

<b>Location</b>	<b>Elmshurst Crescent Garages Land Adjacent To 90-100 Elmshurst Crescent And 35 Pulham Avenue London N2 0LR</b>	
<b>Reference:</b>	<b>16/3252/FUL</b>	Received: 17th May 2016 Accepted: 20th May 2016
<b>Ward:</b>	East Finchley	Expiry 19th August 2016
<b>Applicant:</b>	<b>Christine Coonan</b>	
<b>Proposal:</b>	Demolition of existing garages and redevelopment to provide a 3-storey building comprising of 11no. self-contained flats and 2no. two-storey semi-detached dwellinghouses for affordable rent with associated access, amenity space, landscaping, car parking, cycle and refuse storage	

**Recommendation:** Approve following legal agreement

#### RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

The provision of affordable housing for affordable rent at a proportion of 40% of all the units being provided within the development in accordance with the London Borough of Barnet Nominations Statement.

Monitoring fee: £500.00

#### RECOMMENDATION II:

That upon completion of the agreement the Planning Performance and Business Development Manager 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:

15-290-02 D02-001 Rev A; 15-290-02 D02-002 Rev A; 15-290-02 D02-010 Rev A; 15-290-02 D02-011 Rev A; 15-290-02 D02-050 Rev A; 15-290-02 D02-100 Rev A; 15-290-02 D02-101 Rev A; ; 15-290-02 D02-102 Rev A; ; 15-290-02 D02-103 Rev

A; ; 15-290-02 D02-104 Rev A; 15-290-02 D02-200 Rev A; 15-290-02 D02-201 Rev A; 15-290-02 D02-202 Rev A; 15-290-02 D01-300 Rev A; 15-290-02 15-290-02 D01-500; Design and access statement (BPTW); Ecological Assessment (AGB Environmental); Land contamination assessment (AGB Environmental); Statement of Community Involvement (BPTW); Sunlight/daylight and overshadowing assessment (HTA); Sustainability Statement with energy statement (BBS Environmental); Transport Statement with parking survey (Campbell Reith); Tree survey/Arboricultural impact assessment method statement (AGB Environmental); Utilities - site investigation report (Premier Energy Services); Drainage Strategy (7 Engineering Consultancy).

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

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

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

- 3 a) No development 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 2011.

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

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

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

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted

September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2011).

- 5 Prior to the commencement of development, details of the proposed fenestration including details of materials, glazing bars and frames and reveal depths shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed with the approved details.

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 2011.

- 6 Details of rainwater goods, soil and vent pipes, fixtures and fittings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant phase of the development. The development hereby approved shall be carried out in accordance with the approved details.

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 2011.

- 7 Notwithstanding the approved plans and elevations, prior to the commencement of the relevant phase of the development, a proposed roof plan shall be provided indicating the design and position of the proposed photovoltaic panels to be installed on the roof surface of the proposed development. The development shall be constructed in accordance with these approved details and be retained permanently thereafter.

Reason: To ensure that the proposed development contributes to sustainable development and to ensure that the design and appearance of the proposed PV array does not harm the character and appearance of the building and the wider area to ensure that the development complies with Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.2 and 5.3 of the London Plan (2011).

- 8 Refuse and recyclables storage shall be provided and made ready for use prior to the first occupation of the proposed development and shall be retained permanently thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy 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).

- 9 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).

- 10 A scheme of hard landscaping shall be submitted to and agreed in writing by the Local Planning Authority before the commencement of the relevant phase of development.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2011.

- 11 The development shall be carried out in accordance with the details, recommendations and measures of the submitted Tree Survey/Arboricultural Impact Assessment and Method Statement (AGB Environmental)

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2011.

- 12 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 London Plan (2015).

- 13 a) No above ground works (excluding demolition) 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 2011.

- 14 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 35% 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) and policies 5.2 and 5.3 of the London Plan (2015)

- 15 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent, one unit at ground floor level only shall all have been constructed to meet and achieve all the relevant criteria of Part M4(3) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The two semi detached dwelling houses shall have been constructed to meet the relevant criteria of Part M4(2) of Schedule 1 of the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future).. The development shall be maintained as such in perpetuity thereafter. All other units shall be constructed in accordance with M4(1) of the Building Regulations.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8, 7.2 and 7.6 of the London Plan (2015) and policies DM02 and DM03 of the Barnet Development Management Policies document (2012)."

- 16 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.

- 17 a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.

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

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the

Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2015.

- 18 Before the development hereby permitted is occupied the car parking spaces as shown on Drawing No. 15-290 D02.50 Rev. A shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 19 Before the development hereby permitted is occupied cycle parking spaces as per the submitted planning application shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 20 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. 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;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. 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;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. 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 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.

- 21 Details of refuse collection must be submitted to and approved in writing by the Local Planning Authority. Refuse collection points should be located within 10 metres of the Public Highway, at ground floor level, otherwise, the development access needs to be designed and constructed to allow refuse vehicles to access the site and turn around within the site, including access road construction to adoptable standards.

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

- 22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order shall be carried out within the curtilage of the dwelling houses hereby approved.

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

- 23 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in any elevation at first floor level.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 24 The surface water drainage strategy shall use SuDS to manage peak surface water runoff rates in accordance with S2 and S3 of the Non-Statutory Technical Standards for Sustainable Drainage Systems

Reason: To ensure that surface water run off is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost effective to operate and maintain over the design life of the development in accordance with policy CS13 of the Barnet Local Plan Core Strategy, Policies 5.13 and 5.14 of the London Plan , and changes to the SuDS planning policy in force 6 April 2015.

- 25 The surface water drainage strategy for the site must be accompanied by evidence of an Adopting Authority accepting responsibility for the safe operation and maintenance of SuDS within the development. The Adopting Authority must demonstrate that sufficient funds have been set aside and / or sufficient funds can



be raised to cover operation and maintenance costs throughout the lifespan of the development. The Adopting Authority shall be responsible for satisfying themselves of the suitability of the adopted SuDS prior to adoption, and shall keep records of operation and maintenance activities, for possible inspection by the Council.

Reason: To ensure that the surface water drainage system and SuDS are constructed appropriately and are adopted by an Adopting Authority responsible for the safe operation and maintenance of the system throughout the lifetime of the development. Appropriate construction of SuDS should take into consideration S13 of the Non-statutory Technical Standards for Sustainable Drainage Systems.

- 26 Prior to the commencement of the development, details showing the preparation of the ground for the creation of new soft landscaping, amenity areas and tree planting shall be submitted to and approved in writing to the Local Planning Authority. These details shall indicate how the land levels shall be re-made to ensure that the new grassed areas and replacement tree planting can thrive and mature including root development and penetration to moisture within the soil.

Reason: To ensure that replacement planting and landscaping constitutes a permanent feature within the streetscene and to enhance the character of the area in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2011.

- 27 Prior to the commencement of the relevant phase of the development, details of mechanical ventilation, extraction and filtration to be installed within the development shall be submitted to and approved in writing by the Local Planning Authority. These details shall be supported by an acoustic statement to ensure that noise and vibration levels both internally and externally from the development do not exceed background noise levels.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 28 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).

**Informative(s):**

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

- 4 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 5 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 6 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via [crossovers@barnet.gov.uk](mailto:crossovers@barnet.gov.uk).
- 7 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 8 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 30dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 9 The applicant is advised that legal changes under The Water Industry (Scheme for the Adoption of Private Sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes, we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over/near-to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit [www.thameswater.co.uk](http://www.thameswater.co.uk).
- 10 The applicant is advised that 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. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.
- 11 The applicant is advised that it is their responsibility 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. Where you propose to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, and they can be contacted on 0800 009 3921. The above is in order to ensure that the surface water discharge from the site is not detrimental to the existing sewerage system.
- 12 Informative: If the development is carried out it will be necessary for any existing redundant vehicular crossover(s) to be reinstated to footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

Informative: The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.

Informative: Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

Informative: The applicant is advised that for construction works adjacent or affecting the public highways, the council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary.

Informative: The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

Informative: Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.

Informative: The applicant is advised that any works required on public highway to facilitate the development will require a separate agreement with the Highways Authority under S184 or S278 of the Highways Act 1980.

### Officer's Assessment

### Officer's Assessment

This application is being re-directed back to the Planning Committee for reconsideration following discussions with the applicant with respect to the imposition of a condition seeking the completion of a Section 106 agreement to secure 100% affordable (rented) housing which would render the scheme unviable in respect of financing this scheme and future schemes. This would undermine the ability of the schemes to provide affordable housing in the future.

This amended recommendation removes the condition to require the applicant to enter into a legal agreement to secure the affordable housing. Instead the application will be subject to a relevant Heads of Terms leading to the completion of a legal agreement to secure affordable housing. This affordable housing (affordable rent product) will secure 40% of the units as affordable rented properties. However, in reality, the proposed development will, when implemented deliver affordable housing at a rate of 100% in accordance with the legal obligations associated with the transfer in land ownership.

Policy DM 10 requires qualifying schemes to achieve a Borough wide provision of at least 40%. Therefore, development should strive to achieve much more than 40% in order for this policy to be complied with. However, given that this development would in reality provide for 100% affordable housing through implementation, it is considered that the Section 106 agreement would seek to secure 40% without seeking the provision of scheme viability to address the full requirements of policy DM10.

At this stage, the relevant signatory for the Section 106 agreement, which is Open Door Homes, has not been constituted. As such, the legal agreement will be prepared with a confirmatory deed to be executed following the company's official institution.

The development would be compliant with policy DM10 and with no alteration to the policy circumstances which would affect the development as a whole, the acceptability of the scheme and the recommendation remains unchanged

[illegible]

## 1. Site description

The application site is located at the junction of Elmshurst Crescent and Pulham Avenue, within an established housing estate in East Finchley. The estate is accessed from East End Road to the north. The area is predominantly residential in character however, there is a school situated to the west of the housing estate and there are two care homes for the elderly and the infirm to the north. Land levels change substantially across the site, particularly to the south and east.

The estate is not located in a conservation area and the site is not located within the setting of any listed buildings or locally listed buildings. The character of the area beyond the site consists of a mixture of semi detached dwellings within generous and mature gardens. There are also a large number of three storey flatted residential blocks along East End Road. Elmshurst Crescent and Pulham Avenue features a mixture of large, visually dominant three blocks. These are mainly situated along the eastern and southern side of Elmshurst Crescent.

The western side of Elmhurst Crescent and the northern side of Pulham Avenue features two storey terraced dwelling houses while the southern side of Pulham Avenue comprises a terrace of bungalows. Situated sporadically around the estate are a number of garage blocks although residents' car parking primarily takes place on street. Some terraced properties particularly in Pulham Avenue have front forecourt off street parking.

The application site is situated at the junction of Pulham Avenue and Elmhurst Crescent and the land within this site is currently occupied by a garage block comprising 13 garages. To the southwest of this garage block is a grassed amenity area containing two substantial mature trees. To the immediate south of the red line application site is a three storey block and another garage block accessible from Elmhurst Crescent.

The site has a PTAL 1a rating which constitutes very poor access to passenger transport.

## 2. Site history

There is no relevant planning history for the site

## 3. Proposal

Planning permission is sought for the demolition of the existing garage block and the erection of a three storey flat block comprising 11 flats fronting on to Elmhurst Crescent and two, two bed houses fronting onto Pulham Avenue. The application also proposes the demolition of a further garage block to the south between the two blocks at 54 - 64 Elmhurst Crescent and 90 - 100 Elmhurst Crescent where a new area of open space will be provided and laid out.

The principal development forming 11 self contained flats would be constructed from red/brown brick and would address the street through street facing gable ends on the north and west elevations. A street facing gable end would bookend each end of the development as it turns the corner from Pulham Avenue into Elmhurst Crescent. While a ridge roof would be present and visible from Pulham Avenue, a flat roof would separate the gable ends in Elmhurst Crescent. External amenity space will be provided by way of recessed balconies at the corners of the building and within the Elmhurst Crescent façade. At ground floor, units would have private enclosed terraces with a communal garden to the rear. Each property would be a two bed, four person flat, with the exception of a 2 bed three person wheelchair unit on the ground floor.

In order to transition successfully from the three storey massing to the single storey bungalows, the scheme also proposes the erection of a pair of two bedroom four person semi detached dwellings with private garden on Pulham Avenue.

24 garages would be demolished to make way for the proposed development and for the compensatory open space provision. In lieu of this loss of car parking, the proposed development would provide 31 new car parking spaces including some orientated parallel to the highway in Elmhurst Crescent with the rest laid out perpendicular to the street.

The scheme would result in the removal of the group of mature trees at the corner of Elmhurst Crescent and Pulham Avenue.

## 4. Public consultation



Consultation letters were sent to 262 neighbouring properties.

10 responses have been received 8 letters of objection and two additional representations

The objections and comments received can be summarised as follows:

- o The development will have an adverse impact on a pre-existing difficult parking situation with cars already parking on pavements.
  - o The estate already accommodates 180 households and does not require any more accommodation.
  - o More parking and open space would be required rather than new development.
  - o Loss of established mature trees
  - o Replacement planting would take too long to mature.
  - o Loss of garage parking which is able to accommodate car parking.
  - o The development results in a loss of tenant and communal facilities such as garages. The nearest other garages are too far away and too expensive.
  - o The scheme had not considered adequately the extent of the impact on 90 - 100 Elmshurst Crescent.
  - o There would be an unacceptable impact on the level of light being able to enter that block. The block would also be overlooked and overshadowed.
  - o There would be a reduction in the availability of open space for residents in the wider estate.
  - o The development would be too big.
  - o It would have an impact on the character and appearance of the wider area.
  - o The plans do not interpret correctly the changes in levels between blocks.
  - o The plans are unclear with respect to the provision of new amenity areas.
  - o The scheme results in overdevelopment
  - o Any new mansion block should respect the existing buildings.
  - o The proposed development should respect covenant obligations.
  - o Documentation submitted with the application fails to consider the impacts of the proposed development on 29 and 30 Pulham Avenue.
  - o Occupants in balconies would have a clear line of sight into the windows of 29 - 30 Pulham Avenue.
  - o The development would have poor drainage
  - o The scheme would harm daylight and sunlight and would contravene the right to light set out in the Prescriptions Act 1832.
  
  - o A better location for the proposed development would be the southern garage block.
  - o The trees form the dominant streetscene feature at the corner and not the garages and the loss of the trees is more harmful than the loss of the garages.
  - o The area which is currently used as an amenity space for play and picnics.
  - o The replacement trees will not survive.
  - o The trip generation statistics are not considered to be realistic.
  - o There is unmet parking demand in the area.
  - o The parking stress survey is not sufficiently detailed and was carried out at the wrong time of the week.
  - o There are general inaccuracies in the various documents.
- Pulham Avenue provides vehicular access for a school which may be compromised during the construction period.

Highways - No objection subject to conditions

Environmental Health - No objection subject to conditions  
Drainage - Objections raised

## 5. Planning Considerations

### 5.1 Policy context

#### National Planning Policy Framework and National Planning Practice Guidance

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

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

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

#### The Mayor's London Plan 2015

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

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

#### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS10, CS11, CS15
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, 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 DM04 states that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted.

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

i. 2 to 1.5 spaces per unit for detached and semi detached houses and flats (4 or more bedrooms);

ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and

iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

2. Residential development may be acceptable:

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

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

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

#### 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.

#### 5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of the development is acceptable
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the proposals would provide an acceptable level of amenity for future residents
- Whether the proposals would have an acceptable impact on highway and pedestrian safety
- Whether the proposals would have an acceptable impact on security in the vicinity of the site
- Whether the proposals would make adequate provision for drainage
- Sustainability Issues

Whether the principle of the development is acceptable

Planning permission is sought for the erection of a three storey block to provide 11 self contained flats and the erection of a pair of two storey semi detached dwellings on land at the junction of Elmhurst Crescent and Pulham Avenue. The proposed development would comprise of two bed four person units as well as a wheelchair units. The development would be for the benefit of Barnet Homes and all 13 units would be provided as affordable housing utilising an affordable rent product.

The National Planning Policy Framework promotes a presumption in favour of sustainable development requiring local authorities to permit development which accords with the development plan. A fundamental principle of achieving sustainable development, is the ability of a developer to provide housing, which is affordable and which meets local identified need on a previously developed site.

Policy DM08 (Ensuring a variety of sizes of new homes to meet housing need) states that development should where appropriate provide a mix of dwelling types and sizes in order to provide choice within the Borough, having regard to the borough wide target of 40% affordable housing provision. Policy DM10 (Affordable housing contributions) seeks the maximum reasonable amount of affordable housing to be provided on all new sites that provide 10 or more units, having regard to the Borough wide target for 40% affordable housing provision.

The proposal is partly located on previously developed land given that the scheme would result in the loss of an existing garage block at the site. The development would also be located on a grassed amenity area which accommodates mature trees. As a result, the use of the garage block for redevelopment would be acceptable. However, the loss of open space would nominally be contrary to the Development Plan which seeks to protect open space unless, this can be re-provided with equivalent quantity, quality and function in the locality. The application proposes to re-provide this amenity space immediately to the southeast, following the demolition of a second garage block. It is considered that the new area is of equivalent function and quantity. Considerations pertaining to open space, landscaping and planting will be considered in more detail below.

Both the London Plan (2016) and the Housing SPG (2016) emphasise the necessity to deliver more housing across London as a whole. The SPG states that London urgently requires more affordable homes that meet the needs of people on a range of incomes all built to a decent standard. At the same time the SPG states that Boroughs must assess the impacts of policy on the deliverability of sites. Such sites can be delivered in a number of ways. One of these is the release of surplus public sector land for housing development which to some extent is proposed within this planning application for this site.

Ultimately, the London Plan requires sites to be optimised for their ability to deliver new housing without unduly harming character and amenity and carrying out this development in a sustainable way to demonstrate compliance with the core principles of the NPPF. As such, the impact on amenity and character are essential concerns and considerations, however the scarcity of truly affordable housing being delivered is an overriding planning consideration in the planning balance.

Policy CS4 of the Core Strategy DPD (2012) seeks to ensure a mix of housing products in affordable and market sectors to provide choice for all households. Policy DM08 (Ensuring a variety of sizes of new homes to meet housing need) states that development should where appropriate provide a mix of dwelling types and sizes in order to provide choice within the Borough, having regard to the borough wide target of 40% affordable housing provision. Policy DM10 (Affordable housing contributions) seeks the maximum reasonable amount of affordable housing to be provided on all new sites that provide 10 or more units, having regard to the Borough wide target for 40% affordable housing provision.

Policy 3.10 of the Mayor's London Plan (2015) states that affordable rented housing should meet the criteria outlined in Policy 3.10 and be let by local authorities or private registered providers of social housing to households who are eligible for social rented

housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

The site to which this application relates is considered to be previously developed land given that the development is to be carried out within the curtilage of an already existing residential development on an area of hardstanding and communal open space.

Furthermore, all the proposed units are for affordable rent, however, in order for the scheme to be policy compliant without affecting the viability of the scheme deliverability by increasing the cost of the land, the Section 106 agreement will secure 40% of the units to be provided as affordable housing. In reality, the terms of the transfer of the land ownership, the proposed development will be delivered as affordable housing.

The density of development within the scheme is 31 units per hectare or 93 habitable rooms per hectare. Both measurements are below the relevant range on the density matrix set out in the London Plan. To some extent this recognises the changes to the housing standards which as well as reflecting the character of Elmhurst Crescent and Pulham Avenue estate which combines qualities of spaciousness and a wide variety of building forms. However, more importantly it recognises that the preservation of existing residents' amenity.

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

Policy DM01 (Protecting Barnet's Character and amenity) states that proposals should preserve or enhance local character and should respect the appearance, scale, height and pattern of the surrounding area.

The existing estate encompasses a large of land to the southwest of East End Road comprising entirely of residential use. The estate is essentially divided into two parts with Pulham Avenue to the north comprising of terraced two storey dwellings and Elmhurst Crescent to the centre and south predominantly comprising of large visually imposing blocks of flats set within green amenity space areas. The marked gradient changes particularly within Elmhurst Crescent amplify the bulk and massing of these blocks particularly to the southeast of the estate.

It is within this transitional context that the proposed development is located with two storey dwellings to the west and north, bungalows to the east and apartment blocks to the south. As such the proposed development would respond to the character of the area. The erection of a three storey block would respect the character and form of existing buildings within the estate.

When viewed from the junction of Elmhurst Crescent and Pulham Avenue, the proposed development would step down, taking advantage of the land level change along the side return into Elmhurst Crescent. The use of a flat roof section rather than a continuation of a ridge would avoid the development appearing too dominant within the streetscene, given that unlike other neighbouring buildings, the proposed development would not be set back considerably from the edge of pavement. This allows the ridge and gable end to be set down in height to accord with the gradient. When viewed from Pulham Avenue, the proposed development would step up from bungalows in gentle progressive fashion towards the junction with Pulham Avenue. Although the building largely occupies a square footprint, the design and form of the building allows it to be read as a linear block to some extent. However, it is considered that the proposed development responds both the

character of standalone blocks and the terrace properties and the elevation and façade treatment allows this building to achieve this.

The use of inset balconies would introduce a new feature in the area in respect of providing private amenity space. Nevertheless, it is considered that this does not detract at all from the character and appearance of the area.

The proposed semi detached dwelling pair within Pulham Avenue consists of two discreet and modest sized dwellings which provide a sufficient mediation between the bungalows and the increase in size and scale of buildings both proposed in this application and also already in existence in the area.

The proposed development results in the loss of two garage blocks which are in use mainly for storage purposes given that the garages are of narrow width despite them being largely of modern appearance. The removal of the garage blocks permits the development to go ahead in one location as well as the ability to create a compensatory area of open space. This allows the immediate surroundings to retain the spaciousness that is evident around the estate.

On this basis, the proposed development is considered to be acceptable to the character and appearance of the immediate surroundings and would not harm or detract from the visual amenity of the area.

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

The design and layout of the proposed building has been developed to have regard to the amenity of the existing occupiers of the adjoining blocks.

It is considered that the proposed pair of semi detached dwellings would by virtue of their orientation, siting and layout in the context of the adjoining series of bungalows would not affect the amenity of the occupiers of the adjoining properties.

Understandably, the proposed development at the corner of Pulham Avenue and Elmhurst Crescent would generate the most significant level of amenity concern for adjoining properties. Scoping the surroundings to the development, it is considered that the most likely affected existing properties would be 78 - 88 Elmhurst Crescent and 90 - 100 Elmhurst Crescent which are flatted blocks to the southeast, 143 - 149 Elmhurst Crescent to the west and 27 - 32 Pulham Avenue to the north.

The impact on 78 - 88 and 90 - 100 Elmhurst Crescent

The first block is located 24m to the rear elevations of the semi detached pair which demonstrates the lack of harm that this part of the development would cause. The proposal is also 27m to the nearest window at the larger flatted block. On this basis, it is considered that the proposed amenity impact would not be significant particularly in respect of loss of privacy through overlooking. The proposed development is situated predominantly to the north of this block and as such, there would not be any impact on sunlight. It is also considered that the distance of separation would also limit the impact on residential amenity to this block.

90 - 100 Elmhurst Crescent is close to the proposed development. It is orientated in such a way that the front elevation of the building which largely faces west to northwest, slants away from the proposed development. As such, it is the northern end of this façade and

the entrance projection that would be most affected by the most southerly elevation of the development. This elevation features three windows including one secondary window to a living room and the only windows to each of the two bedrooms of the flats on ground, first, second and third floor level. The closest window is 17 to 18m from the front façade windows of 90 to 100 Elmshurst Crescent. These are the only windows to have any demonstrable impact on the front façade of this proposed development. Nevertheless, the bedroom windows do serve habitable rooms and there is an expectation that at least the principal bedroom should be served with a clear glazed window.

It is undisputable that the anticipated separation between windows is below the standard set out in the Council's Residential Design Guidance SPD. Nevertheless, it is a material consideration that the relationship between buildings elsewhere in this estate is significantly less than 18m. Regard is had to the provisions of the London Plan Housing SPG. Referencing design standards set out in the London Plan Policy 7.6b which requires new development to avoid causing unacceptable harm to the amenity of surrounding land and buildings, particularly in relation to privacy and overshadowing. An appropriate degree of flexibility should be applied in relation to the use of the BRE guidelines. This should take into account the local circumstances, the need to optimise housing capacity and the scope for the character and form of an area to change over time. The SPG goes on to say that the degree of harm on adjacent properties should be assessed drawing on broadly comparable residential typologies within the area. Finally, it states that the local authorities should recognise that fully optimising the housing potential on large sites may necessitate standards which depart from those presently experienced but which still achieve satisfactory levels of residential amenity and avoid unacceptable harm. This proposed development recognises the typology in the area, the existing relationships between buildings and the level of harm that may otherwise occur which should be considered in that context. While the degree of separation is less than that required by the Council's own SPG, it is considered that the harm is not so significant that there would be overwhelming and overriding harm to existing amenity as regards to overlooking and loss of privacy.

The application has been supported by a daylight and sunlight assessment. This has considered the impact on existing and proposed dwellings. The assessment for daylight has utilised the Vertical Sky Component test for the blocks at 78 - 100 Elmshurst Crescent. Modelling has established that the VSC would exceed the standard threshold of 27% in all respect including the ground floor level windows.

In respect of sunlight, the proposed development would be located to the north of these blocks and as a result, the BRE guidelines indicate that this testing cannot be undertaken.

It is considered that the removal of the garage blocks and their replacement with new parking areas, mainly situated adjacent to the roadway would have a neutral impact on residential amenity.

#### 143 - 149 Elmshurst Crescent

These properties are two storey dwelling houses situated to the west of the site. These properties have a front façade 19m away from the front façade of the proposed development. Again this is slightly less than the standard provided for within the SPD. However, given spatial form, character and layout of this estate, it is considered that this relationship would be acceptable. Again, the proposed development should be subject to the similar considerations which relate to the flatted blocks above. In respect of sunlight and daylight, the submitted assessment would also exceed the standards required by the BRE.

## 27 - 32 Pulham Avenue

The considerations for these properties are largely identical to those which apply to the dwelling houses in Elmhurst Crescent. However, the orientation of these properties requires that the impact of the proposed development on sunlight levels currently enjoyed by these properties. The daylight and sunlight assessment also demonstrates that the sunlight would not be reduced to unacceptable levels.

### Open space amenity

The proposed development would result in the removal of a significant area of open space from the public realm as well as a small number of trees of significant height and maturity at the street corner. This space is partly reflective of the character within the streetscene of this estate, particularly in Elmhurst Crescent. This is less characteristic within Pulham Avenue. Nevertheless, the area of open space is of amenity importance and makes a contribution to the area.

However, it is considered that as the proposed development is able to re-provide an area of open space to the south beyond 90 - 100 Elmhurst Crescent, that any loss in this regard is minimal. There is no loss of functionality and it is considered that the replacement is equivalent.

In preparing this area of open space, regard must be had to the fact that this area would replace an area of land that has previously been developed and built on with buildings and a hard surface. Taking this into account, all debris arising from demolition as well as materials from hardstanding should be removed from site and replaced with appropriate soils and natural materials to ensure that this space can thrive as it matures, particularly if it is to accommodate replacement trees to mitigate the loss of those removed from the site.

### Whether the proposals would provide an acceptable level of amenity for future residents

Each of the proposed fourteen new residential units exceed the standards for internal floorspace set out in the London Plan (as modified in March 2016). Each two bed, four person unit would have an internal floor area of either 70sq.m or 71sq.m while the one wheelchair unit on the ground floor would have a floor area of 78sq.m which is greater than the standard of 70sq.m set out in the London Plan (MALP 2016).

Each unit benefits from either a private balcony at the first to third floors. Each of the ground floor units have a screened private garden area. All occupants would benefit from communal open space situated to the rear of the building.

All units would be dual aspect. A daylight and sunlight assessment has been provided with the application which considers the average daylight factor and daylight distribution for each room based on the BRE Guidelines for sunlight and daylight in respect of site layout planning. The submitted daylight and sunlight assessment demonstrates full compliance for every window in respect of the BRE guidelines set out above.

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



Policy DM17 states that for one and two bedroom units, parking should be provided at a ratio of up to 1 space per unit. This would result in the need to provide car parking in the range of 13 - 20 spaces. The provision of a wheelchair unit would also require the provision of a disabled car parking space. The site is located in a PTAL 1b location is very poor in respect of access to passenger transport.

Demolition of two garage blocks would be required to accommodate the development. The existing garage accommodation includes 23 garages, of which 16 are occupied. However, the garage survey has established that this is mostly for residents' storage rather than for the parking of cars. This results in a limited overspill of parking into the highway network. An officer's site visit established that there are significant parking levels within the estate during the course of the working day taking place on street.

Given that the existing garages are too small to accommodate cars, it is assumed that all parking demand is catered for by on street parking within Elmshurst Crescent by way of parallel parking along the kerbside. Based on the linear dimension of a parking space on the proposed plan, there would only currently be space to accommodate 16 cars along the current application site frontage. The revised scheme provides accommodation for 22 vehicles along the kerbside. Nine additional spaces are provided between the development and 90 - 100 Elmshurst Crescent. Therefore for the development to be parking impact neutral, the development would need to provide suitable accommodation for the existing 16 spaces plus available space for at least a further 13 units including one disabled car parking space. The parking programme sets out parking provision for 31 vehicles which is an additional 15 beyond the 16 retained spaces. It is considered that this is acceptable provision. A parking stress survey was carried out during the school term time over two consecutive days at midnight to 1.00am. The surveys established that parking stress of unrestricted parking on street parking was 91% which is high. Nevertheless, the parking provision and the impact on on street parking was considered by the highways officer and it is their view that the proposed parking provision would be acceptable. 26 cycle parking spaces will be provided within the development.

Whether the proposals would make adequate provision for sustainable drainage and flood risk alleviation.

The site is highly vulnerable development. However, it is located in a Flood Risk Zone 1 area and is therefore appropriately sited to eradicate risks of flooding to residents living on the ground floor of the proposed development.

As the application is for a major development (of 10 or more units), a Sustainable urban drainage system would be required in compliance with the Government's Written Ministerial Statement of 18 December 2014, policies 5.13 and 5.14 of the London Plan and policy CS13 of the Local Plan Core Strategy (2012).

A drainage statement has been provided which has considered the SUDS hierarchy in relation to the control and mitigation of surface water. The strategy has also considered sewerage and storm water run off rates to ensure that surface water flooding is prevented. The hierarchy sets out preferential methods for the storage and or management of surface water. The proposal can only provide mitigation at point four in the hierarchy through storage tanks below ground for limited release. It is considered that this is appropriate given the size and location of the proposed development. Adequate mitigation is provided in respect of the surface, sewer and storm water run off.

Sustainability

The applicant's energy strategy has demonstrated that the proposed development would result in a decrease of over 35% in respect of Carbon Dioxide above and beyond the 2013 building regulations. The substantial part of the proposed saving arises from the use of photovoltaics at roof level. No details of the photovoltaics at roof level are provided on the submitted proposed roof plan and a condition would be required for detailed drawing showing the position and orientation of this provision.

Changes to the accessibility standards which replace Lifetime Homes, which were introduced in 2015 now require developments to provide step free access to dwellings. Where these entrances are above the ground level access, these should then be provided with a lift to provide access. In this case, one flat at the ground floor would be M4(3) compliant while the nine flats at the 1st, 2nd and 3rd floor level would not be M4(2) or M4(3) compliant. The other ground floor flat and the two dwellings would be M4(2) compliant. The London Plan states in policy 3.8 that where it can be demonstrated that the provision of a lift may cause practical difficulties, have implications for the viability of schemes or the affordability of service charges, the scheme can fall back to the implementation of standard M4(1). Given that the proposed development would need to provide a lift which would undermine the objective of delivering 100% affordable housing, affordable to tenants who are nominees from the London Borough of Barnet, it is considered that that policy 3.8 of the London Plan supports the provision of units complying with standard M4(1).

The planning statement confirms that the proposed development would accord with the London Plan Standard in relation to water usage per occupant.

### Trees and landscaping

An arboricultural impact assessment as well as a landscaping plan and strategy have been provided to support this planning application. There are three trees within the red line area of the site comprising an Ash and a Sycamore tree situated close together at the junction of Pulham Avenue and Elmshurst Crescent, a Sycamore, a short distance to the south. Closer to 90 - 100 Elmshurst Crescent, there is a Scots Pine which has been damaged within the trunk. Finally there is an additional tree adjacent to the bungalows, which is a cherry tree.

The application proposes the removal of all these trees as they would be located within the footprint of the proposed development with the exception of the Scots Pine which is damaged. These trees are not subject to a Tree Preservation Order, although consideration has been given to their formal protection. These trees are currently in leaf and make a positive contribution to the area. All trees are considered to be of Category B which equates to moderate or good value. However, in the absence of an overwhelming requirement for the retention of these trees for their contribution to landscape value, these trees will be lost. The Local Plan Development Management Policies DPD recognises the value that trees have in the streetscene and in place making. However, it is considered that the loss of trees in respect of this application is outweighed by the importance of the scheme delivering on affordable housing. Given that the scheme is able to provide replacement trees by condition, it is considered that the proposed loss is on balance acceptable.

The application proposes a number of replacement trees within the development, and these are identified to be located within a landscaping strip in the new car park. Notwithstanding this proposed landscape plan which is considered to be largely indicative,

recommendation for planning permission should be supported by a new condition requiring details of landscaping including species of planting and new trees where appropriate.

## CIL

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail.

The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sq.m on all 'chargeable development' in Barnet.

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013 at £135 per sq.m.

However, as the development is for social housing floorspace, the CIL regulations (2010) exempt such development from being liable.

## Response to public consultation

The principal material planning objections raised by the application have been considered above in the body of the report. Other points are considered herewith below:

Matters of covenant and obligation between residents and Barnet Homes are not planning matters and cannot be considered in this planning application.

It is acknowledged that the extract from the planning statement fails to label 29 - 30 Pulham Avenue as being of active frontage as it does for other properties. However, this does not limit or reduce the assessment carried out by either the Council or the applicants in this regard.

The objection against the creation of a landscaping regime that only features turf or grass is acknowledged. This is not the aim here. Replacement trees are sought in mitigation.

The availability of broadband for future and existing occupiers should not be seen as a compelling factor in the consideration of the application. The availability of these facilities should be a consideration between the service providers, developers and customers.

Right to Light is a convention set out in the Prescriptions Act of 1832 and is based on a principle that all should have the right to benefit from the provision of light accrued through the longevity of that benefit. Daylight and sunlight in respect of planning, is an assessment of the degree of change in the light enjoyed and a judgement as to whether that is tolerable. The standards and thresholds are set out in recognised guidelines as referred to above in the report.

## Equality and diversity issues

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

## Conclusion

Having taken all material considerations into account, it is considered that the new application satisfactorily addresses the previous reasons for refusal and is therefore considered subject to recommended conditions to comply with the Adopted Barnet Local Plan, London Plan and National Planning Policy Framework policies. This application is therefore recommend for approval.

