

Location **290-294 Golders Green Road London NW11 9PY**

Reference: **16/3806/FUL** Received: 9th June 2016
Accepted: 9th June 2016

Ward: Golders Green Expiry 8th September 2016

Applicant: Mr Neel Khiroya

Proposal: Erection of a part two, part four, part five, part six storey building with lower ground floor and basements providing 60 residential flats with ancillary spa facility; associated car and cycle parking, landscaping and associated other works with access from Golders Green Road.

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 towards affordable housing - £640,000
4. Affordable Housing Review Mechanism
5. Contribution towards the monitoring of residential travel plan - £5,000
6. Monitoring of the Agreement - £250

RECOMMENDATION II:

That upon completion of the agreement the Head of Strategic Planning 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:

AD-00-00-06-01 PL6 ELEVATION 01,
AD-00-00-06-02 PL6 ELEVATION 02,
AD-00-00-06-03 PL6 ELEVATION 03,

AD-00-00-06-04 PL6 ELEVATION 04,
 AD-00-00-06-05 PL6 ELEVATION 05,
 AD-00-00-06-06 PL6 ELEVATION 06,
 AD-00-00-06-11 PL6 E2 WITH OUTLINE,
 AD-00-00-06-12 PL6 E2 WITH OUTLINE,
 AD-00-00-06-13 PL6 E3 WITH OUTLINE,
 AD-00-00-06-13 PL6 E4 WITH OUTLINE,
 AD-00-00-06-13 PL6 E5 WITH OUTLINE,
 AD-00-00-06-16 PL6 E6 WITH OUTLINE,
 AD-00-00-06-21 PL6 SECTION 01,
 AD-00-00-06-22 PL3 SECTION 02,
 AD-00-00-06-23 PL3 SECTION 03,
 AD- 01-00-01-01 PL6 1ST FLOOR PLAN,
 AD-02-00-01-01 PL6 2ND FLOOR PLAN,
 AD-03-00-01-01 PL6 3RD FLOOR,
 AD-04-00-01-01 PL6 4TH FLOOR PLAN,
 AD-05-00-01-01 PL6 5TH FLOOR PLAN,
 ADB1-00-01-01 PL6 BASEMENT 01 PLAN,
 AD-B2-00-01-01 PL6 BASEMENT 02,
 AD-BM-00-01-01 PL6 BASEMENT MEZZANINE,
 AD-GF-00-01-01 PL6 GROUND FLOOR PLAN,
 AD-LG-00-01-01 PL6 LOWER GROUND FLOOR
 PLAN, AD-RF-00-01-01 PL6 ROOF PLAN,
 AD-LC-00-01-01 PL6 LOCATION
 PLAN, AD-ST-00-01-01 PL6 SITE PLAN,
 AD-ST-00-01-02 PL6 SITE PLAN DIMENSIONED,
 Air Quality Assessment,
 Arboricultural Assessment,
 Archaeology,
 Design and Access Statement,
 Ecological Assessment,
 Energy Statement,
 Flood Risk Assessment sm1,
 Site Investigation Report,
 Transport Statement,
 Travel Plan,
 Utility Statement,
 Ventilation Strategy,
 Acoustic Assessment Report,
 Urban Landscape Design Strategy & Visual Impact Assessment,
 Soil Survey

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 The development hereby permitted shall not commence until a parking management plan is approved that includes details of parking spaces, details of visitors/servicing, allocation of parking spaces per units, controlling and monitoring of parking areas, including enforcement for non-correct use of parking areas, details of Electric Vehicle Charging points. All parking spaces shall be provided and permanently used only for residential accommodation within the development thereafter.

Reason: To safeguard highway and pedestrian safety.

- 4 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.

- 5 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.

- 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) 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.

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).

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

- 9 Part 1

Before development commences other than for investigative work:

a) 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.

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

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

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

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

Part 2

d) 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.

- 10 a) No development other than demolition work shall take place until details of the location within the development and specification of the 6 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.

- 11 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.

- 12 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.

13. Prior to the commencement of the development hereby approved a Construction Management and Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the approved plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- o Details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- o site preparation and construction stages of the development;
 - o a Site Waste Management Plan and details of provisions to be made for recycling of materials.
- o The provision on site of a storage/delivery area for all plant, site huts, site facilities, waste and materials.
- o details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- o the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- o a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- o noise mitigation measures for all plant and processors;
- o details of contractors compound and car parking arrangements;
- o details of interim car parking management arrangements for the duration of construction; and
- o details of a community liaison contact for the duration of all works associated with the development.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety a sustainable waste management in accordance

with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 14 Piling or any other penetrative construction method shall not be permitted other than with the express written consent of the Local Planning Authority. In the event that piling is sought, then a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To ensure that the piling design is protective of below ground utility infrastructure assets and controlled waters in accordance with policy DM04 of the Adopted Barnet Development Management Policies 2012.

- 15 Before the development is occupied, the proposals identified in the energy statement submitted shall be implemented in accordance with the details within this document and permanently retained thereafter.

Reason: To ensure that the development achieves satisfactory environmental performance in accordance with policy 5.2 of the Mayors London Plan.

- 16 Before the development is occupied, details of the designated amenity areas and how access to these will be provided shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details.

Reason: To ensure that residents have access to adequate amenity space in accordance with policy DM02 of the Adopted Barnet Development Management Policies 2012.

- 17 Before the development hereby permitted is occupied cycle storage and parking shall be implemented and permanently maintained in accordance with the approved details.

Reason: To ensure that the proposals have an acceptable impact on highway and pedestrian safety in accordance with policy DM17 of the Adopted Barnet Development Management Policies 2012.

- 18 Before the development hereby permitted is occupied, details of electric car charging points shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with these details.

Reason: To ensure that the development achieves satisfactory environmental performance in accordance with policy 5.2 of the Mayors London Plan.

- 19 Prior to the first occupation of the development a scheme detailing all play equipment to be installed in the communal amenity space shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the details as approved prior to the first occupation of the development.

Reason:

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

20 a) Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

b) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and Policy 5.3 of the London Plan 2011.

21 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic noise has been submitted to and approved in writing by the Local Planning Authority.

b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or the first occupation of the development and retained as such thereafter.

Reason: To ensure the amenities of occupiers are not prejudiced by traffic noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013), and 7.15 of The London Plan 2011.

22 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (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) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

23 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 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), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 24 Before the development hereby permitted commences, a Sustainable Urban Drainage System (SuDS) Construction Plan shall be submitted. The SuDS Construction Plan shall demonstrate that SuDS shall be constructed in accordance with appropriate applicable standards to ensure that there is no consequential damage to the functionality of the sewerage and drainage system. The Plan shall also address the operation and long term maintenance plan for the SuDS. The development shall be constructed in full accordance with these details.

Reason: To ensure that the proposals have an acceptable impact on local drainage.

- 25 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 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. 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 March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 26 Before the development hereby permitted is occupied, details of proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with these details.

Reason: To safeguard local amenity.

27. Before the development hereby permitted is occupied a scheme of ecological improvements shall be submitted in writing to the Local Planning Authority with an appropriate timetable. These measures shall be implemented in accordance with the approved details and timetable, and shall be permanently maintained thereafter.

Reason: To ensure that ecological improvements are secured in accordance with policy DM16.

RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 27/09/2016, unless otherwise agreed in writing, the Head of Strategic Planning REFUSE the application under delegated powers for the following reason(s):

1).The proposed development does not provide a legal undertaking to monitor the required residential travel plan in association with the development. In the absence of this the proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies, policy CS9 of the Adopted Barnet Core Strategy and policy 6.1 of the Mayor's London Plan.

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

Informative(s):

1 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. 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 Waste Comments

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

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit thameswater.co.uk/buildover

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses. Swimming Pools - Where the proposal includes a swimming pool Thames Water requests that the following conditions are adhered to with regard to the emptying of swimming pools into a public sewer to prevent the risk of flooding or surcharging: - 1.The pool to be emptied overnight and in dry periods. 2.The discharge rate is controlled such that it does not exceed a flow rate of 5 litres/ second into the public sewer network.

No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Waters Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

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

Water Comments

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

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

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

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 £561,645.00 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 £2,166,345.00 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.

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.

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
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

Please visit

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

- 4 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 5 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 or by telephoning 0208 359 7294.

- 6 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

Officer's Assessment

1. Site Description

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

There is a historic tree preservation order on the site that cover a number of individual and group trees that no longer exist. The planning permission granted in 2008 allowed for the removal of these trees given the wider benefits of the proposals against the loss.

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

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

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

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

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

2. Site History

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

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

C10692F/04 - Erection of a three storey block of 9 two bedroom self-contained flats with basement parking for 15 cars 9 additional surface parking spaces, new access road and demolition of existing bridge over sewer and replacement foot bridge over sewer - withdrawn March 04. C10692G/04 - Erection of part two storey (with accommodation in the roof) and part three storey block of nine flats with new basement car parking and associated changes to landscaping - withdrawn July 04.

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

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

Site Address: 290-294 Golders Green Road London NW11

Application Number: C00513Z/07

Application Type: Full Application

Decision: Approved subject to conditions and legal agreement

Decision Date: 06/06/2007

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

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

Case Officer: Karina Conway

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

Application Number: C00513AA/08

Application Type: Full Application

Decision: Approved following Legal Agreement

Decision Date: 23/05/2008

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: Construction of five storey building with basements and lower ground floor to create 45 self-contained flats and 1020sqm of health facility (D1 use) with provision for 83 cars and 80 cycle spaces with access from Golders Green Road. Associated landscaping.

Case Officer: Karina Conway

Site Address: 290-294 Golders Green Road London NW119PY

Application Number: C00513Y/05

Application Type: Full Application

Decision: Refuse

Decision Date: 11/08/2006

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: New three-storey building to provide 14 self-contained flats with basement parking.

Case Officer:

Site Address: HARVESTER RESTAURANTS, THE PRINCE ALBERT, 290-294
GOLDERS GREEN ROAD, LONDON, NW11 9PY

Application Number: 00247/08

Application Type: Full Application

Decision: Approved following legal agreement

Decision Date: 07/07/2008

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: Construction of a five storey building with basement and lower ground floor to create 41 self-contained flats and 1020sqm of health facility (D1 use) with provision for 83 cars and 80 cycle spaces with access from Golders Green Road. Associated landscaping.

Case Officer: Karina Conway

F/05593/13 - Erection of a part two, part six, part seven storey building with lower ground floor and basements providing 75 residential flats with ancillary resident's spa facility; associated car and cycle parking, landscaping and associated other works with access from Golders Green Road. – Refused – 25/02/2015 – Currently at Appeal

15/05062/FUL - Erection of a part two, part six, part seven storey building with lower ground floor and basements providing 67 residential flats with ancillary resident's spa facility, associated car and cycle parking, landscaping and associated other works with access from Golders Green Road. - Refused - 04.02.2016

3. Proposal

The proposals are for the erection of a part two, part four, part five, part six storey building with lower ground floor and basements providing 60 residential flats with ancillary spa facility; associated car and cycle parking, landscaping and associated other works with access from Golders Green Road.

The proposals follow the submission of two previously refused planning applications. Changes have been made to try and address the previous reasons for refusal.

The development would take the form of a front block, five storeys on the southern side nearest Princes Park Avenue, and six storeys on the north-west side nearest Roman House. These elements would be split by a lowered two storey element.

The building would have a rear block attached to the front block. This would drop two storeys immediately to the rear, extending up to five storeys and then down to a part three, part four storey element; this would be three storeys closer to the houses on Princes Park Avenue.

The front block would be sited closer to Princes Park Avenue than the previously refused scheme and the rear block would be lower than the previously refused scheme but approximately 4m closer to the neighbouring block on James Close.

This planning application follows the refusal of two previous planning applications for residential development on the site. (Planning application references F/05593/13 for a scheme for 75 flats and reference 15/05062/FUL for 67 flats.)

The most recent planning application (67 flats) was refused on the following grounds:

1.) The proposed development, by reason of its height, massing, and scale, would be unduly obtrusive and detrimental to the character and appearance of the streetscene and general locality. The proposals would be contrary to policy DM01 of the Adopted Barnet Development Management Policies, CS5 of the Adopted Barnet Core Strategy, policies 7.4 and 7.6 of the Mayor's London Plan 2015 and paragraph 64 of the National Planning Policy Framework.

2.) The proposed building would appear overbearing and visually dominating as viewed from the rear gardens and windows of the properties at no.1, no.3, no.5, no.7, no.9 and no.11 Princes Park Avenue. The proposals would be detrimental to the visual amenities of the neighbouring occupiers, being contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012.

3.) The proposals would have a harmful impact on the visual and residential amenities of neighbouring occupiers at no.1 Princes Park Avenue by reason of the harmful overshadowing of the rear garden. The proposals would be contrary to policies DM01 and DM02 of the Adopted Barnet Development Management Policies 2012.

The first scheme (75 flats) is currently at appeal stage.

4. Public Consultation

Consultation letters were sent to 414 neighbouring properties. 92 responses have been received, comprising 86 letters of objection, 6 letters of support and 1 letters of comment.

The objections received can be summarised as follows:

Principle

Too many flats for the plot

Overdevelopment

Excessive Density

Applicant has not been honest about transactions on the land and this information should be void

The applicant has not addressed the concerns of light consultants and architects on behalf of residents.

Developer previously said it isn't viable to lower height

The previous concerns of residents have not been addressed.

Use is not appropriate for the area.

Character and Appearance

Development far too large

Out of keeping with rest of area

Building is too dominant

Building is too close to Decoy Brook

There should be more green space surrounding the development

Amenity

Loss of privacy

Loss of light

Light report on behalf of residents suggest that the proposals are contrary to BRE guidance

Applicant has not visited properties on Princes Park Avenue

Survey provided of Hours in Sun is not a legitimate survey

Building is closer to James Close

Noise and Disturbance

Does not address previous concerns that the building will appear overbearing

Daylight and Sunlight reports have been submitted by neighbours

No obscure glazing proposed to prevent overlooking

Infringing on rights to light

There is no adequate laying out of usable amenity space for the residents of the proposed scheme.

Highway Issues

Impact on parking

Development does not specify that each unit would have it's own parking space

Increased traffic

No provision for visitors parking

Potential risk of accidents

Construction will cause traffic issues

Environmental Matters

Impact on local wildlife

Impact on flooding from Decoy Brook

Loss of trees

Impact of Air Pollution and traffic fumes

Noise pollution

Soil survey is out of date

Other Matters

Impact on sewage

Risk of subsidence and structural issues

Are there restrictive covenants on the land

Increased security risk

Applicants have not accurately represented comments of residents in their Statement of Community Involvement

Land by Decoy Brook is covenanted

Petitions within 37,22, and 10 signatories have been received objecting to the development on the above grounds.

The representations received can be summarised as follows:

-Proposals will benefit area in terms of housing supply

-Applicant has addressed concerns raised

Internal/External Consultation:

Urban Design – No formal comments made.

Environmental Health – No objection, Addressed in main report.

Highways – No objection, Addressed in main report.

London Fire Brigade – No comments received at time of writing report.

Environment Agency – No objection, but have requested that the Lead Local Flood Authority are consulted.

Thames Water – No objection

Affinity Water - No comments yet received.

Historic England - The Greater London Archaeological Advisory Service (GLAAS) provides archaeological advice to boroughs in accordance with the National Planning Policy Framework and GLAAS Charter. Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. This site was subject to an archaeological evaluation in 2007 which found only two features of 18th-19th century date. This is not considered to represent a significant archaeological interest. No further assessment or conditions are therefore necessary.

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 2016

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.

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS4, CS5, CS9, CS10, CS15

Policy CS3 states that 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.

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

- o 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.

- o seeking to ensure that all new homes are built to Lifetime Homes Standards and that through extending the inclusive design principles embedded in Lifetime Homes we can create Lifetime Neighbourhoods that are welcoming, accessible, and inviting for everyone, regardless of age, or health, or disability.

- o 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.

- o seeking a variety of housing related support options that maximise the independence of vulnerable residents including young people, people with disabilities, older people, homeless people and other vulnerable adults.

- o 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.

- o 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.

- o 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 states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.

Policy CS9 states that the Council 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 CS10 states that the council will work with our partners to ensure that community facilities including schools, libraries, leisure centres and pools, places of worship, arts and cultural facilities, community meeting places and facilities for younger and older people, are provided for Barnet's communities.

Policy CS11 states how the Council will improve health and well-being in Barnet.

Policy CS12 states that the Council 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 CS14 sets out how the Council will encourage sustainable waste management

Policy CS15 states that the Council will work with the Local Strategic Partnership(One Barnet Partnership Board) and other partners to deliver the vision, objectives and policies of the Core Strategy.

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM10, DM16, DM17

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 states that development proposals should meet the highest standards of accessible and inclusive design.

Policy DM04 states that 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. Proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.

Policy DM06 states that archaeological remains will be protected in particular in the 19 identified Local Areas of Special Archaeological Significance and elsewhere in Barnet. Any development that may affect archaeological remains will need to demonstrate the likely impact upon the remains and the proposed mitigation to reduce that impact.

Policy DM08 states that development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough.

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

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

Policy DM17 states that the council will ensure that the safety of all road users is taken into account when considering development proposals, and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users.

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 SPD (Adopted April 2013)

- detailed residential design guidance issues relevant to Barnet such as local character, density, built form, car parking and amenity space standards connected with new build development

Planning Obligations SPD Adopted 2013

- The main purpose of the Planning Obligations SPD was to provide guidance on when, where, and how the Council will seek to use Planning Obligations and the procedural process for doing so.

Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD

- The SPD sets out the Council's approach to delivering skills, employment, enterprise and training initiatives from development

5.2 Main issues for consideration

The main issues for consideration in this case are:

-Whether the principal of the development is acceptable

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

-Whether the impact on the amenities of neighbouring and future occupiers is acceptable

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

-Whether the proposals make satisfactory provision for affordable housing

-Sustainability/Environmental Issues

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

-Whether the proposals would harmfully increase local flood risk

-Whether the development would have an acceptable impact on local security

-Whether the proposals make adequate accessibility provision

-Section 106 Issues

5.3 Assessment of proposals

1. Whether the principal of the development is acceptable

1.1 Land Use

The site formerly had a public house and restaurant that was demolished some time ago. It is now occupied for the purposes of car storage though it does not appear that this use benefits from planning permission.

Planning permission was previously granted for the redevelopment of the site with medical facility however this has now lapsed.

1.2 Density

The proposed development would be in an area of PTAL rating 3-4, as the site falls on the boundary of these areas. The development would be at a density of 150 units per hectare which is under the 260 specified within the London Plan Density Matrix for a site of this nature.

The development would be at approximately 697 habitable rooms which is under the 700 habitable room maximum specified within the London Plan density matrix.

The site is considered to be an urban location, and the proposals would be within the London Plan thresholds.

1.3 Unit Mix

The development would consist of:

19 x 2 bedroom units

29 x 3 bedroom units

12 x 4 bedroom units

The proposed development would provide a mixture of homes included much needed family accommodation in compliance with policy DM08.

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

2.1 Layout

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

The front block of the proposed building will extend further towards the return elevation to Princes Park Avenue. Officers consider that whilst this is beyond the building line of properties on Princes Park Avenue it would not make the building appear overly dominant from the rear taking into account that this proposals would not be read as part of Princes Park Avenue, it would have it's own character.

The rear of the development would extend somewhat further towards blocks of flats at James Close. These would however be at a lower level than the previously refused scheme.

2.2 Scale and Massing

The main concerns with the previously refused scheme (subject to appeal) were that the height of the building at six storeys related poorly with neighbouring buildings, especially those on Princes Park Avenue, and the unbroken massing of the building, which would contribute to the building appearing bulky within the local streetscape.

When considering the scale of the development, it is noted that there are some similarly tall buildings in the locality, most notably Melvin Hall which is part 7 and part 8 storeys.

The front block would be five storeys height with sixth storey roof level on the side nearest Roman House.

The previous scheme took the approach of one continuous block, whereas the proposed scheme would have a gap with two storey linked element in order to give the front block the appearance of two linked elements.

Whereas the previously refused scheme was one continuous block, the proposed scheme would drop to two storeys, then up to five, before dropping back down to three storeys. This would assist in breaking up the massing as viewed from the rear houses of properties on Princes Park Avenue.

The building would step down across the site in that the rear block would be stepped down towards Princes Park Avenue from part 4/5 to 3 storeys.

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

It is considered that the reductions in massing are a significant improvement in respect of the impact on the character and appearance of the streetscene. The building would now be broken up so that it's perceived massing would be lessened to an acceptable level.

Furthermore the relationship of the five storey front block adjacent to Princes Park Avenue to the two storey houses on Princes Park Avenue is considered to be acceptable within the context of the streetscene. The six storey element would be confined to the side of the building nearest Roman House and would not be read as part of Princes Park Avenue.

It is considered that the revised scheme addresses the previous reason for refusal 1 and would have an acceptable impact on the character and appearance of the streetscene and general locality, making a positive contribution to local townscape on this currently empty site.

2.3 External Appearance

The proposals submitted indicate that the development would comprise red-brown brick, and glazed windows.

A condition will be recommended if the application is to be approved to require finalised details of materials to be agreed.

2.4 Landscaping

The applicant has provided a landscaping scheme with the proposed application. This was drawn up in conjunction with the previous planning application and is shown on plan 1094 A2 01 Revision C. It comprises of a mixture of hard and soft landscaping. This includes a mixture of soft and hard landscaping. Furthermore, the applicant has expressed a willingness to provide additional mature trees to provide screening to the boundary of properties on Princes Park Avenue.

3 Whether the impact on the amenities of neighbouring and future occupiers is acceptable

3.1 Neighbouring Amenities

3.1.1 Loss of light

The previous scheme was refused on the grounds that it would harmfully overshadow the rear garden of no.1 Princes Park Avenue. Officers were otherwise satisfied that the proposals would not cause harmful loss of light to neighbouring occupiers, including residents opposite the site and on James Close to the rear. Whilst the proposed scheme is somewhat larger in footprint in that it is closer to James Close it is also significantly lower in height. As a result officers do not consider that there will be a harmful impact.

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

No.1 Princes Park Avenue has been extended and has utility and kitchen windows facing Golders Green Road to the south.

The proposals have been amended in that the front block is a storey lower on the side nearest Princes Park Avenue.

A number of residents have expressed concern about potential loss of light. They have submitted a letter from a right to light consultant to previous schemes which expresses concern that the proposals breach the requirements of BRE guidelines.

In order to justify the proposals in relation to this issue, the applicant has provided an Hours in Sun Overshadowing Report.

The report references the BRE Guidelines 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice (2011). The guidelines state that a reduction in 20% is likely to be noticeable.

It should be noted that the previously refused planning application was similarly accompanied by a report. This report stated that there would be a 31% which is termed a moderate adverse impact in terms of overshadowing as defined within BRE guidance, to the garden of no.1 Princes Park Avenue on 21st of March.

The report for the current application states that there would be a loss of 26% light to the garden of no.1 Princes Park Avenue. This is a minor adverse impact as defined within BRE guidance. There is a moderate adverse loss of light to 1 Prince Park Avenue (26% compared to 31%). The report also states that this impact is forecast on March 21st, and that summer months would be less affected. Whilst this may be the case, it is contended that sunlight in the winter months would still be of importance to residents.

The report goes on to state that it is not unusual where proposed developments are envisaged on undeveloped sites in close proximity to neighbouring amenity spaces to cause loss of light.

The BRE guidelines are not a representation of policy, though represent an expert analysis of the overshadowing issue. Consequently they are given some weight in considering this issue. Officers have considered the reports provided by the applicant and residents. In weighing the impact up on daylight and sunlight, regard has been had to both the report from the applicant, as well as the letter submitted on behalf of residents. It should be noted that the proposals offer the opportunity to redevelop a vacant site on previously developed land. Officers have considered the likely impact on neighbouring residents and are of the view that whilst there is likely to be some difference in what is perceived as a result of the development given the existing vacant nature of the site, the impact on neighbouring residents in respect of loss of light would not be so harmful as to warrant the refusal of the scheme.

3.2 Visual impact and Outlook

The previous scheme was refused on the grounds that the proposals would appear overbearing as viewed from the rear windows and gardens of properties at 1-11 Princes Park Avenue.

The revised scheme involves reductions to the massing of the building and is broken up by two and three storey elements. Furthermore parts of the building that were previously six storeys have been reduced to five in height.

As perceived from no.1 Princes Park Avenue, whilst the building is sited in a similar location to the refused scheme it would now be reduced in height to two storeys in height to the rear.

The rear outlook from no.3 Princes Park Avenue would be over the two storey element of the building. Previously this element was part five and part six storeys in height.

The rear windows and garden of no.5 Princes Park Avenue would look towards the two storey element, and partly the five storey element, which represents a reduction from the previous six storey part of the refused scheme, which no.7 would also look towards.

As perceived from no.9 and no.11 Princes Park Avenue, the buildings is somewhat wider, but is 2.8m further away and is lower in height at 3 storeys.

The side windows of no.1 Princes Park Avenue would be located a distance of 10.3m from the rear wall of the proposed front block. Taking into account that the building has been reduced in height both in terms of the front block but also to the rear of the building, it is not considered that the proposed building would appear so overbearing that it would harm the visual or residential amenities of the occupiers of no.1 Princes Park Avenue.

The building would now be broken up so that it does not have a part five and part six storey façade running alongside the rear boundary of no.1,3,5,7,9 and 11 Princes Park

Avenue. It is not considered that the proposals would appear unduly overbearing or visually dominating from the rear gardens and windows of any neighbouring properties.

It is considered that the proposals would not cause harmful loss of outlook or appear visually overbearing as perceived from the rear windows of properties on James Close, taking into account the distance from the rear windows and amenity areas to this block. The proposed building is approximately 4m closer to the block of flats on James Close to the rear than the previously refused scheme. However the building in this location would be 3-4 storeys in height as opposed to 6 storeys as previously proposed.

Furthermore, some limited weight is given to the fact that a previous scheme of comparable size was previously approved, although this has lapsed and under a different policy regime.

It is considered on balance that the proposed scheme would not cause materially harmful loss of outlook or have harmful impact on the visual amenities of any neighbouring occupier.

3.1.3 Privacy

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

The proposed building is sited 10.3m from the neighbouring boundary with at its closest point, other than the two storey element to Princes Park Avenue. It is considered on balance that the proposals would not result in harmful overlooking given that this is not materially below the figure quoted in the Supplementary Planning Document and that in part the windows are slightly at an angle to the rear windows on Princes Park Avenue. Windows and balconies have been sited in such a way that they would not harm neighbouring amenity through overlooking, however details of screening for the balconies would be required but could be secured by condition.

Given the intervening distance of 20m, at an indirect angle to the windows of flats on James Close it is not considered that harmful loss of privacy would arise.

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

3.1.4 Noise

The proposals would involve the creation of 60 flats. It is not considered that the use of the site as 60 flats, as well as associated car parking and pedestrian access, would generate harmful noise and disturbance to neighbouring residents, given the nature of Golders Green Road and the proposed location of access points.

3.2 Amenities of Future Residents

The size of all units would comply with the standards set in the Mayors London Plan. The applicant has considered whether windows could be obscure glazed however this would provide a poor level of outlook to habitable rooms and is considered undesirable. The proposed flats would have access to communal amenity areas through communal accesses. It is not considered that the layout would give rise to a poor level of privacy through use of defensible space to ground floor units to preserve privacy. The proposals would provide approximately 3000 square metres of amenity space, which would comply with standards in Supplementary Planning Document: Residential Design Guidance which requires 5 square metres per habitable room.

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

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

4.1 Access

A ramped vehicular access is proposed for the development from Golders Green Road. A 1:10 gradient would need to be provided otherwise the ramp design would need to be in accordance with the Design Recommendations for multi-storey and underground car parks by The Institution of Structural Engineers. A condition would need to be attached to any grant of planning permission in order to ensure that the ramp is built to such standards.

4.2 Parking Provision

96 parking spaces are proposed within a two storey basement level.

The assessment of parking provision for a residential development is based on Public Transport Accessibility Levels (PTAL) Score. For higher PTAL of say 5/6 a parking requirement at the lower end of the council's parking policy range would be considered acceptable. However, for a PTAL Score at the lower end (say of 1 or 2) parking provision at the higher end of the council's parking policy range would be appropriate. The PTAL Score for the site is calculated as 3-4. Barnet's Local Plan Development Management Policies approved in September 2012 sets out Parking Standards as follows for the residential use:

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

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

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

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

19x2b = a range of (1.0 - 1.5) = 28.0 – 42.0 parking spaces required

29x3b = a range of (1.0 - 1.5) = 29.0 – 43.5 parking spaces required

12x4b = a range of (1.5 - 2.0) = 18.0 - 36.0 parking spaces required

This equates to a range of parking provision of 60 to 122 spaces to meet the Barnet Local Plan Parking standards contained in the Development Management Policies approved in September 2012. The maximum parking provision would be more appropriate in an area with the lowest Public Transport Accessibility Level (PTAL) for the site. The PTAL for the above site is 3-4.

The proposed parking provision of 96 parking spaces is in accordance with the parking standards as stated in Barnet Local Plan, Delivery Management Plan. 10% of the parking provision is proposed for disabled use.

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

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

The Transport Assessment (TA) has been submitted with the application and revised from the previously refused scheme.

This includes an assessment of the trip generation associated with the scheme and the potential safety implications of the scheme. The data demonstrate that the majority of the accidents do not share a common cause but majority of the accidents involving cars have been due to driver error/careless driving. It was concluded in the analysis that the highway layout does not present any defects that would raise a safety concern. Therefore, the small

increase in traffic resulting from the proposed development is unlikely to have any detrimental impact on the highway safety.

A condition will need to be placed on the application to ensure that adequate arrangement in place in accordance with the Council's refuse collection policy.

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

A signed unilateral undertaking has been provided which makes provisions for a residential Travel Plan to comply with London Plan policy.

5. Whether the proposals make satisfactory provision for affordable housing

Policy DM10 of the Development Management Policies states that 'Having regard to the borough-wide target that 40% of housing provision should be affordable, the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units gross or covering an area of 0.4 hectares or more.' London Plan Policy 3.12 states that 'Negotiations on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for reappraising the viability of schemes prior to implementation ('contingent obligations'), and other scheme requirements.'

The applicant has submitted a planning viability update by GVA. The viability of the scheme has been reviewed independently by Colliers on behalf of the Local Planning Authority. They have found that the development would generate a surplus of £640,000 which the applicant has agreed to provide.

A further contribution of up to £500,000 (capped contribution) should this be viable with a review mechanism.

6. Sustainability/Environmental Issues

6.1 Energy

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

The scheme would need to comply the Supplementary Planning Document on Sustainable Design and Construction and London Plan policy 5.2.

6.2 Environmental Performance/Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2) and M4(3). The applicant has confirmed that the proposed development would meet this requirement, and a condition [is attached/would be attached in the event planning permission is granted] to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 40% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition [is attached/would be attached in the event planning permission is granted] to ensure compliance with the Policy

In terms of water consumption, a condition [is attached/would be attached in the event planning permission is granted] to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a

maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

6.3 Waste

The applicant proposes that disposal of refuse and recycling is provided at each of the four cores of the Proposed Development. Refuse is then collected by placing the bins (at basement level) on a lift and taken to street level. A condition is suggested in order to secure details of refuse storage and collection.

6.4 Ecology

Policy DM16 requires development to provide improvements on sites in respect of biodiversity.

Further to a site visit it is considered that the site is of low ecological potential and no protected species have been sited. A condition is suggested in order that the development makes biodiversity improvements as part of the scheme.

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

Two trees under Tree Preservation Order have been previously been given consent to be removed under the previously approved scheme, namely tree T3 and T4. (Referred to as trees G3 and T6 in the order) Furthermore the proposals would result in the loss of category C trees T21, T22 T23, T24, G25, G38, and B grade tree T10, also to be removed under the previously approved scheme.

The proposals would leave some scope for future landscaping. The applicant has agreed if the application was to be approved that a condition could be attached to ensure tree screening to the boundaries with properties on Princes Park Avenue and James Court prior to construction. Landscaping would be provided as part of the development and secured by condition. In the context of the wider benefits of housing delivery the loss of the trees is considered acceptable.

8. Whether the proposals would harmfully increase local flood risk

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

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

The applicant has provided a utilities statement which advises that:

- o No additional gas services are required
- o Air source heat pumps and photo-voltaic panels would provide electricity.
- o Water supplies would be routed from Golders Green Road.

An application has been made to Thames Water who have been consulted on the proposals and have no raised objection.

9. Whether the development would have an acceptable impact on local security

The proposals are for a residential development on a busy street close to local shops and amenities. It is not considered that there are any specific security risks associated with the site. Notwithstanding this residents have raised concern regarding possible issues around the boundary between the site and houses on Princes Park Avenue. It is suggested that a condition could be attached in order to secure details of the boundary treatment and external lighting in order to ensure that this issue is dealt with.

It is considered that the proposals would not have a harmful impact on local security.

10. Whether the proposals make adequate accessibility provision

Major developments are required to provide 10% wheelchair accessible or adaptable units. The development would comply with this.

The proposals would comply with policy DM03 of the Development Management Policies Document and the accessibility requirements of the London Plan.

11. Section 106 Issues

The development would be required to make contribution to Barnet Community Infrastructure Levy and Mayoral Community Infrastructure Levy.

Since the time of the previous planning application, the Council has Adopted a Supplementary Planning Document on Skills, Employment, Enterprise and Training. This would normally require that such a scheme would enter to into a Local Employment Agreement as well as providing apprenticeships. Given the limited surplus generated by the development, it is not considered that it would be reasonable to require such measures, taking into account the proposed affordable housing and CIL contributions.

5.4 Response to Public Consultation

Principle

Too many flats for the plot – *Addressed in main report, development is of appropriate density*

Overdevelopment *Addressed in main report, development is of appropriate density and is not considered to amount to overdevelopment*

Excessive Density *Addressed in main report, development is of appropriate density*

Applicant has not been honest about transactions on the land and this information should be void – *Generally the purpose of the viability assessment is not scrutinise the applicant's trustworthiness, but the proposed provision of affordable housing. The applicant has provided a viability report and this has been independently assessed*

The applicant has not addressed the concerns of light consultants and architects on behalf of residents. – *These documents have not been submitted as part of this application but were on previous ones. Officers have assessed this within the report*

Developer previously said it isn't viable to lower height *This is not a reason for withholding permission. The viability of the development has been assessed*

The previous concerns of residents have not been addressed. *Addressed in main report*

Use is not appropriate for the area. - *Residential development is considered appropriate for the area.*

Character and Appearance

Development far too large – *Addressed in main report*

Out of keeping with rest of area - *Addressed in main report*

Building is too dominant - *Addressed in main report*

Building is too close to Decoy Brook – *Addressed in main report*

There should be more green space surrounding the development *The spacing provided is considered adequate with regard to the character of the area*

Amenity

Loss of privacy - *Addressed in main report*

Loss of light - *Addressed in main report*

Light report on behalf of residents suggest that the proposals are contrary to BRE guidance *These documents have not been submitted as part of this application but were on previous ones. Officers have assessed this within the report. BRE guidance is one consideration however not the only consideration when assessing this impact*

Applicant has not visited properties on Princes Park Avenue – *This is not reason to withhold planning permission.*

Survey provided of Hours in Sun is not a legitimate survey - *Officers have assessed this within the report. Whilst some weight has been given to this, this is not the only consideration when looking at this issue.*

Building is closer to James Close - *Addressed in main report*

Noise and Disturbance - *Addressed in main report. Noise and disturbance during construction is not a reason to withhold planning permission, however a condition is attached to require construction management plan.*

Does not address previous concerns that the building will appear overbearing – *Addressed in main report*

Daylight and Sunlight reports have been submitted by neighbours *Addressed in main report*

No obscure glazing proposed to prevent overlooking *Addressed in main report*

Infringing on rights to light *Rights to light are a civil matter between residents and are not a material planning consideration*

There is no adequate laying out of usable amenity space for the residents of the proposed scheme. - *Addressed in main report – the amenity spaces are considered adequate*

Highway Issues

Impact on parking *Addressed in main report*

Development does not specify that each unit would have it's own parking space *Addressed in main report. Details of parking management will be required.*

Increased traffic *Addressed in main report*

No provision for visitors parking

Potential risk of accidents *Addressed in main report. Highways officers do not consider that there would be a materially greater risk*

Construction will cause traffic issues – *A construction management plan would be secured by a condition*

Environmental Matters

Impact on local wildlife – *Addressed in main report*

Impact on flooding from Decoy Brook – *Addressed in main report*

Loss of trees – *in main report*

Impact of Air Pollution and traffic fumes – *Addressed in main report*

Noise pollution – *Addressed in main report*

Soil survey is out of date – *Noted however a condition is attached to ensure details of site survey for contamination purposes is provided*

Other Matters

Impact on sewage *Addressed in main report. Thames water have been consulted.*

Risk of subsidence and structural issues *These are primarily building regulations matters.*

Are there restrictive covenants on the land *Covenants are not a material planning consideration.*

Increased security risk *Addressed in main report*

Applicants have not accurately represented comments of residents in their Statement of Community Involvement *Noted, residents have the opportunity to put their comments in writing and to speak at the meeting and it is not assumed that this is representative of their views.*

Land by Decoy Brook is covenanted - *Covenants are not a material planning consideration.*

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.

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 disabled and elderly road users could be 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 proposals would provide additional housing within the borough and, on balance, would not cause materially harm to neighbouring residents, or the character and appearance of the area. They would also have an acceptable impact on highway and pedestrian safety and would make adequate contribution toward affordable housing.

Officers have given some weight to the fact that the development would provide additional housing units within the borough, though it is acknowledged that these are at a high specification. Nevertheless it is not considered on balance that any harm caused by the revised scheme would be material.

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

