

**Location**                      **Garages Off Linden Road And Pine Road London N11 1ER**

**Reference:**                      **16/3377/FUL**                      Received: 24th May 2016

Accepted: 31st May 2016

Ward:                              Brunswick Park                      Expiry 26th July 2016

Applicant:                      Ms Sally Young

Proposal:                      Demolition of existing garages. Erection of 1no two storey houses and a two storey building comprising 4no self-contained flats on site A and 1no two storey house on site B. Provision of 6 x car parking spaces on site C in Linden Road. Associated cycle parking, landscaping and refuse storage (AMENDED DESCRIPTION AND REVISED PLANS)

**Recommendation:** Approve subject to conditions

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

Design and access statement (HTA); Planning Statement (HTA); Arboricultural Impact Assessment (AGB); Sustainability Statement (BBS); Transport Statement (Campbell Reith); Daylight, Sunlight and Overshadowing Report (HTA); Land Contamination Report (SRS Ltd); Utility Site Investigation Report (Premier Energy); A\_BA1-S06-DR\_001; A\_BA1-S06-DR\_0200 Rev B; A\_BA1-S06-DR\_202 Rev B; A\_BA1-S06-DR\_400 Rev B; A\_BA1-S06-DR\_401 Rev B; A\_BA1-S06-DR\_402 Rev B; LBB-SMP-200\_HTA-A\_BA1-S06\_DR\_0110\_Linden Road and Pine Road\_Site Sections-REV -; LBB-SMP-200\_Linden Pine Rd\_3D View 1 from Pine Road; LBB-SMP-200\_Linden Pine Rd\_3D View 2 from Linden Road  
LBB-SMP-200\_Linden Pine Rd\_3D View 3 from Thorndene Avenue; LBB-SMP-200\_Linden Pine Rd\_3D View 4 from Prevost Road;

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

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

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

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

- 5 a) Prior to the commencement of development 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).

- 6 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the commencement of above ground construction work.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

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

- 7 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).

- 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 Prior to the first occupation of the new dwelling(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.

- 10 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of any of the new dwellings (Use Class C3) permitted under this consent, the two ground floor units shall 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). All other dwellings shall have been constructed to meet and achieve all the relevant criteria of Part M4(1) 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) prior to the first occupation of any of the new dwellings (Use Class C3) permitted under this consent. 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.

- 11 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 2013 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.

- 12 Before the development hereby permitted is occupied the car parking spaces as shown on Drawing No. LBB-SMP-200\_HTA-A\_BA1-S06\_DR\_0100-REV B 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.

- 13 The approved development shall make provision for cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and

approved by the Local Planning Authority. Such spaces shall be permanently retained thereafter.

Reason: In the interests of promoting cycling as a mode of transport 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.

- 14 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.

- 15 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 2011.

- 16 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as shown on the tree protection plan approved under Condition 1 of this permission has been erected around existing trees on site and/or at neighbouring sites. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this permission.

Reason: To safeguard the health of existing tree(s) 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 (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 17 a) No site works or works on this development including demolition or construction work shall commence until details of the temporary means of enclosure, including

boundary treatments to neighbouring properties, 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 site works including demolition and construction work commence, and retained as such throughout the demolition and construction period of the development.

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 during the demolition and construction work 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).

- 18 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.

- 19 Details of balustrades, fixtures and fittings shall be submitted to and approved in writing by the Local Planning Authority. 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.

- 20 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 Ltd).

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.

- 21 Notwithstanding the approved plans and elevations, prior to the commencement of 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).

- 22 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise from the adjoining premises on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations

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

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

#### **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.
- 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 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 5 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.
- 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).
- 2 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.

## **Officer's Assessment**

### **1. Site Description**

The land subject to the planning application consists of three separate sites located around the junction of Linden Road, Pine Road, Prevost Road and Thorndene Avenue and are known as sites A, B and C. At present the largest site, which is known as Site A, is a disused garage block which has an access from Linden Road. To its immediate east is an area of green space. This space is replicated on the eastern side of Thorndene Avenue which is known as Site B. Site B is enclosed by Prevost Road to the north, Thorndene Avenue to the west and Pine Road to the south. The land is sharply sloping downwards from south to north. Site C is located on the eastern side of Pine Road and also contains a garage block which is accessed from Pine Road. The area is residential in use and character. The site is not located in a conservation area and there are no listed buildings on either site or adjoining either site. Linden Road and Pine Road is a newer estate of residential properties accessed from Brunswick Park Road with more traditional semi detached housing situated around along Dene Road, Prevost Road and Thorndene Avenue.

### **2. Site History**

None

### **3. Proposal**

Planning permission is sought for the demolition of garages on site A and site C and the erection of a two storey block of four flats on site A, the erection of a two storey, 2 bed dwelling house on site A and a two storey two bed dwelling house on site B and the formation of a car parking area on site C.

The proposed development on site A would involve the demolition of the garage block, the removal of the crossover and the construction of a two storey block of four, two bed flats. The building would be constructed from brick with a low profiled zinc roof. The building would be 7.6m in height, 19.65m in width and 11.8m in depth. It would be set back from the highway by approximately 2.0m. The rear elevation would be between 8.75 and 11.3m away from the rear boundary. The rear elevation to rear elevation distance in Dene Road would be over 26m at their closest. The front elevation to front elevation distance across Linden Road would be 18.2m at their shortest.

There would be balconies to the front elevations. Ground floor flats would have private terraces to the front and rear with communal gardens also to the rear. The other part of Site A would include a two storey, two bed property oriented perpendicular to the flatted block. It would have a height of 7.15m and would have a width of 10m and a depth of 5.4m. The dwelling on site B would be a mirror image of the detached dwelling on site A. It would be 12m from the flank elevation of the nearest property in Prevost Road.

In order to facilitate the construction of the proposed dwelling, an excavation into the bank will be required. This will facilitate level access from the street, throughout the building and into the rear garden. A boundary fence on Pine Road would prevent overlooking into the rear of the property. The proposed development at site C would involve the demolition of the existing garages the laying out of six car parking spaces and the retention of the existing means of access.

#### 4. Public Consultation

Consultation letters were sent to 190 neighbouring properties on two occasions. The first consultation exercise took place on the 19 June 2016. Following the submission of amended plans, a further consultation took place for a period of 14 days commencing on 20 September 2016

46 responses have been received, comprising 46 letters of objection across both periods of consultation.

The objections from the first period of consultation can be summarised as follows:

- o A three storey block would be out of keeping with the area which is mainly two storey.
- o Green spaces should be retained.
- o The two green spaces are small but essential oases.
- o The proposed development would jut out in front of the established building line.
- o Removing the garages and adding new residents would put pressure on the highway for existing residents.
- o Infilling the sites would be harmful to the character of the area.
- o Two bungalows would be more acceptable.
- o The proposed development would be dangerous for drivers using the existing surrounding road junctions.
- o The proposed front elevation would be less than 21m from the front elevation of the properties opposite and would therefore harm the amenity of the neighbours opposite.
- o The green spaces break up the built up character of the area. In addition, it would take away from the general well being of the area.
- o The building would constitute overdevelopment.
- o The proposed development would have a harmful impact on local infrastructure.
- o The proposed development is located within a conservation area. The proposed development does nothing to conserve the local area.
- o The proposed development would result in overlooking.
- o The proposed development would cause a loss of light in neighbouring gardens.
- o The street is currently incapable of providing sufficient space to permit the passage of ambulances safely to neighbouring houses.
- o Disruption caused during the construction phase.
- o The refuse storage is questionable
- o There is no information concerning landscaping.
- o Site C is too remote from the proposed housing.
- o There is no convenient disabled parking.
- o The street is too narrow to have buildings on both sides of the street. The
- o A major development in the area of 7000 homes means that additional housing here is not needed.

The objections from the first period of consultation can be summarised as follows:

- o The perspectives along the street are not sufficient
- o A full and realistic assessment of the likely parking impact has not been provided.
- o The reduction by two units is not going to be sufficient to reduce the impact to an acceptable level.
- o Parking is already difficult and as homes now have more than one car, the impact would be harmful.
- o The proposed dwellings would be harmful to amenity in respect of overlooking and privacy.

- o The Right to Light (Prescriptions Act 1832) should be enforced.
- o The distance between properties is not sufficient and where land slopes, the distance should increase between properties.
- o There would be a harmful impact on natural drainage.
- o Although the plans have changed there is still a total disregard for the protection of open space.
- o The amended plans do not address the issue of overcrowding of the immediate area.
- o Where any open space is built on, this should be replaced in the local area.
- o Inadequate parking is provided.
- o Reduction of the ridge heights does not improve the overcrowding that the development would cause.
- o There will be a loss of light and privacy.
- o The development on nearby sites would have a grave impact on the streets around Linden Road and Pine Road.
- o The proposed development still does not address the privacy of 1 - 7 Linden Road. Commuter parking from nearby developments as well as overspill parking from Russell Lane has an impact on this area which will not be able to accommodate parking demand from this proposed development.
- o The two week reconsultation period is not sufficient.
- o There would be light pollution.
- o The description does not describe the loss of amenity space

Highways and transport: No objections subject to conditions

## **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 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

### 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.
- Relevant Development Management Policies: DM01, DM02.

### 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 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.

## **5.3 Assessment of proposals**

Principle of development and redevelopment of the site

For areas such as the application site policies CS1 and CS3 of the Barnet Core Strategy expect new developments to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

The proposed development would result in the demolition of the garages on sites A and C and the construction of a two storey block of four flats and two detached dwelling houses.

The application site has not been identified for any specific use in development plan planning policies, is previously developed land and is situated in an area characterised by residential housing.

The proposed development would take place on two existing garage blocks. These garages are not being used for car parking purposes and are not suitable for the parking of modern vehicles. The provision of 6 spaces for off street parking at Site C would alleviate the parking demand on the basis of a 1 space per unit ratio.

Part of the proposed development would take place on two existing grassed areas which contribute to the visual amenity of the immediate area. These spaces do not contribute to the Borough's open space hierarchy and open space network. As such, the provision of open space in the Borough would not be harmed. Furthermore, the site is not located in an area deficient in open space.

In such circumstances, Planning Officers find that there is nothing to specifically preclude the redevelopment of the site in the broadest sense, subject to the scheme proposed being compliant with the relevant development plan policies.

As such the principle of redevelopment of the site is deemed acceptable

Affordable housing

The National Planning Policy Framework and the National Planning Policy Guidance states that where small scale development of less than 11 units come forward for determination, they should not need to make a contribution towards either affordable housing or other tariff style obligations.

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).

During the pre-application phase and within the application documentation, Barnet Homes have advised that the proposed residential accommodation coming forward for all the sites for both the DCLG defined categories of major and minor applications would be delivered as affordable housing. These units would be brought forward as affordable rent with a rent level indicated as being 65% of the market rent. Based on this commitment, the provision of affordable housing constituted a significant material consideration which was dominant in the planning balance evaluation if there were any disbenefits associated with particular schemes.

The applications which have been submitted by Barnet Homes are at present a mixture of small schemes of less than 11 units (so far forming the greater majority) and a small number of major schemes delivering 11 or more units. Nevertheless, all the applications which have been put forward to the Planning and Environment Committees on 14 and 27 July, contained a planning condition which the applicant to enter into a legal agreement to secure affordable housing on an affordable rent basis at 65% of market rent. The planning consultants representing Barnet Homes are firmly of the view that the amendment to the NPPG following the *West Berkshire District Council and Reading Borough Council v Secretary of State for DCLG* means that the Council should not be seeking to secure affordable housing by condition or by legal agreement for the smaller schemes. In addition, the applicant is of the view that the imposition of a requirement to enter into a legal agreement to secure affordable housing would have an impact on the ability of the developer to secure the levels of further funding to provide more homes in the future.

Barnet Homes is a wholly owned subsidiary of Barnet Council, responsible for the management and maintenance of the Council's 15,000 rental properties. Barnet Homes is in the process of setting up a new Registered Housing Provider known as Open Door Homes as a further subsidiary, committed to providing affordable housing. Utilising a loan from Barnet Council, the first programme of homes will be let at affordable rents. This position will be protected by the terms of the loan agreement and by the transfer of the sites from Barnet Council. Barnet Homes are therefore contractually obliged to provide affordable (rent) housing.

With respect to the larger sites where both Local Plan Policy DM10 supported by the London Plan and the NPPF states that there is a Borough wide target to bring forward 40% of new dwellings in a tenure that meets the definition of affordable housing in the NPPF. Barnet Homes is willing to enter into a legal agreement to secure these units. Barnet Homes and subsequently Opendoor have indicated their willingness to enter into a legal agreement in order to deliver a policy compliant affordable housing level. However, as stated, an onerous legal agreement would reduce the ability of Opendoor to raise future funds to continue the development cycle. Barnet Homes have a programme to deliver 326 affordable homes in order to alleviate homelessness in the borough. However, some sites may not be able to deliver the 100% provision on all sites and the monies raised will enable Barnet Homes to deliver more than the identified 326 units.

Barnet Homes recognises the concern that affordable housing secured outside of a legal agreement under Section 106 of the Planning Act, would be susceptible to disposal through Right to Buy, however the monies raised will be recycled for further investment and further build.

The overarching aim of Opendoor Homes is to build 750 units by 2020. Some dwellings will be delivered on the open market which will not be possible if the land value is based on having to provide affordable housing above policy. However, despite the absence of a legal agreement, Opendoor have every intention to provide affordable housing at affordable rent levels based on a local nominations agreement.

Ultimately, the provision of no affordable housing units on the smaller sites and the provision of at least 40% of units in affordable tenure on the larger sites would be policy compliant in respect of all the relevant tiers of policy. Nevertheless, an interpretation of the NPPF and NPPG would suggest that contributions or provision should not be sought, as opposed to must not be sought. As such, the Council could be entitled to secure affordable housing through a legal agreement on the smaller schemes. Furthermore a Council may be able to seek affordable housing at a proportion greater than 40% just as a developer may choose to deliver housing in affordable housing on a small scheme or at a ratio of greater than 40% on larger schemes.

Undoubtedly, the position promoted by Barnet Homes since their engagement with planning officers in December 2015 has been based entirely on a 100% affordable housing provision. Supporting planning documents including the planning statement and the application form has been clear in stating that it is the intention to provide this. The applications came before Committee carrying a condition seeking a legal agreement.

Nevertheless, there is a clear intention to provide affordable housing through other means and securing this for at least the first occupants under a Barnet Nominations procedure. The schemes, both small and large are policy compliant. Barnet Homes will be providing affordable rented housing on these sites although Members are being asked to consider these schemes purely on the basis of them being new dwellings only. Barnet Homes will be able to secure and raise funding on more advantageous site values allowing them to invest and earn greater sums of money. This would enable Barnet Homes to deliver effectively the stated aim of 326 units in this next phase and 750 in total by 2020. In a holistic view, this is a tangible planning benefit and it is considered that there would be an inherent risk to the programme that could be compromised.

On balance, the amended approach is considered to be acceptable and it is considered that the proposed development would provide a compelling factor in the consideration of all the relevant matters in the planning balance.

In summary, the unit would provide affordable housing for future occupiers above and beyond affordability levels set out in regional policy, and would contribute to providing a mix of housing products for all households.

### Design, appearance and character matters

The National Planning Policy Framework (published in 2012) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development.

Local Plan Policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The locality and wider area consists of low to medium density residential development of a suburban character.

Planning permission is sought for the development of the existing garages and the erection of a two storey flatted block containing four flats and the erection of two detached two storey dwellings following the demolition of a garage block.

The proposed development has been revised since the application was first submitted to the Council. The revisions have included a removal of one storey from the flatted block to create a two storey building and a reduction in the roof height of each of the detached dwellings in order to ensure that the proposed dwellings integrate into the streetscene.

The site and surroundings incorporate significant changes of levels along Linden Road and also from Linden Road into Prevost Road and Thorndene Avenue. The flatted block has been designed to respond to these changes in land levels and although the block would be situated to a short terrace of bungalows, it is considered that the levels change would allow the building height to be largely consistent with the ridge height of these bungalows.

The proposed development would be constructed from brick and would use a metal profiled roof which would allow the design to minimise the height impact within the streetscene. It is acknowledged that the proposed development would come forward of the established building line in Linden Road. This is mainly intended to reduce the impact on the amenity of properties in Dene Road. However, it is considered that this development should be taken to be entirely independent of the established principles of site layout in this case. The proposed development would be sufficiently distant from the bungalows to the west so as to reduce the impact on these bungalows.

Nevertheless, it is considered that the proposed development would make a more positive contribution to the character and appearance of the area than the existing garages on the site. Furthermore, given the size and scale of the dwellings in Dene Road and the intervention to their rear elevations which have taken place over time, it is considered that the proposed development would not be so visually harmful in this context.

Two detached dwellings are proposed on the corners of the junction between Thorndene Avenue and Linden Road. These properties have been reduced in height by over half a metre from the original planning application submitted drawings. The proposed



development design would reflect the height as well as the materials, design and appearance of the flatted block. It is considered that this would optimise the use of unused space which does not form part of the Borough's open space hierarchy. In views across the junction and through the site, it is considered that the proposed development would not be incongruous to building heights, design and massing in this context. The properties would terminate with a gable end and would largely reflect the character of this immediate area. The property on site B would act as the counterpoint to the detached dwelling on Site A. However by virtue of the site layout would constitute a striking difference to the terrace in Prevost Road by virtue of its orientation and projection. Nevertheless, it is considered that its separation from the nearest property in Prevost Road would offset this impact. In order to respond to the levels change which is most pronounced on Site B and to provide level access throughout, an excavation would be carried out within this embankment.

Nevertheless, the height and width of the proposed development and the spaciousness to the front and its sides would ensure that the proposed development does not appear visually dominant or overly large within the plot. The use of materials consistent with those used in the area as well as front garden areas emphasise the acceptable appearance, size, scale and massing.

#### Quality of accommodation for future occupants

Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings and outdoor amenity space.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new residential accommodation. The council also has adopted SPD's (entitled Sustainable Design and Construction and Residential Design Guidance) providing more detailed guidance on a range of matters related to creating new residential accommodation in addition to the Mayors adopted SPG's (entitled Housing).

The units proposed would have gross internal areas which would meet the requirements of the London Plan for a dwelling of that type. The ground floor dwellings would feature private terraces which would exceed the thresholds set out in the Adopted SPD (Sustainable Design and Construction). This private amenity area would be defensible space to both front and rear. It would be functional space. The communal garden space would also exceed the requirements for the two first floor units, which would in any case be supported by two small balconies. The two detached dwellings would have a small garden area which would be small but would in any case exceed the requirements for open space. Nevertheless, the proposed development would have

Development plan policy requires that new dwellings are provided with adequate outlook. The design approach proposed maximizes the outlook of occupiers of the new dwellings, while also taking account of the need to prevent unacceptable levels of overlooking at neighbouring properties. In respect of garden depths, the proposed distances from rear elevations would vary. In the flatted block it would vary from 8.5m to 11.3m. In the detached houses it would be much less than this. In respect of the detached houses, this would not satisfy the requirements of policy, however, it is considered that in the context of the proposed development it would not outweigh the benefits that would accrue from the development of affordable housing.

It is considered that each of the units proposed in this instance have an acceptable degree of outlook.

The orientation of buildings on site A suggests that there will be some overlooking from the detached house into the garden of the flat block. The bedrooms in the detached dwelling would be dual aspect and it would be possible therefore to secure the prevention of overlooking through imposing obscured glazing at the first floor level.

The submission documents include an assessment of the levels of daylight and sunlight that would be received in the habitable rooms of the dwellings proposed. This was carried out by HTA Design LLP.

The evaluation found that all of the habitable rooms proposed would be provided with adequate levels of daylight and adequate levels of sunlight throughout the year.

Although it is recognised in the study that the proposed garden areas of the buildings may suffer from overshadowing due to their orientation, taking into consideration the planning merits of this scheme, this is deemed acceptable.

The proposal is found to be acceptable in this regard.

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

The proposed development has been designed to prevent any harmful impact on the amenity of adjoining residents. While it is acknowledged that the proposed development would be two storeys within a very short garden depth to the rear, it is considered that no harm in relation to sense of enclosure, loss of privacy through overlooking or loss of light would occur.

The proposed development would not affect the daylight or sunlight conditions of any other neighbouring property in Linden Road, Pine Road or Prevost Road. In respect of privacy, the proposed front elevation of the development would be at least 17m distant from the front elevation of Linden Road properties. Objections have been received which state that this would be less than the 21m set out in Council's guidance. However, this should be taken as a rear elevation rear to rear elevation distance and not between front elevations. The distance across the street is comparable to many other streets in the Borough and although the character around the site is of a more spacious arrangement it is considered that this would not be detrimental to the amenity of existing neighbours.

The London Plan Housing SPG states that developments should be able to protect the amenity of existing neighbours. However, local authorities should avoid using specific distance and separation standards to achieve this. Increasing the separation would make the scheme unviable in this regard as it would push the proposed development rearwards, reducing the garden space, reducing the quality of amenity for the proposed development and would also harm the amenity of the occupiers to the rear of the development in Dene Road. On this basis, it is suggested that the proposed level of separation would not be unduly harmful.

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 at least one car

parking space. Each unit would be provided with an off street car parking space within a dedicated parking area a short distance away.

The proposal would result in the loss of 15 garages. Nine of these are tenanted, two of which are known to be let to people living more than half a kilometre away. Of the seven that remain, it is asserted that these garages constructed several decades ago would be too small to be able to park a private car. The highways officers have considered the application and are of the view that it would be unlikely that any overspill parking would occur and that the parking demand associated with the development would be adequately met by the proposed parking area at site C.

It is considered that the proposed development would not lead to any impediment to highway safety within Linden Road and Pine Road and that sufficient visibility splays would remain in place at the relevant junctions to maintain driver and pedestrian safety.

Each unit has provision for cycle parking. Refuse collection can be undertaken from kerbside.

### 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. A large part of this saving arises from the use of photovoltaics at roof level.

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. Each dwelling house would be provided with step free access from the street and would therefore qualify as M4(2) accommodation which would be acceptable. Both properties would also have toilets on the ground floor.

The applicant has advised that the inclusion of lifts in small blocks such as this has an impact on viability of the development. As such, the remaining four units on the upper floors of the buildings will meet the requirements of M4(1) of the 2013 Building Regulations.

Taking into consideration the merits of the proposed scheme, this is deemed acceptable.

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

### 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 sqm 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 sqm.

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

#### **5.4 Response to Public Consultation**

#### **6. 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.

#### **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

