

LOCATION: Church Walk House, Church Walk, London, NW2 2TJ

REFERENCE: F/05555/13

Received: 25 November 2013

Accepted: 05 December 2013

WARD: Childs Hill

Expiry: 06 March 2014

Final Revisions:

APPLICANT: Mr C Crowley

PROPOSAL: Demolition of existing building and erection of a 3 storey building including lower ground level to provide 53 self-contained units for extra care housing. Development includes restaurant, kitchen, Communal lounge, hair dresser, treatment room, assisted bathroom, scooter store and refuse space. Associated parking and storage

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 **Affordable Housing (units) £0.00**
Provision of 40 affordable housing units on the site, split up into the following types:
21 social rented
19 intermediate

- 4 **Highways (controlled parking) £5,000.00**

A contribution towards the cost of required changes to an existing scheme or creation of a new scheme for controlling parking within the vicinity of the development in order to restrict the provision of residents parking permits to future occupiers of the new flats the subject of this planning permission as required by condition 32 of this permission.

- 5 **Special Site-Specific Obligation £5,000.00**

A contribution towards the cost of converting parts of the single yellow line to double yellow line in the vicinity.

- 6 **Requirement to submit Travel Plan £12,950.00**

Requirement to submit a Travel Plan for approval by the Council prior to first occupation of the development and the obligation to provide a contribution towards the Council's costs of monitoring the implementation of a Travel Plan.

- 7 **Special Site-Specific Obligation £0.00**

The accommodation is limited to people aged 55 and over.

RECOMMENDATION II:

That upon completion of the agreement the Assistant Director of Planning and Development Management approve the planning application reference:

F/05555/13 under delegated powers subject to the following conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 13-1381-01 Rev P01; 13-1381-02 Rev P01; CBA10113 AIA work plan; APL001 C; APL002 C; APL003 C; APL004 F; APL005 B; APL006 G; APL007 G; APL008 G; APL009 E; APL010 B; APL011 C; APL012 B; APL013 B; APL014 C; APL015 B; APL016 B; APL017_D_Design & Access Statement; APL017_D_Design & Access Statement Appendix 1.0 - 12.0; APL018 C; Planning Statement by Montagu Evans dated December 2013; Planning Sunlight, Daylight and Overshadowing Report by BLDA Consultancy dated January 2014 (Amended); Tree Survey Report by CBA Trees dated December 2012; Arboricultural Development Statement by CBA Trees dated June 2013; Ecology Report for BREEAM Assessment by Betts Ecology dated July 2013; Bat Survey Report by Betts Ecology September 2011 Updated May 2013; Baseline Ecological Site Audit and Daytime Bat Assessment by Betts Ecology dated March 2013; Sustainability Statement by Bespoke Builders Services Ltd dated Nov 2013; Statement of Community Involvement by Montagu Evans dated October 2013; lifetime homes statement (July 2010 revised criteria); Framework Travel Plan by i-Transport dated 6 June 2013; Transport Statement by i- Transport dated 11 November 2013; Drainage Strategy Report for Development at Church Walk, Barnet by Infrastruct CS Ltd dated October 2013; letter dated 22 November 2013 by trowers & hamblins.

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 Notwithstanding the approved plans and documents, a scheme for surface water drainage shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be fully installed before the first occupation of the building and maintained thereafter.

Reason:

To ensure satisfactory surface water drainage at the site in accordance with Policy CS NPPF of the Adopted Barnet Core Strategy DPD (2012) and Policy 5.13 of the Adopted London Plan (2011).

- 4 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) and achieve full Lifetime Homes credits. No dwelling shall be occupied until evidence that the Lifetime Homes credits have been achieved and 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 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).
- 5 A scheme for the provision of bat / bird boxes shall be submitted to the Local Planning Authority before the first occupation of the building. The approved scheme shall be installed before the first occupation of the building and retained thereafter. If any of the boxes are damaged or lost they shall be replaced.

Reason:

To enhance the biodiversity of the site in accordance with Policy DM16 : Biodiversity of the adopted Development Management Policies DPD (2012).

- 6 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.

- 7 Before the development hereby permitted commences on site, details of the flue shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 8 The level of noise emitted from the plant in the plant room and the flue hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property. If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 9 Before development commences, a report should be carried out by a competent acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the development of the plant in the plant room and the flue. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels. It should include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The approved measures shall be implemented in their entirety before any of the units are occupied.

Reason:

To ensure that the amenities of neighbouring premises are protected from noise from the development in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 10 A scheme for acoustic fencing along the boundary of the site and between the neighbouring premises shall be submitted in writing and approved by the Local Planning Authority prior to development. This scheme shall be fully implemented before the development hereby permitted is brought into use.

Reason:

To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their home(s) in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 11 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 in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.3 of the London Plan 2011.

- 12 Before the building hereby permitted is occupied the proposed windows serving apartments 35 and 53 in the south west elevation facing Lyndale Avenue 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).

- 13 Prior to commencement of the development a scheme showing details of a revised vehicular access point and other details shown on the proposed drawings shall be submitted to and approved by the Local Planning Authority. Thereafter, the vehicular access as approved shall be constructed in accordance with the approved details before the development is occupied.

Reason: To ensure safe access to and from the development and protect the amenity of the area and conform with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 14 The development hereby permitted shall not commence until a parking management plan detailing the allocation of car parking spaces, including accommodating the visitors, onsite parking controls, provision of the EVCP (active & passive), scooter parking, enforcement system of the unauthorised parking, access details regarding the signal controls (or other) and its maintenance has been submitted to and approved by the local planning authority. All standard and disabled car parking spaces to be provided and to be operational shall be for use only in connection with this site. The plan shall be implemented before the buildings hereby permitted are occupied and maintained thereafter.

Reason: To ensure the free flow of traffic is maintained and in the interest 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

- 15 Before the permitted development commences, details of the Recycle/Service arrangements shall be submitted to and agreed by the Local Planning Authority.

Reason: To ensure that this operation is satisfactory in terms of highway safety development and to protect the amenity of the area and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012

- 16 Prior to commencement of the proposed development the Demolition/Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details. The Demolition/Construction Management Plan shall include, but not be limited to, the following information:

details of the routing of construction vehicles to the site, access and egress arrangements within the site;

- site preparation and construction stages of the development;
- details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- noise mitigation measures for all plant and processors;
- details of contractors compound and car parking arrangements;
- Details of interim car parking management arrangements for the duration of construction;
- details of precautions to minimise damage to protected species and habitats in particular from site clearance works including soil moving and material storage, vehicle and machinery movements, removal and disposal of excess soil, debris and materials from the site;
- details of action to be taken and mitigation measures to be employed should any protected species be found or disturbed on the site.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and 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

- 17 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.

- 18 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.

- 19 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 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.

- 20 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.

- 21 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.

- 22 Notwithstanding the approved plans, before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas 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.

- 23 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).

- 24 Before the building hereby permitted is occupied the proposed windows at first

floor level and above in the south east elevation facing 11 Church Walk and in the north west elevation facing All Saints Vicarage 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).

- 25 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).

- 26 All work comprised in the approved scheme of landscaping shown on drawing APL005 B 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.

- 27 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.

- 28 Before the building hereby permitted is occupied the proposed windows at first and second floor levels in the south west elevation of apartments 35 and 53 and serving stair 2, facing Lyndale Avenue, 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).

- 29 Before the building hereby permitted is occupied the proposed first floor openings serving the bedrooms at apartments 30 and 32 in the north east elevation facing Prospect Road (as shown on drawing APL008 G) shall be fitted with Oriel windows only and shall be permanently retained as such thereafter.

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).

- 30 The existing building shall be demolished, and the proposed building constructed, in accordance with the guidance contained in the Baseline Ecological Site Audit and Daytime Bat Assessment by Betts Ecology dated March 2013 and the Bat Survey report by Betts Ecology dated September 2011 updated May 2013.

Reason:

To ensure the protection of bats and other protected species on site in accordance with Policy DM16 : Biodiversity of the adopted Development Management Policies DPD (2012).

- 31 For every five parking spaces provided, one parking space should have provision or be future proofed to provide a suitable electrical charging point.

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 6.13 of the London Plan (2011) and Policy DM17 of Barnet's Local Plan (Development Management Policies).

- 32 Before the development hereby permitted is occupied arrangements shall be agreed in writing with the local planning authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force in the area at any time.

Reason: To ensure further pressure on parking in the local vicinity is minimised and in the interests of pedestrian and highway safety and the free flow of traffic 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.

- 33 The premises, as shown on the approved plans, shall be used for age restricted (over 55s) extra care residential units 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.

INFORMATIVE(S):

- 1 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 2 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.

- 3 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.

- 4 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 layout – 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 Management Technical Guidance LAQM.TG(03); 4) London Councils Air Quality and Planning Guidance, revised version January 2007.

- 5 The applicant is advised that all occupiers of the site would not be able to purchase any type of parking permit, voucher or similar issued within a Controlled Parking Zone (CPZ) in the area that a property address might otherwise be eligible for as part of the councils ongoing management of the public highway. The exemption is for existing and possible future amendments to the existing Controlled Parking Zone (CPZ) in the vicinity.
- 6 The applicant must submit an application under Section 184 of the Highways Act (1980) for the proposed vehicular access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant. To receive a copy of our Guidelines for Developers and an application form please contact: London Borough of Barnet, North London Business Park (NLBP) Building 4, Oakleigh Road South, London N11 1NP.
- 7 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 £160,504.44 payment under Mayoral CIL (inclusive of indexation).

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 £475,311.44 payment under Barnet CIL (inclusive of indexation).

It should be noted that the affordable housing element of the scheme may be eligible for relief from the Mayoral CIL figure and from the Barnet CIL figure.

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.

- 8 The flue must be 1.5m above the eaves or any open able windows in the vicinity (within 20m of the flue) if there are sensitive premises in the vicinity. The final discharge must be vertically upwards. There should be no Chinese hat or cowl on top of the flue. If flues are to be attached to neighbouring noise/vibration sensitive premises they must incorporate anti-vibration mounts, flexible couplings and silencers.
- 9 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.

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 5 March 2014, unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control REFUSE the application ref: B/05555/13 under delegated powers for the following reasons:

The proposed development does not include a formal undertaking to secure the relevant affordable housing provision, restriction of occupancy or highways improvements. The proposal therefore would not address the impacts of the development, contrary to Policies CS NPPF and CS 15 of the Local Plan Core Strategy (adopted September 2012), Policies DM09, DM10 and DM17 of the Development Management Policies DPD, and the Planning Obligations SPD (April 2013).

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan: July 2011

- Policy 3.1 Ensuring equal life chances for all
- 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 5.11 - Green roofs and development site environs
- 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
- Policy 7.19 - Biodiversity and access to nature
- Policy 7.21- Trees and woodlands

Core Strategy DPD (Adopted) 2012

- CS NPPF National Planning Policy Framework - Presumption in Favour of Sustainable Development
- CS 1 Barnet's Place Shaping Strategy – The Three Strands Approach
- CS 3 Distribution of growth in meeting housing aspirations
- CS 4 Providing quality homes and housing choice in Barnet
- CS 5 Protecting and Enhancing Barnet's character to create high quality places
- CS 9 Providing safe, effective and efficient travel
- CS 10 Enabling inclusive integrated community facilities and uses
- CS 15 Delivering the Core Strategy

Development Management Policies DPD (Adopted) 2012:

- DM01 Protecting Barnet's character and amenity
- DM02 Development standards
- DM03 Accessibility and inclusive design
- DM04 Environmental considerations for development
- DM06 Barnet's Heritage and Conservation
- DM08 Ensuring a variety of sizes of new homes to meet housing need
- DM09 Specialist housing - Houses in Multiple Occupation, student accommodation and housing choice for older people
- DM10 Affordable housing contributions
- DM13 Community and education uses
- DM16 Biodiversity
- DM17 Travel impact and parking standards

Affordable Housing SPD 2007

Planning Obligations SPD 2013

Residential Design Guidance SPD 2013

Sustainable Design and Construction SPD 2013

Equalities Act

Relevant Planning History:

Application ref: F/02299/13 was withdrawn on 29 October 2013. The withdrawn application was for the same scheme as the current proposal.

Consultations and Views Expressed:

It should be noted that the following objections were received under the previous scheme, reference F/02299/13

Neighbours Consulted: 396
 Replies: 99 objections along with 2 petitions against the proposals.

The online petition against the scheme has 98 objectors but their addresses were not provided.

The petition received by post had 276 objections.

The objections raised under reference F/02299/13 may be summarised as follows:

Impact on amenity including:
 - noise disturbance and vibration
 - no report submitted regarding impact on light
 - loss of sunlight

- loss of privacy/overlooking
- sense of enclosure
- loss of outlook
- loss of view
- noise and vibration from traffic
- air pollution
- odour / smells
- overdominance and close proximity to existing houses
- impact on residents's ability to grow vegetables
- the new building will be closer to residents
- the scheme will affect children's play space

Highway issues including:

- traffic increase
- unsuitable access
- parking
- the road will be made unsafe
- pedestrian safety
- highway safety
- Church Walk is very narrow
- problems for refuse collection
- the scheme encourages reliance on the private car even though there are good public transport links in the area
- access to the parking area is dangerous
- difficulties for emergency services
- excessive parking provision
- safety issues because a footpath developers have referred to is a grass verge
- lack of pavements for pedestrians in the area
- school children use the road to walk on when the bins are out because of narrow width of pavement
- access to the church, hall and school needs to be open at all times

Character/Design issues including:

- the scheme is too large
- excessive height of proposal
- excessive mass of proposal
- unsympathetic to nearby church
- out of character for the area
- density of development
- significant increase in floor area
- loss of an attractive building / loss of a landmark
- will destroy the current gardens at the site
- loss of Victorian vicarage which is an important asset to the area

Tree and biodiversity issues including:

- the map on the arboricultural report does not cover the whole site
- impact on trees
- there are protected species on site
- there needs to be a biodiversity gain
- impact on wildlife

- surveys are required with regard to protected species and especially bats and great crested newts

Other Issues including:

- planning application wrongly states that there is a path on the Prospect Road side of the Church when there is no path
- surface water flooding
- poor drainage;
- construction will be problematic and impractical
- lack of surveys regarding geology/hydrology because of basement
- clarification needed as to how use of the site will be restricted
- safety issues given the close proximity of schools in the area
- will be pressure on local services including the NHS
- not clear who is eligible for the flats
- loss of grass verge
- impact on foundations of neighbouring buildings
- if approval is granted conditions are needed to ensure that the development retains an affordable housing element
- unsustainable development
- will exceed the recommended density per hectare in the Barnet guidelines
- many of the plans show a green strip of land to the south of the building but this strip of land is not within the ownership of the Church Walk development site
- possible damage to the church
- the charges, including service charges, on the building should be controlled
- continuing control needs to be maintained regarding standards of service and care offered
- the right of the development owner to levy a percentage of the sale price on re-sale should be rejected or limited to a genuine administration charge
- if consent gained use class should be C2
- viability and the type of residential accommodation proposed

The following objections were received under the current application:

Neighbours Consulted: 450
Replies: 2 letters of support;
145 letters of objection
Neighbours Wishing To Speak: 4

The objections raised under reference F/05555/13 may be summarised as follows:

Impact on amenity including:

- loss of light
- loss of view/outlook
- sense of enclosure
- overbearing / overdominant
- loss of privacy
- overshadowing
- incorrect window to window distance on plan APL004
- Barnet's guideline for 21m between properties has not been complied with

- noise pollution
- odour / smell
- light pollution at night
- balconies will be within earshot of existing residents
- the Design and Access Statement wrongly states the distance of the proposed building to Lynsdale Avenue as being close to 40m when in fact the nearest part of the proposed building will lie 23m from the closest part of dwellings at Lynsdale Avenue
- obstruct open views

Highway issues including:

- parking issues
- increased traffic
- road blockages from ambulances stopping etc
- pedestrian safety, lack of a pavement
- size of the building will cause problems for roads
- vibration caused by increased traffic
- would impact upon street parking and affect disabled users
- Church Walk is very narrow
- the number of spaces should be reduced because of good public transport
- safety issues for children including those attending nearby school
- problems for emergency services

Character/Design issues including:

- scale of development
- excessive height and depth of scheme
- overdevelopment of the site (the proposal has a density of 313 habitable rooms per hectare which is above The London Plan recommendation of 150 - 250)
- intensification of use inc. increased servicing
- out of keeping with local area
- loss of old vicarage building
- excessive massing / bulk
- too many apartments
- the building is closer to the Church Walk pavement than the majority of the existing building
- the proposed building would be too near to the pavement

Tree and biodiversity issues including:

- loss of greenery
- impact on wildlife (inc. protected species such as bats, owls, great crested newts)
- the bat survey was not carried out at dawn and so is incomplete
- loss of trees
- loss of trees impacts foundations
- loss of trees means more air pollution
- will be a lack of landscaping
- the inclusion of a natural pond and planting of a thick native hedge around the development would soften the impact of the scheme and enhance biodiversity at the site

Other Issues including:

- isn't enough area to carry out the Thames Water suggestions
- destroy sense of community
- detrimental to the school
- inadequate consultation
- groundwater / hydrogeology impact
- surface water & groundwater flooding; clay soils and underwater streams
- surface water flooding; large increase in hardstanding
- increased pressure on local amenities
- the developers have the option of building on another site in Camden
- security / crime
- lack of amenity space / garden for residents of the proposed block
- clarity needed about increased height of roof ridge
- loss of a local facility
- the Planning, Sunlight and Daylight Report is not adequate
- the wrong use has been applied for because the proposal should have been classified as C2 and not C3
- the Planning Statement claims that the affected Lyndale Avenue properties are 3 and 4 storey when in fact they are 2 and 3 storey
- the council website lists the application as being 'Demolition of existing building and erection of a 3 storey building including lower ground level' when what is proposed is a 4 storey building including the lower ground level
- one section drawing shows the outline of Lyndale Avenue properties with an assumed height and so is not accurate
- other developments are in progress between Cricklewood Lane and Golders Green including two major schemes near the site
- it is not accepted that there is an overwhelming demand for extra care housing for over 55s; there is a much bigger need for facilities providing nursing and medical care for those in their late 70s, 80s and 90s
- the proposal is not necessarily consistent with the charitable objectives of Central & Cecil
- the s106 agreement should come under the supervision of the Planning Sub-Committee
- the proposal does not need to be so large because the developers have been given the land for free
- The Statement of Community Involvement refers to changes made to the scheme eg ridge height and obscured glass
- Excavation: the excavation of underground parking may affect foundations of neighbouring houses
- The sale units should be restricted to 20 and the rest of the units should be allocated for affordable housing
- The service charges should be controlled to avoid annual increases.
- The right of the development owner to levy a percentage of sale price on re-sale should be limited to administrative charges
- The location is inappropriate for extra care housing
- lower property prices

The letters of support under reference F/05555/13 may be summarised as follows:

- need for this type of accommodation
- the existing premises are in need of refurbishment
- nicely balanced scheme
- the site is close to good transport routes and facilities
- adequate parking will be provided
- the height of the building is in keeping with the area

Internal /Other Consultations:

- Commissioning Services - Comments provided on viability issues - support the scheme
- Environmental Health - No objection subject to conditions
- Traffic & Development - This planning application is recommended for approval on highways grounds, subject to attaching Conditions and Informatives as listed below and agreeing to the Section 106 Contributions.
- Thames Water Devt Control - The comments below were provided with regard to the previous, identical scheme:
 - Concerns about the inability of the existing wastewater infrastructure to accommodate the needs of this application. Thames Water is concerned about the increase in combined flow from this site and in particular surface water flows and the affect further down the catchment in the Counters Creek area. Preferred option would be for all surface water to be disposed on site using SUDs
 - With regard to sewage infrastructure Thames Water has no objection.
 - With regard to water infrastructure Thames Water would not have any objection.
- Housing Development - Comments provided - support the scheme
- Tree Officer - No objection subject to conditions
- London Borough of Camden - no objection

Date of Site Notice: 19 December 2013

Date of Site Visit: 23 Jan 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is 0.415 hectares in area and is accessed from Church Walk along the northern boundary. The existing building contains the original Victorian element in the centre and has been extensively extended on both sides. It was last used as a care home. The area is characterised by residential development although there is a vicarage to the north west. There are currently Tree Preservation Orders (TPOs) on the site.

Proposal:

The current scheme is identical to the previously submitted, and withdrawn, scheme under reference F/02299/13.

The application proposes the demolition of the existing building and seeks permission for the erection of a new detached building comprising of 53 one and two bed apartments. The new building will be part one, part two, part three and part four storeys with a lower ground level parking and access ramp comprising of 25 parkings spaces and storage. The proposed development is for extra care housing and includes common areas such as a restaurant, kitchen, communal lounges, hairdresser, treatment room, assisted bathroom, WC's, scooter store and plant and refuse spaces. Landscaped gardens will be provided to the front and rear of the site. The scheme includes twenty nine 1 bed apartments and twenty four 2 bed apartments.

The submission of the application follows extensive discussions between the applicant and planning , housing and adult social care officers.

The current application includes the following information (over and above the previous application):

- Existing side elevation
- Existing roof plan
- Existing section
- Supporting Planning Statement
- Lifetime Homes Statement
- Sustainability Statement/Checklist to include Energy Statement
- Foul Sewage and Utilities Assessment
- Affordable Housing Statement

In addition to that requested by LB Barnet, the applicants also included in the new application the following supporting documents;

- Statement of community involvement
- Daylight/Sunlight Survey
- Audit Letter by Trowers & Hamlin
- Amendments in the form of additional notes and labelling were added to the following drawings;

APL001: Note added depicting C&Cs legal ownership of red line boundary.

APL002: Roof Plan of existing building added. Existing spot level & building levels added.

APL004: Additional proposed spot levels added.

APL018: Additional existing elevations and roof plan.

Planning Considerations:

Principle of the Proposal

Policy CS NPPF states that *'When considering development proposals we will take a positive approach that reflects the presumption in favour of sustainable development*

contained in the National Planning Policy Framework'.

Policy CS 3 explains that it is an aim of the Core Strategy to help deliver in the range of 28,000 new homes from 2011/12 to 2025/26.

Policy CS 4 explains that: *' We will aim to create successful communities in Barnet by:*

- seeking to ensure a mix of housing products in the affordable and market sectors to provide choice for all households and enable Barnet residents to progress on a housing journey that can meet the aspirations of home ownership*
- seeking a range of dwelling sizes and types of housing including family and lifetime homes that meets our identified housing priorities and does not undermine suburban character or local distinctiveness.*
- seeking a variety of housing related support options that maximises the independence of vulnerable residents including young people, people with disabilities, older people, homeless people and other vulnerable adults'*

Policy DM09 states that *'Housing proposals for older people should:*

- help to meet an identified need*
- be within walking distance of local shops and easily accessible by public transport*
- provide adequate communal facilities including accommodation for essential staff on site'*

The council's commissioning services team have explained that there is a critical mass for the economic viability of Extra Care Housing schemes to enable services offered from within the scheme to be affordable. The number of units required to achieve viability will vary between locations but in a study carried out by the PSSRU for the Department of Health on extra care housing funded through a DoH programme (2004-06), the average number of extra care properties per scheme (excluding larger 'villages') was 45.

The proposal, although not providing residential accommodation open to everyone, will help provide a mixed community of rented, private and shared ownership homes to the over 55s and will therefore help to provide much needed accommodation in Barnet where there is a shortage of residential accommodation. A s106 agreement will ensure that 70% of the units are available as affordable accommodation and restricted to over 55s. By offering a range of tenures it is intended that the proposal will create a mixed community in an area of London where empty nesters and retired senior comprise a larger proportion of the population in NW2 2 than any other London areas. The figure of empty nesters and retired seniors in NW2 is 34.4% which is more comparable to the England and Wales average than to the London average which is lower. The report 'A Better Fit' (Shelter, 2012) identified that over a third of older people are interested in the idea of retirement housing now or in the future.

There are 9 sheltered housing schemes and one leasehold retirement scheme within a 3 mile radius and this proposal would be the only extra care scheme in the south of the borough. The application site has a PTAL rating of 3 and has easy access to a number of public transport services including underground tube stations and bus

routes.

There is an immediate need for well designed quality extra care housing for older people. All projections demonstrate this need will continue to grow. This scheme offers opportunities to downsize and free up their assets and be able to use these funds to contribute towards their care and support costs.

It is considered that this application will:

- address the current shortfall of extra care homes within the council stock
- address the demographic trend within the borough of an ageing population that will require extra care
- address the adults and communities strategy of increasing opportunities for individuals with disabilities to live as independent a life as possible and remain in their own homes for as long as possible and delaying admission to residential care
- provide more housing choice for older people

It should also be brought to the attention of members that extra care schemes do not generally operate with less than 50 units because the service costs are too high at anything below that scale.

The reference to viability is not site specific and relates to viability in the sense of how generally an extra care home requires a certain number of units to support commercial services required for the operation and not in the sense of the overall financial viability of the development.

Officers would generally request site-specific viability information in the event that a scheme is unable to make a policy compliant contribution towards affordable housing. In this case, no such information has been requested or provided because the developer is providing significantly more affordable units than the Council's requirement of 40%.

Officers have considered that the density of development is policy compliant (as detailed later in the committee report). This assessment did not take into account the overall viability of the scheme. In this instance, any arrangements over the sale of the land between the developer and the Charitable Trust which ran the previous care home are not material planning considerations.

The units proposed are care units which would not be available to occupiers under 55 and this is to be secured by planning conditions and legal agreement. Whilst the type and level of care provided to future residents would differ from the previous care home, the use of the site would remain as a care home (albeit of a different type).

Availability of other suitable sites in London

Numerous residents have raised the fact that there is already a suitable, larger, free site available for Central and Cecil in Camden and that it would be better to use this site rather than providing a cramped development at Church Walk.

Central and Cecil have confirmed that they do not own a suitable vacant site in Camden. They have four sheltered housing schemes, three general needs and two care homes all of which are in use. Furthermore, there is an identified need for extra care in Barnet. The Strategic Housing for Older People analysis tool (SHOP) demonstrates that demand for extra care units in LB Barnet in 2012 was 638 units. This is projected to rise by 55% in 2030 and so the current demand far exceeds the current and projected supply. It should also be noted that a sequential test does not need to be applied to this scheme and that the applicant's are not required by planning policy and guidance to justify why they have not used other sites in either Barnet or London. The current site is considered acceptable in principle because it is located within a residential area.

Community uses

Policy CS 10 explains that 'The council will work with our partners to ensure that community facilities including schools, libraries, leisure centres and pools, places of worship, arts and cultural facilities, community meeting places and facilities for younger and older people, are provided for Barnet's communities.'

Policy DM13 states that 'New community or education uses should be located where they are accessible by public transport, walking and cycling, preferably in town centres or local centres'.

The proposal would provide facilities for over 55s in the community including a lounge, hairdressers, treatment room and a restaurant. Such provision is encouraged by the policies mentioned above providing it is in a well served location. The application site is well served by public transport links and has a PTAL rating of 3.

Design and character

Policy DM01 states 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. Development proposals should ensure attractive, safe and, where appropriate, vibrant streets which provide visual interest, particularly at street level and avoid blank walls*'.

It is accepted that the proposal is significantly larger than the existing building with regard to size, height and bulk. However, given the narrow width of Church Walk, views of the new building would be constrained. The majority of the rear elevation of the building would not be visible to residents along Lyndale Avenue because of the existence of mature vegetation at the rear of the site that is covered by a Tree Preservation Order. The proposal has been designed to take account of surrounding buildings and the overall character of the area. Projecting gables and recesses at each end along the elevation facing Church Walk break up the elevation and improve the streetscene by introducing symmetry and rhythm which the existing buildings lack. The use of red brick is sympathetic to the character of the area given

that the majority of buildings have been constructed using red brick along Church Walk. The use of slate for the roof provides a contrast with the red brick and helps break up the frontage. Second floor accommodation has been incorporated into the roof space to reduce massing whilst the rear elevation of the proposal is also broken up in a similar fashion to the front. A planning condition will control the materials used for the construction of the development to ensure that it is sympathetic to neighbouring buildings. It should be noted, as illustrated on the proposed street elevation, that the new building would be lower in height than other buildings along this side of Church Walk. The building mass and design is considered proportionate when compared to surrounding buildings. Although the footprint of the proposal is greater than that of the existing building it should be noted that the general position of the building has been retained to ensure that the pattern of surrounding buildings and the streetscene is respected. The proposal would also be similar in appearance to a new row of terraces houses in this location.

Affordable Housing

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

The applicants have stated in their application form that they intend to provide 40 (21 social rented and 19 intermediate) units out of the 53 units as affordable housing which is significantly above the minimum 40% requirement. A section 106 agreement will ensure that the applicant have to provide at least 70% affordable housing on site.

Amenity

Policy DM01 also explains that *'Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users'*.

The adopted Residential design Guidance SPD states that *'Privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed). In new residential development there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.'*

The gable end closest to 11 Church Walk has been stepped to ensure that there is little impact on outlook and loss of sunlight.

At a more general level the proposal has been designed to ensure that there is a distance of at least 21 metres between almost all windows serving habitable rooms at the proposed building from windows serving habitable rooms along Prospect

Road. A planning condition will obscure any windows above ground floor level along the rear elevation that would be located less than 10.5 metres from the boundary of the gardens along Lyndale Avenue. None of the windows at the proposed building would be located within 11 metres of the rear boundary along Prospect Road.

The original drawings from the previous scheme have been updated (APL003 Rev. C and APL004 Rev.F) to indicate the two / three storey build lines on Prospect Road and as shown in the presentation photos. The initial confusion with regard to 21 metres separation distances (highlighted by some objectors) was due to the OS survey which shows the Prospect Road buildings inclusive of the single storey structures to the end of the rear gables and not visible from the site due to the garden fences and walls.

There is one projecting bay on the proposed scheme that has a distance of 20.4 metres from the rear properties of Prospect Road. Only the two windows on the first floor (as the 2nd floor windows are set back by 800mm) will be within 20.4m. Oriel windows will ensure that there is no loss of privacy in these two instances.

It should be noted that the existing building on the site has a number of gables with windows that overlook the rear of Prospect Road properties with separation distances of only 17m (to single storey lean-to or extensions) and 18m (to the two storey building line). In effect the proposed building line sits 2m further away from the Church Walk Road and site front boundary.

The proposed building is therefore considered to be located at an adequate distance from neighbouring properties to avoid issues with regard to loss of sunlight, loss of outlook, overlooking and overdominance. Loss of a view is not a planning issue.

The applicant has provided a report assessing the impact of the proposal on daylight, sunlight and overshadowing by BLDA Consultancy. The conclusions of the report state:

- the existing surrounding residential properties would continue to receive good levels of sunlight
- the proposed scheme allows sufficient daylight to remain to all existing surrounding properties
- the proposed scheme would meet the BRE criteria for overshadowing

The Planning Sunlight, Daylight and Overshadowing Report is considered in more detail below.

Planning Sunlight, Daylight and Overshadowing Report (by BLDA Consultancy)

The Planning Sunlight, Daylight and Overshadowing Report submitted by the applicant has been questioned by numerous residents and a consultant (Point2). The questions raised by residents and Point 2 are in italics followed by an explanation as to why the BLDA report is satisfactory. It should be noted that the information used to respond to these questions was provided by BLDA and not the council.

It is worth noting that Point2 (by their own admittance) are not in possession of the 3-dimensional model and as such can only conclude they would not have taken into account the level changes between the proposed and that of Prospect Road which is significant when determining such issues as Daylight, Sunlight, and Overshadowing. The conclusion of the BLDA report remains that the proposed development in relation to adjoining properties is in accordance with the BRE guidelines for Daylight and Sunlight.

The most sensitive window locations for sunlight have been missed out.

The applicants have tested the existing residential windows that are the closest and in their view are most likely to be most affected by the proposed development at Church Walk. The properties at 5-12 Prospect Road have rear ground floor extensions effectively filling in the recesses and moving the windows from the rear elevation to larger patio door type apertures, with fully glazed skylights. As such, no window test positions have been taken at these recessed locations because the full height glazed patio doors and the skylights would omit ample light to the subject room. In particular, the skylights to test rooms would receive unobstructed skylight without any impact from the proposed development at all.

The overshadowing analysis is meaningless – they have not calculated any areas and worse, have not included any other buildings in the shadow analysis.

The shadow path is intended to show the shadow cast by the proposed development only onto surrounding amenity areas, particularly the rear gardens to the Prospect Road properties. The shadow path analysis shows that these amenity spaces will experience no adverse permanent shadowing from the proposed development from 08:00 – 13:00 on 21st March. This is the set test date given by the BRE. The results show that this greatly exceeds the '2 hours' recommended by the BRE. It is not necessary to model existing buildings to the north of the development site, the existing buildings to Prospect Road will not shadow their own south facing gardens. As such, there would be no additional shadowing to the rear gardens of these properties and therefore, there is no requirement to assess the overshadowing impact from the buildings themselves.

In terms of Vertical Sky Component (VSC) – For the borderline properties on Prospect Road, waldram diagrams should have been used to justify the assessment and figures included for the missing windows.

BLDA's analysis has generated Waldram Diagrams for the VSC assessments, however these images are not always interpreted correctly, therefore in BLDA's view it was not necessary to include these images in the report but to provide the associated values which are measured against the values set out in the BRE criteria in the publication 'The Site Layout Planning for Daylight and Sunlight; A guide to good practice 2011.

The ADF figures for the most sensitive properties do not have supporting reflectances so they are impossible to verify.

Where BLDA were able to undertake a more accurate evaluation of room use and dimensions to analyse internal ADF figures, these assessments were carried out. The ADF assessment for 11 Church Walk was based on known room configurations and accurate window dimensions provided by the architects and their surveyors.

The ADF assessments for the ground and first floor rooms to The Vicarage were based on assumptions obtained from BLDA's research into the property itself. As an example; it has been assumed that the window at first floor facing the development site serves a small box room. If BLDA had made the assumption that this room was larger and extended to the rear of the property, they would have included the south facing windows at this level, making it a dual aspect room. BLDA's box room assumption was taken as a worst case scenario having only the benefit of one window serving the internal configuration of The Vicarage.

The No-Sky Line analysis has been completed omitted and should have been incorporated into the report.

With regard to No Sky Line (NSL) assessments, BRE publication 'The Site Layout Planning for Daylight and Sunlight; A guide to good practice 2011, states that "where room layouts are known, the impact on the daylighting distribution in the existing building can be found by plotting the 'no sky line' in each of the main rooms." Therefore, this study is not usually undertaken for existing properties because external surveyors do not usually have access to the subject properties. As the internal layouts to the Prospect Road properties are not known, this analysis was not carried out.

In addition to the above, BLDA have also reviewed the letter addressed to 14 Prospect Road dated 14 January 2014, enclosing a review of BLDA's report undertaken independently by Point 2 Surveyors Ltd. This review did not undertake any technical analysis to corroborate the opinions given in their report, and certainly their findings would marginally differ as the surveyor would have access to the owners property and their immediate surroundings, which BLDA of course did not. Surveyors acting for developers in these circumstances do not usually have access to existing surrounding properties. BLDA note the sunlight opinions given in the letter from Point 2 Surveyors Ltd, however, it must be considered that these rooms are all south facing and due to this orientation, as well as the sheer number of windows to most of the rooms which face the proposed development site, sunlight levels would remain acceptable as set out in BLDA's report.

With regard to the NSL, as stated above, Point 2 Surveyors Ltd would have access to the owners property in order to carry out this analysis. It must be considered that NSL, also known as Daylight Distribution, looks at how the light is distributed within the room at the working plane. The ADF analysis is far more detailed than this study, also considering the room reflectance's, room dimensions, window dimensions, window light transmittance, as well as the VSC in relation to the distance and height of the physical obstructions of the surrounding existing properties and the proposed development.

With regard to overshadowing, as stated above, due to the orientation of the proposed development and level differences in relation to the properties of Prospect Road to the north, it was not necessary to assess the shadowing the existing buildings would have on themselves as the rear gardens are south facing and would therefore follow the same shadowpath as the proposed development.

Trees

Policy DM01 states *'Trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate'*.

Numerous trees are protected by a Tree Preservation Order (TPO) at the rear of the site. The scheme has been designed to ensure that no building works will be within the root protection areas of these TPO trees. Furthermore, planning conditions will ensure that the retained trees are protected during construction by fencing and a detailed method statement.

The proposal would result in the loss of some trees at the front of the site, including a Red Oak and a Sycamore. Some residents have raised concerns about the loss of the existing Red Oak tree at the front of the site. However, the council's tree officer has advised that the council has already considered the oak for possible inclusion in an order but determined that, because of significant previous treatment involving the removal of major limbs, the tree was unsuitable. Concerns have also been raised by residents about a group of Sycamores on the frontage. These trees were also previously excluded because of their previous treatment when the Order was made but the plans do show two of these are to be retained. The council's tree officer has therefore concluded that it is not appropriate to include these trees in a new Tree Preservation Order.

The Oak (applicant's reference T3) and Sycamores (T4 – T6) on the frontage were among the trees surveyed when the Tree Preservation Order at the site (internal reference TPO/CA/134) was made - however, these trees were considered unsuitable for inclusion in an order because of significant previous treatment.

The arboricultural report has been assessed by the council's tree officer and is considered comprehensive.

Landscaping

The landscaping scheme illustrates that 13 new trees will be planted as part of the scheme.

The proposed landscaping plan shows changes to existing pathways and construction of garden features including a summerhouse and pergolas. As some of these proposals are within root protection areas of retained TPO trees, conditions have been suggested to safeguard the health and retention of the trees.

The submitted drawings illustrate that the proposal would retain a large garden area for future residents.

Sustainability

Policy DM02 explains that where appropriate development will be expected to demonstrate compliance with national and Londonwide standards supported by the guidance set out in the council's Supplementary Planning Documents.

Policy 5.11 of the London Plan (2011) states that '*Major development proposals should be designed to include roof, wall and site planting, especially green roofs and walls where feasible*'.

Amenity space will be provided to all residents by way of balconies, patios and the communal garden. The plans and schedule submitted with the application illustrate that all 1-bed apartments are over 50sqm and all 2-bed 3person apartments are over 60sqm. They are therefore policy compliant.

The proposed rooms have been arranged and stacked in a manner as far as practical to ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. The internal arrangements of the proposal should help to reduce noise transfer between the flats.

Green roofs along with PV cells utilise the flat areas of the roof to increase the sustainability of the scheme. A planning condition will ensure that the proposal is built to Code for Sustainable Homes Level 4 standard.

The design of the properties will be flexible and enable the properties to be adapted physically with ease, and cost effectively, to provide quality homes for residents for different stages within the ageing process in terms of both their physical and mental disabilities. The property design will support resident's variable needs for care service and those of the carer.

Based on a site area of 4150m² and a PTAL score of 3, the proposed density of the scheme (127.71 units per hectare and 313.25 habitable rooms per hectare) would not exceed the density standards of the London Plan for an urban area which require a density of 70 -170 units per hectare. The density of development is not expected to detrimentally impact on neighbouring residents/users.

The development for which consent is sought is not considered to be of a description identified in Schedule 1 or 2 of the Regulations (Town and Country Planning (Environmental Impact Assessment) Regulations 2011). The characteristics, location and the impacts of the development proposed are described in detail in other sections of this report and so are not repeated here. Having considered the characteristics of the development, the location of the development and the characteristics of the potential impacts of the proposal (the criteria set out in Schedule 3 of the Regulations) it is concluded that in each of these respects and taken in totality the proposal would not be likely to give rise to significant effects on the environment in the sense intended by the Regulations. It is considered that the

proposal is not a major development which is of more than local importance, is not a proposal situated in (or partially within) a particularly environmentally sensitive or vulnerable location and is not a development with unusually complex or potentially hazardous environmental effects. This is considered to support further the conclusion that the proposal would not be likely to give rise to significant effects on the environment in the sense intended by the Regulations. Taking account of the criteria set out in Schedule 3 of the Regulations and all other relevant factors it is considered that the development described in the information accompanying the application would not be likely to have significant effects on the environment, in the sense intended by the Regulations. Therefore an Environmental Impact Assessment is not necessary and an Environmental Statement, in line with the Regulations, is not required to be submitted with the application.

Environmental Considerations

Policy DM04 states that *'Proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted.'*

There are not any road traffic issues affecting the application site according to the DEFRA noise maps. Impact from parking at the site would not be detrimental to amenity of neighbours because the car park would be located underground.

The council's environmental health officer considers that a close boarded fence would provide adequate acoustic fencing to protect neighbours from the communal spaces at the site. The fact that the communal areas are in the middle of the site, away from the vicarage and 11 Church Walk, helps to reduce any disturbance whilst the mature vegetation at the rear of the site buffers residents along Lyndale Avenue. A planning condition will control noise from plant machinery on site.

In terms of air quality, the council's environmental health officer has stated that the location of the site is not in an area that exceeds the air quality limit. However, planning conditions will provide air mitigation for the proposed units.

A ventilation and extraction condition will ensure that there are no issues with regard to odour from the restaurant.

Heritage/ Historic Environment

The application site is not located in close proximity to a listed building and is not situated within a conservation area.

The local listing of the building was proposed by local residents and resulted in a site visit with the Cabinet member for Planning and subsequent discussions with the Director for Strategic Planning. It was acknowledged that some of the criteria for local listing were satisfied, however, it was also recognised that the building has undergone external alteration and significant extensions have been built which undermined its original qualities and thus reduced its worthiness. These matters

were considered to be very relevant in coming to a conclusion on the possibility of local listing.

The existing central vicarage building on site was not considered worthy of listing and so therefore cannot be protected from demolition. Other existing buildings, namely the extensions at the site, are unsympathetic to the character of the area and their demolition would improve the character of the locality.

Surface Water Drainage and Sewage

Policy 5.13 of The London Plan (2011) states that *'Development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible'*.

The applicant has stated in their design and access statement that both sewage and surface water will be discharged into the public sewer. Thames Water has no objection to the sewage measures at the site but have expressed concerns about surface water drainage. For this reason a planning condition will ensure that the applicant has to submit details of a surface water drainage scheme to ensure that the best possible arrangement is achieved on site.

It should be noted however that the site lies above London Clay and so there are no abnormal issues with regard to the geology of the area and drainage. A hydro-geological report and engineering stability report are not considered to be required given the presence of clay. Issues surrounding structural stability will be considered at the building control stage.

Biodiversity

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

The application site is not located within a protected area. A bat survey report by Betts Ecology found that there were no roosts and no bats entering or emerging from the buildings. A standard bat watch will be followed during any demolition works. A planning condition will ensure that the existing building is demolished in accordance with the guidance contained in the bat survey report. The daytime bat surveys were undertaken on 8/9/2011 and 13/03/2013 with ensuing bat detector surveys on the evenings of 1/9/2011 and 8/9/2011 and 1/5/2013 and 10/5/2013, respectively. These survey dates fall within an optimal survey period for surveys to locate maternity roosts.

Furthermore, a baseline ecological site audit and daytime bat assessment was conducted to accompany the bat survey report and found that there were no great crested newts, or other European protected species, at the site.

To enhance biodiversity the applicant is proposing to locate bat/bird brick boxes on the wall of the proposed building. The brick boxes will be secured by condition.

Highways/Parking

The site is within the Controlled Parking Zone (CPZ) C1, which is a One Hour Zone operating from 10AM to 11AM (Mon-Fri). On the Church Walk, on the development side of the road, there are double yellow lines restricting parking at all times. There are various waiting restrictions on the other side of the road, part is controlled by single yellow line and part controlled by restrictions operating from 7AM-7PM (Mon-Sat). In Church Walk near the junction with Finchley Road, there is a designated doctors bay. On the other side of Church Walk, near the junction with Lyndale Avenue there are waiting restrictions operating from 7AM-10AM (Mon-Fri), including some Dual Use Bay Long Stay Pay & Display or Business Permit Holders operating 9AM – 5:30PM (Mon – Fri) There are very few vehicle crossovers along Church Walk.

There is no existing on-site parking serving the current buildings.

Public Transport Accessibility

PTAL (Public Transport Accessibility Level) rating for this site is 3, calculated on a point where the site entrance is proposed. PTALs range from 1 to 6, where 6 represents a high level of accessibility and 1 a low level of accessibility.

There are several bus routes operating nearby and the closest is a bus stop on Finchley Road which serves three bus routes: Route 13; Route 82 and Route 328. The other bus stop is on the Cricklewood Lane serving another three bus routes: Routes 245; Route 260 and Route 460. The nearest underground station to this proposal is Golders Green which is part of the Northern Line and approximately 1.5 kilometres away, which is not considered within walking distance to this site. However, there are buses that make it possible to get to this underground station.

Also, Cricklewood rail station is approximately 1.2 km and even though this distance is beyond what is considered to be a recommended walking distance there are two bus routes, route 260 and 460, that make it possible to link this journey and get to this station. The station itself provides links to the First Capital Connect network.

Since, PTAL calculations do not take into consideration the possibility of linking trips, meaning changing one mode of transport to another, public transport accessibility level for this location is considered to be of Medium level of accessibility.

The number of standard parking spaces provided is 25 of which 4 spaces would be for disabled users. The ratio between units vs parking spaces is 0.47.

Policy CS9 sets out within the DM17 the following parking provision standards:

- A maximum of one and a half to one space, per unit (2 to 3 bed)
- A maximum of one to less than one space, per unit (1 bed)

The proposed car parking provision for a new development should comply with The London Plan and although a restraint based approach is encouraged the applicant must provide reassurance and justification that any overspill parking will not unduly affect the free flow of traffic and operation of bus routes nearby nor that the

residential parking is unduly effected.

In order for the proposed development not to contribute to parking stress increase in nearby areas a S106 is sought to exclude residents of this development from purchasing parking permits. To prohibit users from obtaining CPZ resident parking permits, which will be enforced by legal agreement, all occupiers of this site will be exempt from the Controlled Parking Zone and in order to facilitate this exception the amount of £5,000 would be secured by S106.

Taking into consideration the age profile of the residents the council's highways officer feels that this proposal is acceptable.

In accordance with The London Plan, the applicant has proposed that the 20% of the parking spaces will have Electric Vehicle Charging Point (EVCP) active and 20 % passive.

Vehicular access

Car Parking is proposed in the basement and accessed from Church Walk. This is a new vehicular access with a ramp and served by one-way movements which are controlled by a signal operating entry system. The request to open/close gates will be done via a fob (or through a microwave sensor).

The Church Walk is a narrow road. For the proposed access, it is recommended that the existing single yellow line be converted to double yellow line to restrict parking. The Highway Authority must consider safety and needs of all road users and the recommendations given in response to this proposal are made having taken into consideration all of the above. A S106 is proposed to accommodate changes to convert parts of the single yellow line to double yellow line.

A Car Park Management Strategy condition will ensure that details of car parking allocation are submitted, split between staff/residents/visitors, controlling and monitoring of the parking areas and enforcement of non correct use of the car park. The strategy will also include converting the EVCP from passive to active based on demand.

Trip Generation

The two-way traffic flow on the AM peak was 10 trips and for the PM peak was only 3. The total generated two- way daily trips was estimated to have been 96. Two assumptions were made in the Transport Assessment, first that the number of people residing is expected to be a low trip generator based on the fact that is a proposed accommodation for the extra care elderly people and second, the worst case scenario was taken where all of the 21 staff are assumed to be driving to work. The residents and visitors trip generators were added to this and the total number of trip generators proposed was derived.

If considering the same peak times as before, the proposal generates 2 two-way trips and for PM peak it generates 4 two-way trips. The total generated two- way daily trips is estimated to be 64.

The difference between the existing and the proposed two way trips for AM peak is 8 less trips and for PM peak is 1 more. In overall, the daily trip generator is 32 less than the existing use.

Cycle Parking Provision

With this proposal the applicant has included a provision of 16 cycle spaces. In terms of spaces vs. number of units the proposed provision is 30 %. In the Transport Assessment it is not explained how this number was arrived at and if this number is considered sufficient. However, it is mentioned that considering the anticipated age-profile of residents then adequate levels of cycle parking is proposed.

The additional provision of cycle parking for staff and visitors is a requirement for new developments. The cycle parking numbers proposed could be sufficient.

Travel Plan

As this is considered a C3 residential development of 53 age-restricted units and communal space a local level travel plan would be required that covers travel movements of residents, staff and visitors.

As a residential development the Planning Obligations SPD requires Travel Plan incentives fund funding of £150 per unit to be spent on 1 of the 3 possible incentives and £5000 TP monitoring secured via S106.

Refuse/Recycle

The LBB's guidance notes "Information for developers and architects – provision of domestic and organic waste collection services, and recycling facilities" includes details on refuse bin sizes recommended for new developments and provisions required for recycling. The walking distance from the kerb to the location of the bins is recommended to be less than 10m in all cases.

Refuse/recycling/deliveries/servicing vehicles will require regular access to accommodate the users that reside on this site. It is understood that currently both parts of the existing buildings are served regularly from onstreet where the point of collection is and that the applicant has stated that there is no proposed change with regards to refuse collection.

The submitted drawing with ref: APL007 rev.G shows the ground floor plan of this development where the refuse store is shown however, the details on where the recycling will be stored and how it will be collected is not disclosed. Furthermore more details on servicing is required because this development is expected to necessitate more deliveries/servicing because of the nature and the increased number of units it proposes. A planning condition with details about the recycling storage and servicing arrangements will be attached to any approval.

Demolition/ Construction Management Plan

Due to the size and the location of this development, a planning condition will be required that deals with a Demolition and Construction Management Plan (DCMP).

The DCMP must be submitted to and approved by the local planning authority, prior to the commencement of any works.

The Construction Management Plan would include limits on times of operation for lorries and any large vehicles and identify a designated safe route to ensure minimal interference to the public highway. The plan must demonstrate how the demolition, operation and construction of this development will be done safely.

In summary, the following Section 106 contributions will be required to mitigate the impact and facilitate a development in this location:

- Exclusion of the residents from the Controlled Parking Zone permits The amount of £5,000
- To convert parts of the single yellow line to double yellow line The amount of £ 5,000
- Travel Plan Monitoring £150 per unit to be spent on 1 of the 3 possible incentives (Planning Obligations SPD- table 3.2) and £5000 monitoring

Other Issues

The proposal includes the retention of a pedestrian footpath to ensure that pedestrian safety is not compromised at the site and will not impact upon the safety of school children in the locality.

It is not a requirement of the planning procedure to control re-sale percentages, service charges at the site or the level of care provided.

Some of the submitted plans show a strip of green land to the south of the site. Some residents have stated that this green strip is outside of the applicant's control but the applicant has merely shown the extent of the Tree Protection Zone.

The scheme does not involve the loss of any children's play space because there is no designated children's play space on the existing site.

The applicant has confirmed that the original care home had 43 residents and the original sheltered scheme had 14 flats giving a total of 57 residents. The new scheme will have 53 apartments. It should be noted that within the proposal there are a number of 2-bed apartments, however it is quite uncommon for couples to live in these schemes given their age and they are normally moving into these schemes as a result of losing their partners or loved ones. On this basis it is not foreseen that there would be a significant rise in the demand for local services such as dentists, doctors etc.

The proposal would not result in the loss of any grass verges.

The proposal will be for a C3 use because this is what the applicant has applied for.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The majority of neighbour concerns are covered in the report but additional

information is provided below to address the few concerns not covered in detail above:

- light pollution is not considered an issue because the proposal is for a residential scheme in a residential urban area
- the consultation period of 35 days for residents was greater than the statutory 21 day minimum and so is considered acceptable. Furthermore, residents were given an additional 14 days to provide comments on the amended Planning Sunlight, Daylight and Overshadowing Report
- the applicant has provided a full set of existing and proposed drawings to scale that clearly illustrate the size of the scheme
- the applicant will be able to apply for CIL relief in the future and this will be assessed against the guidance set out for both Mayoral and Barnet CIL
- it is not considered that the proposal would result in an increase in crime because the scheme is for a residential development in a residential area
- the description of development is considered acceptable. The proposed building is 3 storeys in height although part of the lower ground floor would be visible on the rear elevation because of level changes at the site
- for clarification, the section through the Lyndale Avenue properties illustrates a building height of 8.6m (drawing reference: Site section APL014_C). The properties are 2-storey in the main and with many having the addition of a roof conversion. The distance of the main proposed building is between 38m and 48m separating distance for above single storey accommodation. Further to this there is substantial vegetation separating the Lyndale Avenue properties from the proposed site and this group of trees has a tree preservation order. Finally it should be noted that the Lyndale Avenue properties are to the south of the proposed and as such pose no over-shadowing threat.

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. The proposal has been designed to provide access for potential disabled users and would help to provide residential accommodation for members of a vulnerable group, namely the elderly. The site has been designed to support the varying needs of future residents. The properties will have a statutory requirement to comply with The Disability Discrimination Act (DDA) and with the Building Regulations and follow best practice.

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies is set out in Section 149 of the Act. The duty requires the Council to pay regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

Equality duties require Authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the

impact that changes to policies, procedures and practices could have on different equality groups. It is an opportunity to ensure better decisions are made based on robust evidence.

Section 149 of the Act states that:

(1) A public authority must, in the exercise of its functions, have due 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.

(2) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different to the needs of persons who do not share it;

(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(3) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular steps to take account of disabled persons' disabilities.

(4) Having due regard to the need to foster good relations between persons who share relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-

(a) tackle prejudice, and

(b) promote understanding

(5) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(6) The relevant protected characteristics are-

· age; including the elderly

· disability

- children

It is considered that the following protected groups will potentially be affected by the proposal:

- people over the age of 55

The new building would provide accommodation for over 55's. The provision of a modern purpose built care home would significantly benefit older people and result in a significant upgrade to the existing care home.

- Disabled people

The proposal would provide some extra care housing and includes the provision of facilities such as an assisted bathroom. The care home has been designed to provide good access for people with disabilities which is a marked improvement on the existing care home.

- Young children

The proposal would be erected in fairly close proximity to a school. The proposed changes to the layout of the site have taken pedestrian safety into account to ensure that there are adequate pedestrian facilities for children in the locality. It is not considered that the construction of the care home would impact detrimentally on children living in surrounding properties.

S149 (5) of the Act requires that the Council have due regard to the need to:-

“(5) having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:-

(a) Tackle prejudice and

(b) Promote understanding”

It is considered that the planning application itself provides an opportunity to provide much needed accommodation for over 55s , and in some cases disabled, residents without detracting from the needs of children in the locality.

5. CONCLUSION

The proposal is in accordance with the above mentioned policies and is therefore recommended for approval subject to conditions and a s106 agreement. The scheme would not be detrimental to the residential amenity or character of the area. Furthermore the scheme would not result in an unacceptable impact on highway safety or parking provision and would provide much need residential, including affordable, accommodation in the area. **APPROVAL** is recommended.

**SITE LOCATION PLAN:
2TJ**

Church Walk House, Church Walk, London, NW2

REFERENCE:

F/05555/13



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