastructure through Barnet Community Infrastructure Levy*

How will development be maintained – *The Development would have an on site manager. Conditions could be attached in the event of approval in order to secure high quality materials and landscaping.*

Appears to involve building on neighbouring land – *The applicant advises that they own the land within the site plan and that part of the area adjoining the site has been disputed. Ultimately boundary disputes are not a planning consideration*

Increased antisocial behaviour – *The Metropolitan Police have been consulted on the proposals and consider that the proposals comply with secured by design principles, and as such would not compromise the security of local occupiers.*

This sort of residential accommodation is not needed and does not help residents in the area – *Evidence shows that Private Rental Accommodation is needed both in Barnet and London wide*

Impact on security for residents - *The Metropolitan Police have been consulted on the proposals and consider that the proposals comply with secured by design principles, and as such would not compromise the security of local occupiers.*

Fact that developer is in competition with developers building for sale is not relevant - *Acknowledged*

The representations received can be summarised as follows:

Police station needs to be developed - *Acknowledged but the merits of the development must be considered.*

Parking is already limited and this will not change - *Addressed in the main report.*

Economic and social benefits to the area - *Noted but must be balanced against any harm caused*

An objection was received from Mike Freer MP on the following grounds:

The proposed development would breach the local roofline, and would be harmful to the area as a result of it's massing, bulk and intensification. - *Addressed in main report*

Correspondence was received from the Finchley Residents Group objecting to the proposals for the following reasons:

-Lack of affordable Housing - *Acknowledged.*

- Development is too high and does not relate well to local character - *Addressed in main report*
- Overshadowing, loss of daylight and sunlight - *Addressed in main report*
- Access to Gruneisen Road is unsuitable for a quiet road - *Addressed in main report*
- Development is out of scale with it's surroundings - *Addressed in main report*
- Development does not provide adequate amenity space for upper floor flats - *Addressed in main report*
- Development does not provide adequate green space or areas for wildlife - *Addressed in main report*
- Lack of parking provision to serve the development - *Acknowledged*
- What happens after 10 years, will developer sell the complex – *The applicant has committed to the site for this time. After this the site can be used for unrestricted residential use*

6. Equality and Diversity Issues

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

- "(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

For the purposes of this obligation the term "protected characteristic" includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under this important legislation.

The proposed development would provide additional residential and mixed use accommodation for which there is known demand.

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 development can cause noise, dust, and disturbance; and that children, disabled and elderly road users are more likely to be affected by this it is considered that these impacts can be adequately mitigated by the proposals. Officers have found that the development cause harm in some regards to planning matters however in reaching this view they are of the view that this would not discriminate against any group with a protected characteristic, whether the development is approved or refused.

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.

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7. Conclusion

Officers have assessed the proposals and the benefits of the scheme need to be weighed up against the harm caused.

The scheme would have notable benefits, in that it would make provision for managed private rental sector housing for a period of 15 years, and would add to the borough's housing stock. This is a significant benefit.

This needs to be weighed against the harm considered to be caused, namely:-

- The lack of dedicated car-parking provision and impact on highway safety, which in the opinion of highways officers cannot be mitigated.
- The relationship of the building to Ballards Lane to neighbouring buildings appearing out of scale.
- The impact on the residents of the first floor of Hartnell Court through loss of outlook and light.

The development makes no provision for the monitoring of Residential Travel Plan, Affordable Housing or any contribution to Skills, Enterprise, Employment, Training as required by relevant policy and supplementary planning documents. It is noted that a legal agreement could be provided to secure these planning obligations and the applicant has agreed to provide these.

In conclusion, it is considered that the scale of development proposed, without provision of any dedicated on-site car-parking, will have an unacceptable impact on the amenities of adjoining neighbours as well as any new occupiers of the scheme. This lack of car-parking cannot be mitigated against.

Taking into account the above factors the scheme is recommended for **REFUSAL**.



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