

**LOCATION:** Merrivale, East Road, Edgware, Middx, HA8 0BT

**REFERENCE:** H/04130/13 **Received:** 10 September 2013

**Accepted:** 10 September 2013

**WARD:** Burnt Oak **Expiry:** 10 December 2013

**Final  
Revisions:**

**APPLICANT:** Catalyst Housing Ltd

**PROPOSAL:** Demolition of existing vacant care home and construction of 31 residential units consisting of a 2 storey terrace (8 houses) and two 3 storey blocks (23 flats) together with associated access, parking, amenity space and landscaping.

**APPROVE SUBJECT TO A 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 **Affordable Housing (units)** **£0.00**  
Provision of 12 affordable housing units on the site, split up into the following types:  
Affordable Rented Accommodation:  
  
8 x 3 bedroom (5 person)  
2 x 1 bedroom (2 person)  
2 x 2 bedroom (4 person)
- 4 **Monitoring of the Agreement** **£500.00**  
Contribution towards the Council's costs in monitoring the obligations of the agreement.

**RECOMMENDATION II:**

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: H/04130/13 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans: GA E 01, GA E 02, GA E 03, GA E 04, GA P L00, GA P L01, GA P L02 GA P R03, GA SL, Land Survey, Design and Access Statement, Tree Survey Plan, Tree Protection Plan.

Reason:

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

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

Reason:

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

3. Before the development hereby permitted is occupied the parking spaces/garages shown on Plan GA-P-L00 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

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

4. 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.

5. 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.

This shall include 1:20 details of balconies, window/brick reveals and roof fascias.

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.

6. 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).

7. Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

8. Before the building hereby permitted is occupied the proposed window(s) annotated as obscure glazed on plans GA P L00, and GA P L01, and GA P L02, shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

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

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).

11. 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).

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. 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.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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, E, or F of Part 1 to Schedule 2 of that Order shall be carried out within the area of 'Merrivale, East Road' hereby approved.

Reason:

To safeguard the amenities of neighbouring occupiers and the general locality in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012).

17. 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).

18. 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.

19. Before the development hereby permitted commences details of the location within the development and specification of the [insert number] 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 3no. 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.

20. 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 plan numbers GA P L00 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.

21. Before the development hereby permitted is occupied, the proposed wildlife area shall be installed, and shall be permanently retained as such thereafter.

Reason: To ensure that the development complies with the Mayor's London Plan and Adopted Barnet Development Management Policy DM16.

22. 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% of the parking spaces to be identified for future provision of Electric Vehicle charging points. 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.

23. 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.

24. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on the above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason:

The submitted report has identified lead and polycyclic aromatic hydrocarbons to be present. These need to be remediated and a verification report needs to be submitted. This will protect the water environment from pollution.

This is in line with policy DM04 (part e) of the Adopted Barnet Development Management Policies 2012. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

25. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason:

No investigation can completely characterise a site. If unsuspected contamination is encountered during development, it must be adequately dealt with. This will protect the water environment from pollution.

This is in line with policy DM04 (part e) of the Adopted Development Management Policies 2012.

26. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason:

Infiltration of surface water would provide potential pathway for contamination at the surface to migrate into the underlying River Terrace deposits. The design of drainage features should include appropriate pollution prevention measures. If contamination is present in areas proposed for infiltration, we will require the removal of all contaminated material and provision of satisfactory evidence of its removal.

The point of discharge should be kept as shallow as possible. Deep bored infiltration techniques are not acceptable. The distance between the point of discharge and the groundwater table should be a minimum of five metres. Only clean, uncontaminated water should be discharged into the ground. This is in line with Adopted Development Management Policies 2012 policy DM04 (part e).

27. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason:

This will ensure that any remediation has been successful and that the site no longer poses a risk to the water environment.



This is in line with Adopted Barnet Development Management policy DM04 (part e).

28. Before the development hereby permitted is approved, details of any external lighting shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with these details and shall be maintained as such thereafter.

Reason: To safeguard the amenities of neighbouring residents in accordance with policy DM01 of the Adopted Barnet Development Management Policies 2012.

#### **INFORMATIVE(S):**

1.
  - i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.
  - ii) In this case, formal pre-application advice was sought prior to submission of the application.
2. The plans accompanying this application are: Ecological Appraisal, Air Quality Appraisal, Flood Risk Assessment, Ground Investigation Report, Transport Assessment, Tree Survey Report, Utilities Report, Landscape Design Strategy, Energy Strategy report, Arboricultural Impact and Method Statement, Sequential & Exception Test, Sustainability Statement.
3. The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://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 £94,115 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 £363,015 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](http://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](mailto:cil@barnet.gov.uk).

4. Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
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. Any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

7. 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.

In case if any modification is proposed or required to the existing access off the public highway then it will be subject to a detailed investigation by the Environment, Planning and Regeneration Directorate. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of any existing street furniture. This would need to be done by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on public highway from the Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), 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 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.

## **RECOMMENDATION III**

That if an agreement has not been completed by 10/12/2013, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application H/04130/13 under delegated powers for the following reason/s:

1. The development makes no provision for affordable housing, which would be contrary to Policy DM10 of the Adopted Barnet Development Management Policies 2012.

### **1. MATERIAL CONSIDERATIONS**

#### National Planning Policy Framework

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

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

The 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 July 2011

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

The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

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

## Relevant Local Plan (2012) Policies

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012.

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5, CS9, CS10, CS11, CS15

Relevant Development Management DPD (2012): Policies DM01, DM02, DM03, DM04, DM07, DM08, DM09, DM17

## Supplementary Planning Documents and Guidance

The Council has adopted two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations. The Residential Design Guidance SPD and Sustainable Design and Construction SPD are now material considerations.

## Relevant Planning History:

W14175/05 - Demolition of Child Guidance Centre and Merrivale. Erection of a new 3-storey building on Child Guidance Centre site to provide a 60-bed care home and 20 place day-care centre, with associated parking and landscaping. Re-grading and landscaping of existing Merrivale site. – Approved – 20/10/2005

## Consultations and Views Expressed:

The applicant undertook pre-application consultation with local residents, including hosting a local exhibition on 29/01/2013.

Neighbours Consulted: 83  
Neighbours Wishing To 0  
Speak

Replies: 3

2 comments and 1 objection were received.

The comments raised may be summarised as follows:

- Distance of care home to neighbouring properties should be maintained to prevent loss of privacy
- New lighting could cause a disturbance
- Concerned that there might not be adequate parking or infrastructure
- Potential for loss of wildlife though note wildlife area is to be provided.

The objections raised may be summarised as follows:

- Loss of care home which has been community landmark

- Noise and disturbance
- Impact on traffic, access and parking

Internal /Other Consultations:

- Environment Agency - The Local Planning Authority should apply the flood risk Sequential Test to the development. For the proposals to pass the Sequential Test you should be satisfied that there are no other reasonably available sites for this development that are at a lower risk of flooding.

The submitted Flood Risk Assessment (FRA - Merrivale, East Road, Burnt Oak, dated July 2013) and associated plans demonstrate that finished floor levels shall be set no lower than 600 millimetres above the 1 in 100 chance in any year flood level including an allowance for climate change. These measures will help protect development from flooding. The FRA also demonstrates there will be no loss in floodplain storage by providing level for level floodplain compensation. The development should be carried out in accordance with this FRA. This is in line with your Local Plan policy DM04 (part g).

- Traffic & Development - No objection
- Environmental Health - No objection
- 
- Urban Design & Heritage - Comments contained within main report.
- 
- Metropolitan Police Service - Barnet Police have no objections in principle to the development proposals but wish the following points concerning crime reduction principles and future community safety to be considered by your department.

Date of Site Notice: 19 September 2013

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The site is a plot of land on East Road in the Burnt Oak Area. The surrounding area is mostly residential though there are some community uses as well as the vacant Child Guidance Centre adjacent to the south. There is currently on site a three-storey, 1960s building located on the north-eastern side of East Road. According to the details contained within the submitted Design and Access Statement, the care home closed in 2012 due to its age, poor state of repair and lack of modern facilities.

Levels on the site are flat generally, the highest point being adjacent to the road.

The site has an area of 0.38 hectares, and was formerly a three storey care home.

Proposal:

The proposals are for demolition of existing vacant care home and construction of 31 residential units consisting of a 2 storey terrace (8 houses) and two 3 storey blocks (23 flats) together with associated access, parking, amenity space and landscaping.

## Planning Considerations:

The main issues are considered to be:

- Whether the loss of the existing care home is acceptable
- Whether the proposals would have an acceptable impact on local flood risk
- Whether the proposals would be acceptable in terms of their impact on the character and appearance of the area
- Whether the proposals would provide an acceptable level of amenity for future occupiers
- Whether the proposals would have an acceptable impact on neighbouring amenity
- Whether the proposals would harm highway and pedestrian safety
- Whether the proposals would provide an acceptable level of affordable housing
- Whether the proposals would be acceptable in sustainability terms

### *Whether the loss of the existing care home is acceptable*

Policy DM09 advises that specialist housing should be provided where there is an identified need.

Historically, the facilities provided by the care home have been moved elsewhere as part of Catalysts, and have not been lost. The site has not been used as a care home for some time. Indeed Catalyst already has a presence in the area, having completed Wood Court on South Road, a 40 bed extra care sheltered scheme, in 2008.

It is therefore considered that there would not be a conflict with policy DM09, and the loss of the former care home is considered acceptable.

### *Whether the proposals would have an acceptable impact on local flood risk*

The Environment Agency have commented that they are happy with the Flood Risk Assessment (FRA). The undefended Environment Agency Flood Map indicates the majority of the Site lying within Flood Zone 2 with a small section to the east corner being within Flood Zone 3.

However, in recent years the Silk Stream Flood Alleviations Scheme has been undertaken (completed early 2008) which provided additional protection to the Site. The majority of the Site now lies above the defended 100 year plus climate change outline. A small area of the Site lies within the defended 100 year plus climate change outline. Two of the proposed houses within the eastern corner of the Site partially fall within the defended 100 year plus climate change outline.

It has also been agreed with the applicant as part of pre-application discussions that a Sequential and Exceptions Test is required. The sequential search assessment has defined an appropriate boundary and identified sources of reasonably available sites. This process has led to the detailed consideration of two sites, both of which are not sequentially preferable as they are at greater risk of flooding. These are: Watling Avenue car park and the Child Guidance Centre.

The National Planning Policy Framework advises that more vulnerable uses such as dwellinghouses are appropriate within flood zone 2. In this context, it is considered

that the proposals satisfy the sequential and exception tests, and therefore would not result in harmfully increased local flood risk.

*Whether the proposals would be acceptable in terms of their impact on the character and appearance of the area*

The new development would consist of 2no three storey blocks of flats with a row of 8no. 2 storey terraced houses to the rear of the site.

The area is residential in character and largely consists of two-storey, red brick terraced properties, laid out along residential streets and within cul-de-sacs.

The application follows pre-application discussions with the Local Planning Authority.

No objection has previously been raised to the density of the development which would comply with the London Plan.

It is noted that the proposals would result in the loss of some trees of good quality, however, in the wider context of the scheme, and given that some replacement planting is proposed, the fact that the trees on site are not subject to Tree Preservation Order, this is considered acceptable.

The proposals include recessed windows and integral balconies to the rear of Blocks A & B which are considered to positively contribute to the proposed design. The use of two shades of brick would take reference from neighbouring development whilst ensuring a satisfactory appearance to the development.

Officers have raised concerns regarding the size and design of balconies to the front elevation and the applicant has amended the proposals to take this into account.

Conditions are suggested to ensure that the development positively contributes to local townscape and has an acceptable impact on the character and appearance of the local area.

*Whether the proposals would provide an acceptable level of amenity for future occupiers*

The proposals would comply with London Plan standards on new dwellings. The proposals would provide adequate communal amenity space for the blocks of flats as well as providing balconies. The proposals would provide a dedicated play area on site in compliance with the London Plan.

The benefits of the proposed wildlife area in terms of the impact on biodiversity are also noted.

*Whether the proposals would have an acceptable impact on neighbouring amenity*

The proposals would leave a gap of 13.5m to the boundary with properties on Burnt Oak Fields to the north-east. This would comply with the Council's standards in the Supplementary Planning Document on Residential Design Guidance.

The applicant has submitted a daylight and sunlight report in support of the proposals.



This considers the impact on daylight and sunlight provision to the existing residential properties to the north-east and north-west of the site. The report demonstrates that the proposed development is sufficiently far away from the existing dwellings such that the daylight and sunlight provision is not significantly affected. BRE (Building Research Establishment) Guidelines state that loss of light to existing windows need not be analysed in this case, as the loss of light will be small. The sunlight plots demonstrate that there is a minimal shading effect on the rear gardens of the properties on East Road before 9am, and on the rear gardens of the properties on Burnt Oak Fields after 4pm. There is no shading effect on the rear gardens of the properties between these hours, and therefore the proposed development is not considered to have a significant impact on the existing amenity space using the definitions within the BRE Guide.

Daylighting calculations have been undertaken for the proposed development, with the vast majority of habitable rooms achieving the Average Daylight Factors recommended by the BRE. Some rooms are shaded by balconies, which restrict the amount of natural daylight available, particularly on the lower floors. However, in view of the fact that there is a need for balance between providing good levels of daylighting, providing external amenity space, this is considered acceptable.

Furthermore, it is not considered that the proposals would appear overbearing or result in harmful loss of outlook to neighbouring occupiers.

It is considered that the proposed development would not have a significant impact on the visual and residential amenities of the occupiers of surrounding existing dwellings on Burnt Oak Fields and East Road.

#### *Whether the proposals would harm highway and pedestrian safety*

The site is located within a residential housing estate formerly Merrivale Care Home on East Road which can be accessed from burnt Oak Broadway via North Road.

#### **Existing Use:**

The existing use of the site is as a care home with 9 parking spaces. The site has been vacant since the closure of the care home.

#### **Proposal:**

The proposal is for the redevelopment of the site to provide residential units comprising 4 x 1 bedroom units, 19 x 2 bedroom units and 8 x 3 bedroom units.

#### **Parking:**

##### Vehicle Parking:

31 parking spaces are proposed at ground level. 10% of the parking spaces will be designated as disabled parking spaces. Parking provision is in accordance with the parking standards set out in the Barnet's Local Plan, (Development Management Policies) approved in September 2012.

The applicant has confirmed in the Transport Statement (TS) that 20% of the 31 parking spaces will provide charging points for electric vehicles and a further 20% will be set aside for future provision in accordance with the London Plan Parking Standards.

### Cycle Parking:

44 cycle parking spaces are proposed.

### Vehicular Access:

It is proposed that the existing site access from East Road is to be retained for vehicular and pedestrian access for the new development.

### Servicing and Delivery:

It is proposed in the Transport Statement that the refuse storage will be provided in accordance with LBB's developer guidance document. The access for the refuse vehicle for the collection of refuse is proposed from East Road via the proposed access. TA has included a swept path analysis for the refuse vehicle. However, the design refuse vehicle used to assess the swept path needs to be in accordance with the LBB's developer guidance document.

### Trip Generation:

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 12 two way vehicular trips in the AM peak hour and 9 two way trips in the PM peak hour. This equates to about one vehicle every 5 to 6 minutes which is unlikely to have any major traffic impact on public highway.

### Construction Management Plan:

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

*Whether the proposals would provide an acceptable level of affordable housing*

The scheme would provide 4no. 1 bedroom units, 19no. 2 bedroom units, and 8no. 3 bedroom units. This mix is considered appropriate.

The Development includes 12 affordable units which equates to 42% based on a habitable room basis. These units will all be affordable rent tenure. This would comply with Adopted Development Management Policy DM07.

The proposals would have an acceptable impact on highway and pedestrian safety.

*Whether the proposals would be acceptable in sustainability terms*

### Energy

The development would need to comply with the requirements of the London Plan with regard to sustainability. It would need to meet Level 4 of the Code for Sustainable Homes and 25% reduction in emissions.

The scheme would need to meet Lifetime Homes Standards and meet level 4 of the Code for Sustainable Homes.

The applicant has provided an energy strategy report which details that the installation of photovoltaic arrays is the most practical manner of achieving the required carbon emissions reduction target.

### Air Quality

The report by Accon UK dated 27.08.2013 and environmental health officers agree with its conclusions that air quality is not a significant issue at this site.

### Noise

The development site is sufficiently distant from major roads and commerce. Therefore noise is not a significant issue at this site.

### Contaminated Land

The report by Listers Geotechnical Consultants No. 12.12.003 Rev 2 dated August 2013 consists of a desk study and site investigation. It recommends remedial measures and that a formal remediation strategy should be done, along with a verification report once the work has been carried out. No significant contamination has been found and the remediation consists of introducing a cover system of clean soil in landscaped and garden areas, with soil validation testing. This is acceptable subject to conditions regarding remediation.

## **3. COMMENTS ON GROUNDS OF OBJECTIONS**

New lighting could cause a disturbance - *This would be controlled by a planning condition to ensure that it had an acceptable impact on existing and future residents.*

Noise and disturbance - *It is not considered that the proposals would result in a harmful increase to noise and disturbance to neighbouring residents. Noise and disturbance during construction is not reason to withhold planning permission.*

## **4. EQUALITIES AND DIVERSITY ISSUES**

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

## **5. SECTION 106 ISSUES**

The scheme would be liable to provide Mayoral and Barnet Community Infrastructure Levy. Given that affordable housing is to be provide it would be possible to apply for relief.

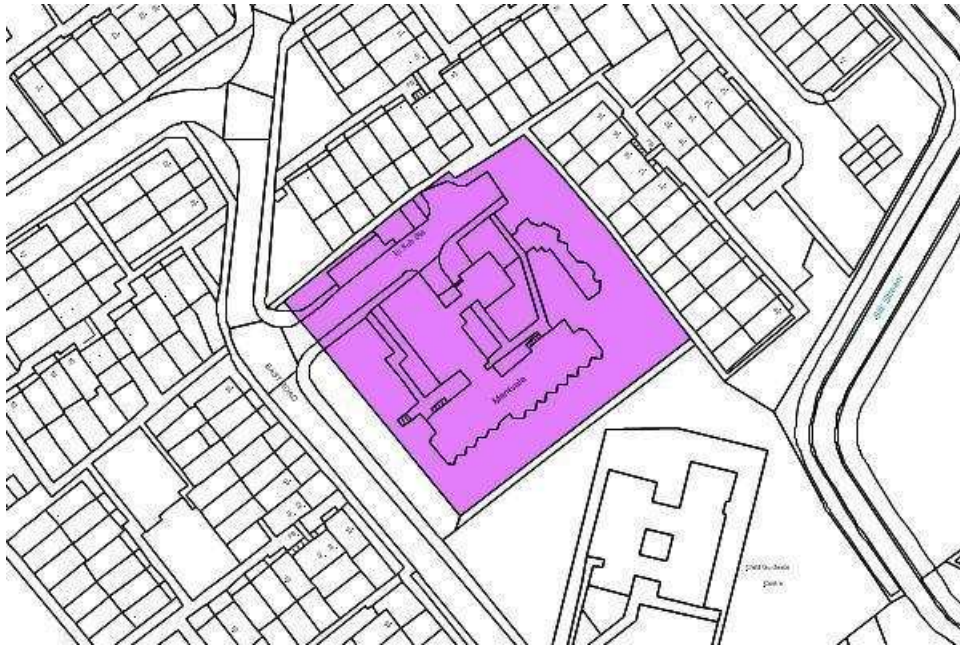
The contributions are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

## **6. CONCLUSION**

The application is recommended for **APPROVAL**.

**SITE LOCATION PLAN: Merrivale, East Road, Edgware, Middx, HA8 0BT**

**REFERENCE: H/04130/13**



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