

Location **West Farm Place Garages Land Rear Of Westpole Court And 18-20 Langford Road Barnet EN4 9TY**

Reference: **16/4150/FUL** Received: 23rd June 2016
Accepted: 29th June 2016
Ward: East Barnet Expiry 24th August 2016

Applicant: **Mrs Christine Coonan**

Proposal: Demolition of existing garages and erection of 2no. two storey semi-detached dwellinghouses and 2no. single storey semi-detached bungalows with associated cycle storage, refuse storage, amenity space and hard and soft landscaping. Provision of 4no. parking spaces

Recommendation: Approve subject to conditions

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

15-290-11 D11 01 Rev A; 15-290-11 D11 02 Rev A; 15-290-11 D11 10 Rev A; 15-290-11 D11 11 Rev A; 15-290-11 D11 50 Rev A; 15-290-11 D11 100 Rev A; 15-290-11 D11 101 Rev A; 15-290-11 D11 200 Rev A; 15-290-11 D11 201 Rev A; 15-290-11 D11 300 Rev A; 15-290-11 D11 301 Rev A; 15-290-11 D11 302 Rev A; 15-290-11 D11 500 Rev A; Design and access statement (BPTW); Planning Statement (BPTW); Arboricultural Method Statement (AGB Environmental); Daylight and Sunlight Statement (HTA); Sustainability Statement (BBS); Transport Statement

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

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

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

- 3 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any

other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 4 a) Notwithstanding the details submitted with the application and otherwise hereby approved, occupation shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 5 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 prior to the commencement of the above ground construction works (excluding demolition).

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.

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

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

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

- 7 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).

- 8 The new dwelling(s) (Use Class C3) hereby approved 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.

- 9 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.

- 10 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.

- 11 Before the development hereby permitted is occupied the car parking spaces as shown on Drawing No. 15-290 D11.50 Revision 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.

- 12 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.

- 13 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.

14 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.

- 15 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.

- 16 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).

- 17 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.

- 18 Before the development hereby permitted commences details of dry risers shall be submitted to and approved in writing by the Local Planning Authority in consultation with the London Fire and Emergency Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason: To protect the safety of future and neighbouring residents

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £5145 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £19845 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

- 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 or by telephoning 0208 359 7294.

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

Officer's Assessment

1. Site Description

The application site is situated to the north of Langford Road in the Mount Pleasant Area of the London Borough of Barnet. The site is known as garages at West Farm Place but actually consists of land to the rear of Langford Road to the rear of Cheriton Close and Lockwood Close. The site consists of a small garage block and unused and enclosed land.

The land levels rise northeast away from Langford Road and northwest through the land to the rear of Langford Road properties. The site is accessed from Langford Road between 1 - 4 Westpole Court and 18 Langford Road. 18 Langford Road is situated recessed behind an area of turfed amenity space which forms part of the character of the area around Mount Pleasant.

The proposed development would extend into land that is situated to the rear of 18 - 28 and is retained within the ownership of Barnet Homes. To the rear of 22 Langford Road is an amateur radio communications mast which has a height of approximately 12m (unextended).

The site is not in a conservation area and there are no listed buildings on the site or adjacent to the site which the proposed development might affect the setting of. Trees on the northern boundary with the rear of Cheriton Close are subject to a Tree Preservation Order.

2. Site History

Conditional planning permission granted in April 2002 for the erection of a block of 4 x 1 bedroom flats (with four parking spaces) on land adjacent to 18 Langford Road (now known as 1 - 4 Westpole Court) (N07167A).

3. Proposal

Planning permission is sought for the demolition of the existing garage block and the erection of a pair of single storey bungalows and the erection of a pair of semi detached two storey dwelling houses. The bungalows are situated directly to the rear of the car parking area at the rear of Westpole Court and are enclosed by the side boundary of the development at Lockwood Close and Cheriton Close. At the far northern end of the site on the land at the rear of 18 - 28 Langford Road, the application proposes a pair of semi detached properties with rear gardens which form a continuation of the terrace at 17 - 21 Cheriton Close. The development provides four parking spaces at a ratio of one space per unit.

The bungalows which are also semi detached, have two bedrooms, private garden space, defensible space to the front elevation approach would each have a flat roof and gable end to the front and rear elevation. They would have a width of approximately 9.2m, a maximum height of 4.9m and a depth of 12.5m. Each would have a garden of approximately 46.5sq.m and 42.5sq.m respectively. The garden depths are 4.5m and the boundary separation is up to 2m to the south and up to 1m to the north.

The semi detached pair is approximately 10.5m wide and approximately 11.0m deep. The properties have garden areas of 199.5sq.m and 161sq.m respectively. The distance from the northeastern boundary is 2.8m and generally 4.0m from the rear of Langford Road properties. The houses are 8.2m high.

4. Public Consultation

Consultation letters were sent to 120 neighbouring properties on two occasions.

11 responses have been received, comprising 11 letters of objection across both periods of consultation.

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

- o Additional residents including children would cause anti social behaviour
- o Social housing is undesirable and causes well document problems.
- o There are too many houses being built.
- o The space would be too limited and would not allow for a refuse vehicle to enter.
- o When the Cheriton Close development was constructed, a proposal to build a pair of dwellings on this land was rejected but is being proposed now.
- o What considerations have been given to fire risk.
- o The scheme would give rise to more noise and light pollution.
- o There would be an overspill of parking on to the local highway network.
- o The gardens are too small and would focus the noise impact to immediate neighbours.
- o The bungalows far exceed the height of surrounding buildings.
- o The site would impact on local ecology.
- o The proposed development in conjunction with the proposal opposite at 106 Mount Pleasant would be a burden on the local environment.
- o The development would harm outlook.
- o Loss of privacy from windows and over the side garden fence.
- o The scheme constitutes overdevelopment.
- o The trees were retained between Cheriton Close and Langford Road to act as a screen between sites. This undermines this.
- o The road is too narrow to permit access by a fire engine and requires a sufficiently sized turning circle.
- o There is an amateur radio communications mast within the rear garden which would be too close to the new housing which would harm their health and amenity and which would be impaired by the proposed development.
- o The proposal blocks a right of way to the land behind the rear gardens of the Langford Road properties.
- o Due to the sloping land levels, the proposed houses would be much larger than 17 Cheriton Close.

Highways and transport: No objections subject to conditions

Environmental Health: No objections. The proposed communications mast would be significantly weaker than the background radiation levels present in the locality which were traced back to Alexandra Palace transmitter. The mast would offer a very low wave frequency which would not impair the health of neighbours.

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

Planning permission is sought for the erection of a three storey building to provide six flats adjoining an existing residential apartment block. The proposed development would comprise of three, one bed flats and three, two bed flats. The development would be for the benefit of Barnet Homes.

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.

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. Borough wide target for 40% affordable housing provision.

Land use - the provision of new housing

The provision of new housing would be supported in respect of the stated aim to meet London Plan and Local plan targets for the Borough. The provision of new housing should be supported as sustainable development provided that it complies with other policies in all other respects.

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 erection a pair of semi-detached two storey dwellings and a pair of semi-detached single storey bungalows. The proposed development would in part replace a garage block and also develop an area of redundant undeveloped land which separates Langford Road and Cheriton Close. The proposed bungalows would be a low rise low scale development which would not have a significant visual impact on the character and appearance of the area and would constitute a smaller scale and expanse of development than the existing garages. The provision of soft landscaping and garden space would soften the visual appearance of the site and surroundings.

The pair of semi-detached dwellings would be situated on higher land to the northwest. The land rises from the bungalows and also from the rear elevation of the properties in Langford Road. These properties would again be largely screened from the public realm in Langford Road, Cheriton Close or Lockwood Close. At 33 units per hectare, it is considered that the proposed development would reflect the spatial character of the area without giving rise to overdevelopment of the site. There would be adequate spaciousness around the building and between buildings within the red line site.

The proposed semi detached dwellings would be of a design and appearance that would blend in with the character, appearance and materials used in neighbouring dwellings on

the northern side of Langford Road. Although it is accepted that the proposed development would be on land higher than the existing dwellings in Langford Road, it is considered that the additional built height of 8.2m at a distance of 25m would not be visually dominant in this context.

The proposed development seeks to retain trees which form part of a Tree Preservation Order Grouping at the northern and northeastern boundaries of the site. It is considered that these trees would not harm the amenity conditions of future occupiers and it is considered that subject to appropriate construction method and protection, the trees would not be harmed by the proposed development and would continue to co exist with the proposed development.

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 proposed development would be able to provide sufficient internal floorspace for two bedroom dwellings which would exceed the National Technical Standard adopted as a mandatory requirement within the London Plan. Furthermore, the proposed development would be provided with an acceptable open space area, although the garden depths for the bungalows would be much less than set out in the SPD (Sustainable Design and Construction). Nevertheless, the proposed development would not be unacceptably overlooked from neighbouring properties.

The bungalows in particular would be surrounded by trees on the boundary with Cheriton Close and Lockwood Close which may limit the daylight and sunlight however, the submitted daylight and sunlight assessment demonstrates that the impact would be acceptable for future occupiers.

The occupiers of the proposed development would be separated by a sufficient distance across the car park area between the bungalows and the houses. There would be no overlooking from adjoining properties with the rear elevation windows over 20m away.

The proposal is found to be acceptable in this regard.

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

The proposed bungalows would constitute a small additional height over and above the existing garages which run around the periphery of the site and as such would not be visually dominant for the occupiers surrounding the site. In any case, its primary windows would face both southeast and northwest and would not have any overview into adjoining sites or gardens. Furthermore, the land continues to rise towards Cheriton Close and as such, the impact on these properties would be diminished.

The proposed dwelling houses would also be orientated in a similar fashion with windows facing northwest and southeast. There would be no habitable room windows in the flank elevations in either direction and as such, the proposed development would therefore not overlook towards the properties in Langford road. Any overview would be acute and would only be over parts of the gardens of 18 and 28 Langford Road.

In respect of distance, the flank elevation would have a median distance from the rear elevation of Langford Road properties of around 25m. This would be slightly shorter to the rear of 18 - 20 Langford Road because of the orientation of the footprint as it converges towards the rear boundary of Langford Road. However, the distance of 25m would alleviate concerns about loss of light. In respect of privacy, there is a concern that the current end of garden boundary treatment would be permeable and would allow views through from the gardens in Langford Road to the proposed development. It is suggested that details of boundary treatment should be secured to ensure that the privacy between gardens and properties would not be affected.

The proposed development would affect the neighbour's enjoyment of a leisure pursuit which in this case involves participation of amateur radio communication. There is a substantial mast in the rear garden of 22 Langford Road (which benefits from planning permission) which is used for the receipt and sending of radio waves. The owner of this mast has advised that development around the site in recent years has limited the scope and strength of the mast. This development would result in the site being fully encircled by development which would limit the strength further.

The Human Rights Act 1998 is applicable in some respect. Article 1 of the First Protocol (Part II) sets out a protection of property as a right. Every person is entitled to the peaceful enjoyment of his/her possessions. No one shall be deprived of his possessions except in the public interest. There is therefore a balance between the interests of the neighbour to pursue their interest and the overarching important objective of providing affordable housing for the community and improving the quality of the environment for neighbours.

The neighbour has advised that the impact would diminish the strength but not render the equipment useless. This is a significant intervention given the neighbour's other personal circumstances which shall not be outlined here. However, the proposed development would deliver two significant benefits which would support a wider number of people including those already in situ around the site and those who are yet to be resident here. The scheme is not considered to be unduly harmful in other respects and as such, the proposed scheme provides an overriding level of benefit which exceeds the neighbour's right which in the Council's opinion would not be totally extinguished. In this regard the proposed development would not be harmful in respect of the Human Rights Act.

The proposed development would not give rise to significant light or noise pollution concerns. The proposed development is located in a residential area and the proposed residential use would be complimentary to the location that it would be situated in.

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 all twelve garages with the exception of one to the rear of 18 Langford Road which is owned by that property and is outside of the red line site. It will be retained with access on to the access road.

Of the 12 garages, 7 are vacant. The applicants have taken a worst case scenario and assumed that the remaining five may still be usable for the purposes of parking. Of these five, three garages are used by people living 200m away from the site. The applicant suggests that this distance would be too great and as a result, people would not be likely to walk from this garage to their property. However, this distance remains eminently walkable and as a result, the overspill could potentially be five vehicles rather than the two that the applicant suggests. Nevertheless, the applicant has demonstrated that the parking stress within a close radius from the site is only 71% and as such, even the worst case scenario can be accommodated on the street. .

The access to the site is as existing and would be shared with pedestrians. The access road widens towards the rear and is no less than 3.0m in width. The proposed width of the road does not prevent the access for ambulances. However it prevents access for both fire engines and refuse vehicles. Refuse will be stored within 10m of Langford Road with refuse moved to the collection point by residents. Fire engines will not be able to access the site however, it is recommended that risers should be laid along the route to ensure that fire fighting can take place if required. A construction method statement including servicing, storage and other construction logistics can be agreed and implemented.

The proposed use of the site as four houses would be of a similar intensity to that of the garages and it is considered the blind right hand bend turn would be similar to that proposed now. It is recommended that some form of assistance is provided within the site such as mirrors to enable drivers, cyclists and pedestrians to recognise that there are other users within the road.

The scheme has been considered by a highways officer who raises no objections to the application provided that the development is carried out in accordance with conditions as recommended.

Arboriculture

The proposed development is located adjacent to a TPO which is wholly located within the Chalk Lane development to the north of the application site. All of the protected trees are located outside the red line site. No details have been provided relating to arboricultural protection and these will need to be secured through a range of conditions to be discharged prior to the commencement of development.

Sustainability

The Sustainability Statement submitted with the application indicates that the scheme will secure a reduction in the CO₂ emissions of 35% below the 2013 Building Regulations. This commitment will also be secured by planning condition.

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.

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

The objections to this application have been addressed in the report above.

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.

