

LOCATION: 290-294, Golders Green Road, NW11 9PY

REFERENCE: F/05593/13

Received: 28 November 2013

Accepted: 28 November 2013

WARD(S): Golders Green

Expiry: 27 February 2014

Final Revisions:

APPLICANT: Excelsior Project Management Ltd

PROPOSAL: Erection of a part two, part six, part seven storey building with lower ground floor and basements providing 75 residential flats with ancillary resident's spa facility; associated car and cycle parking, landscaping and associated other works with access from Golders Green Road.

RECOMMENDATION I - Refuse for the following reasons:

- 1.** The proposed development, by reason of its height, massing, materials used, and scale, would be unduly obtrusive and detrimental to the character and appearance of the streetscene and general locality. The proposals would be contrary to policy DM01 of the Adopted Barnet Development Management Policies, CS5 of the Adopted Barnet Core Strategy, and paragraph 64 of the National Planning Policy Framework.
- 2.** The proposed building would appear overbearing and visually dominating as viewed from the rear gardens and windows of the properties at no.1, no.3, no.5, no.7, no.9 and no.11 Princes Park Avenue. The proposals would be detrimental to the visual amenities of the neighbouring occupiers, being contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012.
- 3.** In the absence of any daylight or sunlight assessment of the impact on neighbouring residential occupiers, the proposals would potentially have a harmful impact on the visual and residential amenities of neighbouring occupiers on Princes Park Avenue. The proposals would be contrary to policies DM01 and DM02 of the Adopted Barnet Development Management Policies 2012.
- 4.** The proposed development does not provide a legal undertaking to monitor the required residential travel plan in association with the development. In the absence of this the proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies and policy 6.1 of the Mayor's London Plan.
- 5.** The application does not provide any on site affordable housing or a contribution towards affordable housing in the local area. It has not been

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

INFORMATIVE(S):

1. The plans accompanying this application are: AD-00-00-06-01 P03 ELEVATION 01, AD-00-00-06-02 P03 ELEVATION 02, AD-00-00-06-03 P03 ELEVATION 03 (Received 18/06/2014), AD-00-00-06-04 P03 ELEVATION 04, AD-00-00-06-05 P03 ELEVATION 05, AD-00-00-06-06 P03 ELEVATION 06, AD-00-00-06-12 P03 E2 WITH OUTLINE, AD-00-00-06-16 P03 E6 WITH OUTLINE, AD-00-00-06-21 P03 SECTION 01, AD-00-00-06-22 P03 SECTION 02, AD-00-00-06-23 P03 SECTION 03 (Received 17/01/2014), AD-00-00-06-31-GGR STREET SCENE, AD-01-00-01-01 P03 1ST FLOOR PLAN, AD-02-00-01-01 P03 2ND FLOOR PLAN, AD-03-00-01-01 P03 3RD FLOOR, AD-04-00-01-01 P03 4TH FLOOR PLAN, AD-B1-00-01-01 P03 BASEMENT 01 PLAN, AD-B2-00-01-01 P03 BASEMENT 02, AD-BM-00-01-01 P03 BASEMENT MEZZANINE, AD-GF-00-01-01 P03 GROUND FLOOR PLAN, AD-LP-00-01-01 P03 LOWER PENTHOUSE FLOOR, AD-LG-00-01-01 P03 LOWER GROUND FLOOR PLAN, AD-RF-00-01-01-ROOF PLAN P03 (Received 18/06/2014), AD-RT-00-01-01 P03 ROOF TERRACE PLAN (Received 18/06/2014), AD-SP-00-01-01 P03 LOCATION PLAN, AD-ST-00-01-01 P03 SITE PLAN (Received 18/06/2014), AD-ST-00-01-02-SITE PLAN DIMENSIONED P03(Received 18/06/2014), AD-UP-00-01-01 P03 UPPER PENTHOUSE PLAN (Received 18/06/2014), AD-UP-40-01-01-PENTHOUSE (Received 18/06/2014), Air Quality Assessment, Arboricultural Assessment, Archaeology, Design and Access Statement, Ecological Assessment, Energy Statement, Flood Risk Assessment sm1, Site Investigation Report, Transport Statement, Travel Plan, Utility Statement, Ventilation Strategy, Acoustic Assessment Report, Urban Landscape Design Strategy & Visual Impact Assessment.

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

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments. This planning application was assessed as liable for a £656,350 payment under Mayoral CIL at this time.

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 were set at a rate of £0 per sq m. This planning application was assessed as liable for a £1,797,930 payment under Barnet CIL at this time.

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail.

If Affordable Housing Relief or Charitable Relief applies to this development, 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.

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

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

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of any appeal being allowed, please contact us: cil@barnet.gov.uk.

3. Waste Comments

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

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the

surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

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

Water Comments

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

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

Supplementary Comments

The proposed works will be in close proximity to underground water and sewerage utility infrastructure. Piling has the potential to impact on local underground water and sewerage utility infrastructure and as such Thames Water request the following condition:

Piling or any other penetrative construction method shall not be permitted other than with the express written consent of the Local Planning Authority, in liaison with the relevant utility providers and Environment Agency, which may be given where it has been demonstrated that there is no resulting unacceptable risk to below ground utility infrastructure or groundwater. The development shall be carried out in accordance with the approved details. Reason. To ensure that the piling design is protective of below ground utility infrastructure assets and controlled waters.

The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

RECOMMENDATION II

If the members of the Finchley & Golders Green Area Planning Committee are minded to approve the application, the item shall be referred back to officers to write a schedule of planning conditions, so that the item can be approved under delegated powers, subject to these conditions and any legal agreement necessary.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

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

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

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

The Mayor's London Plan July 2011

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

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

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

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

Relevant Local Plan (2012) Policies

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

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

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

Supplementary Planning Documents and Guidance

The Council adopted a Supplementary Planning Document (SPD)

"Sustainable Design and Construction", following public consultation. This SPD provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards. The Residential Design Guidance SPD and Sustainable Design and Construction SPD are material considerations.

Relevant Planning History:

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

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

C10692F/04 – Erection of a three storey block of 9 two bedroom self-contained flats with basement parking for 15 cars 9 additional surface parking spaces, new access road and demolition of existing bridge over sewer and replacement foot bridge over sewer – withdrawn March 04.

C10692G/04 – Erection of part two storey (with accommodation in the roof) and part three storey block of nine flats with new basement car parking and associated changes to landscaping – withdrawn July 04.

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

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

Site Address: 290-294 Golders Green Road London NW11

Application Number: C00513Z/07

Application Type: Full Application

Decision: Approved subject to conditions and legal agreement

Decision Date: 06/06/2007

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

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

Case Officer: Karina Conway

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

Application Number: C00513AA/08

Application Type: Full Application

Decision: Migrated Code

Decision Date: 23/05/2008
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Construction of five storey building with basements and lower ground floor to create 45 self-contained flats and 1020sqm of health facility (D1 use) with provision for 83 cars and 80 cycle spaces with access from Golders Green Road. Associated landscaping.
Case Officer: Karina Conway

Site Address: 290-294 Golders Green Road London NW119PY
Application Number: C00513Y/05
Application Type: Full Application
Decision: Refuse
Decision Date: 11/08/2006
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: New three-storey building to provide 14 self-contained flats with basement parking.
Case Officer:

Site Address: HARVESTER RESTAURANTS, THE PRINCE ALBERT, 290-294 GOLDERS GREEN ROAD, LONDON, NW11 9PY
Application Number: 00247/08
Application Type: Full Application
Decision: Approved following legal agreement
Decision Date: 07/07/2008
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Construction of a five storey building with basement and lower ground floor to create 41 self-contained flats and 1020sqm of health facility (D1 use) with provision for 83 cars and 80 cycle spaces with access from Golders Green Road. Associated landscaping.
Case Officer: Karina Conway

Consultations and Views Expressed:

Neighbours Consulted: 387 Replies: 38
Neighbours Wishing To Speak 5

A total of 26 letters of objection, 2 petitions (of 70 objections and 26 objections), 1 comment and 3 letters of support were received to the initial consultation.

The objections raised may be summarised as follows:

- Effect on traffic from 75 flats + a spa
- Access to homes
- Associated visitors would impact on parking available in locality
- Flat dwellers are likely to use their own vehicles rather than public transport
- Scale and appearance of proposals is high and bulky
- Totally out of scale
- There is not enough spacing between building and neighbouring gardens.
There is not enough room for landscaping
- Soil survey shows land is unstable. Digging out such a cavity will be unsafe.
- Deep basement will block drainage and increase flooding
- Loss of sunlight and daylight
- Right of light will be compromised

- Overlooking and loss of privacy
- Site contains woodland, which is home to wildlife.
- Loss of protected trees
- Proposals reduce rural nature of site
- Noise pollution and disturbance from 75 flats
- Emissions of petrol and carbon monoxide
- Noise from machinery such as air conditioning
- Pathway at rear of property would be used by all residents and would cause noise and disturbance.
- Lack of security is inappropriate
- Pathways and patios would provide no security
- Access via ramp would have to be gate locked
- Borders of site need to be fenced off
- Security lights are needed to patios, pathways and staircases.
- Area is relatively low density
- Proposals do nothing to address danger from corner of Princes Park Road and visibility
- Rodent infestation
- Land covenants

The additional letters of support can be summarised as follows:

- Proposals will regenerate the area with much needed housing for the local community and get rid of the ugly eyesore on site
- There is shortage of good quality of flats in the area.

A further consultation on amended plans was carried out on 24/04/2014. In response to the additional consultation one objection was withdrawn, and 10 further objections and petition with 56 signatories against the proposals were received.

A further more recent consultation was undertaken on 18/06/2014. In response to this, seven further objections were received from residents, five of who had already objected to the proposals. One of the objections commented that the changes to the proposals was minimal and would have no impact on residents.

The final total is 34 objections, 4 letters of support and 2 comments.

Internal /Other Consultations:

English Heritage-Archaeology - No comments to make

- Urban Design & Heritage - Object to the proposals
- Trees and Landscape - Have concerns regarding the loss of trees
- Thames Water Devt Control - No objection subject to conditions.
- Environment Agency - No comments received. The proposals fall within standing advice.
- Traffic & Development - Object to over provision of parking
- Environmental Health - Have requested additional information in relation to air quality

Date of Site Notice: 05 December 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

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

There is a tree preservation order on the site that covers a number of individual and group trees. It appears that historically some of these trees have been cut down.

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

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

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

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

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

Proposal:

The proposals are for the erection of a part two, part six, part seven storey building with lower ground floor and basements providing 75 residential flats with ancillary resident's spa facility; associated car and cycle parking, landscaping and associated other works with access from Golders Green Road.

Planning Considerations:

Planning History:

In June 2007, consent was given for the construction of a three-storey building with basements and lower ground floors to create 62 self-contained flats and 1020sqm of health facility (D1 use) with provision for 89 cars and 80 cycle spaces with access from Golders Green Road (Application Reference C00513Z/07).

In May 2008 consent was given for the construction of a five-storey building with basement and lower ground floor to create 45 self-contained flats and 1020sqm of health facility (D1 use) with provision for 83 cars and 80 cycle spaces with access from Golders Green Road (Application Reference C00513AA/08).

In July 2008, consent was given for the construction of a five-storey building with basement and lower ground floor to create 41 self-contained flats and 1020sqm of health facility (D1 use) with provision for 83 cars and 80 cycle spaces with access from Golders Green Road (Application Reference F/00247/08). This proposal was similar to the consented scheme of May 2008 however there were a number of changes including the slight relocation of the PCT (Health Care Facility) to accord more with the original consent of 2007; a re-adjustment to the location of the D1 floorspace; and a subsequent reduction in the number of residential units from 45 to 41. These changes had no bearing on the physical form of the building.

The main issues associated with this planning application are considered to be:

- Whether the proposals would have an acceptable impact on the character and appearance of the streetscene, general locality and local townscape
- Whether the proposals would have an acceptable impact on neighbouring amenity and the amenities of future residents
- Whether the proposals would have an acceptable impact on trees of special amenity value
- Whether the proposals would have an acceptable impact on highway and pedestrian safety
- Whether the proposals make adequate provision for affordable housing
- Whether the proposals would comply with sustainability and energy requirements
- Whether the proposals would harmfully increase local flood risk
- Whether there are any other material planning considerations that would outweigh harm caused by the development

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

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

The current application seeks consent for the construction of a part two, part six, part seven storey building with lower ground floor level and basements providing 75 residential flats with ancillary spa facility, associated car and cycle parking and landscaping.

The frontage onto Golders Green Road would measure six storeys in height, with a seventh floor set back approximately 2.2m from the front, rear and side façades.

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

The proposed development is significantly larger, than that which was approved previously. There is concern that the proposed development, would appear in stark contrast to the two-storey dwellings at the rear and the three-storey buildings adjacent to and opposite the site. It is also located at a higher ground level than the more modest developments to the north and west and would therefore stand out as a highly prominent and visually obtrusive feature, harmful to the character and appearance of the wider area. The location and size of the building would also mean that all elevations would be either entirely or partially visible from the surrounding area.

The principal areas of concern are the height of the proposed building, which at seven storeys is considered to relate poorly with neighbouring buildings, especially those on Princes Park Avenue, and the massing of the building, which would contribute the building appearing bulky within the local streetscape. Whilst it should be noted that the previously approved scheme was taller than the buildings on Princes Park Avenue, the increase in height of the approved scheme would result in an especially awkward relationship with the neighbouring two-storey dwellings on Princes Park Avenue. As this is a prominent corner site, the uncomfortable relationship between the new building and neighbouring dwellings would also be apparent from Golders Green Road.

When considering the scale of the development, it is noted that there are some similarly tall buildings in the locality, most notably Melvin Hall. However, this does not show a similar relationship with the immediately adjacent buildings, which is the main concern in relation to the proposals. Furthermore, the site is particularly prominent being at a plateau as land drops towards the North Circular Road. As such the additional height of the replacement would be more prominent than that of Riverside Drive or Melvin Hall.

The proposal consists of one large, 6-7 storey, L-shaped block, which extends along the front boundary at a width of 60.2m and the north-western (side) boundary at a width of approximately 57m. The failure to sufficiently break up this large block, further exacerbates the visual impact of the development and

increases its presence and visual dominance within the street scene. This needs to be considered in conjunction with the height of the building.

It is noted that the proposed building would feature stone, render/stucco, glass, and bronzed sheet. Whilst natural and easy to maintain and light in appearance, there is some concern that these materials would appear out of character within the locality.

For these reasons, the proposed development is considered harmful to the character and appearance of this part of Golders Green, contrary to policy DM01 of the council's Local Plan Development Management Policies DPD, which requires development proposals to be based on an understanding of local characteristics, to preserve or enhance local character and to respect the appearance, scale, mass and pattern of surrounding buildings and spaces. Paragraph 2.2.1 of the Development Management Policies DPD states that "The council will not accept designs for new development that are inappropriate to their context or do not take opportunities to improve the character and quality of an area."

It is considered that the proposed development would fail to respect the scale of neighbouring buildings, appearing out of scale and overly bulky as a result of its massing and failing to relate adequately to local context.

Density

The proposed development would be an area of PTAL rating 3. It would be at a density of 187 units per hectare. If the site is considered to be an urban location, the proposals would be marginally above this at a density of greater than 185 units per hectare. (The previous scheme was 112).

Whether the proposals would have an acceptable impact on neighbouring amenity and the amenities of future residents

Neighbouring amenity

The proposed building varies in a number of ways to the previously approved scheme but the following specific points should be noted:

- The footprint differs from the approved scheme as follows:
- Block facing Golders Green Road would extend to a distance 10.3m from no.1 Princes Park Avenue. The original approval was between 10m and 11m from the boundary with no.1.
- The building would extend less far than the rear gardens of buildings on Princes Park Avenue, by between 2m and 10m.
- The central element linking the rear part of the site to the front blocks would be sited 4.5m nearer to the boundaries with the rear gardens of Princes Park Avenue in part.
- Between the central element and rear block, there is a small area where the proposed scheme would be up to 3m further away from the rear gardens of Princes Park Avenue than the previously approved scheme.
- The rearmost block would be sited between approximately 4.5m nearer to the rear boundaries of properties on Princes Park Avenue.
- The building is sited marginally further from James Close flats by 0.8m.

- The height would be 7 stories maximum

Loss of light

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

It was acknowledged that no.1 Princes Park Avenue has been extended and has utility and kitchen windows facing Golders Green Road to the south.

A number of residents have expressed concern about potential loss of light. It is considered that there needs to be greater analysis of the potential impact on the visual amenities of neighbouring residents and this would have to show that there is not a harmful impact, given that it would seem likely that overshadowing of rear gardens would result from the development.

As it stands in the absence of a daylight and sunlight report; there is concern that, given the height, massing and siting in relation to properties on Princes Park Avenue, the proposals could result in a harmful impact in terms of loss of light to the occupiers of these properties.

Loss of outlook

There is concern regarding the potential impact on outlook on the rear windows of no.1 Princes Park Avenue. At a distance of 10.3m from the side boundary with no.1 Princes Park Avenue, the building would for the most part be closer to the boundaries of the site with neighbouring properties on Princes Park Avenue. The impact on outlook is specifically a concern with regard to the rear windows on no.1 Princes Park Avenue, given that the rear wall of the proposals would be closer on this side.

Visual Impact

The previous scheme did not have a continuous façade running along the rear gardens of these properties. It is considered that the proposals would appear overbearing, visually dominating from the rear gardens and windows of properties at 1-11 Princes Park Avenue. Whilst the applicant has sited the proposed building further from the boundary with no.1 than the approved scheme, it is not considered that this has addressed concerns regarding the visual appearance of the development. Though the previously approved building would have had a certain degree of presence, these took the appearance of linked blocks. The proposals are for the most part are closer, taller and more massive. It is considered that the proposed development would appear overbearing and visually dominating to the detriment of neighbouring visual amenity.

Loss of privacy

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

The proposed building is sited 10.3m from the boundary with neighbouring residents. It is considered on balance that the proposals would not result in

harmful overlooking given that this is not materially below the figure quoted in the Supplementary Planning Document and that in part the windows are slightly at an angle to the rear windows on Princes Park Avenue. Windows and balconies have been sited in such a way that they would not harm neighbouring amenity through overlooking, however details of screening for the balconies would be required but could be secured by condition.

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

Future Amenity The size of all units would comply with the Mayors London Plan.

The applicant has considered whether windows could be obscure glazed however this would provide a poor level of outlook to habitable rooms and is considered undesirable.

The proposed flats would have access to communal amenity areas through communal accesses. It is not considered that the layout would give rise to a poor level of privacy through use of the amenity areas.

The proposals would provide approximately 3000 square metres of amenity space, which would comply with standards in Supplementary Planning Document: Residential Design Guidance which requires 5 square metres per habitable room. This would require approximately 1490 square metres.

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

The proposals would result in the loss of two trees under Tree Preservation Order, namely tree T3 and T4. (Referred to trees G3 and T6 in the order) Furthermore the proposals would result in the loss of category C trees T21, T22 T23, T24, G25, G38, and B grade tree T10. However it should be noted that the removal of these trees was shown on the landscaping plans associated with the previous approval reference F/00247/08.

The proposals would leave limited scope for future landscaping. The applicant has agreed if the application was to be approved that a condition could be attached to ensure tree screening to the boundaries with properties on Princes Park Avenue and James Court prior to construction. Landscaping would be provided as part of the development and secured by condition.

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

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

A ramped vehicular access is proposed for the development from Golders Green Road. A 1:10 gradient would need to be provided otherwise the ramp design would need to be in accordance with the Design Recommendations for

multi-storey and underground car parks by The Institution of Structural Engineers.

118 parking spaces are proposed.

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

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

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

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

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

18x1b = a range of (0.0 - 1.0) = 0.00 - 18.0 parking spaces required

09x2b = a range of (1.0 - 1.5) = 9.00 - 13.5 parking spaces required

20x3b = a range of (1.0 - 1.5) = 20.0 - 30.0 parking spaces required

28x4b = a range of (1.5 - 2.0) = 42.0 - 56.0 parking spaces required

This equates to a range of parking provision of 71 to 117.5 spaces to meet the Barnet Local Plan parking standards contained in the Development Management Policies approved in September 2012. The maximum parking provision would be more appropriate in an area with the lowest Public Transport Accessibility Level (PTAL) for the site. The PTAL for the above site is 3.

The proposed parking provision of 118 parking spaces is in accordance with the parking standards as stated in Barnet Local Plan, Delivery Management Plan. 10% of the parking provision is proposed for disabled use.

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

The site is located within Brent Cross Station Controlled Parking Zone which operates from Monday to Friday 11am to midday.

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

The Transport Assessment (TA) submitted with the application was prepared by Paul Mews Associates Traffic Consultants.

AM Peak (8am and 9am): The trip assessment has indicated that 23 vehicular trips are expected during the AM Peak. PM Peak (5pm and 6pm): 17 vehicular trips are expected for development during the PM Peak. The development is likely to generate 437 person trips in total between 7am and 7pm. The consultants have stated in the TA that Golders Green Road carries

approximately 10,400 vehicles between per day. Based on this the development is estimated to have an insignificant traffic impact; a 0.025% impact when compared with the existing vacant site.

When the proposal's trips are considered in the context of the previous consented residential-led mixed use schemes ('C00513Z/07', 'C/00513/AA/08' and 'F/00247/08') rather than a vacant site the proposal will have an even lower / more insignificant net traffic impact on Golders Green Road. Therefore, the net impact on public highway resulting from the additional trips generated by the development is likely to be minimal.

Personal Injury Accident data summary was provided for 36 months to the end of June 2013. Data was obtained for 250m highway sections from the junction of Golders Green Road with Princes Park Avenue.

The data shows 19 recorded accidents in the area. 1 was serious and 18 were slight accidents. There were no fatal accidents recorded.

The data demonstrate that the majority of the accidents do not share a common cause but majority of the accidents involving cars have been due to driver error/careless driving. It was concluded in the analysis that the highway layout does not present any defects that would raise a safety concern.

Therefore, the small increase in traffic resulting from the proposed development is unlikely to have any detrimental impact on the highway safety. No information has been provided in the TA with regards to the refuse collection arrangement. A condition will need to be placed on the application to ensure that adequate arrangement in place in accordance with the Council's refuse collection policy.

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

A Travel plan is proposed and will need to be included in the S106 Agreement. In order to ensure that the objectives of the proposed Travel Plan are met a 'Monitoring Contributions' of £5,000 for the residential development is required under agreement under Section 106. In addition a Travel Plan Coordinator for the travel plan must be appointed.

Whether the proposals make adequate provision for affordable housing

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

The application is accompanied by a Viability Report prepared by GVA in support of the application. This advances that with the proposal making no contribution to affordable housing provision the scheme remains 'non-viable'. This is put forward on the basis that even with no affordable housing provided the return to the developer from the proposal would be below the industry norm of 20%.

The report put forward has been assessed independently by Deloitte. They have been unable to agree the applicants Benchmark Land Value (BLV). However, it is accepted by Deloitte that even in the event the benchmark value was at the level they consider appropriate, the scheme presented would still be below the viability threshold.

It needs to be considered that the scheme proposed is of high specification and therefore encompasses a very high value for associated development costs. Whilst this is the scheme that has been put forward by the applicant, officers are confident an alternative scheme, with lower development costs, could be delivered with on-site affordable housing provision and still provide a 20% return rate, which is accepted as the industry norm as the level of return a development is viable

Since officers are confident the site could provide a viable proposal which included affordable housing provision, the proposal should be refused on affordable housing grounds.

Whether the proposals would comply with sustainability and energy requirements

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

The scheme would need to comply with Level 4 of the Code for Sustainable Homes in accordance with the Supplementary Planning Document on Sustainable Design and Construction and London Plan policy 5.2.

Whether the proposals would harmfully increase local flood risk

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

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

The applicant has provided a utilities statement which advises that:

- No additional gas services are required
- Air source heat pumps and photo-voltaic panels would provide electricity.
- Water supplies would be routed from Golders Green Road. An application has been made to Thames Water who have been consulted on the proposals and have no raised objection.

Whether there are any other material planning considerations that would outweigh the harm caused by the development

The applicant has raised the issue of whether the fact that the development is not commercially viable is justification for the approval of the application despite the harm caused. They have advised that the scheme is not viable and that this has been confirmed by Deloitte in their reports.

The applicant states that a smaller scheme will be less viable than the scheme being considered, and that therefore this demonstrates and proves that no scheme that both meets NPPF criteria and is policy compliant is or can be viable. Officers of the Local Planning Authority do not dispute that the current scheme may not be commercially viable. However, officers are confident that an alternative scheme could be proposed which provides affordable housing and is policy compliant in all other respects, whilst still being a viable scheme.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Generally addressed in main report.

Access to homes - *The proposals should not limit access to neighbouring properties.*

Soil survey shows land is unstable. Digging out such a cavity will be unsafe. – *The proposals would need to comply with the building regulations.*

Right of light will be compromised - *Rights to light are a separate legal matter.*

Site contains woodland, which is home to wildlife. - *The applicant has provided an ecological assessment which states that no part of this development site or any adjacent area has any statutory or none statutory conservation designation or status.*

There is no suitable habitat type within the site for a viable population of any protected faunal species. However the central area of mixed scrub does have some avian fauna nesting value. Any development related clearance works must there for only be completed between September and February inclusive. Conditions can be attached to ensure this is addressed.

Proposals reduce rural nature of site - *Whilst the site is vacant currently it was previously occupied by buildings.*

Noise pollution and disturbance from 75 flats - *It is considered that there would not be any harmful impacts in this regard given the site's location on a busy road.*

Emissions of petrol and carbon monoxide - *Environmental health officers have been consulted and do not object subject to conditions being attached.*

Noise from machinery such as air conditioning - *Environmental health officers have been consulted and do not object subject to conditions being attached.*

Lack of security is inappropriate - *It is not considered that this would present a significant security risk.*

Pathways and patios would provide no security - *It is not considered that this would present a significant security risk.*

Access via ramp would have to be gate locked - *The proposed access would be locked.*

Borders of site need to be fenced off - *This would be secured by condition.*

Security lights are needed to patios, pathways and staircases. - *This would be*

secured by condition.

Rodent Infestation - Rodent infestation should be referred to environmental health

Land Covenant - This is not a material planning consideration.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

Whilst the proposals would have the benefit of providing additional family sized dwellings within the borough, the benefits of the scheme are considered to be outweighed by the harm the development would cause in terms of the impact on the appearance of the locality, impact on neighbouring amenity, and lack of provision for affordable housing.

Taking all relevant factors into consideration, the application is recommended for **REFUSAL**.

SITE LOCATION PLAN: 290-294, Golders Green Road, NW11 9PY
REFERENCE: F/05593/13

