

**Location** Church Walk House Church Walk London NW2 2TJ

**Reference:** 15/05969/FUL Received: 24th September 2015  
Accepted: 28th September 2015

Ward: Childs Hill Expiry 28th December 2015

Applicant: Mr

Proposal: Demolition of existing building and construction of part two part three storey building with additional roof level and basement level to provide 35 no. self-contained units with associated parking and landscaping

**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. Contribution in Lieu of Affordable Housing - £470,513.00
4. Review Mechanism
5. Local Employment Agreement or Contribution in Lieu of a Local Employment Agreement - £37,380.00
6. Monitoring of the Agreement - £1,679.40

#### 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:

A2598 100 P10 Red Line Location Plan 1-1250@A3  
A2598 101 P10 Block Plan 1-500@A3  
A2598 110 P10 Existing Lower Ground Floor - Second Floor 1-200@A1

A2598 120 P10 Existing Site Sections AA, BB, CC and DD 1-200@A1  
A2598 121 P10 Existing Site Sections EE, FF, and GG 1-200@A1  
A2598 130 P10 Existing Site Elevations North, South, East and West 1-200@A1

A2598 199 P11 Proposed Lower Ground Floor 1-200@A1  
A2598 200 P11 Proposed Ground Floor 1-200@A1  
A2598 201 P11 Proposed First Floor 1-200@A1  
A2598 202 P11 Proposed Second Floor 1-200@A1  
A2598 203 P11 Proposed Third Floor 1-200@A1  
A2598 204 P11 Proposed Roof 1-200@A1  
A2598 300 P11 Proposed Site Sections AA, BB, CC and DD 1-200@A1  
A2598 301 P11 Proposed Site Sections EE, FF, and GG 1-200@A1  
A2598 400 P11 Proposed Site Elevations North and East 1-200@A1  
A2598 401 P11 Proposed Site Elevations South and West 1-200@A1

#### Design and Access Statement

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 CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

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

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

3 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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 CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

4 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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 CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

5 a) No development other than demolition work shall take place until details of the location within the development and specification of the 3 units to be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users shall be submitted to and approved in writing by the Local Planning Authority.

The specification provided for those identified units shall provide sufficient particulars to demonstrate how the units will be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users.

b) The development shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.

Reason: To ensure that the development is accessible for all members of the community and to comply with Policy DM02 of the Development Management Policies DPD (adopted September 2012) and Policies 3.8 and 7.2 of the London Plan 2015.

6 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

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

7 a) No site works or works in connection with the development hereby approved shall be commenced until details of the protective measures to be implemented for the wildlife species protected by law and details of any mitigation measures including the timing of development works and special techniques has been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

8 Before the development hereby permitted commences, a scheme demonstrating ecological improvements to the site, including details of bat boxes, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details and permanently maintained thereafter.

Reason: To ensure compliance with policy DM16 in terms of biodiversity.

9 a) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2015).

10 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority. The Refuse collection arrangement must be provided as per the details submitted in the planning application located within 10 metres of public highway otherwise arrangement will need to be in place to bring the refuse bins to the back of the public highway on the days of collection.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

Before development commences other than for investigative work:

A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

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

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

## Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

12 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development have been submitted to and approved in writing by the Local Planning Authority. The report shall 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 content and recommendations.

b) The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

13 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.

14 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 3no. wheelchair accessible units shall achieve all the relevant criteria of Part M4(3) 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 38% 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).

15 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.

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.

16 a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with details approved under this condition.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015).

17 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. 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 at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

18 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall be commenced until details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.

c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

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

19 All new trees and landscaping along the boundary of the site with properties on the southern boundary with Lyndale Avenue 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 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all 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 Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted



September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan 2015.

21 a) Before the development hereby permitted is first occupied, a scheme detailing all play equipment to be installed in the communal amenity space shown on the drawings hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure that the development represents high quality design and to accord with Policy CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013), the Planning Obligations SPD (adopted April 2013) and Policy 3.6 of the London Plan 2015.

22 a) Before the development hereby permitted is first occupied, details of the subdivision of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

23 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

b) The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

24 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D, E, F of Part 1 of Schedule 2 of that Order shall be carried out within the area of Church Walk House hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent TPO trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

25 The property shall be used as self-contained units as shown in 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.

26 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 pm 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 Development Management Policies DPD (adopted September 2012).

27 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.

28 The level of noise emitted from the (\_specify machinery\_) 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 Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

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

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan.

30 Before the development hereby permitted is occupied, car parking spaces shall be provided at basement level and at ground level in accordance with drawing Nos. A2598199 Rev P10 and A2598200 Rev P10 submitted with the planning application. 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 adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

31 Cycle parking spaces shall be provided in accordance with drawing No A2598200 Rev. P10 submitted with the planning application to and approved in writing by the Local Planning Authority. 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 adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

32 Notwithstanding the plans submitted, before development commences details of the layout, gradient and design of the access ramp to the basement car parking area and vertical clearances along the ramp and within the parking area shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out nor shall it be subsequently operated otherwise than in accordance with the approved details.

Reason: In the interests of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

33 Refuse collection arrangement must be provided as per the details submitted in the planning application located within 10 metres of public highway otherwise arrangement will need to be in place to bring the refuse bins to the back of the public highway on the days of collection.

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

34 Before the development hereby permitted is occupied, details of external lighting shall be submitted to an approved in writing by the local planning authority, based on the lighting report submitted. The development shall be implemented in accordance with these details and permanently maintained thereafter.

Reason: To safeguard neighbouring amenity.

35 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 3no. wheelchair accessible units shall achieve all the relevant criteria of Part M4(3) 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 40% 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).

36 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.

37 Prior to installation, details of the boilers shall be submitted in writing to the Local Planning Authority for approval. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%). The development shall be implemented in accordance with these details.

Reason: To comply with the London Plan's SPG on Sustainable Design and Construction and Policy 7.14 of the London Plan in relation to air quality.

38 The development hereby approved shall not commence until an updated surface water drainage strategy for the site has been submitted to and approved in writing by the local planning authority. All planning applications relating to major development - developments of 10 dwellings or more; or equivalent non-residential or mixed development - must use Sustainable Drainage Systems (SUDS) for the management of surface water runoff, unless demonstrated to be inappropriate.

Reason:

To ensure that the development manages surface water in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-statutory Technical Standards for Sustainable Drainage Systems).

### RECOMMENDATION III:

#### 0 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 10/05/2016, 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 application does not make any provision towards affordable housing, contrary to policies DM10, CS NPPF, CS4 and CS15 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012), policies 3.12 and 3.13 of the London Plan (adopted July 2011 and October 2013), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February 2007 and August 2010) Supplementary Planning Documents and the Mayoral Housing (adopted November 2012) Supplementary Planning Guidance.

The application does not make provision for a Local Employment Agreement. This would be contrary to policy DM14 of the Adopted Barnet Development Management Policies 2012, and the Supplementary Planning Document on Skills, Enterprise, Employment and Training.

## 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 Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £158,130.00 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 £609,930.00 payment under Barnet CIL.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

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.

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 CIL 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 at: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

#### Relief or Exemption from CIL:

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

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk)

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 3 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 Development Regulatory Services, 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, Development Regulatory Services, 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.

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 latest Edition.

- 4 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 5 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://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 The applicant is advised that 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 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 [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 7294.

- 7 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 8 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 (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - 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;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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.

- 9 The applicant is advised that due to the large number of schools and school children in the area, site deliveries during the construction period should not take place between 0800hrs - 0900hrs and 1500hrs - 1600hrs. Careful consideration must also be given to the optimum routes for construction traffic and the Traffic and Development section should be consulted in this respect.
- 10 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 11 The applicant is 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 Sustainable Design and Construction Supplementary Planning Document 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 30dB(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(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:1997 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on 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) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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.

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

For developments that require an Air Quality report; the report should have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network. The report should be written in accordance with the following guidance: 1) Environmental Protection UK Guidance: Development Control: Planning for Air Quality (2010); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(09); 4) London Councils Air Quality and Planning Guidance (2007).

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.

- 13 The following additional reports accompany the planning application:

Air Quality Assessment, prepared by Aether;  
Daylight and Sunlight Assessment prepared by Brooke Vincent;  
Landscape Statement prepared by Fabrik (supplemented by 'Southern Boundary - Indicative Planting Strategy), including indicative landscaping drawings;  
Energy Efficiency & Sustainability Statement prepared by Meinhardt;  
Construction Management Plan (incorporating Site Waste Management Plan) prepared by Meinhardt;  
Drainage Strategy prepared by Meinhardt;  
Contaminated Land Study prepared by Soils Limited;  
Flood Risk Assessment prepared by Meinhardt;  
Transport Assessment prepared by i-Transport (supplemented by Transport Addendum dated 15th February 2016) ;  
Baseline Ecological Site Audit prepared by Betts Ecology;  
Bat Survey prepared by Betts Ecology;  
Arboricultural Report prepared by Landmark Trees;  
Environmental Noise Survey and Noise Impact Assessment prepared by Hann Tucker Associates;  
Statement of Community Involvement prepared by Four Communications;

## **Officer's Assessment**

### **1. Site Description**

The application site is 0.45 hectares in area and is accessed from Church Walk along the northern boundary. There are Tree Preservation Orders (TPOs) on the site.

There are no other planning restrictions on the site.

The site consists of two buildings:

Church Walk House is a part 1, part 2 and part 3 storey building, which was originally a Victorian vicarage and has been extended to either side.

John F Kennedy House comprises a 2 storey detached block.

The site was last used as a care home. The area is characterised by residential development although there is a vicarage to the north west.

The height of the land slopes away falling from North-East to South-West.

### **2. Site History**

C01617B/05 - Two-storey link extension between Church Walk House and JF Kennedy House. - Approved - 18/10/2005

C01617C/06/TRE - Lime - Reduce Back Crown over No. 27 by 30% to Blend in with Remainder of Crown and Balance. G1 of of Tree Preservation Order - Approved - 11/04/2006

F/02299/13 - Demolition of existing building and erection of a 4 storey building including lower ground level to provide 53 self-contained units for extra care housing. Development includes restaurant, kitchen, Communal lounge, hair dresser, treatment room, assisted bathroom, scooter store and refuse space. Associated parking and storage - Withdrawn - 29/10/2013

F/05555/13 - Demolition of existing building and erection of a 3 storey building including lower ground level to provide 53 self-contained units for extra care housing. Development includes restaurant, kitchen, Communal lounge, hair dresser, treatment room, assisted bathroom, scooter store and refuse space. Associated parking and storage - Withdrawn - 22/09/2014

### **3. Proposal**

The proposals are for the demolition of existing buildings and construction of part two part three storey building with additional roof level and basement level to provide 35 no. self-contained units with associated parking and landscaping

The development would consist of a central block of flats, with two houses to either side. The building would manifest itself as two storey building with lower ground floor level, stepping up to a three storey apartment block with roof level.

The proposals feature private gardens for the houses to the rear, and communal garden centrally located to the rear of the apartments.

To the front of the site would be a landscaped area with car parking. Additional car parking would be provided at basement level.

#### **4. Public Consultation**

Consultation letters were sent to 385 neighbouring properties.

48 responses have been received, comprising 42 letters of objection, 5 letters of support and 1 letters of comment.

A site notice was displayed on 01/10/2015, and an advertisement placed in the local press.

The objections received can be summarised as follows:

##### *Principle of Development*

- Loss of the existing care home
- There is demand on local schools and this would increase as a result of the proposals
- Lack of affordable housing
- Existing building is local landmark and one of the oldest and most characteristic buildings in the area
- Local children use Church Walk on a daily basis as a safe route to nursery and school. It also provides children with a safe place to play. This is almost a unique characteristic of the area and must be preserved.

##### *Amenity Issues*

- Overlooking and loss of privacy
- Loss of light
- Noise and Disturbance
- Light Pollution
- Construction - 18 months or more of heavy construction causing disruption and noise
- Air quality assessment is an underestimate
- Although there is a 4m level change across the Church Walk House plot (source: Design & Access Statement, section 3.2), the proposed development is designed as a level building. The result is that while the proposed development is the same height as the homes at the upper end of Lyndale Avenue (as can be seen in cross section BB in the existing and proposed plans)

##### *Character and Appearance Issues*

- Over-Development
- Height of building
- Mass of building
- Church walk has unique environment and this would be spoiled
- Building will change the character of the area and overpower Church Walk and its surroundings by its scale
- No attempt to re-use features from existing building
- Retaining wall along Church Walk is very fragile

##### *Trees*

- Loss of mature trees
- Mature screening should be provided to the boundary

### *Highways Issues*

- Parking/Highways Impact
- Development will result in increased volume of traffic which cannot be accommodated by the existing road .
- Over- crowding will be the result to such an extent that it will endanger pedestrians
- It is impossible to see round the corners, impact on nursery
- Emptying of dustbins would mean large obstacles cluttering the pavements
- Access for emergency vehicles and supply vehicles?
- Transport Statement is wholly inadequate
- We can find no discussion of the road safety implications for the children of the Jack and Jill Nursery in All Saints Church Hall and the children of the All Saints Church of England Primary School.
- Traffic impact ignores that the current site is vacant and generates no traffic.
- Traffic analysis uses a PTAL rating of 3/4, should be 3. 3/4 overestimates public transport usage and underestimates traffic

### *Ecology Issues*

- Lack of Environmental or Ecology Reports
- Potential for bats on the site
- Bat & Swift Bricks / Boxes should be provided
- Presence of newts in vicinity of the site
- Biodiversity Gain should be secured
- Potential to improve habitats for wildlife
- Natural habitat for Long Tailed Tits, Great Tits, Blue Tits, Coal Tit, Robins, Dunnocks, Thrushes, Blackbirds ,Wrens and Goldfinches

### *Flood Risk*

- Water/Flooding/Subsidence
- The sloping ground of heavy clay with under -ground streams represent a real problem
- Due to the down- wards slope our gardens at Lyndale Avenue has frequently been flooded during the winter months

### *Procedural Issues*

- Description used by the applicant is misleading
- Previous planning application is irrelevant and should not be shown on the plans

Although no objection has been received to the current application, It should also be noted that the Victorian Society have objected to previous development on the site.

*'Church Walk House is a 1850s former vicarage which contributes very positively to the area. Its use of lively polychrome brickwork, crested gables and gothic arched windows, and its general vertical proportions, combine to produce a striking, confident building with real presence in the street. Although the building has been extended unsympathetically, it appears to retain its key features. The north façade in particular is a very attractive entrance frontage with porch, and seems to be in good overall condition. The architect was Thomas Talbot Bury, who designed many churches and parsonages, and worked with A*

*W N Pugin on his designs for the Palace of Westminster. The church at the end of Church Walk was also to his design. The NPPF stresses the need for planning authorities to take account of “the desirability of sustaining and enhancing the value of heritage assets” (NPPF section 131) when deciding applications. Church Walk House clearly makes a positive aesthetic contribution to the street, has group value with the nearby church, and is by a noted architect; there is no doubt that it should be considered a heritage asset, and weight should thus be given to the desirability of its retention and enhancement in this application.’*

The representations received in support of the scheme can be summarised as follows:

- No objection to the proposals
- Scheme is of acceptable design and fits within local architecture

Internal Consultations

Environmental Health – No objection

Green Spaces – No comments received.

Waste and Recycling - No comments received.

Highways Traffic and Safety – No objection. Comments are contained within the main report.

Highways Drainage – No objection.

Natural England – No Objection

Ward Councillors – Correspondence was received from Cllr Zinkin stating that *‘Local residents in Lyndale Avenue have made representations with which I would agree in relation to this application.’*

*The key point raised is that although there is recognition that the development is much better than the previous application it is much closer than the existing building to their boundary. If the developer would agree to a green boundary of mature trees and a covenant to maintain that boundary is embedded in the management arrangements the whole development would be much more acceptable to local residents.’*

## **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.

Policies 3.1, 3.4, 3.5, 3.8, 3.9, 5.2, 5.3, 5.11, 5.14, 5.15, 6.1, 6.12, 7.1, 7.2, 7.3, 7.4, 7.6, 7.14, 7.19, 7.21 are of specific relevance.

#### 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.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS4, CS5, CS8, CS9, CS11, CS12, CS13, CS14, CS15

#### Core Strategy Policies

*Policy CS1 The council, along with its partners, will focus major housing and economic growth in the most suitable locations and manage it to ensure that we deliver sustainable development, while continuing to conserve and enhance the distinctiveness of Barnet as a place to live work and visit. An appropriate level of transport provision will be provided as the regeneration schemes roll out. We will seek the highest standards of urban design in order to generate development proposals of landmark quality and create an accessible safe and attractive environment for people who live in, work in or visit Barnet's areas of housing and economic growth.*

*Policy CS3 On the basis of our Three Strands Approach we expect that in the range of 28,000 new homes will be provided within the lifetime of this Core Strategy 2011/12 to 2025/26....Our strategic approach on further development opportunity sites will be set within the context of the density matrix in the London Plan. We will seek to optimise rather than simply maximise housing density to reflect local context, public transport accessibility and provision of social infrastructure.*

*Policy CS4 We will aim to create successful communities in Barnet by:*

- seeking to ensure a mix of housing products in the affordable and market sectors to provide choice for all households and enable Barnet residents to progress on a housing journey that can meet the aspirations of home ownership.*
- seeking a range of dwelling sizes and types of housing including family and lifetime homes that meets our identified housing priorities and does not undermine suburban character or*

*local distinctiveness. Policy CS5 on Protecting and enhancing Barnet's character to create high quality places sets out how we will secure high quality design.*

- delivering a minimum affordable housing target of 5,500 new affordable homes by 2025/26 and seeking a boroughwide target of 40% affordable homes on sites capable of accommodating ten or more dwellings.*
- seeking an appropriate mix of affordable housing of 60% social rented and 40% intermediate for Barnet that will support our objectives of widening home ownership and providing family homes.*
- on sites which are suitable for the provision of an element of affordable housing, we may exceptionally accept the provision of off-site housing, or a commuted payment instead of such provision.*

*Policy CS5 We will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.*

*Policy CS8 The council and its partners will ensure a strong and prosperous Barnet that provides opportunity for economic advancement...requiring major developments to provide financial contributions and to deliver employment and training initiatives in consultation with the Skills Development and Employability Group*

*Policy CS9 We will promote the delivery of appropriate transport infrastructure in order to support growth, relieve pressure on Barnet's transport network and reduce the impact of travel whilst maintaining freedom and ability to move at will.*

*Policy CS11 We will improve health and well-being in Barnet....ensuring that vulnerable residents benefit from housing choice and that additional residential care home provision is only supported when evidence of local need can be demonstrated and that the proposal addresses the priorities of NHS Barnet, or its successor bodies, and the council's Adult Social Services*

*Policy CS12 We will aim to make Barnet a safer place. It is important that we ensure through the management of growth that Barnet is a place where people from different communities get on together*

*Policy CS13 We will seek to minimise Barnet's contribution to climate change and ensure that through the efficient use of natural resources the borough develops in a way which respects environmental limits and improves quality of life.*

*Policy CS14 We will encourage sustainable waste management...requiring developments to provide waste and recycling facilities which fit current and future collection practices and targets.*

*- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM07, DM08, DM16, DM17.*

*Policy DM01 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.

Policy DM03 Development proposals should meet the highest standards of accessible and inclusive design

Policy DM04 All major development will be required to demonstrate through an Energy Statement compliance with the Mayor's targets for reductions in carbon dioxide emissions within the framework of the Mayor's energy hierarchy.

\* Development proposals will ensure that development is not contributing to poor air quality and provide air quality assessments where appropriate.

\* Development should demonstrate compliance with the London Plan water hierarchy for run off especially in areas identified as prone to flooding from surface water run off.

Policy DM06 All heritage assets will be protected in line with their significance. All development will have regard to the local historic context.

Policy DM07 Loss of residential accommodation will not be permitted unless:

- a. the proposed use is for a local facility (children's nursery, educational or health use) provided that it is not detrimental to residential amenity and;
- b. where need can be demonstrated and;
- c. the demand for the proposed use cannot adequately be met elsewhere and is in line with other policies

Policy DM08 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.

Policy DM16 When considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity

Policy DM17 The council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi detached houses and flats (4 or more bedrooms);
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

Residential development may be acceptable:

- i. with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be demonstrated through a survey that there is sufficient on street parking capacity.
- ii. with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

Residential Design Guidance (2013)

Affordable Housing SPD (2007)

Planning Obligations SPD (2013)

Delivering Skills Employment and Enterprise SPD (2015)

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether the principle of the development is acceptable
- Whether the proposals make satisfactory provision for affordable housing
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether harm would be caused to the living conditions of future residents.
- Whether the proposals would have an acceptable impact on highway and pedestrian safety
- Whether the proposals would have an acceptable impact on local drainage
- Whether the proposals would have an acceptable impact on local ecology
- Sustainability/ Environmental Issues
- Whether the proposals would have an acceptable impact on security in the local area
- Section 106 Issues and CiL

## **5.3 Assessment of proposals**

### 5.3.1 Whether the principal of the development is acceptable

#### *Land Use Issues*

The proposals involve the loss of a former residential care home (C2 Use Class)

Policy DM07 relates to the loss of residential accommodation. This states that *'Loss of residential accommodation will not be permitted unless:*

*\* a. the proposed use is for a local facility (children's nursery, educational or health use) provided that it is not detrimental to residential amenity and;*

*\* b. where need can be demonstrated and;*

*\* c. the demand for the proposed use cannot adequately be met elsewhere and is in line with other policies or;*

*\* d. the location is no longer environmentally suitable and viable for residential use or;*

*\* e. it involves identified regeneration areas with large scale demolition of housing and estates which provides for the net replacement of the total residential units.'*

It is therefore necessary for the applicant to demonstrate that there is no demand for the existing residential accommodation.

Policy DM09 relates to specialist housing.

The preamble to the policy states that *'Ensuring that the supply of specialist housing for older people meets their needs is the priority. The London Plan expects boroughs to "...undertake assessment of the short and longer term supported housing needs of vulnerable and disadvantaged groups..." The assessment's primary purpose is to ensure that sufficient supply is being provided to meet Barnet's older population's needs. The London Plan also supports "...close integration between planning and other borough*

*strategies...” – the Core Strategy emphasises this approach. Patterns of care are changing and Barnet is prioritising increasing investment in community care to help people to remain in their own homes.’*

*Within the Core Strategy, paragraph 16.4.3 states that ‘Barnet has an oversupply of residential care homes. Our Joint Strategic Needs Assessment shows that while Barnet has been successful in reducing the rate of admission to residential care, the numbers of people living in this type of accommodation remains relatively high within our local authority comparator group. NHS Barnet and the council’s Adult Social Services have concerns about overprovision and the associated costs for non-local need. We will therefore encourage the remodelling of such facilities as other forms of provision for older people such as extra care housing. Extra care housing is seen as a viable alternative in many cases to residential care, allowing residents more independence whilst encouraging community and activities.’*

*This links to Core Strategy Policy CS11 regarding improving health and well-being in Barnet. This states that ‘we will improve health and well-being in Barnet by.....supporting the remodelling of residential care homes to other forms of special accommodation in order to widen housing choice, support healthy and independent lives and to reduce over supply ensuring that vulnerable residents benefit from housing choice and that additional residential care home provision is only supported when evidence of local need can be demonstrated and that the proposal addresses the priorities of NHS Barnet, or its successor bodies, and the council’s Adult Social Services’*

As such, policies advise that there is an over-supply of residential care homes within Barnet.

However, it should be noted that London Plan Policy 3.16 which states that *The suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered.*

It is therefore necessary for the loss of the existing care facility as social infrastructure to be considered.

The Core Strategy (para 16.4.3) states that Barnet has an oversupply of care homes to the extent that these now provide for a non-local need. The Council’s Development Management Policies seek to encourage other forms of housing but do not specifically protect existing care homes (para. 10.2.3). Policy DM09 of the Adopted Development Management Policies does not specifically refer to care homes.

It is relevant to note that the existing site has been vacant since 2013. The Council’s evidence identifies a trend away from centralised models of care to care and assistance for individuals in their own homes. In particular, Paragraph 10.2.1 of the Development Management Policies 2012 acknowledges that: *‘National research reveals that the majority of older people would prefer to either remain living in their home, or would prefer accommodation which part of the ordinary housing stock, but is design to meet their needs. Therefore adapting the existing housing stock to extend the housing choice for older people will be encouraged particularly where it can release family sized accommodation. This will help to deliver mixed communities in lifetime neighbourhoods as identified in the Core Strategy’*

The proposed development meets an identified need for residential accommodation in the Borough and particularly for residential development that provides an element of family sized accommodation (Policy DM08). The loss of the existing accommodation, although a

consideration, is considered to be outweighed by the benefit of new residential accommodation.

### *Loss of the existing building*

Paragraph 128 of the National Planning Policy Framework states that '*In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.*'

The applicant has considered the heritage value of the existing buildings on site within their planning statement.

As a matter of fact, the buildings on site are not designated heritage assets, they are not listed nor are they within a conservation area.

It is therefore necessary to consider whether they constitute a non-designated heritage asset.

Officers are of the view, that the building would not be considered to be a non-designated heritage asset given that the building has been significantly extended in an unsympathetic manner. The extensions appear dated, lack visual reference to the main building and use poor quality materials. Their presence detracts from the visual appearance of the original building.

JF Kennedy House is not of sufficient value to warrant designation as a heritage asset.

Paragraph 135 states that *[The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

In this way, the loss of the existing buildings on site is considered acceptable in planning terms subject to a suitable replacement development.

### *Housing Mix*

Policy DM08 states that '*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 proposals would consist

- 10 x 1 bed flats;
- 12 x 2 bed flats;
- 9 x 3 bed flats;
- 2 x 3 bed houses; and
- 2 x 4 bed houses.

The proposals seek to provide a good mixture of family sized homes to meet known demand within the borough, adding towards the borough's housing stock. This would be in compliance with the wider policy.

## Density

It would appear that the site has an area of 0.45 hectares. The site is considered to be located in a suburban area and is located in an area of PTAL rating 3. The London Plan advises that development should be at 35-95 units/hectare. The proposals appear to be at 77 units/hectare.

In terms of habitable rooms the proposals would be at 255 habitable rooms/hectare. This is marginally above the London Plan guideline of 150-250 ha/hectare. However it is recognised that the site would fall somewhere between the definition of a suburban and urban site given the proximity to Childs Hill Local Centre and does not fall neatly into either category.

It is therefore considered that the development is at an appropriate density for the site.

### 5.3.2 Whether the proposals make satisfactory provision for affordable housing

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

London Plan policy 3.12 seeks to provide *'The maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes, having regard to:*

- a current and future requirements for affordable housing at local and regional levels identified in line with Policies 3.8 3.10 and 3.11 and having particular regard to the guidance provided by the Mayor through the London Housing Strategy, supplementary guidance and the London plan Annual Monitoring Report (see paragraph 3.68)*
- b affordable housing targets adopted inline with Policy 3.11,*
- c the need to encourage rather than restrain residential development (Policy 3.3),*
- d the need to promote mixed and balanced communities (Policy 3.9),*
- e the size and type of affordable housing needed in particular locations,*
- f the specific circumstances of individual sites,*
- g resources available to fund affordable housing, to maximise affordable housing output and the investment criteria set by the Mayor,*
- h the priority to be accorded to provision of affordable family housing in policies 3.8 and 3.11*

*'Affordable housing should normally be provided on-site. In exceptional cases where it can be demonstrated robustly that this is not appropriate in terms of the policies in this Plan, it may be provided off-site. A cash in lieu contribution should only be accepted where this would have demonstrable benefits in furthering the affordable housing and other policies in this Plan and should be ring-fenced and, if appropriate, pooled to secure additional affordable housing either on identified sites elsewhere or as part of an agreed programme for provision of affordable housing.'*

The applicant has proposed a contribution of £470,513 in lieu of affordable housing as part of the proposals. This would represent a contribution of 1.5% of the housing provided by the scheme. This contribution was increased from an initial offer of £150,513 following discussion with Deloitte.

The applicant's viability statement in support of the planning application has been reviewed independently by Deloitte. They have concluded that in their opinion this represents the maximum amount that the scheme can currently viably provide as far as the provision of affordable housing is concerned on the basis of the scheme as proposed.

The Supplementary Planning Document on Affordable Housing states that *'In exceptional circumstances the council may consider the affordable housing requirement being provided on an alternative site or through the payment of a commuted sum in lieu of affordable housing provision. Exceptional circumstances, for example, could include a listed building where redesigning the scheme would result in poor design or loss of historical or architecturally important features.'*

It is noted that the developer proposes to make a contribution towards affordable housing. The limited amount would make it difficult to make provision on site, as this would be equivalent to approximately 1 unit.

It would be unlikely that a registered affordable housing provider would find it attractive to provide affordable housing on the site.

It is suggested that a review mechanism is included to ensure that the Local Planning Authority shares in any benefit from any uplift in land values.

It is considered that the proposed affordable housing provision would comply with Development Management policy DM10, London plan policy 3.12 and is acceptable in this case.

### 5.3.3 Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

#### *Layout*

The proposals would involve a block of flats with houses to either side fronting Church Walk.

The development would be set a significant distance off the rear boundary of the site to allow for trees and soft landscaping to be retained; a distance of 13m at the closest point.

The proposals would make use of private rear garden amenity areas for houses and communal areas for the flats and basement car parking. There would also be parking and landscaping to the frontage.

A landscaping strategy accompanies this planning application, which is generally considered acceptable. However there is a need to provide a detailed planting scheme. This can be secured by a condition, but it is considered necessary that it includes mature tree screening to the rear boundary with properties on Lyndale Avenue. The applicant has agreed to provide this.

#### *Scale and Massing*

The proposals comprise the following elements:

- Two storey houses to either side
- Two storey houses with mansard roof
- Three storey apartment block with three smaller roof elements with gaps

In this way, the proposed building would step up to its tallest point from either side. This would help provide a suitable transition to the two storey buildings at 11 Church Walk and the Vicarage which are two storey and relatively modest in scale.

Officers consider that these stepped elements would prevent the building from appearing unduly dominating or oppressive within the local streetscape.

Further articulation would be added to the building by two storey projecting features, and recessed glazed features between the three storey blocks.

The site is visible from a number of angles, directly from the rear of houses on Prospect Road, directly from a greater distance to the rear from houses on Lyndale Avenue, as well as from side views along Church Walk from the west and east. To a lesser extent it would be visible from the grounds of the neighbouring vicarage, 11 Church Walk and Moreland Court.

The proposed building would take reference to the scale of neighbouring buildings. There are examples of relatively tall buildings, such as Moreland Court on Church Walk. The building would make use of the levels across the site, ensuring that the building does not appear overly tall or bulky against neighbouring buildings.

It is considered that the development would be of appropriate scale so that it would fit acceptably within the location, and would not appear unduly bulky.

### *External Appearance & Design*

The existing vicarage building is constructed in buff brick with diamond brickwork patterns. The building features protruding gable features and natural slate roof. The building has been extended in the form of two storey red brick projections to either side.

The proposed building would reflect a mixture of modern design features and traditional building materials.

The building would include modern design features such as window reveals, and aluminium clad roofing.

The building would feature traditional materials such as brick and stone. The more modern aluminium roofing material will provide some contrast to this.

The surrounding area consists of a number of differing building designs. This includes:

- Red bricked and rendered traditional terrace houses on Prospect Road, some with double hung windows. Many have been extended in the form of tiled roof dormers with more modern fenestration.
- 11 Church Walk is a more modern house with a mixture of red and purple bricks, tiled pitched roof and rather incoherent fenestration.

- Moreland Court, which is built in a red stock brick with detailing, and divided windows. This has a uniform appearance
- The neighbouring vicarage is constructed in brown brick with a shallow profile slate roof.

As can be seen there is a variety of fenestration and building designs, though the use of traditional materials is a common theme. The proposals would take reference from these materials and ensure that the modern design elements fit well against neighbouring buildings.

The Design and Access Statement indicates the following proposed materials:

- The apartment building will be buff brick with stone reveals
- The houses would have red brick
- The roof level would be constructed in aluminium cladding (Pale Amber)
- Windows would be powder coated aluminium and reconstituted stone surrounds

The varieties of brick are considered appropriate given the mixture of brick colours and textures within the locality.

Finalised details of materials would be secured by a condition attached to the grant of planning permission, including details of soft and hard landscaping. However it is considered that these materials would provide an acceptable overall appearance to the development.

### *Landscaping*

The planning application is accompanied by a proposed planting strategy.

This breaks up the site into distinct areas, namely:

Main Frontage Section  
Communal Entrance  
Communal Garden  
Private Rear Gardens  
Private Front and Rear Terraces

The front of the site has an existing retaining wall with significant levels drop to the rear of this. There are three notable trees to the east which would be retained to the front boundary.

There is an existing line of mature trees to the rear of the site close to the rear of the site. The rear of the site is currently contains a large but unkempt grassed area.

A low front wall would be constructed in the location of the existing retaining wall.

Hardstanding is proposed to part of the front of the site. It is considered important that high quality materials are provided and this would be secured by a condition attached to the grant of planning permission.

Residents have raised the issue of proposed landscaping to the rear boundary with properties on Lyndale Avenue. The applicant has submitted an indicative landscaping



statement at this stage. Detailed proposals would be submitted as part of a suggested condition. However the officers are satisfied that a planting scheme that can feasibly be delivered which will contribute positively to the appearance of the area.

A condition is suggested to ensure that prior to occupation a scheme of mature landscaping is provided on the site. It is recognised that the site has a verdant character which this would ensure is retained.

#### 5.3.4 Whether harm would be caused to the living conditions of neighbouring residents

##### *Daylight/Sunlight*

Policy DM1 advises that *Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.*

The applicant has provided a daylight and sunlight report which accompanies the planning application.

This assesses the impact of the scheme on neighbouring occupiers. It assesses the impact on All Saints Vicarage, 11 Church Walk, 2-21 Prospect Road, and Moreland Court.

The report shows the difference in Vertical Sky Component (VSC), as modelled between existing and proposed situation, and Annual/Winter Sunlight Hours.

Looking at the vertical sky component, the greatest impact would be to the ground floor kitchen windows at the neighbouring vicarage, and at 0.8 of the existing figure this would still accord with Building Research Establishment (BRE) Guidance.

Similarly, the impact on the windows facing south across Prospect Road would show only minimal reductions to Annual and Winter Sunlight Hours.

It is recognised that the analysis of impacts on daylight and sunlight is not an exact science, as there are elements of modelling and assumptions involved. Nevertheless, officers are of the view that the methodology used within the report is appropriate. Furthermore, the results of survey conclusively show that any impacts are sufficiently minor so that they would not cause material harm to neighbouring residents.

It is considered that the proposals would have an acceptable impact on the daylight and sunlight enjoyed by neighbouring occupiers.

##### *Visual Impact/Outlook*

The proposed development would be located adjacent to the Vicarage and 11 Church Walk.

The proposed development would project some 2m beyond the rear wall of 11 Church Walk, a distance of some 8m away. Given the distance of the building away from the boundary with no.11, it is not considered that the building would appear overbearing, or result in harmful loss of outlook to the occupiers of this property.

The proposed building would not extend beyond the rear wall of the vicarage on the site nearest. There would be a gap of some 6.5m between the nearest house and the

boundary with the vicarage. It is not considered that the building would appear overbearing, or result in harmful loss of outlook to the occupiers of this property.

There is a distance of between 18-21m, from the rear windows of houses on Lyndale Avenue to the site boundary and 32m to the building itself. It is not considered that there would be a harmful sense of enclosure or loss of outlook to residents on Lyndale Avenue.

Given the distance of at least 24m from the rear windows of houses on Prospect Road to the site, it is not considered that there would be a harmful sense of enclosure or loss of outlook to residents.

### *Privacy*

The proposed building would have a back to back relationship with houses on Lyndale Avenue. The distances vary from the rear windows of these properties to the site boundary but is generally 18-21m.

The proposed building at it's closest point would be approximately 14.3m from the rear boundary.

This would leave a minimum distance of 32.3m between facing windows over ground, first, and second floors. This would comply with the Council Supplementary Planning Document on Sustainable Design and Construction, which requires a distance of 21m. At the roof level, this would increase to 36m.

In terms of the properties on Prospect Road to the front of the site, the distance would be a minimum of 24m at ground, first floor and second floor levels, and 26m at roof level.

In terms of the relationship to properties to the side, the buildings have been designed so that they would not have habitable rooms to either side. It is not considered that there would be overlooking from rear windows over the gardens of properties to the sides due to the oblique angle of their relationship.

Any perception of overlooking that could arise would be further mitigated by the mature tree planting to the rear of the site. This would be secured by condition.

It is not considered that the proposals would result in harmful overlooking to neighbouring occupiers.

### *Residential Amenity*

The proposals would involve the replacement of the former care home on the site, which served approximately 42 residents. There would also have been staff members present at the site.

The proposals would provide 35 dwellings. Officers estimate, taking into account the number of bedrooms within the development, that full occupancy would be around 110 residents. However, in practice this is likely to be somewhat lower. A condition is suggested in order to ensure that the individual flats and houses are not subdivided into Houses of Multiple Occupation which would normally be possible under 'permitted development'. This would ensure that the amount of activity on site is kept to acceptable levels.

Taking into account the size of the site, the proposals would constitute something of a more intensive use, and as a result there may be some increased noise and disturbance as a result of the proposals.

However, officers consider that the amount of activity taking place would not be so great as to result in harm to neighbouring occupiers.

The proposals should be viewed in the context of London Plan Policy which states that residential development should optimise use of sites.

#### 5.3.5 Whether harm would be caused to the living conditions of future residents

##### *Quality of Accommodation - Daylight/Sunlight/Outlook*

The applicant has provided a daylight and sunlight assessment in support of the planning application, which looks at the proposed accommodation.

Generally the proposed units would have dual aspect, looking north and south. This is considered to provide high quality outlook for future residents.

A single room at lower ground floor level would marginally be below BRE standards. This is a lounge/kitchen/dining area, is not the only living room within the property, which is served by other windows serving living areas. It is therefore considered that this is acceptable.

##### *Internal Amenity Space*

The proposed units have the following Net Internal Areas:

##### *Ground Floor*

1 bedroom flat – 54 sq m  
1 bedroom flat – 60 sq m  
2 bedroom flat – 80 sq m  
2 bedroom flat – 82 sq m  
3 bedroom flat – 122 sq m  
3 bedroom flat – 105 sq m  
3 bedroom flat – 130 sq m  
2 bedroom flat – 80 sq m

##### *First Floor*

1 bedroom flat – 54 sq m  
1 bedroom flat – 60 sq m  
2 bedroom flat – 80 sq m  
2 bedroom flat – 82 sq m  
2 bedroom flat – 75 sq m  
1 bedroom flat – 57 sq m  
2 bedroom flat – 80 sq m  
1 bedroom flat – 57 sq m  
2 bedroom flat – 75 sq m  
2 bedroom flat – 82 sq m  
2 bedroom flat – 80 sq m

1 bedroom flat – 55 sq m

### *Second/Third Floor*

3 bedroom flat – 100 sq m  
3 bedroom flat – 118 sq m  
2 bedroom flat – 82 sq m  
3 bedroom flat – 132 sq m  
1 bedroom flat – 57 sq m  
3 bedroom flat – 156 sq m  
1 bedroom flat – 57 sq m  
3 bedroom flat – 132 sq m  
2 bedroom flat – 82 sq m  
3 bedroom flat – 118 sq m  
1 bedroom flat – 55 sq m

### *Houses*

3 bedroom house – 127 sq m  
4 bedroom house – 189 sq m  
4 bedroom house – 214 sq m  
3 bedroom house – 168 sq m

In terms of quantum, these areas are fully compliant with the standards within the Mayor's London Plan policy 3.3 as well as the Supplementary Planning Document on Sustainable design and Construction.

### *External Amenity Space*

Amenity space is laid out so that there are private gardens to the rear of dwellings and a centrally located communal area to the rear of the flats.

House 1 (3 Bedroom) – 190 sq m  
House 2 (4 Bedroom) – 110 sq m  
House 3 (4 Bedroom) – 95 sq m  
House 4 (3 Bedroom) – 130 sq m  
Communal Amenity Area for Flats – 467 sq m  
Private Amenity Areas for Flats  
Ground Floor – 55 sq m, 35 sq m, 43 sq m, 30 sq m  
First Floor – All units have balcony areas between 5 sq m and 12 sq m  
Second Floor – All units have balcony areas between 5 sq m and 21 sq m

The Supplementary Planning Document: Sustainable Design and Construction sets out external amenity space standards for development.

Overall it is considered that the development would provide a good amount of amenity space for future residents.

In terms of the quality of the amenity space, the garden areas benefit from significant depth and as a result would receive good amounts of sunlight.

### *Playspace*

The proposals include:

- Lawn area
- Shrub planting and existing mature trees
- Interactive elements such as stepping blocks, boulders, and sloping/rolling lawn to play on, whilst preventing ball games

The proposals would comply with the requirements of the Mayor's London Plan in terms of playspace provision.

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

Church Walk is a narrow access road which only 4 metre wide. The site is within a 'one hour' Controlled Parking Zone (CPZ). The CPZ is in operation during Monday to Friday from 10 am to 11am.

There are also business permit bays in operation in Church Walk during Monday to Friday from 9am to 5.30pm.

On one side of Church Walk there are an All Day waiting restrictions in place to ensure that an unobstructed through access is maintained.

43 parking spaces are proposed in total. 32 parking spaces are proposed in a basement car parking area and the remaining 11 parking spaces including 3 disabled parking spaces are provided at ground level.

60 cycle parking spaces are also being provided at ground level.

The Public Transport Accessibility Level (PTAL) rating for the site is 3. The Public Transport Accessibility Levels (PTAL) is graded from 1 for poor accessibility to 5/6 for excellent accessibility. Therefore the PTAL score of 3 for the site is considered as medium accessibility.

#### *Parking Provision*

Policy DM17 states that 'The council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi detached houses and flats (4 or more bedrooms);
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

2. Residential development may be acceptable:

- i. with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be

demonstrated through a survey that there is sufficient on street parking capacity.

- ii. with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.'

The parking requirement for the proposed residential development falls between the ranges of 26 to 50.5 parking spaces to accord with the Parking Standards as set out in the Barnet Local Plan, Development Management Policies DM17. The parking provision of 43 parking spaces is in accordance with the parking policy DM17.

#### *Access*

A new two-way ramped vehicular signalised access to the basement car park is proposed. Any access involving signals will need to allow priority for the vehicles entering the site. The gradient for the proposed ramp leading to the underground parking area should have a gradient not steeper than 1:10 otherwise it would need to be in accordance with the guidelines in IStructE Design recommendations for multi-storey and underground car parks most recent Edition. Conditions are suggested to ensure that this is achieved. Access for emergency vehicles will be from Church Walk as per existing arrangement.

#### *Refuse/Recycling*

Refuse collection is to be from Church Walk. A refuse store is positioned within the building to the east of the main pedestrian entrance, and a member of staff will move the bins to a collection point close to the back of the footway within the 10m of the public highway.

#### *Servicing*

It proposed that due to the residential nature of the proposals, servicing will be limited to the occasional delivery movements. Smaller vans (the majority of movements) will be able to serve the site from Church Walk as with the existing arrangement for Church Walk House. All other deliveries will be the same as per the other properties on Church Walk.

#### *Trip Generation*

Transport Statement (TS) submitted with the planning application indicated that the proposed development is likely to result in an increase of two vehicular trips in the morning peak hour and an increase of three vehicular trips in the evening peak hour and an increase of 36 vehicular trips over the course of a typical weekday

#### *Safety*

It is noted that the site is located in close proximity to nearby nursery and primary schools. The proposals would result in some increase in activity on the site and would result in new vehicular accesses being created. There is something of a decrease in levels away from the footway. Any boundary treatment would be low and allow for good visibility across these access points. It is considered that there would not be a harmfully increased risk of accidents as a result of the development.

### 5.3.7 Whether the proposals would have an acceptable impact on local flood risk and drainage

#### *Flood Risk*

The site is not located within an area of designated flood risk by the Environment Agency, nor is it located within a critical drainage area.

#### *Drainage*

The drainage strategy follows the SuDS (Sustainable Urban Drainage Systems) hierarchy:

- It is proposed that green roofs will be utilised to store and re-use run-off on-site
- Run-off will be restricted to 5 l/s and will be attenuated on-site

This has been reviewed by the Lead Local Flood Authority. They make the following comments:

The applicant should be encouraged to incorporate green roofs and / or rainwater harvesting to the greatest extent possible.

The applicant has proposed the use of a cellular storage tank to attenuate surface water run-off from the site before it discharges to the existing Thames water surface water sewer, confirmation of the Adopting Authority for all SuDS are required.

The applicant has proposed to discharge both foul and surface water to the existing Thames water network, confirmation that the existing network has sufficient capacity to accommodate proposed flows from the development will be required prior to construction.

The detailed drainage strategy has specified the use of a green roof for the proposed development. The applicant should implement rainwater harvesting as another form of on-site storage and re-use.

Sufficient information has been provided to demonstrate appropriate foul and surface drainage systems can be developed in the detail design stage and sufficient calculations have been provided to confirm adequate drain down times of attenuation structures. However calculations do not use the correct adjustment for climate change (see comment below).

The Lead Local Flood Authority are satisfied with the drainage strategy in principle subject to additional conditions.

### 5.3.8 Whether the proposals would have an acceptable impact on local ecology

#### *Ecological Surveys*

The site is not located within an area of interest for nature conservation.

Residents have raised the issue of whether the existing site and buildings may house bats and great crested newts.

An ecological survey accompanies the planning application.

This states that Church Walk House has low potential for bat roosts in the tiled pitched roof slopes. JF Kennedy House was considered to have no potential for roosting bats.

There are no ponds or water courses on the site that would be suitable for aquatic species.

The survey mentions that there may be some potential for shrews, and small mammals to use the rear garden for foraging and breeding.

The survey advises that further dedicated bat surveys are required and these are addressed in the section below.

It would be required that ecological improvements are secured in accordance with Development Management policy DM16 and London Plan policy 7.19.

#### *Bat Surveys*

The applicant has provided a bat survey in support of the proposals.

Previous daytime bat assessment and surveys were conducted in September 2011, March 2013 and May 2014. No roosting bats were discovered during these surveys. A dusk bat survey was undertaken on 29 June 2015 and observed two common pipistrelle bat was observed foraging in the rear garden of the site. No bats were observed entering roosts. A further dawn bat survey was undertaken on 13 July 2015 and a single common pipistrelle bat was observed foraging in the rear garden of the site. No bats were observed entering roosts.

The bat survey concludes that no further surveys are required, however a 'soft demolition' approach during construction should be undertaken to take into account the possibilities that there are bats present. Furthermore bat boxes should be provided as part of the ecological improvements associated with the scheme.

### 5.3.9 Sustainability/ Environmental Issues

#### *Air Quality*

The applicant has provided an air quality report in support of the scheme. This states that *'the results of the assessment indicate that annual mean NO<sub>2</sub> concentrations are likely to be below the objective at all receptor locations. In addition, no exceedences are estimated for the hourly mean NO<sub>2</sub>, annual mean PM<sub>10</sub> or daily mean PM<sub>10</sub> objectives.'*

Officers have reviewed the air quality report, and consider that subject to appropriate mitigation, it is considered that the proposals would provide an acceptable environment for future residents.

#### *Noise Impact*

The applicant has provided a noise survey in support of the scheme.

The noise impact on the proposed dwellings has been assessed against the NPPF. Mitigation is recommended by the report, but based upon the results of the applicant's survey and assessment the proposed dwellings are considered to comply with policy DM04 in terms of the ability to achieve suitable internal noise levels.

Conditions are suggested to ensure that the adequate mitigation is provided.

#### *Environmental Performance*

All new housing will be expected to meet the relevant Building Regulations and should achieve a mains water consumption of 105 per head per day or less. Relevant planning policies on these matters include policies 3.8, 5.15 and 7.2 of the London Plan (2015); policy CS13 of the Barnet Core Strategy (2012); and policy DM02 of the Barnet Development Management Policies document (2012).

Any development should clearly demonstrate how a proposal is making the fullest possible 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



Applications should include a commitment to the scheme proposed achieving a specific level of improvement in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. Relevant planning policies on this matter include policies DM01 and DM02 of the Barnet Development Management Policies document (2012) and policies 5.2 and 5.3 of the London Plan (2015).

Policy 5.2 of the London Plan states that major developments should achieve a 40% improvement in carbon dioxide emissions of the Building Regulations 2010 Target Emission Rate.

The proposals will make use of solar water heating and air source heat pumps. The Energy Statement advises that a reduction of 33.3% in CO2 emissions can be achieved, against a target of 35%. Since this time an addendum has produced which sets out that the scheme will achieve the 35% reduction required.

#### 5.3.10 Whether the proposals would have an acceptable impact on security in the local area

The Metropolitan Police Crime Prevention Design Advisor has reviewed the proposals and has no objections in principle to the proposals. The Metropolitan Police would expect this development should incorporate all of the Secured by Design requirements detailed with in the New Homes 2014 Guide.

Relatively minor changes would be needed to ensure compliance with this, and a condition can be attached securing the requisite alterations to the scheme.

#### 5.3.11 Accessibility

Policy 3.8 of the Mayor's London Plan requires that 10% of new dwellings within major developments are wheelchair accessible or adaptable.

The proposed plans show three wheelchair adaptable units within the ground floor of the apartment block. This is considered to be policy compliant and would ensure that the development provides a suitable mix of accommodation.

#### 5.3.12 Section 106 Issues and CiL

##### *Skills, Employment, Enterprise and Training*

The proposals would involve the construction of 35 flats. The Supplementary Planning Document on Skills, Enterprise, Employment and Training requires a Local Employment Agreement. Given that the development is for a relatively small number of flats (under 50), a commuted sum in lieu of a Local Employment Agreement is appropriate if the applicant is unable to provide a Local Employment Agreement.

##### *Community Infrastructure Levy*

Barnet has adopted a Community Infrastructure Levy and the charging schedule came into effect on 01/05/2013.

CIL is a standardised non-negotiable local levy that is placed on new development. The purpose of Barnet's CIL is to secure capital funding to help address the gap in funding for

local infrastructure. The money raised by Barnet's CIL will be used to pay for infrastructure required to mitigate the impact of development across the Borough.

The proposals would be liable for Contribution of £609,930.00 towards Barnet Community Infrastructure Levy, and £158,130.00 towards Mayoral Community Infrastructure Levy, in addition to the affordable housing contribution discussed above. This would need to be indexed.

## **5.4 Response to Public Consultation**

### *Principal of Development*

Loss of the existing care home – *Addressed in main report*

There is demand on local schools and this would increase as a result of the proposals

- *The scheme would make provision towards Community Infrastructure Levy which would contribute towards such matters*

Lack of affordable housing – *The scheme has been assessed and the contribution towards affordable housing has been considered acceptable independently*

Existing building is local landmark and one of the oldest and most characteristic buildings in the area *The building is assessed in the main report. It is not considered that it would constitute a non-designated heritage asset*

Local children use Church Walk on a daily basis as a safe route to nursery and school. It also provides children with a safe place to play. This is almost a unique characteristic of the area and must be preserved. – *The loss of the facility has been considered and is acceptable*

### *Amenity Issues*

Overlooking and loss of privacy – *Addressed in main report*

Loss of light – *Addressed in main report*

Noise and Disturbance – *Addressed in main report*

Light Pollution – *It is generally considered that the development should not give rise to harmful light pollution given the distance to neighbouring residents. However, details of finalised external lighting around the building would be secured by a planning condition.*

Construction - 18 months or more of heavy construction causing disruption and noise – *Whilst it is recognised there may be some disruption during construction this is not reason to withhold permission. A condition is attached requiring details of a Construction Management Plan*

Air quality assessment is an underestimate – *The applicant advises that the air quality assessment uses a higher net trip generation figure at S.2.2 than is shown to be the case in the Transport Assessment (the figure of +36 vehicle flows was based upon the pre-application scoping exercise, as set out in Appendix A to the Transport Assessment, and wasn't updated to reflect the lower net increase figure at Section 5 of the submitted Transport Assessment of +28 vehicle movements over the 12 hour period). The actual impact in terms of air quality would therefore be slightly less than shown.*

Although there is a 4m level change across the Church Walk House plot (source: Design & Access Statement, section 3.2), the proposed development is designed as a level building. The result is that while the proposed development is the same height as the homes at the upper end of Lyndale Avenue (as can be seen in cross section BB in the existing and

proposed plans) – *It is considered that the proposed building would take into account levels changes across the site and would have an acceptable appearance*

### *Character and Appearance Issues*

Over-Development – *Addressed in main report*

Height of building – *Addressed in main report*

Mass of building – *Addressed in main report*

Church walk has unique environment and this would be spoiled – *It is noted that the existing site has a verdant character and the existing building has some historical features*  
Building will change the character of the area and overpower Church Walk and its surroundings by its scale – *Addressed in main report*

No attempt to re-use features from existing building *There is no requirement for the development to replicate features on the existing building*

Retaining wall along Church Walk is very fragile – *Noted, and it is important that this is given consideration during construction*

### *Trees*

Loss of mature trees – *Addressed in main report*

Mature screening should be provided to the boundary – *Noted and this would be ensured*

### *Highways Issues*

Parking/Highways Impact – *Addressed in main report*

Development will result in increased volume of traffic which cannot be accommodated by the existing road. – *Addressed in main report*

Over-crowding will be the result to such an extent that it will endanger pedestrians

-It is impossible to see round the corners, impact on nursery - *Highways officers have reviewed the information provided. It is considered that there is adequate visibility to serve the proposed accesses. The proximity to the existing nursery and school is noted, however it is considered that there would not be a materially increased risk of accidents in this regard.*

Emptying of dustbins would mean large obstacles cluttering the pavements – *The proposed refuse storage and collection arrangements are considered to be acceptable*

Access for emergency vehicles and supply vehicles? – *The Fire Brigade and Police have been consulted on the proposals and have expressed no objection*

Transport Statement is inadequate – *The initial transport statement did not include the 15 care units within JF Kennedy House. An addendum has been produced to take these into account*

Finally we can find no discussion of the road safety implications for the children of the Jack and Jill Nursery in All Saints Church Hall and the children of the All Saints Church of England Primary School. – *Highways officers have reviewed the information provided. It is considered that there is adequate visibility to serve the proposed accesses. The proximity to the existing nursery and school is noted, however it is considered that there would not be a materially increased risk of accidents in this regard.*

Traffic impact ignores that the current site is vacant and generates no traffic. – *In planning terms the previous use is lawful and could be brought back into use. It is therefore a relevant consideration.*

Traffic analysis uses a PTAL rating of 3/4, should be 3. 3/4 overestimates public transport usage and underestimates traffic – *The Local Planning Authority has assessed the*

*proposals on the basis that the site is located within in a PTAL 3 area. In any event, this is not considered to be a critical factor in deciding whether to grant planning permission*

### *Ecology Issues*

*Lack of Environmental or Ecology Reports – These reports were not initially available on the website but are now available and residents have been informed*

*Potential for bats on the site – Addressed in main report*

*Bat & Swift Bricks / Boxes should be provided – Ecological improvements will be secured by planning condition*

*Presence of newts in vicinity of the site - The ecological survey does not detect any habitats suitable for newts*

*Biodiversity Gain should be secured This is noted*

*Potential to improve habitats for wildlife This is noted*

*Natural habitat for Long Tailed Tits, Great Tits, Blue Tits, Coal Tit, Robins, Dunnocks, Thrushes, Blackbirds, Wrens and Goldfinches – This is acknowledged. Ecological improvements would be secured*

### *Flood Risk*

*- Water/Flooding/Subsidence A Basement Impact Assessment accompanies the planning application*

*- The sloping ground of heavy clay with under-ground streams represent a real problem The drainage of the site has been assessed and it is not considered that the nature of the site would result in harmful flooding*

*- Due to the down-wards slope our gardens at Lyndale Avenue has frequently been flooded during the winter months – The applicant would make use of Sustainable Urban Drainage Systems to address drainage issues on the site.*

### *Procedural Issues*

*Description used by the applicant is misleading – The description has been amended, and consultation has taken place on this basis. It is considered accurate*

*Previous planning application is irrelevant and should not be shown on the plans It is agreed that this is of limited relevance, but it is not necessary for this to be removed*

*It should also be noted that the Victorian Society have objected to previous development on the site.*

*‘Church Walk House is a 1850s former vicarage which contributes very positively to the area. Its use of lively polychrome brickwork, crested gables and gothic arched windows, and its general vertical proportions, combine to produce a striking, confident building with real presence in the street. Although the building has been extended unsympathetically, it appears to retain its key features. The north façade in particular is a very attractive entrance frontage with porch, and seems to be in good overall condition. The architect was Thomas Talbot Bury, who designed many churches and parsonages, and worked with A W N Pugin on his designs for the Palace of Westminster. The church at the end of Church Walk was also to his design. The NPPF stresses the need for planning authorities to take account of “the desirability of sustaining and enhancing the value of heritage assets” (NPPF section 131) when deciding applications. Church Walk House clearly makes a positive aesthetic contribution to the street, has group value with the nearby church, and is by a noted architect; there is no doubt that it should be considered a heritage asset, and weight should thus be given to the desirability of its retention and enhancement in this*

*application. This is addressed within the main report. The Local Planning Authority is of the view that the building has been altered extensively and as a result the value of it has been diminished. It would not be considered to be a non-designated heritage asset.*

## **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:

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

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

The proposed development would provide additional residential accommodation. This would include wheelchair adaptable/accessible units and so adequately cater for residents with disabilities.

The existing care home on site would have contained elderly residents and residents with disabilities. The loss of the facility is considered acceptable and it is considered that the demand for this accommodation can be met elsewhere.

In terms of likely negative impacts, it is suggested that the majority of these can be mitigated through conditions and that any impacts are unlikely to disproportionately affect any one group with a protected characteristic. Whilst it is recognised that children, disabled and elderly road users are more likely to be affected by proposals which result in an intensification of use it is considered that these impacts are adequately mitigated by the proposals.

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 development would therefore have a positive effect in terms of equalities and diversity matters.

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

## **7. Conclusion**

The NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposed development is considered to accord with the development plan. It would provide 35 additional dwelling units, as well as making a contribution towards affordable housing and infrastructure within the borough. It would be of high quality design and would respond appropriately to local context.

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

