

LOCATION: 213-227 Great North Way, London, NW4 1PN

REFERENCE: F/03042/13

Received: 16 July 2013

Accepted: 23 July 2013

WARD: Finchley Church End

Expiry: 22 October 2013

**Final
Revisions:**

APPLICANT: City and Westminster Developments Ltd (CAWD)

PROPOSAL: Demolition of existing buildings and erection of 5 blocks (four, 4-storey buildings and one, 3-storey building). Including 66 basement parking spaces with vehicular access and landscaping.

APPROVE SUBJECT TO COMPLETION OF SECTION 106 AGREEMENT

RECOMMENDATION I:

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

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Highways Improvement (local to the site)** **£20,000.00**
Improvements to Pedestrian environment
- 4 **Special Site-Specific Obligation** **£5,000.00**
Monitoring of travel Plan
- 5 **Special Site-Specific Obligation** **£8,250.00**
Travel Plan Incentive Fund
- 6 **Special Site-Specific Obligation** **£0.00**
A review process when the development is complete to assess whether revenues generated by the sale of the flats is sufficient to provide a financial contributions towards the provision of affordable housing in the London Borough of Barnet.
- 7 **Monitoring of the Agreement** **£1,496.25**
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: F/03042/13 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Drawings 001, 002, 003 , 004 , 005, 006, 007 , 008, 009, 010, 011, 012 (dated 22 August 2013), 013, 014, 015, 016
 - Design and Access Statement
 - Arboricultural Impact Assessment Report
 - Archaeological Desk Based Assessment
 - Ecology Report
 - Bat Inspection
 - Transport Assessment
 - Travel Plan
 - Energy Statement
 - Sustainability Statement
 - Flood Risk Assessment
 - Noise Assessment
 - External Building Fabric Report
 - Environmental Risk Assessment
 - Air Quality Assessment
 - Affordable Housing Viability Appraisal
 - Planning Statement
 - Email from Barry Jones received 22 August 2013 and accompanying drawings 012 dated 21 August 2013

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

6. With the exception of areas marked as terraces or balconies on the approved plans listed in condition 1, the flat roof areas of the buildings extension hereby permitted shall only be used in connection with the repair and maintenance of the buildings and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

7. Before the building hereby permitted is occupied the proposed windows listed below shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

- First, second and third floor windows in the side elevation of Core E facing Conifer Court

- First, second and third floor windows in the side elevation of Core C facing Core B

Reason:

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

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

Reason:

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

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

Reason:

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

10. Before the development hereby permitted is occupied, details of the subdivision of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority, implemented and retained as such on site thereafter.

Reason:

To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Adopted Barnet Development Management Policies DPD (2012).

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

16. No site works or works on this development shall be commenced before temporary tree protection has been erected around existing tree(s) in accordance with details to be submitted and approved in writing by the

Local Planning Authority. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

17. No siteworks or works on this development shall be commenced before a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing piling and basement details and precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations are submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with such approval.

Reason:

To safeguard the health of existing trees which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

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

Reason:

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

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

Reason:

To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).

20. All new residential dwellings within the development hereby approved shall be constructed to meet and achieve the 'Lifetime Homes' standard.

Reason:

To ensure the development meets the needs of its future occupiers and to comply with the requirements of policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and policies 3.8 and 7.2 of the London Plan 2011.

21. Before the development hereby permitted commences details of the location within the development and specification of the 6 units to be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users shall be submitted to and approved in writing by the Local Planning Authority. The specification provided for the 6 units shall demonstrate how the units will be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users. The development shall be implemented in full accordance with the details as approved prior to the occupation of the development.

Reason:

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

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

Reason:

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

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

Reason:

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

24. Before the development hereby permitted is occupied full details of the photovoltaic panels to be installed as part of the scheme shall have been submitted to and approved in writing by the Local Planning Authority. The photovoltaic systems detailed in the information provided shall be fully installed and operational prior to the first occupation of the building and shall thereafter be maintained in accordance with the approved details.

Reason:

To ensure that the development is sustainable and in accordance with policies DM01 and DM02 of the Barnet Local Plan and policies 5.2 and 5.3 of the London Plan.

25. Prior to the first occupation of the dwellings hereby approved full plans, details and specifications of all external lighting to be installed as part of the development shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved details prior to the first occupation of the development and thereafter be maintained as such.

Reason:

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

26. Before the development hereby permitted is occupied the parking spaces shown on drawings listed in condition 1 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.

27. Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the approved parking spaces to be provided with electric vehicle charging facilities. The development shall be implemented in full accordance with the approved details prior to 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.

28. No site works or works on this development including demolition or construction work shall commence until a Demolition, Construction and Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. All works must be carried out in full accordance with the approved details unless previously agreed in writing by the Local Planning Authority.

Reason:

In the interests of highway safety in accordance with 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.

29. Within 3 months of occupation a local level Residential Travel Plan that meets the requirements of the Transport for London document 'Travel planning for new development in London' and is ATTrBuTE compliant shall be submitted and approved by the Local Planning Authority. This should

include the appointment of a Travel Plan Champion. The Travel plan should be reviewed in accordance with Transport for London's 'standardised approach to monitoring'.

Reason:

To encourage the use of sustainable forms of transport to the site 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.

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

Reason:

To ensure that the amenities of occupiers are not prejudiced by road traffic noise in the immediate surroundings.

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

Reason:

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

32. Part 1

Before development commences other than for investigative work:

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

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

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

Part 2

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

Reason:

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF of the Adopted Barnet Core Strategy DPD (2012) and 5.21 of the London Plan 2011.

33. Before the development hereby permitted is brought into use or occupied details of the:
 - i. Enclosures, screened facilities and/or internal areas of the proposed buildings to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable;
 - ii. satisfactory points of collection; and
 - iii. details of the refuse and recycling collection arrangementsshall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and the refuse and recycling facilities provided fully in accordance with the approved details before the development is occupied and the development shall be managed in accordance with the approved details.

Reason:

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

34. The development hereby permitted shall not commence (except site preparation/enabling works) until a drainage strategy detailing all on and off site drainage works to be carried out in respect of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. No foul, surface or ground water shall be discharged from the development hereby approved into the public sewer system until the drainage works referred to in the strategy have been completed in their entirety.

Reason:

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

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

Reason:

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

36. Notwithstanding the approved plans, drawings at 1:20 scale showing details of the window reveal depths shall be submitted and approved in writing by the local planning authority prior to commencement of the development hereby approved (except site preparation/enabling works). The development shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason:

To ensure the highest standards of design in the interests of the character and visual amenities of the site and wider area and to ensure that the building 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.

INFORMATIVE(S):

1.
 - i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.
 - ii) In this case, formal pre-application advice was sought prior to submission of the application.
2. The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £90,177.50 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 £231,997.50 payment under Barnet CIL.

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

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

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

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

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

3. Highways informatives:

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 Crossover Team in Environment and Operations Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

The applicant must submit an application under Section 184 of the Highways Act (1980) for the proposed vehicular access which will need to be constructed as a heavy duty kerbed access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.

To receive a copy of our Guidelines for Developers and an application form please contact: David M Smith, Clerk of Works, Traffic & Development Section – Traffic and Development Section, London Borough of Barnet, North London Business Park (NLBP) Building 4, Oakleigh Road South, London N11 1NP

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.

The applicant is advised that the development is located on or will have an impact on the Strategic Road Network (SRN). The Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would require TfL's approval before works can commence.

The costs of any associated works to the public highway, including reinstatement works, will be borne by the applicants and may require the applicant to enter into a 278 Agreement under the Highways Act 1980. Detailed design will have to be approved by Environment and Operations Directorate.

4. You are advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

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

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

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

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

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

5. In complying with the contaminated land condition parts 1 and 2:

Reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents;
- 2) Planning Policy Statement 23 (PPS 23) - England (2004);
- 3) BS10175:2001 Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH.

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

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

7. Wildlife and Countryside Act 1981 Obligations etc: TIN/TPO
Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.

8. A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

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

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

10. 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 as calculated according to the Code for Sustainable Homes.

RECOMMENDATION III

That if an agreement has not been completed by 20 November 2013, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should **REFUSE** the application F/03042/13 under delegated powers for the following reasons:

1. The proposed development does not include a formal undertaking to meet the required costs required towards improvements to the pedestrian environment in the vicinity of the site, the monitoring of the travel plan and therefore would not address the highways impacts of the development, contrary to Policies DM17 of the Adopted Barnet Local Plan 2012.
2. The development does not include a formal undertaking to secure the necessary mechanism to review affordable housing contributions following the sale of the units and the associated monitoring costs which would be incurred by the community as a result of the development; contrary to Policies CS4, CS10 and CS11 of the Local Plan Core Strategy DPD (Adopted) 2012 and DM10 of the Local Plan Development Management Policies DPD (Adopted) 2012; and the adopted Supplementary Planning Documents "Affordable Housing" and "Planning Obligations".

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan: July 2011

- Policy 3.3 – Increasing Housing Supply
- Policy 3.4 – Optimising Housing Potential
- Policy 3.5 – Quality and Design of Housing Developments
- Policy 3.8 – Housing Choice
- Policy 3.9 – Mixed and Balanced Communities
- Policy 3.10 – Definition of Affordable Housing
- Policy 3.11 – Affordable Housing Targets
- Policy 3.12 – Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- Policy 3.13 – Affordable Housing Thresholds
- Policy 3.14 – Affordable Housing Thresholds
- Policy 5.2 – Minimising carbon dioxide emissions
- Policy 5.3 – Sustainable design and construction
- Policy 5.14 – Water quality and wastewater infrastructure
- Policy 5.15 – Water use and supplies
- Policy 6.12 – Road network capacity
- Policy 7.1 – Building London's Neighbourhoods and Communities

- Policy 7.2 – An Inclusive Environment
- Policy 7.3 – Designing Out Crime
- Policy 7.4 – Local Character
- Policy 7.6 – Architecture
- Policy 7.14 – Improving air quality

Core Strategy Policies 2012

- Policy CS 1 Barnet's Place Shaping Strategy – The Three Strands Approach
- Policy CS 3 Distribution of growth in meeting housing aspirations
- Policy CS 4 Providing quality homes and housing choice in Barnet
- Policy CS 5 Protecting and Enhancing Barnet's character to create high quality places
- Policy CS 7 Enhancing and Protecting Barnet's Open Spaces
- Policy CS 9 Providing safe, effective and efficient travel
- Policy CS 15 Delivering the Core Strategy

Development Management Policies 2012

- DM01 Protecting Barnet's character and amenity
- DM02 Development standards
- DM03 Accessibility and inclusive design
- DM04 Environmental considerations for development
- 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
- DM17 Travel impact and parking standards

Local Supplementary Planning Documents (SPDs):

- Barnet SPD: Planning Obligations (Section 106) (September 2006)
- Barnet SPD: Contributions to Health Facilities from Development (July 2009)
- Barnet SPD: Contributions to Education from Development (February 2008, Updated January 2010)
- Barnet SPD: Contributions to Library Services from Development (June 2008)
- Barnet SPD: Sustainable Design and Construction (June 2007)
- Barnet SPD: Affordable Housing (February 2007, Updated 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)
- Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
- Land for Industry and Transport SPG (September 2012)
- Mayor Housing SPD

Relevant Planning History:

Site Address: 213 - 223 Great North Way, London, NW4 1PN
Application Number: F/03551/10
Application Type: Full Application
Decision: Migrated Code
Decision Date: 06/05/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of six dwellings and erection of a three storey building plus rooms in roof space and basement to facilitate a specialist elderly dementia care home (C2 use) for 73 patients. Vehicular access & associated car parking for 15 cars.**
Case Officer: Fabien Gaudin

Consultations and Views Expressed:

Neighbours Consulted: 156 Replies: 5
Neighbours Wishing To Speak 3

The objections raised may be summarised as follows:

- loss of trees
- inaccurate plans
- pressure for parking
- congestion
- improvements should be made to pedestrian environment
- 66 spaces should be provided
- insufficient parking for visitors
- vehicular access should be wider
- the minibus should be parked off site
- conditions should be attached to limit disruption during construction
- excessive number of flats

Internal /Other Consultations:

- Transport for London, Road Network Development - no objection
- Traffic and Development (F&GG) - no objection
- Urban Design and Heritage - no objection
- Environmental Health - no objection
- Trees and Landscape - no objection
- Refuse - no response
- Metropolitan Police Service - no objection
- London Fire Brigade - no response

Date of Site Notice: 01 August 2013

2. MATERIAL CONSIDERATIONS

Site description:

The application site is located on Great North Way. It is bordered to the south by a service road which runs parallel with A1 the Great North Way. Ashley Lane forms the

Eastern site boundary and existing residential development forms the northern and western boundaries to the site.

Development along Great North Way is mixed in nature. It consists mainly of blocks of flats of varying designs. The application is accompanied by extensive streetscene elevations that aim to demonstrate this mixed character. Whilst building heights vary, the blocks of flats generally are three to four storey in height.

The character of Ashley Lane is more domestic in nature with smaller two storey (plus roof) houses to the north. The site opposite however (52 Ashley Lane) has recently been redeveloped as a block of flats within a two storey building with additional rooms within a mansard roof.

Trees within the grass verge of Ashley Lane have recently been included in a Tree Preservation Order.

Proposals:

The proposal seeks planning permission for the demolition of 8 existing (vacant) semi-detached dwellings and the redevelopment of the site to provide 55 residential units comprising 12 one bedroom units, 30 two bedroom units and 13 three bedroom units. 60 parking spaces are proposed in a basement parking area.

The application has been the subject of extensive pre-application discussions detailed in the applicant's submission.

Principle of the residential use proposed

The Government is committed to maximising the re-use of previously developed land and empty properties to minimise the amount of green field land being taken for development. One of the chief objectives of the NPPF is to provide sufficient housing for future needs, ensuring that as many of the new homes as possible are built on previously developed land. The NPPF advocates the adoption of a sequential approach to selecting sites for housing to ensure that green field sites are used only when no appropriate sites exist inside urban areas. The sequential approach identifies previously developed sites within urban areas as being the most suitable for development.

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

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

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

The principle of demolition is considered acceptable. The properties are not within a conservation area and are not of particular architectural merit to warrant its retention.

London Plan policy 3.4 seeks to optimise the housing potential of sites with reference to the density matrix contained in Table 3.2 which provides a guide to appropriate density ranges for particular locations, depending on accessibility and character. The application site has poor accessibility and benefits from a low PTAL of 1a. It is considered to fall within an urban setting as defined in the London Plan. The London Plan Density Matrix therefore suggests a range of 35 to 95 units per hectare and 150-250 habitable rooms per hectare. Taking the site area of 0.386ha, the proposal for 55 flats would equate to a density of 142 units per hectare (577 habitable room per ha).

Whilst it is acknowledged that the proposed density exceeds the London plan table, it is not considered a reason to refuse the application. The London Plan states that a rigorous appreciation of housing density is only the start of planning housing development, not the end and that it is not appropriate to apply Table 3.2 mechanistically. Its density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential – local context, design and transport capacity are particularly important. In this case, it is considered that the proposed density would not be dissimilar to other flatted development along the A1. As detailed below, the scheme fully meets the Council's outdoor amenity standards and the buildings themselves are not considered to be harmful to the character of this part of the Borough which is mixed in nature.

Development plan policies require proposals to provide an appropriate range of dwelling sizes and types, taking account of the housing requirements of different groups. The council's Local Plan documents (Core Strategy and Development Management Policies DPD) identify 3 and 4 bedroom units as the highest priority types of market housing for the borough.

The dwelling mix proposed, including 23% of the total dwellings which would have 3 bedrooms, is considered to include an appropriate range of dwelling sizes and types that would make a useful contribution to meeting the needs of the growing and diverse population of the borough.

None of the dwellings would be provided as affordable housing. However, an independent review of the viability of the scheme (discussed in greater detail below) has confirmed that it is not viable for the scheme to make an on-site contribution towards the provision of affordable housing in the borough. In light of these factors it is considered that, in this instance, the dwelling mix proposed is acceptable and compliant with planning policy in this instance.

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

Local Plan policies require high quality design in all new development that creates attractive places which are welcoming, accessible and inviting. Policy DM01 states

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

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

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

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

Dwelling size

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

Dwelling outlook

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

External amenity space provision

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

The requirements for provision of play space in new development are defined by policy 3.6 of the London Plan and the London Mayor's Shaping Neighbourhoods: Play and Informal Recreation Supplementary Planning Guidance. London Plan policy 3.6 states that proposals for housing should make provision for play and

informal recreation based on the expected child population generated and an assessment of future needs. All developments with an estimated child occupancy of ten children or more should seek to make appropriate play provision on site to meet the needs arising from the development. The benchmark standard of the SPG recommends a minimum of 10m² of dedicated play space per child as a basis for assessing existing provision within an area. The area for Childs Play identified on the submitted drawings fully meets the requirements of the SPG. Further details are required by planning condition.

Guidance in Barnet's Residential Design Guidance SPD sets out minimum standards for outdoor amenity space provision in new residential developments. Flats are expected to be provided with 5m² of usable outdoor communal or private amenity space per habitable room proposed. For both houses and flats kitchens over 13m² are counted as a habitable room and habitable rooms over 20m² are counted as two habitable rooms for the purposes of calculating amenity space requirements.

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

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

Privacy and overlooking

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

Noise and air quality

The Council's Environmental Health Service considers the site to be suitable for residential use and has not raised any objection to the scheme. They have however, recommended the inclusion of planning conditions in relation to the protection of future occupiers of the development from air pollution and noise from the A1. The proposal is therefore found to be acceptable in respect of the noise and air quality environment that it would provide for the occupiers of the flats proposed.

Conclusions on the amenities of future occupiers

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

Design and character matters:

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

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

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

Development principle 4.3 of the NBTFC (copied below) seeks to ensure that development in the area reflects the existing predominantly context of the locality as follows:

- *‘Redevelopment should seek to make the most effective and efficient use of land. A design-led approach should be taken to defining appropriate plot ratios and residential densities, having regard to the suburban setting and good public transport accessibility.*
- *Building heights should be appropriate to the wider suburban context.*
- *Massing (bulk of buildings) should be reflective of the suburban setting and role of the town centre – over-dominance (visual) by any unit should be avoided.’*

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

The proposed layout provides two main blocks along the Great North Way which respect the pattern of buildings in this section of the road. The layout of the proposals has been the subject of extensive pre-application discussions and it is considered that the two main blocks, due to their set back from the edge of the pavement and separation would respect the general pattern of development along this side of Great North Way. The scale of the buildings would also be in keeping with the general grain of development here.

The smaller block along Ashley Lane (Core A) would be sited perpendicular to Ashley Lane and would provide a logical continuation to the pattern of buildings on Ashley Lane. The overall scale and massing of the building would be similar to the new block at 52 Ashley Lane.

The proposed buildings fronting Great North Way would be 4 storeys in height, although the fourth storey would be recessed, whilst the smaller block would be 3 storeys in height. Whilst these buildings would be larger than many surrounding buildings, their heights would not exceed those of the immediately adjacent development and there would be adequate space between both themselves and existing surrounding properties to ensure that they are not overly dominant. The larger block consisting of Cores C, D and E has been designed to break up the apparent mass of the building, through the incorporation of a stepped frontage and recessed fourth floor.

Although the amount of hardstanding on site would be limited due to the fact that all parking spaces are provided at basement level, a condition has been recommended requiring samples of the ground surfacing materials to be submitted and approved.

In addition to these broader points, the more detailed design of the buildings is contemporary in nature whilst still respecting the mixed character of this part of the Borough. The design includes materials such as brick and render elevations (with contrasting materials to highlight and make more of a feature of the windows) and tiled roofs (to the block facing Ashley Lane). Such features are considered to be a positive aspect of the scheme and conditions have been recommended to ensure that the materials used at implementation are of a sufficient quality.

Subject to the conditions recommended the proposal is found to be acceptable and compliant with development plan policies as they relate to design and character matters. Landscaping matters are addressed later in the report.

In summary, officers consider that the size, scale, siting and design of the buildings and layout of the scheme proposed are such that they would adequately respect the character of the surrounding area. The scheme would make effective and efficient use of previously developed land. The overall design quality of the development responds to the site context. The proposal is therefore considered to comply with the relevant design policies set out above.

Impacts on amenities of neighbouring and surrounding occupiers and users:

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

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

Overlooking, Privacy and Outlook

The nearest existing residential properties to the application site are flats within Conifer Court (along Great North Way), 43 Ashley Lane directly and the rear gardens of properties on Ashley close to the north of the site.

There are no proposed windows on the side elevation of Core A facing 43 Ashley Lane. The development overall does not include windows to habitable rooms which directly face existing habitable windows in neighbouring residential buildings that are set apart a distance of less than 21m and distances from directly facing habitable windows in the development proposed to a neighbouring properties garden are not less than 10.5m. These parts of the proposal would therefore comply with planning guidance in these regards. The position of the proposed terraces and balconies would also comply with overlooking standards.

Core E would have a number of secondary windows on the side elevation facing the amenity area of Conifer Court. It is recommended that those windows should be obscure glazed to prevent overlooking. Subject to this condition, it is considered that the impact would be acceptable.

The documents submitted with the application include plans showing the relationship of the proposed buildings with neighbouring properties and spaces. The closest existing residential properties to the application site is the house at 43 Ashley Lane. It is considered that the design, size and siting of Core A is such that it would not have an unacceptable visual impact or result in any significant loss of outlook at this neighbouring properties and spaces. The same would be the case with other surrounding properties located further away from the proposed blocks. The application is therefore considered to be acceptable and compliant with development plan policy in these regards.

Noise and Health

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

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

Impacts from Lighting Associated with the Development

Policy DM01 of the Barnet Local Plan requires new lighting schemes to not impact upon amenity. A condition has been recommended requiring the implementation of the development in accordance with details of the external lighting installed as part of the development. Subject to this condition the proposal is considered to be

acceptable and compliant with the objectives of policy in terms of preventing unacceptable lighting impacts from new development.

Conclusion

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

Affordable Housing

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

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

It suggests that negotiations on sites should take account of their individual circumstances including development viability, the availability of public subsidy and other scheme requirements.

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

Taking account of the costs associated with bringing the development forward, including the associated planning obligations (set out in further detail below), and the value that the applicant would be likely to generate from the scheme, Deloitte conclude that the application scheme could not viably provide any affordable housing. Officers are satisfied that the conclusions of the Deloitte report are robust and represent an accurate representation of the viability of the scheme. In light of these circumstances in this instance the lack of affordable housing provision is considered to be acceptable and compliant with the objectives of planning policies.

If however, economic circumstances change following completion of the development, it is considered that the council should secure a mechanism consisting of the inclusion of a review process to ensure that any additional benefit which may arise from the sale of the flats will be 'clawed back' to provide a contribution to off site affordable housing in the future. This is secured under the proposed terms of the legal agreement.

As set out above however, the conclusions of the viability assessment indicate that the provision of affordable housing would not be viable. It is therefore considered that the proposal would comply with adopted policy in this regard and the NPPF in regard to development viability.

Trees and Landscaping:

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

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

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

The application submission includes an Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Survey. This identifies recently protected trees subject of a Tree Preservation Order along Ashley Lane. The proposals have been designed to ensure that the construction of the building would not result in the removal of any of those trees. The proposed layout and position of habitable room windows in relation to tree canopies has been the subject of extensive discussions and it is considered that the scheme as proposed would not lead to future pressure for treatment. The application has been reviewed by tree officers who raise no objection subject to planning conditions.

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

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

It is concluded that the scheme provides adequate mitigation for the existing protected trees and other landscaping which would be lost as part of the works proposed and that the development is acceptable and compliant with policy in respect of tree and landscaping matters with the conditions recommended.

Transport, parking and highways matters:

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

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

60 parking spaces are proposed in a basement parking area. 10% of the parking spaces will be designated as disabled parking spaces. The applicant has stated in the TA that a Parking Management Plan (PMP) will be implemented. A new vehicular access to the basement car park is proposed from Ashley Lane. The ramp gradient to the basement car park is proposed as 1:10. Pedestrian access is proposed from both Ashley Lane and Great North Way.

The site is located on the service road running parallel to A1 the Great North Way in the southbound direction.

The pedestrian environment in the vicinity of the development including the existing condition of the existing public footway would need to be improved to facilitate the development. Therefore a contribution of £20,000 towards the improvements to pedestrian environment under S106 agreement is sought.

It is proposed in the Transport Statement that the refuse will be towed to the front of the entrance of the site on Ashley Lane on the day of collection by private operators.

In terms of vehicular trip generation, the industry standard TRAVL database and 2011 census was used to quantify the anticipated number of trips. The analysis showed that the development is anticipated to generate an additional 22 two way vehicular trips in the AM peak and 13 two way trips in the PM peak. This level of trips is unlikely to have any major traffic impact and therefore no further analysis considered necessary.

Collision data for 36 months up to 31 October 2012 were analysed. No accidents that there were no personal injury accidents recorded at the junction of Ashley Lane and A1 during this period. The only recorded incidents were on the A1 Westbound on the opposite side of the carriageway.

A robust construction management plan needs to be provided and careful consideration must be given to the optimum route(s) for construction traffic. This is the subject of a planning condition.

55 units trigger a Local-level residential Travel Plan (TP) that is ATTrBuTE compliant and meets the criteria in the TfL guidance 'Travel Planning for new development in London'.

As part of the local level TP cycle storage and electric charging points (20% active and 20% passive) in accordance with TfL cycle parking standards will need to be provided. In addition at least 1 car club space will be expected as well as the Travel Plan incentive fund as shown below.

The proposed 72 secure and covered cycle storage parking spaces are in accordance with the TfL cycle parking standards.

The applicant in the TA has proposed a mini-bus service for the occupants of the development to mitigate concern due to the limited accessibility of the site. The cost of the service would be included within the resident's service charge and that this would assist in ensuring the service existed in perpetuity.

In order to ensure that the objectives of the proposed Travel Plan are met a 'Monitoring Contributions' of £5,000 for the residential development is required under Section 106. In addition a Travel Plan Coordinator for the travel plan must be appointed.

In order to facilitate this development in this location a total contribution of £25,000 is sought under S106 for the following:

- | | |
|--|---------|
| • Improvements to Pedestrian environment | £20,000 |
| • Monitoring of travel Plan | £5,000 |
| • The Travel Plan Incentive Fund to be set aside | £8,250 |

Since the site is located in close proximity of A1 which is part of TLRN road network and therefore Transport for London has been consulted. They have confirmed that they have no objection in principle with the application. The comments they have made are covered in the above appraisal.

Creating inclusive environments for all members of the community:

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

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

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

Safety and security matters:

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

The Metropolitan Police have not raised any objection to the proposal or requested that conditions are placed upon any grant of consent. The design and layout of the development proposed and the degree of natural surveillance is considered to be such that, provided adequate external lighting is provided, it would provide a safe and secure environment. A condition is recommended requiring a lighting scheme to be submitted and approved. The proposal is therefore deemed to be acceptable in respect of providing a safe and secure development with an environment which reduces opportunities for crime and the fear of crime.

Flooding and water infrastructure matters:

The application site does not fall within an area identified as being at risk of flooding. However, a condition has been recommended to ensure that the suitable drainage infrastructure is implemented as part of the development proposed.

Thames Water has responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed upon any grant of consent. The applicant states that there is sufficient capacity in terms of utilities in the vicinity of the site.

Conditions have been recommended to ensure that water use by the development is minimised. Subject to these conditions the development is found to be acceptable in this respect.

Energy, climate change, biodiversity and sustainable construction matters:

London Plan Policy 5.2 requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

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

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

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

Carbon dioxide emissions

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

The Energy Statement submitted with the application identifies that the use of photovoltaic panels in the scheme is possible and that these are the preferable renewable energy technology for this scheme. Therefore the conditions recommended include requirements for the details of the photovoltaic panels to be installed to be submitted and agreed with the Local Planning Authority.

Biodiversity matters

Barnet Local Plan policy DM16 states that when it is considering development proposals the council will seek the retention, enhancement or creation of biodiversity. The application site is not designated as a SINC, nor are there any nearby. It has also been cleared of buildings and does not possess any notable wetland habitats.

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

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

Planning obligation matters:

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

In accordance with development plan policies and the Council's supplementary planning documents the following obligations are required to be secured through a legal agreement with the developer (in addition to the highways contributions listed above). With these obligations secured (alongside the other mitigation provided by the development and secured through the conditions recommended) the proposal is considered to be acceptable in terms of delivering the infrastructure, facilities and services needed to mitigate the impacts it would generate. It is noted that education, healthcare and library provision is covered by the Barnet Community Infrastructure Levy.

Monitoring of the Section 106 Agreement

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

Community Infrastructure Levy

The proposed development is liable for charge under the Mayoral Community Infrastructure Levy (CIL) and the Barnet CIL. This equates to a charge of £90,177.50 and £231,997.50 respectively.

4. EQUALITIES AND DIVERSITY ISSUES

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

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

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

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

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

The new buildings proposed as part of the application would be required to comply with current legislative requirements in respect of equality and diversity related matters, for example access for the disabled under Part M of the Building Regulations. In addition to this the development, as controlled by the conditions recommended, would ensure that in several regards the building constructed would exceed the minimum requirements of such legislation. Examples of this would include all the proposed residential units being constructed to meet the relevant Lifetime Homes standards, the provision of level or appropriately sloping access

within the site, not less than 10% of the residential units proposed being constructed to be wheelchair accessible or easily adaptable for residents who are wheel chair users and the inclusion of disabled standard parking spaces (as set out in greater detail in earlier sections of this report).

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

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

5. COMMENTS ON GROUNDS OF OBJECTIONS

The objections raised are considered in the above appraisal and analysis.

6. CONCLUSION

The existing site is currently vacant. Its re-development to provide new residential dwellings of the nature proposed, that show a high quality design approach, relate acceptably to their neighbouring properties, are in keeping with the character of the area, do not cause any unacceptable harm to the amenities of the neighbouring properties and would provide their future occupiers with an acceptable standard of accommodation is considered to accord with policies that seek to optimise the use of previously developed sites such as this.

The design and layout of the development has been influenced by the need to create a scheme that relates acceptably to surrounding properties, so that a suitable residential environment can be created. Each of the 55 units would be appropriately sized and would have acceptable levels of outdoor amenity space. Such a layout also helps to ensure adequate daylight and sunlight levels for future occupiers of the scheme, as well as neighbouring occupiers.

More generally the application includes a number of measures to achieve a good standard in respect of sustainable design and construction. The new dwellings would all meet Code for Sustainable Homes Level 4.

The scheme provides an appropriate level of car parking on site for the number and type of new dwellings proposed. The scheme has been designed to provide appropriate and safe access for all users and would not result in any significant harm to the local road network.

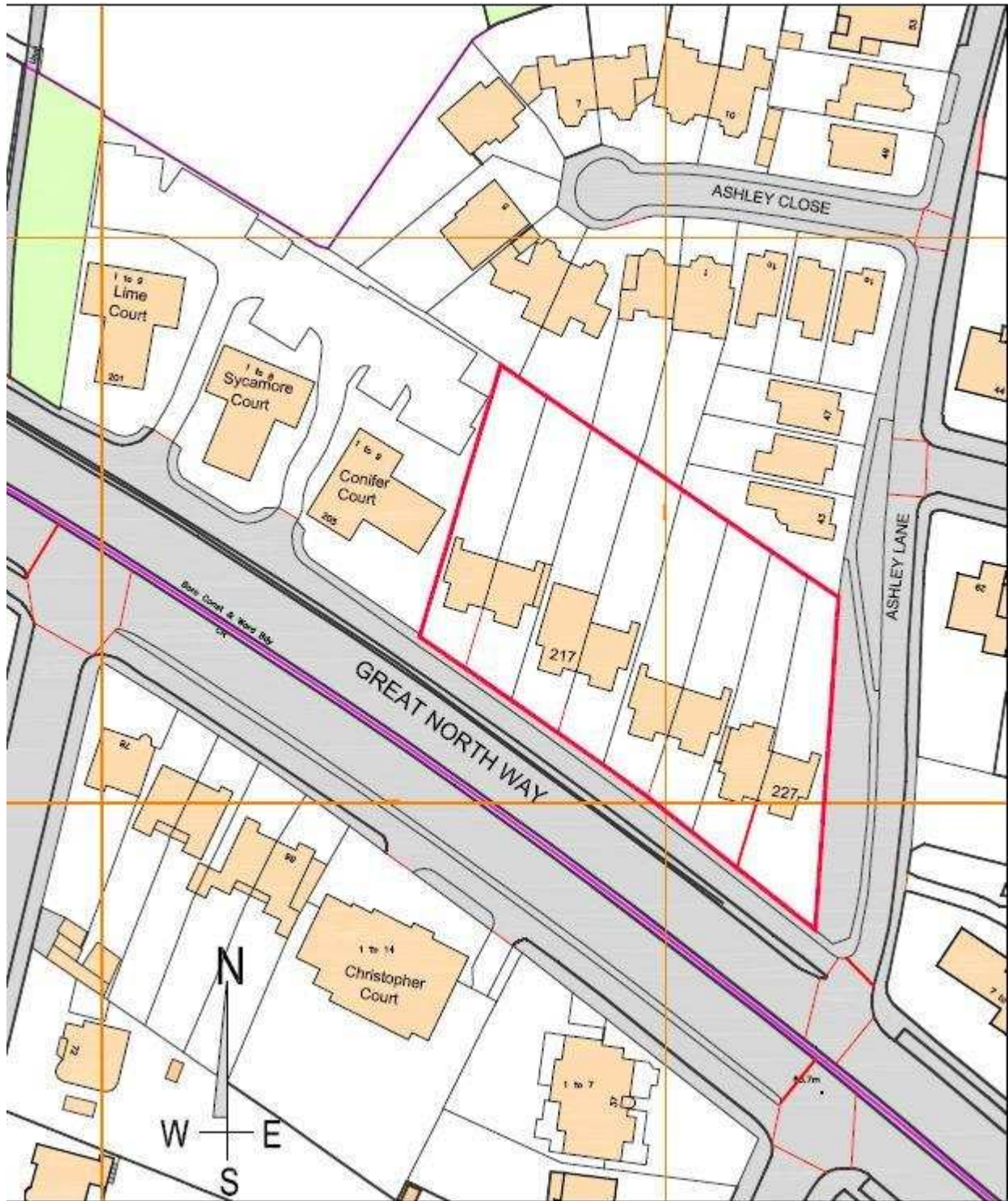
The landscaping proposed for the site is considered to include an adequate balance of hard and soft surfaces (including new areas of lawn and shrub planting), provides an appropriate setting for the buildings proposed and includes the planting of new trees. The development would not have an unacceptable impact on protected trees.

A number of conditions and planning obligations have been recommended to ensure that the development achieves a suitable quality of residential environment, does not cause any unacceptable harm to the amenities of neighbouring occupiers, achieves the benefits that the submission advances in support of the scheme and mitigates any potential adverse impacts from the proposal.

Accordingly, subject to the satisfactory completion of the Section 106 Agreement, **APPROVAL** subject to conditions is recommended, as set out in the recommendations section at the beginning of this report.

SITE LOCATION PLAN: 213-227 Great North Way, London, NW4 1PN

REFERENCE: F/03042/13



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