

Location **Chandos Lawn Tennis Club Wellgarth Road, London, NW11 7HP**

Reference: **15/06847/S73** Received: 9th November 2015
Accepted: 13th November 2015

Ward: Garden Suburb Expiry 12th February 2016

Applicant: Mr Phil Nye

Proposal: "Variation of Condition 1 (Approved Plans) and Condition 7 (Telecommunications Installation), and removal of Condition 42 (Car Lift Maintenance Agreement) of Planning Permission ref: F/01319/12 dated 17/09/2014 for 'Erection of 45 self-contained units with associated car-parking, cycle storage, amenity space, landscaping, refuse/recycling access, following demolition of existing building and structures'. Variation to include of replacement of car lift with ramp; alterations to basement; relocation of sub-station; minor height increase to apartments and houses; installation of roof cooling plant and telecommunications equipment; alteration to energy strategy; internal layout revisions and altered accommodation mix; elevational detail changes including windows, doors and chimneys; removal of one parking space; and removal of conifer trees and sycamore tree on southwest boundary."

Recommendation: Approve subject to s106

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. A deed of variation to the legal agreement under planning application ref: F/01319/12
4. Monitoring of the Agreement - £500

RECOMMENDATION II:

That upon completion of the agreement the Service Director of Development Management and Building Control approve the planning application under delegated powers subject to the following conditions:

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

2830_0100, 2830_1000A, 22425A_1101F, 22425A_1102F, 22425A_1103G, 22425A_1104E, 22425A_1105E, 22425A_1100D, 22425A_2110D, 22425A_2111D, 22425A_2112D, 22425A_2113D, 22425A_2114D, 3170_2100C, 3170_2101C, 3170_2102B, 3170_2103B, 3170_2104B, 2425A_6001B, 22425A_6002B, 22425A_6003B, 3170_2105B, 22425A_3000C, 22425A_3001C, 22425A_4000D, 3170_4001C, 22425A_4002B.

Access Statement (within D&AS) (David Bonnett Associates) 23.08.13

Air Quality Assessment (URS) 05.04.12

Arboricultural Implications Assessment (Middlemarch Environmental Ltd) 23.08.13

Arboricultural Survey (Middlemarch Environmental Ltd) 05.04.12

Daylight and Sunlight Report (Savills Ltd) 23.08.13

Extended Phase 1 Habitat Survey (Middlemarch Environmental Ltd) 05.04.12

Heritage Impact Assessment (Purcell UK) 23.08.13

Updated Initial Bat Survey (Middlemarch Environmental Ltd) September 2013

Landscape Design Report (within D&AS) (Townshend Landscape Architects) 23.08.13

Noise and Vibration Assessment (SRL Technical Services Ltd) 23.08.13

Playspace Assessment & Amenity Space Schedule (AWW Architects) 23.08.13 (within DAS)

Preliminary Construction Method Statement (within PS) (Barratt Homes) 05.04.12

Site Investigation Report (RSA Geotechnics Ltd) 05.04.12

Statement of Community Involvement (HardHat) 23.08.13

Sustainability Statement, incl. Energy Statement and CfSH Pre-Assessment (BBS Ltd) 12.09.12

Transport Assessment (Mayer Brown) 05.04.12 / (SKM Colin Buchanan) 23.08.13

Verified Views Report (within D&AS) (Animated Remedy) 23.08.13

Viability Assessment (Allsops) 01.11.13

Planning Statement

Planning Amendments Document

Energy Statement Addendum

Arboricultural Survey and Impact Assessment Addendum

Statement of Community Consultation (included in this Planning Statement)

Verified Views (included in the Planning Amendments Document)

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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 before 22/09/2019.

Reason:

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

3 Notwithstanding the details shown on the plans otherwise hereby approved the development hereby permitted shall not commence (other than for Ground Investigations, Groundworks, Site Preparation Works and Mobilisation) unless and until details and appropriately sized samples of the materials to be used for all the external surfaces of the proposed buildings and the new hard surfaced areas at the site have been submitted to and approved in writing by the Local Planning Authority. The Development shall thereafter be implemented in accordance with such details and samples as so approved before the dwellings approved are first occupied.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the development is constructed in accordance with policies CS5, DM01 and DM06 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

4 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved the development is not to commence (including any works of demolition) unless and until details of the levels of the buildings, roads and footpaths in relation to adjoining land and highways and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

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

5 Notwithstanding the details submitted with the application and otherwise hereby approved, before the development hereby permitted is brought into use or occupied details of the:

- enclosures, screened facilities and/or internal areas of the proposed buildings to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable to be located away from the boundary of the site with Reynolds Close;
- satisfactory points of collection to be located away from the boundary of the site with Reynolds Close; and details of the refuse and recycling collection arrangements shall be submitted to and approved in writing by the Local

Planning Authority. The development shall be implemented and the refuse and recycling facilities provided in full accordance with the details approved under this condition before the development is occupied and the development shall be managed in accordance with the approved details once occupation of the site has commenced'.

Reason:

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

- 6 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking and re-enacting that Order) the houses hereby permitted shall not be extended or altered in any manner whatsoever.

Reason:

To ensure the development does not prejudice the character of the locality and the enjoyment by existing and/or neighbouring occupiers of their properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

- 7 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no installation of any structures or apparatus for purposes relating to telecommunications, other than that which is approved in the drawings and documents submitted with this application and listed in Condition 1, shall be installed on any part the roof of the building(s) hereby approved, including any structures or development otherwise permitted under Part 24 and Part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any equivalent Order revoking and re-enacting that Order

Reason:

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

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

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

Reason:

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

- 10 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced (other than for Groundworks and Site Preparation Works).
- b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
- c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015

- 11 a) Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 110 litres (including a fixed factor of water for outdoor use of 5 litres/ person/ day) of water is consumed per person per day. The development shall be maintained as such in perpetuity thereafter.
- b) Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

c) Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 25% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy 5.15 of the London Plan (2015). To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8, 7.2 and 7.6 of the London Plan (2015) and policies DM02 and DM03 of the Barnet Development Management Policies document (2012). To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012) and policies 5.2 and 5.3 of the London Plan (2015).

- 12 Before development hereby permitted is occupied details of the parking spaces located along the northern boundary of the site shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason:

To ensure that parking and associated works are provided in accordance with the council's standards 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

- 13 The development carried out in accordance with the details of the location, extent and depth of all excavations for drainage and other services in relation to trees as approved under conditions application reference 15/05864/CON. The development shall be carried out in accordance with these details.

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.

- 14 No site works or works on this development shall be commenced before temporary tree protection has been erected around existing trees in accordance with documents submitted with this application and listed in condition 1. 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.

- 15 The development hereby approved shall not be occupied unless and until a Landscape Management Plan, including details of the long term design objectives, management responsibilities and maintenance schedules for the landscaped parts of the site (other than for privately owned domestic gardens) shall have been submitted to the Local Planning Authority and approved in writing. The management of the landscaping at the site shall be carried out in full accordance with the details in the approved Landscape Management Plan.

Reason:

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

- 16 Notwithstanding details shown on drawings listed in condition 1 and before the development hereby permitted is occupied, details of measures to prevent vehicular access to the access road leading to London Underground shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented as agreed in full before first occupation and retained as such thereafter.

Reason:

To ensure that safe access is provided to London Underground tracks.

- 17 The wheelchair accessible units shall be constructed and laid out in accordance with the details approved under conditions application reference 15/05813/CON. The development shall be implemented in full accordance with the details as approved prior to the occupation of the development.

Reason:

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

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

Reason:

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

- 19 All new trees and landscaping along the boundary of the site with properties on Reynolds Close and Waterloo Court shall be planted at least 3 months before first occupation of any of the flats.

Reason:

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

- 20 The development hereby permitted shall not commence unless and until a Drainage Strategy detailing all on and off site drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning. No foul, surface or ground water shall be discharged from the development hereby approved into the public sewer system until the drainage works and Sustainable Urban Drainage System features identified in the approved Drainage Strategy have been implemented in their entirety.

Reason:

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

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

Reason:

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

- 22 Notwithstanding the details shown on the plans submitted and otherwise hereby approved prior to the commencement of the development (other than for Groundworks and Site Preparation Works) full details, including annotated scaled plans, of all proposed boundary treatments, walls, fencing, gates or other means of enclosure to be erected at the site (both to enclose the site and to divide areas within the site) shall have been submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved details prior to the first occupation of the dwellings hereby approved and be permanently retained as such thereafter.

Reason:

To ensure that the development protects the amenities of the occupiers of neighbouring and future properties, provides a safe and secure environment and to protect the character and visual amenities of the site and wider area in accordance with policies CS5 and DM01 and DM02 of the Barnet Local Plan and policies 1.1, 7.3, 7.4, 7.5 and 7.6 of the London Plan.

- 23 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.

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

Reason:

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

- 25 Notwithstanding the details shown in the plans submitted and otherwise hereby approved prior to the first occupation of the dwellings hereby granted consent details of the security and crime prevention measures to be included within the development shall be submitted to and approved in writing by the Local Planning Authority. The information submitted in this respect shall include (but not be limited to) details in relation to:

The postal arrangements for communal entrances.

The measures to be used to prevent unauthorised access to the undercroft parking areas.

The means of enclosing the site.

The contribution that the landscaping of the site can make to security and crime prevention.

The development shall be implemented in full accordance with the approved details prior to the first occupation of the development.

Reason:

To ensure that appropriate security and crime prevention measures are provided as part of the development in accordance with policy DM01 and DM02 of the Barnet Local Plan and policy 7.13 of the London Plan.

- 26 Car and cycle parking spaces (with the exception of parking spaces along the northern boundary of the site subject to condition 39) shall be provided in accordance with the drawings listed in condition 1 pursuant to this consent. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason:

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

- 27 The development shall be implemented in accordance with the approved Demolition & Construction Method Statement under conditions application reference

15/06754/CON. Throughout the construction period the detailed measures contained within the approved Statement shall be strictly adhered to.

Reason:

In the interests of highway safety and good air quality in accordance with Policy DM17 and DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.21 of the London Plan (2011).

- 28 Before the development hereby permitted commences details of the Electric Vehicle Charging Points with 20% active and 20% passive shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the Electric Vehicular Charging provision is in accordance with the London Plan requirements.

- 29 Any remediation of contamination on the site required under condition application 15/05436/CON 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.

- 30 The scheme shall be implemented in accordance with the approved scheme for noise mitigation under conditions application reference 15/05443/CON. The approved measures shall be implemented in their entirety before any of the units are occupied.

Reason:

To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 31 The level of noise emitted from any plant 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.

- 32 Before development commences (other than for Groundworks and Site Preparation Works), 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 ventilation/extraction plant. 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 / the use commences).

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.

- 33 The development shall be implemented in full accordance with the approved scheme for acoustic fencing between the site and Golders Green Depot as approved under condition application reference 15/05587/CON. 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.

- 34 The development shall be constructed / adapted so as to provide sufficient air borne and structure borne sound insulation against internally / externally generated noise and vibration. This sound insulation shall ensure that the levels of noise generated from the (specified use) as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

The mitigation scheme approved under condition application reference 15/05443/CON shall be implemented in its entirety before any of the units are occupied.

Reason:

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

- 35 The development shall be implemented in accordance with the approved scheme under reference 15/05445/CON for protecting the proposed development from vibration. The relevant parts of the approved mitigation scheme shall be implemented before each of the units is occupied.

Reason:

To ensure that the amenities of occupiers are not prejudiced by rail and / or road traffic vibration in the immediate surroundings.

- 36 Before the development hereby permitted commences (other than for Groundworks and Site Preparation Works), details of the following 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.

details of dormer windows
details of chimney stacks
details of eaves
details of parapets
details of balconies
details of doors including garage doors
details of door canopies
details of window aprons and heads
details of tile creasing
details of rainwater goods
details of boiler flues and other extract/intake terminals
details of roof ventilation
details of gates
details of signage and lighting

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 and DM06 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.

- 37 Before house 2 hereby permitted is occupied the proposed first floor windows facing Waterlow Court 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).

- 38 Before house 1 hereby permitted is occupied the proposed second floor window facing Waterlow Court 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).

RECOMMENDATION III:

0 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 04/04/2016, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to meet affordable housing provision. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The applicant is advised that prior to any alteration to the public highway (including pavement) will require consent of the local highways authority. You may obtain an estimate for this work from the Chief Highways Officer, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

Any provision of a new crossover or modification to the existing crossovers will be subject to detailed survey by the Crossover Team in Environment and Operations, Crossover Team as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. An estimate for this work could be obtained from London Borough of Barnet, Environment and Operations, Crossover Team, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP

Refuse collection points should be located within 10 metres of the Public Highway; otherwise, unobstructed access needs to be provided for the refuse vehicle on the day of the collection. The development access needs to be designed and constructed to allow refuse vehicles to access the site. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.

Any details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of

development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.

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

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

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

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

- 5 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 6 Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.
- 7 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 Ground Water. 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.
- 8 Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwqriskmanagement@thameswater.co.uk. Application

forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

- 9 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 £283,990 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £872,100 payment under Barnet CIL.

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

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

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

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

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

- 10 In complying with the contaminated land condition parts 1 and 2:

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

- 1) The Environment Agency CLR & SR Guidance documents;
- 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.

- 11 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.

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

- 13 The gradient for the proposed ramp leading to the underground parking area should have a gradient not steeper than 1:10 or in accordance with the guidelines in IStructE Design recommendations for multi-storey and underground car parks most recent Edition.

- 14 The costs of any associated works to the public highway, including reinstatement works, will be borne by the applicants and may require the Applicant to enter into a 278 Agreement under the Highways Act 1980.

Officer's Assessment

Officer's Assessment

1. Site Description

The application site is a tennis club located at the end of Chandos Way which is a cul de sac accessed from Wellgarth Road. The site has relatively good access to public transport and local amenities located in nearby Golders Green town centre. The site has an area of 0.95 hectares and currently consists of eight full sized tennis courts of which two are covered, two mini courts and a club house. 45 car parking spaces are currently provided at the south-eastern corner of the site. Transport for London (TfL) has a secondary vehicular access to their train depot that runs along the south western boundary of the site. TfL require this access to be maintained.

The site is bordered by tube tracks operated by TfL to the east and south, four-storey apartment blocks on Chandos Way to the west and residential properties on Reynolds Close, Waterloo Court and Corringway to the north. Properties on Reynolds Close, Waterloo Court and Corringway are located within the Hampstead Garden Suburb Conservation Area and the boundary of the conservation area runs along the north of the site. No part of the site is located within the conservation area. Waterloo Court is a Grade II* listed building, properties on Reynolds Close are grade II listed buildings and properties on Corringway closest to the site have no specific designation.

There is a group of mature trees separating the site from the conservation area. Whilst none of the trees on site are protected by a Tree Preservation Order (TPO), a number of trees within the conservation area are. Some of the protected trees have branches and roots overhanging or within the application site.

The club was established in 1977 as a private members club. The club's lease on the land expires in 2018 and the applicant has advised that the club wishes to ensure that it will have longer term security of tenure, and that there is necessary investment in the facilities to the long term benefit of its members.

2. Site History

F/01319/12 - Erection of 45 self-contained units with associated car parking, cycle storage, amenity space, landscaping, refuse/recycling access, following demolition of existing building and structures. - Approved following legal agreement - 22/09/2014

Application Number: C01684L

Application Type: Full Application

Decision: Approve

Decision Date: 09/01/1974

Proposal: Transfer of tennis club from land adjoining Wellgarth Road

Application Number: C01684M

Application Type: Full Application

Decision: Approve

Decision Date: 05/06/1974

Proposal: Details of tennis clubhouse pursuant to outline approval.

Application Number: C01684S

Application Type: Full Application
Decision: Approve with conditions
Decision Date: 25/02/1976
Proposal: Construction of new tennis club building, incorporating club room, changing room and groundsman's accommodation with associated parking provision.

Application Number: C01684AK
Application Type: Full Application
Decision: Refuse
Decision Date: 06/01/1988
Proposal: Inflatable airdome over two tennis courts

Application Number: C01684BB/04
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 07/06/2005
Proposal: Installation of flood-lighting to court 2.

Application Number: F/02283/09
Application Type: Full Application
Decision: Not yet decided
Decision Date: Not yet decided
Proposal: Installation of 12 floodlights to tennis courts 1, 7 and 8 (3 floodlights to court 1 and 5 floodlights to courts 7 and 8).

15/06097/S73 - Variation of condition 1 (Approved Plans) and removal of condition 42 (Car Lift Maintenance Agreement) of planning permission F/01319/12 dated 19/04/2012 for 'Erection of 45 self-contained units with associated car parking, cycle storage, amenity space, landscaping, refuse/recycling access, following demolition of existing building and structures.' Variation to include replacement of car lift with ramp, alterations to basement and relocation of sub-station -Approve Subject to Legal Agreement - 09.12.2015

(This was a recent application for some of the changes proposed within this application, namely changes to the basement and relocation of substation)

Relocation of Tennis Club to former Finchley Manor Garden Centre, 120 East End Road

F/01320/12 - Demolition of non-listed buildings and structures and redevelopment to provide a private tennis club with four full-sized open clay court, four full-sized covered courts, one open mini-court, a single storey clubhouse including restaurant and changing facilities, storage, car and cycle parking, landscaping, and other associated works and relocation of gate on the listed north boundary wall and associated reinstatement and repair works. - Approved following legal agreement - 17/09/2014

3. Proposal

The proposals are an amendment to the planning application approved under reference F/01319/12 on 22/09/2014.

The proposals involve:

- 1) Increase to height of apartments and houses
- 2) Addition of roof cooling plant and telecommunications equipment
- 3) Changes to approved elevational details for apartments and houses
- 4) Change to accommodation mix
- 5) Removal of Conifer Trees and Sycamore Tree to south-west boundary
- 6) Removal of 1no. Parking Space.
- 7) Alterations to basement layout (This is the same as previously approved under application ref: 15/06097/S73)
- 8) Replacement of car lift with a ramp. (This is the same as previously approved under application ref: 15/06097/S73)
- 9) Alterations to siting of electricity sub-station (This is the same as previously approved under application ref: 15/06097/S73)

1. Increase to height of apartments and houses

The proposals involve changes to the approved heights in relation to the proposed flats and houses.

The changes include:

The arm of the apartment building closest to Reynolds Close and Waterlow Court would be increased by 200mm to accommodate lift overruns.

The height of the crown to the proposed south-west part of the apartment block (4) would increase up to 1500mm to 13.5m.

The north-west courtyard elevation (8) roof would increase by approximately 1.55m.

In terms of the increase to the roofs of the houses, those closest to the Reynolds Close boundary would have no change. (Plots 1 and 2)

Plots 3, 4 and 6 would vary between 200mm and 450mm increase in height.

Plot 5 would increase by 600mm.

2. Addition of roof cooling plant and telecommunications equipment

The applicant proposes to include roof cooling plant and telecommunications equipment within the proposed roof. It should be noted that the roof will be extended to screen this.

Condition 7 would need to be varied to allow for the installation of an Integrated Reception System.

3. Changes to approved elevational details for apartments and houses

The changes proposed include:

Apartments

- o Changes to window positions
- o Addition of Heat Rejection Plant and IRS system with extended roof and acoustic louvres
- o Lower portions of windows replaced with brick panels
- o Revision of chimney details
- o Alterations to rainwater pipes.

- o Addition of lift overrun

House 1

- o Change to fenestration to all elevations
- o Change to roof profile
- o Raised height to dormer to rear elevation
- o Revised chimney siting

House 2

- o Change to eaves height
- o Dormer walls to match roof tiles
- o Change to fenestration to all elevations
- o Relocation of garage door
- o Revised chimney siting
- o Change to roof profile

House 3

- o Changes to fenestration to rear and both side elevations.

House 4

- o Changes to roof profile
- o Herringbone detail replaced by timber
- o Changes to fenestration to all elevations except South-east side
- o Alterations to chimney siting

House 5

- o Changes to fenestration to all elevations except front
- o Alterations to chimney siting
- o Changes to roof profile

House 6

- o Changes to fenestration to all elevations except north-west side
- o Alterations to chimney siting
- o Changes to roof profile
- o Addition of brick detail
- o Entrance façade changes

4. Change to Accommodation Mix

The applicant has revised the internal layout in order to take into account air conditioning and increased storage.

This has resulted in an increased number of 2no. bedroom units, from 14 (approved) to 25 (proposed), and a decrease in 3no. bedroom units from 25 (approved) to 14 (proposed).

5. Removal of Conifer Trees and Sycamore Tree to south-west boundary

The applicant now proposes to remove a row of existing conifer trees situated along the southwest boundary of the site and a sycamore tree within the site.

6. Removal of 1no. Parking Space.

The proposals result in the reduction in one visitor car parking space adjacent to the apartment block entrance.

7. Alterations to basement layout (Previously Approved)

The changes to basement layout involve increase to the size of the amount of area for plant, refuse and storage areas.

The number of car parking spaces would be unchanged.

8. Replacement of car lift with a ramp. (Previously Approved)

The previously approved car lift included two spaces accessed from the access road to the south of the site. This structure would be removed from the scheme and replaced with a ramp accessed from the main spinal road, running south-west, adjacent to apartment 1.

9. Alterations to siting of electricity sub-station (Previously Approved)

The previously approved structure housing car lift, bicycle lift and substation would be removed. The substation would be relocated further to the south-west. The width of the access road would still separate the structure from the boundary with neighbouring blocks of flats on Chandos Way.

4. Public Consultation

Consultation letters were sent to 297 neighbouring properties.

3 responses have been received, comprising 3 letters of objection.

These can be summarised as follows:

Procedural Issues

- o The documents are extremely hard to understand and interpret for a layman, which is further exacerbated by the fact that there are 36 of them to go through
- o the timing for this consultation ' the run-up to Christmas could hardly be worse, with many people either very busy or away, as evidenced by the lack of comments on this website so far.

Impact on the character/appearance of the area and conservation area

- o Oppose any increase in height. These are not minor and I am also concerned that the maximum proposed increase in height (1.5m) may also serve to act as a psychological anchor point to make smaller increases seem reasonable in comparison and therefore more likely to be approved.
- o Oppose the removal of trees on the southwest boundary.

- o Issues are absolutely critical to the country/city border character of Hampstead Garden Suburb. Object to the increase in height of the apartment building closest to the existing dwellings to the north of the site, on Reynolds Close and at Waterlow Court in the Hampstead Garden Suburb Conservation Area.
- o it is mere assertion that the impact is imperceptible. The reworked verified views from 15 Reynolds Close (one of the most affected properties) evidence the contrary.
- o Any impact on the nearby heritage assets (the Conservation Area and the listed properties including Reynolds Close and Waterlow Court) should be assessed strictly

Impact on health and amenity of residents

- o Oppose the installation of roof cooling plant and telecommunications equipment, on the basis of noise, pollution, visual impact and long-term health impact.
- o Oppose the removal of trees on the southwest boundary.
- o Any increase, even if small, will have an impact on shade and light for the adjacent properties. Monitoring and imposing full compliance with the height restrictions during the construction and on completion of the work by Barnet is likely to be very difficult for and near impossible for adjacent owners.
- o Any height increases or other revisions on that site should be viewed in tandem with Right to Light objections from residents of Chandos Way/Britten Close re a planning application now being considered concerning development at this estate.

Other Issues

- o No real motivation for this increase is offered in the planning statement
- o Another concern is re the demolition of existing buildings. Could LBB Building Control firmly see that statutory regulations are adhered to by the developers re the removal of asbestos from the site. People under the age of 45 particularly should not be exposed to casual removal of this hazardous substance because of almost certain serious harm later in their lives.

10 responses have been received in relation to application reference 15/06907/S73, comprising 8 letters of objection, and 2 letters of comment.

The following comments were received in relation to the previous consultation in relation to the application reference 15/06097/S73 (Note that this initially contained the current plans in error)

The objections received can be summarised as follows:

Insufficient time for consultation given availability of documents

Some plans are unavailable

Plans do not make sufficient provision for screening to Reynolds Close boundary

Additional height of the block next to Reynolds Close detracts from a key concession made by the developers during the original process and obviously makes the additional screening all the more important.

Why is the ramp not situate on the other side of the development of apartments so that it is within the site?

As it is the car entry/exit will mean existing neighbours will be subject to cars coming and going at all times of the day and night. This proposal will mean that cars have to stop, gates open and close with a noise involved and then drive on.

The representations received can be summarised as follows:

Overall, we generally prefer the ramp proposal to that of the car lifts due to the better situation of the ramp and the movement of the substation.

Noise from ramp and gate

Light pollution associated with ramp

Internal Consultations:

London Fire Brigade - No objection providing Building Regulations are met

Highways - No objection subject to conditions.

Environmental Health - Are satisfied that the proposals would be acceptable. The issue of noise generated by the additional plant can be dealt with through the use of planning conditions

Refuse - No comments received to date.

London Underground - No comments received to date.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2015

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

Core Strategy Policies 2012

Policy CS 1 Barnet's Place Shaping Strategy - The Three Strands Approach

Policy CS 3 Distribution of growth in meeting housing aspirations
Policy CS 4 Providing quality homes and housing choice in Barnet
Policy CS 5 Protecting and Enhancing Barnet's character to create high quality places
Policy CS 9 Providing safe, effective and efficient travel
Policy CS13 Ensuring the efficient use of natural resources
Policy CS14 Dealing with our waste
Policy CS 15 Delivering the Core Strategy

Development Management Policies 2012

DM01 Protecting Barnet's character and amenity
DM02 Development standards
DM03 Accessibility and inclusive design
DM04 Environmental considerations for development
DM06 Barnet's Heritage and Conservation
DM08 Ensuring a variety of sizes of new homes to meet housing need
DM10 Affordable housing contributions
DM13 Community and education uses
DM16 Biodiversity
DM17 Travel impact and parking standards
DM18 Telecommunications

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Local Supplementary Planning Documents (SPDs):

Planning Obligations (2013)
Residential Design Guidance (2013)
Sustainable Design and Construction (2013)
Affordable Housing (updated 2010)
Hampstead Garden Suburb Character Appraisal (2010)

Accessible London: Achieving an Inclusive Environment

Wheelchair Accessible Housing (September 2007)
Planning for Equality and Diversity in London (October 2007)
All London Green Grid (March 2012)
Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
Mayor Housing SPD

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the relocation of the club is acceptable
- Whether the principle of residential development is acceptable
- Whether harm would be caused to the character and appearance of the existing building, the street scene, wider locality, and neighbouring conservation area;

- Whether harm would be caused to the living conditions of neighbouring and future residents.
- Impact on trees
- Accessibility Issues
- Drainage Issues
- Energy/Sustainability Issues
- Affordable Housing
- Whether the proposals would impact highway and pedestrian safety.
- Biodiversity
- EIA
- Section 106 Issues

5.3 Assessment of proposals

Whether the relocation of the club is acceptable

The principle of the relocation of Chandos Lawn Tennis Club has already been established under applications reference F/01319/12 and F/01320/12. Therefore the principle is considered acceptable.

Whether the principle of residential development is acceptable

The principle of residential use on the site has already been established under application reference F/01319/12. Therefore the principle is considered acceptable.

Change to accommodation mix

Policy DM08 states that:

Development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough.

Our dwelling size priorities are:

- i. For social rented housing - homes with 3 bedrooms are the highest priority*
- ii. For intermediate affordable housing - homes with 3/4 bedrooms are the highest priority*
- iii. For market housing - homes with 4 bedrooms are the highest priority, homes with 3 bedrooms are a medium priority.*

The proposed change to mix of accommodation would result in less 3 bedroom units and more 2 bedroom units as part of the proposals.

It is considered that this change is compatible with the overall aims and objectives of policy DM08, as whilst there would be less 3 bedroom units, the overall mix would be acceptable.

Whether harm would be caused to the character and appearance of the existing building, the street scene, wider locality, and neighbouring conservation area

Increase to height of apartments and houses

The site shares a boundary with Hampstead Garden Suburb conservation area. The west boundary adjoins Golders Green Town Centre Conservation Area.

Conservation officers have looked at the impact of the proposals on the neighbouring Hampstead Garden Suburb Conservation Area. The Local Planning Authority has a duty to consider the impact of the development on designated heritage assets such as this.

The proposals involve an increase of up to 600mm to the approved houses. The houses increased most would be furthest from the boundary.

The proposals also involve the increase to the height of the approved apartment block. The greatest increase to the height of the apartment block would be sited furthest from the Hampstead Garden Suburb conservation area. Whilst this would be closer to Golders Green Town Centre Conservation Area, this area generally is of little conservation value, containing the transport depot.

It is considered that the redevelopment of the site would preserve the character and appearance of both conservation areas.

Addition of roof cooling plant and telecommunications equipment

The proposals involve some increase to the height of the building as referred to above, in order to accommodate cooling plant and telecommunications equipment.

It is suggested that the conditions attached to the grant of permission are varied accordingly to accommodate this.

Changes to approved elevational details for apartments and houses

The changes in more detail are listed within the proposals section.

Overall, the majority of the proposed design changes are considered improvements to the scheme. As a whole, it is considered that they would have an acceptable impact on the resulting design of the proposed scheme, and would preserve the character of the neighbouring conservation areas.

Removal of Conifer Trees and Sycamore Tree to south-west boundary

The applicant has advised that the proposals now involve the removal of some additional trees to the south-west boundary to the transport depot. These trees are not subject to protection but were proposed to be retained as part of the proposals.

This is a results of amendments made during the course of the original planning application in order to move the London Underground access from the centre of the site to the eastern/south eastern boundary.

It is recognised that these trees would have offered a degree of screening to residents of the development of the depot, as well as contributing to the overall appearance of the development. Whilst the loss of the trees is regrettable, these have been replaced by a proposed hedge which will retain a degree of screening.

These changes are considered to be acceptable, and a detailed landscaping scheme would be secured by a condition.

Alterations to basement layout, Replacement of car lift with a ramp and Alterations to siting of electricity sub-station (These are the same as previously approved under application ref: 15/06097/S73)

The proposals involve removal of car lift and replacement with a ramp. These were previously considered under planning application reference 15/06097/S73 by the Committee and found to be acceptable.

The proposed changes to basement layout would not be visible from street level and would not harm the appearance of the area.

The proposed changes to the location of the sub-station would result in the substation structure being moved further to the south-west. There would be a distance of some 7.5m between the site boundary with flats on Chandos Way. These were approved under application reference 15/06097/S73.

It is not considered that the proposals would harm the character and appearance of the streetscene and general locality.

Addressed above.

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

Daylight/Sunlight/Overshadowing

The proposals involve increase to the height of the approved buildings

The south west flank of the apartments would be increased by approximately 1.55m. Whilst this building is close to the west boundary of the site this contains a transport depot and the nearest residential property is a considerable distance away, there is a distance of some 22m to the southern boundary.

Whilst the eastern section of the apartment block is located a closer distance of 11m to the neighbouring boundary, the changes here are significantly more minor, of approximately 0.2m increase.

In the opinion of officers, it is not considered that the proposed changes to the scheme would be likely to result in materially greater impact on the sunlight and daylight enjoyed by neighbouring occupiers than the approved scheme.

Outlook and visual impact

The proposals largely involve changes to the appearance of the approved houses and flats, including increases to their heights to varying degrees.

Generally, neighbouring properties will have views of the development at a distance. Significant boundary treatment to the Reynolds Close eastern boundary would be proposed as part of the scheme. Whilst the buildings may appear somewhat taller than the approved scheme, it is not considered that from views to the north, south and east that the

buildings would appear visually overbearing or dominating when compared to the original scheme that was previously approved..

Privacy

The proposed changes to the elevations of the houses or apartments would not result in harmful overlooking of neighbouring properties. Windows would largely remain in the same locations as those existing, with some minor changes to their heights. The scheme would still afford distances to neighbouring boundaries in excess of the standards required in the Supplementary Planning Document on Residential Design Guidance.

The alterations to the location of the substation would not harm neighbouring privacy, given that the only use of the substation would be for maintenance purposes.

The proposed ramp would involve access from the main spine road and therefore less cars would use the secondary access alongside the boundary with Chandos Way flats. This would represent a slight improvement for these residents.

It is not considered that the proposals would harm the privacy of neighbouring occupiers.

Noise and Disturbance

The proposals would involve the removal of the existing car lift. This may have caused a small limited degree of noise through its operation. The proposed ramp would be sited further away from properties on Chandos Way, and would still be a significant distance from residential properties on Reynolds Close.

It is not considered that the siting of the car ramp would cause harmful noise and disturbance to neighbouring occupiers.

It is not considered that the additional heating and telecommunications equipment would harm neighbouring amenity as a result of noise and disturbance.

It is not anticipated that the additional plant equipment would cause harmful noise and disturbance. However, this would be subject to conditions controlling any noise created by plant.

Impact on trees

The impact of the removal of trees is addressed earlier in the report.

It is not considered that the changes to the scheme would present any significant implications for trees of special amenity value. The proposed increased size to the basement would be a considerable distance from any protected trees on or around the site.

Accessibility Issues

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

Since the time of the previous application, the Lifetime Homes Standard has been withdrawn.

Conditions have therefore been recommended to ensure that the development would comply with standards in part M4(2) of the Building Regulations and wheelchair housing requirements.

Subject to these controls and the requirements in place under other legislation officers conclude that the design and layout of the proposal is such that it is acceptable in terms of creating a development that is accessible, useable, permeable and inclusive for all members of the community.

Drainage Issues

The application site is located within Flood Risk Zone 1 which is classified as an area not identified as being at risk of flooding. The submission of a Flood Risk Assessment is not required by the Environment Agency for site of less than 1 hectare in area within zone 1.

The changes to the basement layout and car park would not have significant drainage implications.

A condition has been recommended to ensure that suitable drainage infrastructure is implemented as part of the development proposed. Conditions are also recommended to ensure that water use by the development is minimised. Subject to these conditions the development is not objectionable in this respect.

Energy/Sustainability Issues

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

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

Residential developments are currently required to achieve a 25% reduction in carbon dioxide emissions when compared to the 2010 Building Regulations.

Policy 5.3 of the London Plan goes on to set out the sustainable design and construction measures required in developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation.

Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrate compliance with the Mayors targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy.

Since the previous application was approved the Code for Sustainable Homes has been withdrawn. However, the development would still be expected to comply with the above policies. Conditions are attached to ensure compliance.

Affordable Housing

The original planning application was subject to a section 106 agreement that required provision of affordable housing off site.

There have been no changes that would affect this provision.

A deed of variation will be required to ensure that the agreement relates to the new planning permission.

Whether the proposals would impact highway and pedestrian safety.

Removal of 1no. Parking Space.

The parking provision was assessed in detail under the previous applications.

The proposed revised layout would result in the loss of one parking space, leaving a total of 64 parking spaces. However, given the wider loss of bedroom spaces across the development it is considered that this provision can be justified as being in accordance with policy DM17.

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

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

The parking provision of 64 car parking spaces in the revised scheme is unchanged since the previous scheme though the layout has been revised. 40 parking spaces are being provided in the basement of the flatted development and the rest of the parking spaces are being provided for the residential houses including 5 visitor parking spaces.

The proposed parking provision is in accordance with the parking standards set out in the Barnet Local Plan (Development Management Policies DM17). In order to comply with London Plan policy, there is a requirement of 20% active and 20% passive Electrical Vehicle Charging Points that will need to be provided. A condition to this effect will be placed on the application.

It is not considered that the loss of one parking space could be considered to result in harmful impact on highway or pedestrian safety or the free flow of traffic.

Revised Access arrangements:

Access to Golders Green Depot:

In order to maintain the vehicular entrance to the Golders Green Depot at its current location, it is proposed to provide a new vehicular access road to the south-east of the proposed apartment block building. To restrict access to the depot a line of electronically operated rising bollards will be installed.

Access to Basement Car Park:

In order to maintain access to the depot, previously approved 2 car lifts have been replaced by a basement access ramp.

Highways officers have been consulted on the dimensions and gradient of the ramp and consider that this is acceptable.

There have been some revisions to the proposed basement car park. Highways officers have assessed this and are satisfied that the proposed layout would allow for adequate manoeuvrability of vehicles and access to parking spaces.

Trip Assessment:

This was assessed as part of the original application. The changes would not have any additional impact on traffic movements or highway safety.

Dangerous increase in traffic

The assessment of trip generation carried out by the consultants for the proposed residential development when compared to the existing traffic flow has demonstrated that the traffic flow generated by the residential development is likely to be less.

The parking provision for the proposed development is in accordance with the parking standards as set out in Barnet's Local Plan, Development Planning Policies approved in September 2012.

Disturbance during construction caused from traffic

A planning condition will be applied to the proposed planning application for the provision of a Construction Management Plan to ensure that the impact of the construction is minimised on public highway.

Biodiversity

There have been no changes to the scheme that would have implications for local ecology.

The original application was subject to an Extended Phase 1 habitat survey. The tree and wider landscaping conditions recommended are considered sufficient to ensure that the scheme makes appropriate contributions to biodiversity generally and that the new planting which takes place provides suitable levels of habitat. Subject to the controls in place under the conditions recommended and the requirements in place under other legislation the proposal is found to be acceptable and compliant with the objectives of planning policy on biodiversity and nature conservation matters.

A section 73 application is considered to be a new application for planning permission under the 2011 Environmental Impact Assessment Regulations. Where the development is listed under either Schedule 1 or Schedule 2 to the Regulations, and satisfies the criteria or thresholds set, a local planning authority must carry out a new screening exercise and issue a screening opinion whether Environmental Impact Assessment is necessary.

Where an Environmental Impact Assessment was carried out on the original application, the planning authority will need to consider if further information needs to be added to the original Environmental Statement to satisfy the requirements of the Regulations. Whether changes to the original Environmental Statement are required or not, an Environmental Statement must be submitted with a section 73 application for development which the local planning authority considers to be Environmental Impact Assessment development.

The proposals would no longer fall within the scope of the Environmental Impact Assessment Amendment Regulations (2015), as they would be below the revised threshold of 1 hectare. (Site is 0.95 hectares)

Section 106 Issues

The original planning application was subject to a section 106 agreement that required the tennis club to be rebuilt at 120 East End Road and handed over, as well as the provision of affordable housing.

A deed of variation will be required to ensure that the agreement relates to the new planning permission.

5.4 Response to Public Consultation

Procedural Issues

- o The documents are extremely hard to understand and interpret for a layman, which is further exacerbated by the fact that there are 36 of them to go through - It is considered that the proposals are adequately clear to illustrate the proposed changes to the scheme.
- o the timing for this consultation - the run-up to Christmas could hardly be worse, with many people either very busy or away, as evidenced by the lack of comments on this website so far. - Noted however any comments received after expiry have also been considered.

Impact on the character/appearance of the area and conservation area

- o Oppose any increase in height. These are not minor and I am also concerned that the maximum proposed increase in height (1.5m) may also serve to act as a psychological anchor point to make smaller increases seem reasonable in comparison and therefore more likely to be approved. - Addressed in the main report.
- o Oppose the removal of trees on the southwest boundary. - Addressed in the main report.
- o Issues are absolutely critical to the country/city border character of Hampstead Garden Suburb. object to the increase in height of the apartment building closest to the existing dwellings to the north of the site, on Reynolds Close and at Waterlow Court in the Hampstead Garden Suburb Conservation Area. - Addressed in the main report.
- o It is mere assertion that the impact is imperceptible. The reworked verified views from 15 Reynolds Close 9(one of the most affected properties) evidence the contrary. - Addressed in the main report.

- o Any impact on the nearby heritage assets (the Conservation Area and the listed properties including Reynolds Close and Waterlow Court) should be assessed strictly - Addressed in the main report.

Impact on health and amenity of residents

- o Oppose the installation of roof cooling plant and telecommunications equipment, on the basis of noise, pollution, visual impact and long-term health impact. Addressed in the main report. Conditions are attached in relation to the proposed equipment to be provided, to ensure that any noise/disturbance impacts are acceptable.
- o Any increase, even if small, will have an impact on shade and light for the adjacent properties. monitoring and imposing full compliance with the height restrictions during the construction and on completion of the work by Barnet is likely to be very difficult for and near impossible for adjacent owners. - Addressed in the main report.
- o Any height increases or other revisions on that site should be viewed in tandem with Right to Light objections from residents of Chandos Way/Britten Close re a planning application now being considered concerning development at this estate. - It is considered that the proposals are acceptable, whether implemented on their own or in conjunction with this scheme.

Other Issues

- o No real motivation for this increase is offered in the planning statement - The applicant has set out some reasoning for the proposed changes in their application documents.
- o Another concern is re the demolition of existing buildings. Could LBB Building Control firmly see that statutory regulations are adhered to by the developers re the removal of asbestos from the site. People under the age of 45 particularly should not be exposed to casual removal of this hazardous substance because of almost certain serious harm later in their lives. - Noted. The applicant is advised to contact the Building Control in the event asbestos is found. It is understood that a full survey will be carried out.

6. Equality and Diversity Issues

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

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

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

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

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

The new buildings proposed as part of the application would be required to comply with current legislative requirements in respect of equality and diversity related matters, for example access for the disabled under Part M of the Building Regulations. In addition to this the development, as controlled by the conditions recommended, would ensure that in several regards the building constructed would exceed the minimum requirements of such legislation. Examples of this would include the provision of level or appropriately sloping access within the site, not less than 10% of the residential units proposed being constructed to be wheelchair accessible or easily adaptable for residents who are wheelchair users and the inclusion of disabled standard parking spaces (as set out in greater detail in earlier sections of this report).

With the conditions recommended the proposal is found to accord with development plan policies as they relate to the relevant equalities and diversity matters, by providing a high quality inclusive design approach which creates an environment that is accessible to all and would continue to be over the lifetime of the development.

The design of the proposed development is such that the site would, as an area of land, become significantly more accessible to all members of the community. In this sense the development would have a positive effect in terms of equalities and diversity matters.

It is not considered that the change from a car lift to a ramp access would have significant implications for disabled residents or other residents of the development.

It is not considered that the proposed changes to the scheme within this section 73 planning application would disadvantage any member of any group with protected characteristics.

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

7. Conclusion

The amendments to the scheme are considered minor in nature and would not cause any additional harm above the previously approved scheme.

The proposed use of the site for residential purposes is policy compliant subject to the relocation of the tennis club to the East End Road site. The replacement of the existing courts and structures with new residential development of the nature proposed would provide a high quality design approach which relates acceptably to its neighbouring properties, would be in keeping with the character of the area and the setting of the Hampstead Garden Suburb Conservation Area and Listed Buildings and would not cause any unacceptable harm to the amenities of the occupiers of neighbouring properties and would provide its future occupiers with a good standard of accommodation is considered to accord with policies that seek to optimise the use of sites such as this.

The design and layout of the development has been influenced significantly by the need to create a scheme that relates acceptably to the character of the nearby Hampstead Garden Suburb Conservation Area and which provides a suitable residential environment, while

not impacting unacceptably on the setting of the Hampstead Garden Suburb Conservation Area, its listed buildings and the amenities of neighbouring occupiers.

More generally the proposal includes a number of measures to achieve a good standard in respect of sustainable design and construction, and the proposals would comply with policy 5.2 of the Mayor's London Plan.

The scheme provides an appropriate level of car parking on site for the number and type of dwellings proposed. All vehicular access to and from the site would be from the single existing access from Chandos Way. The scheme has been designed to provide appropriate and safe access for all users and would not be expected to result in any significant adverse impacts to the local road network (including when the transport impacts of other committed developments in the surrounding area are taken into account).

The landscaping proposed for the site is considered to include an adequate balance of hard and soft surfaces (including new areas of lawn and shrub planting), provides an appropriate setting for the buildings proposed and provide opportunities for the planting of new trees. No trees outside the application site are proposed for removal as part of the works.

A number of conditions and planning obligations have been recommended to ensure that the development achieves a suitable quality of residential environment, does not cause any unacceptable harm to the amenities of neighbouring occupiers, achieves the benefits that the submission advances in support of the scheme and mitigates any potential adverse impacts from the proposal. The development would also be liable for a charge under both the Mayoral and Barnet Community Infrastructure Levy regimes.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within The Mayor's London Plan and the Barnet Local Plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development accords with the relevant local plan policies. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to the satisfactory completion of the Section 106 Agreement, APPROVAL subject to conditions is recommended, as set out in the recommendations section at the beginning of this report.



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