

Location **Land Adj To 1 - 12 Norfolk Close London N2 8ET**

Reference: **17/1409/FUL** Received: 6th March 2017

Accepted: 8th March 2017

Ward: East Finchley Expiry 3rd May 2017

Applicant:

Proposal: Erection of four storey detached building comprising 8no residential units with 8no additional car parking spaces to existing provision, cycle storage, refuse storage and landscaping

Recommendation: Approve subject to conditions

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

- 15-290 D 14 001 rev. A
- 15-290 D 14 010 rev. A
- 15-290 D 14 011 rev. A
- 15-290 D 14 050 rev. A
- 15-290 D 14 100 rev. B
- 15-290 D 14 101 rev. B
- 15-290 D 14 102 rev. A
- 15-290 D 14 200 rev. B
- 15-290 D 14 201 rev. B
- 15-290 D 14 202 rev. A
- 15-290 D 14 210 rev. A
- 15-290 D 14 300 rev. A

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 No site works or works on this development including demolition or construction work shall commence until a 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 and CS14 of the Barnet Core Strategy, Policies DM01, DM04 and DM17 of the Barnet Development Management Policies DPD and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan 2016.

- 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 2011.

- 5 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD

(adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

6 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

Part 2

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

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

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

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

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and Policy 5.3 of the London Plan 2015.

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

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

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted October 2016), Policy DM01 of the Development Management Policies DPD (adopted October 2016) and Policy 7.21 of the London Plan 2015).

- 9 Before the development hereby permitted is occupied, details of the appearance, materials and means of securing cycle storage, which shall be in accordance with London Plan cycle parking standards, shall have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason: To ensure and promote easier access for disabled persons to the approved building 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 which in turn refers to London Plan Parking Standards.

- 10 The development shall not be occupied until the vehicular access and car parking spaces have been laid out within the site in accordance with the approved plans, and shall not be used for any other purpose other than the manoeuvring and 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.

- 11 Prior to the first occupation of the building, it shall have been constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 35% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate

requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2016) and the 2016 Mayors Housing SPG.

- 12 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 13 a) No external lighting shall be installed and used until details of the appearance and luminance of the proposed lighting has 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 October 2016), Policy DM01 of the Development Management Policies DPD (adopted October 2016) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 14 a) Before the development hereby permitted is first occupied, details of the subdivision of the amenity areas shall be submitted to and approved in writing by the Local Planning Authority. This approved details shall include clarification of the areas within the development which are for the communal use of all residents.

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

- 15 a) Before the development hereby permitted is first occupied, details of any privacy screens around private terraces and balconies to be installed shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted October 2016), the Residential Design Guidance SPD (adopted October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

- 16 The development shall not be occupied until details of the electronically controlled access to the building have been submitted to and approved in writing by the Local Planning Authority and the approved details have implemented.

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 October 2016), Policy DM01 of the Development Management Policies DPD (adopted October 2016) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016 and advice in the Mayor's Housing SPG.

- 17 The development shall not be occupied until "dirty" storage areas for each flat have been provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be retained as such.

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 October 2016), Policy DM01 of the Development Management Policies DPD (adopted October 2016) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016 and advice in the Mayor's Housing SPG.

- 18 a) Before the development hereby permitted is first occupied, details of the appearance of the enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

Informative(s):

- 1 This permission is subject to a section 106 agreement dated ---- that sets a requirement for retention of the two wheelchair units as part of Open Door Housing's provision of a minimum of 10% of all development units across the sum of their current housing development.
- 2 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 3 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

- 5 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
 - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
 - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
 - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
 - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;

6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

- 6 Any details submitted in respect of the Construction and Logistics Management Plan shall control the hours, routes taken by delivery and construction vehicles, delivery arrangements, means of access and security procedures for construction traffic to and from the site and for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.
- 7 The Air Quality Stage 4 Review and Assessment for the London Borough of Barnet and further reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. Possible options for mitigating poor air quality in this development are:

- 1) Use of passive or active air conditioning;
- 2) Use of acoustic ventilators.

For developments that require an Air Quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance:

- 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, May 2015);
- 2) Environment Act 1995 Air Quality Regulations;
- 3) Local Air Quality Management Technical Guidance LAQM.TG(16);
- 4) London Councils Air Quality and Planning Guidance (2007)
- 5) London Local Air Quality Management Technical Guidance LLAQM.TG(16),
- 6) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014) and
- 7) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions'.

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

- 8 In addition to the required Highways information, the submitted Construction Method Statement shall include as a minimum the following additional details as requested by the Environmental Health Officer:
 - Site hoarding
 - Wheel washing
 - Dust suppression methods and kit to be used

- Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
- Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.

- 9 The applicant is advised that A1000 High Road N2 is Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.
- 10 The applicant is advised that due to the large number of schools and school children in the area that site deliveries during the construction period should not take place between 0800 hrs to 0900hrs and 1500 hrs to 1600 hrs. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.

Officer's Assessment

1. Site Description

The application site comprises an area of amenity land associated with surrounding apartment development, located directly to the west of the A1000 High Road in East Finchley. Park Road forms its rear (western) boundary, Norfolk Close is to the north, and the three storey buildings at Chapel Court form the southern boundary of the land. The area is partially enclosed by the existing flats, most of which are three storeys high although to the rear of the site the 11 storey building to the rear (13-56 Norfolk Close) forms a prominent element of the site's setting.

Development on the adjacent part of the High Road also is mainly three storeys on both sides, although there are four-storey flats opposite at Mulberry Court, which are located to the north of the junction of the High Road and Bedford Road. To the south and within 100m of the site, the character of the High Road changes from predominantly residential to mixed uses, largely retail, with some flats above ground floor level.

Within this larger area, the part of the site intended for development in this application comprises the open area between the two existing apartment buildings closest to the High Road frontage. These are 1-12 Norfolk Close which is the building aligned to the street frontage to the north, and 29-40 Chapel Court to the south. These buildings are predominantly three storeys high, although there is a single storey element linking 29-40 Chapel Court with 17-28 Chapel Court which is set further back from the High Road frontage and is perpendicular to it.

The site is not located in a conservation area and the buildings situated immediately adjacent to the site are not listed or locally listed. There are no tree preservation orders in place at the site, although there are street trees along High Road.

2. Site History

The site has no relevant planning history.

3. Proposal

The application is for the provision of 8no. 2 bedroom flats within a four storey building, which would be aligned to the established building line of flatted blocks along the High Road. Each flat would be provided with a balcony overlooking the High Road or, in the case of the ground floor flats, a garden terrace.

Car parking would be provided within an existing car park to the immediate northwest which would be reorganised to provide an additional eight spaces, giving a total of 20 spaces to serving both the new flats and those existing at Norfolk Close. The new spaces would include two spaces disabled spaces, which would be located closest to the proposed building. Secure cycle storage and refuse / recycling stores would also be provided to the rear of the building.

As the proposal would result in the loss of approximately 400 sqm of the open space within the site, including both the buildings and its surroundings. While the site area as given in the application form amounts to 0.39 ha, the area of contiguous and usable open space within this is about 0.24 ha (2400 sqm), so the proportion of this which would be lost amounts to about 15% of the total. The application does however provide for the

enhancement of the existing open space, with the principal improvements as put forward by the application being the provision of a landscaped area to the front of the eleven storey building towards the rear of the site. Additional and replacement tree planting could also be provided elsewhere within the site.

4. Public Consultation

Consultation letters were sent to 114 neighbouring properties.

Two letters have been received. One of these requested further information about the development, while the other was from the Hendon and District Archaeological Society and noted the site's location in an Area of Special Archaeological Significance. It requests that Historic England's Greater London Advisory service should be asked to advise whether an archaeological condition should be imposed.

These issues are considered in sections 5.3 and 5.4 of this report.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital for the next 20 to 25 years. It forms part of the development plan for Greater London and is recognised in the NPPF as such.

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. The following are relevant to this scheme:

Policy 2.18 - Green Infrastructure

- Policy 3.3 - Increasing Housing Supply
- Policy 3.4 - Optimising Housing Potential
- Policy 3.5 - Quality and Design of Housing Developments
- Policy 3.6 - Children and young people's play and informal recreation
- Policy 3.8 - Housing Choice
- Policy 3.9 - Mixed and Balanced Communities
- Policy 5.2 - Minimising carbon dioxide emissions
- Policy 5.3 - Sustainable design and construction
- Policy 6.9 - Cycling
- Policy 6.10 - Walking
- Policy 6.13 - Parking
- Policy 7.2 - An Inclusive Environment
- Policy 7.3 - Designing Out Crime
- Policy 7.4 - Local Character
- Policy 7.5 - Public Realm
- Policy 7.6 - Architecture
- Policy 8.1 - Implementation
- Policy 8.2 - Planning Obligations
- Policy 8.3 - Community Infrastructure Levy

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 DPD Policies:

CS NPPF National Planning Policy Framework - Presumption in favour of sustainable development

- CS1 Barnet's place shaping strategy - the Three Strands approach
- CS3 Distribution of growth in meeting housing aspirations
- CS4 Providing quality homes and housing choice in Barnet
- CS5 Protecting and enhancing Barnet's character to create high quality places
- CS13 Ensuring the efficient use of natural resources
- CS14 Dealing with our waste
- CS15 Delivering the Core Strategy

- Relevant Development Management Policies DPD:

- DM01 Protecting Barnet's character and amenity
- DM02 Development standards
- DM03 Accessibility and inclusive design
- DM06 Barnet's Heritage and Conservation
- DM08 Ensuring a variety of sizes of new homes to meet housing need
- DM09 Specialist housing: Houses in Multiple Occupation, student accommodation and housing choice for older people
- DM10 Affordable housing
- DM11 Development principles for Barnet's town centres
- DM12 Maintaining our local centres and parades
- DM17 Travel impact and parking standards

The Council's approach to development as set out in Policy DM01 is to minimise impacts on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Mayor of London's Housing SPG

- This sets out a range of Standards for residential development in London.

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to assist in the design of new residential development. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- In respect of amenity, development should not be overbearing or unduly obtrusive and care should be taken to ensure that it does not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet. The SPD approach includes providing building sustainability measures over and above those required by the minimum Building Regulations standards, provision for on-site renewable energy sources, and retention and enhancements of biodiversity within development sites.

Other relevant planning documents

London Borough of Barnet Characterisation Study (2011)

- This provides a valuable analysis of urban and suburban typologies with detailed descriptions of the main residential types within the Borough.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The context of the development in the applicant's affordable housing programme.
- Whether the loss of this open area of amenity space is acceptable in principle
- Whether harm would be caused to the character and appearance of the street scene and the wider locality.
- Whether harm would be caused to the living conditions of neighbouring residents.

- Whether the living conditions of future occupiers would be acceptable.
- Whether the proposal would result in any unacceptable impacts on archaeology.
- Whether the proposal is acceptable in terms of impacts on the highway network and sustainable transport.
- Whether the loss of trees on the application site is acceptable.
- Building sustainability

5.3 Assessment of proposals

The context of the development within the applicant's affordable housing programme

This development has been proposed by Barnet Homes, the Council's Arms Length (ALMO) social housing provider. Barnet Homes through agreement with the Council is in the process of acquiring land for the purposes of developing social housing for affordable rent including specialist accommodation for disabled people, and aim to deliver 720 units by 2020. The separate development arm known as Open Door Housing has now been registered with the HCA to deliver these units.

In acquiring the sites Open Door housing will deliver properties for affordable rent. These units will be let at a rental level of 65% and as such, will fall within the current National Planning Policy Guidance definition of affordable rent. Smaller schemes such as this one will generally not be secured through the planning system, but this benefit as a legal obligation imposed on the acquisition of the land. The occupation of these units will be for residents of the London Borough of Barnet using their adopted nominations procedures.

This approach has been adopted by Members at the Planning and Environment Committee in 2016, as well as by HB Law.

The provision of new housing including affordable housing is therefore acceptable in principle.

Whether the loss of this open area of amenity space is acceptable in principle

The proposed development would be located on an area of grassed amenity land between existing buildings on the High Road and the tall building in Norfolk Close to the rear. The area measures approximately 0.23ha. The land is not designated open space in the Local Plan, but rather is primarily an amenity area for the benefit of local residents within the estate. The London Plan sets out a hierarchy of small open spaces comprising gardens, sitting out areas, children's play spaces or other areas of a specialist nature, including nature conservation areas. It is considered that the open space land within and around the existing buildings here falls under this designation. Policy DM15 generally protects such spaces, although where a development proposal is a small scale ancillary use that supports the better use of an open space, and / or an equivalent or better quality open space provision can be made elsewhere, the loss of this type of space can be accepted. It is also noted that the site is located in an area deficient in open space as defined by Barnet Open Space, Sports and Recreational Facilities Assessment 2009, and the loss of this area would only be contrary if a sufficiently enhanced quality of open space or compensatory open space is provided. The proposal includes enhanced landscape planting and amenity within an area close to the front entrance of (the 11 storey tower block).

The open space lost would amount to approximately 200sq.m, which is around 10% of the land area situated between Park Road and High Road. Given this small proportion of land

area used up by the proposed development and the opportunity to improve this space and the overwhelming need to provide additional affordable housing, it is considered that the weight of the decision making process should fall in favour of the proposed development. The proposals would improve the quality of this open space; however, given the area available within the site for further enhancement, it is considered that further improvements would need to be secured in order for the development to be considered fully acceptable. This is recommended in a condition requiring further details of landscaping to be submitted and approved prior to the commencement of the development.

Character and appearance

The proposed development at four storeys would be a storey higher than the surrounding buildings. However the general form of the development would be reflective of that of most of the adjacent three-storey residential buildings on the western side of the High Road, and the dominant element in this resident townscape would continue to be the 11 storey apartment building to the rear of the site. As noted in the Site Description above, there are four storey buildings opposite the site on the High Road. The scale of the built environment in the surroundings is varied, and it is considered therefore that the proposed building would provide an appropriate scale in these surroundings.

As already noted, the proposal will result in the loss of part of the open space between the existing residential developments, including the most visible part of this space as viewed from the High Road. It is noted that while this area is publically accessible, its use is however associated mainly with the existing residential development rather than being a designated open space as such. Views from the High Road across the north side of the building will continue to give glimpses of the space in public views from the street frontage, and this can be enhanced by the provision of new plantings at the front of the building. Provided that the building is constructed with good quality materials in a colour palette that is compatible with the streetscape, and that appropriate new planting at both the front and rear of the building is provided, the development would be compatible with the character of the area and would not be detrimental to it. This can be provided for in the recommended conditions.

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

The proposed building would be well separated from its neighbours. The adjacent flats in the building comprising 17-28 Chapel Court would be the closest, with a minimum separation of approximately 5m between the buildings, measured corner to corner. This would place minimum distances between habitable room windows at about 7m apart; however, as the existing and proposed buildings would be sited perpendicular to each other, the acute angle of the views would provide adequate protection against any mutual impacts on privacy.

Flank wall windows would be 9m from those at 1-12 Norfolk Close on the northern side, and 10m from those at 29-40 Chapel Court to the south. They would be slightly off-set from each other as viewed in plan, with some also displaced on the vertical. Taken together, this would be sufficient to protect the amenities of neighbouring occupiers, although those with the more direct views could be protected by requiring obscure glazing in line with the recommended condition. Subject to this condition, it is considered that the living conditions of neighbouring residents will be adequately protected.

Whether the living conditions of future occupiers would be acceptable

The internal spaces within the flats are designed to comply with standards within the London Plan, and either meet the minimum internal area requirements as set out in in Table 3.3 at Policy 3.5 of the London Plan, or exceed them. London Plan and Barnet SPG minimum internal floor areas are as follows:

- 1-bedroom flat for two people (1B2P) 50 sqm
- 2-bedroom flat for three people (2B3P) 61 sqm
- 2-bedroom flat for four people (2B4P) 70 sqm

Based on habitable room numbers, minimum amenity spaces should be 10 - 15 sqm for the single bedroom flats and 15 - 20 sqm for the two bedroom flats (the higher figures are based on larger living rooms being counted as two rooms, in accordance with SPD guidance).

The proposed flats provide the following internal and external spaces:

Ground floor unit 01 (1B2P)	61.5 sqm internal floor area, 17 sqm private terrace
Ground floor unit 02 (2B3P)	76 sqm internal floor area, 19 sqm private terrace
First floor unit 01 (2B4P)	72 sqm internal floor area, 7 sqm balcony
First floor unit 02 (2B4P)	73 sqm internal floor area, 7 sqm balcony
Second floor unit 01 (2B4P)	72 sqm internal floor area, 7 sqm balcony
Second floor unit 02 (2B4P)	73 sqm internal floor area, 7 sqm balcony
Third floor unit 01 (2B4P)	71 sqm internal floor area, 7 sqm balcony
Third floor unit 02 (2B4P)	71 sqm internal floor area, 7 sqm balcony

The units would all exceed the London Plan's minimum internal space standards; however, amenity space standards for Units 3 - 8 would be reliant on ground floor external areas to provide the requisite 5 sqm per habitable room. This would be acceptable provided that an additional landscaped area is provided close to the new building, which would provide a more defined shared amenity space that could be used by residents. This is provided for in the recommended condition.

Three points in the proposals are however still under consideration in regards to providing an improved level of amenity for future occupiers of the ground floor flats. These are the location of the ground floor terraces, the proximity of the front entrance path to one of the ground floor flats and the proximity of the cycle store to the rear window of a ground floor flat. While it is considered acceptable for the balconies at first floor level and above to be provided facing the High Road, the ground floor terraces would be somewhat exposed to disturbance on this side from the street, and their relocation at the rear of the building would give these terraces a more private aspect in this respect. They would also be on the sunnier side of the building. The location of the access path to the front would door would also impact to a greater extent on the privacy of occupiers of one of the ground floor flats than would be the case if the entrance path runs straight in from the street, and the location of the cycle store as submitted would result in a loss of outlook for the same flat. While any further changes at the rear of the building would need to be carefully designed to ensure that the ground floor flat was not subject to other adverse impacts on the privacy of future occupiers, it is considered that a better standard of amenity could well be provided by the careful re-design of these areas; any amended drawings will therefore be reported on in the Addendum report.

With regards to the aspect for amenity spaces at first floor level and above, while the balconies would also benefit from a sunnier rear aspect, this would be unacceptable in this case as it would result in direct views into habitable room windows at in the closest flats at

Chapel Court. This dictates against the balconies being located on this elevation. As the balconies would be less subject to potential disturbance from passers-by than would be the case for terraces at ground level, the front elevation location of these balconies is considered acceptable.

Further details of individual "dirty" storage spaces in compliance with the minimum standards of the London Plan and the Council's Sustainable Design and Construction SPD would need to be secured by condition, as recommended.

Standard 13 requires that any access core serving 4 or more dwellings should provide an access control system with entry phones in all dwellings linked to a main front door with electronic lock release. This can also be provided for by way of a suitably worded condition.

Whether an appropriate mix of residential accommodation would be provided

The accommodation mix would include two wheelchair accessible flats on the ground floor, 1 one of which would have one bedroom and the other two. The remaining six flats would all be two bedroom units with walk-up access.

Standard 11 in the Mayor's Housing SPG requires that 90 per cent of new build housing should meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings' with the remaining 10 per cent meeting Building Regulation requirement M4(3) 'wheelchair user dwellings'. Paragraph 2.3.10 of the Housing SPG acknowledges that "...in certain specific cases, the provision of a lift where necessary to achieve this aim, may cause practical difficulties, make developments unviable and/or have significant implications for the affordability of service charges for intended residents". In this application, 25% of the units would be wheelchair accessible, but the remaining units would not meet the M4(2) requirement for the remaining units to be fully accessible due to the lack of a lift. The applicant has provided information on build costs that demonstrate that the project's viability would be prejudiced by requiring M4(2) compliance on the six non-wheelchair units. Given the proportion of wheel chair accessible flats, it is considered that in this case the M4(2) compliance can be foregone.

The provision of well in excess of the required number of units to wheelchair user standards raises one other point to be considered. The applicant has committed to providing 10% wheelchair standards flats across all of its new developments, but there are cases on other sites where there this is less easy to achieve than is the case here.

Overall, the development would secure a satisfactory level of amenity for future occupiers.

Whether the proposal would result in any unacceptable impacts on archaeology

Historic England was consulted, as the site is within an Archaeological Priority Area. This is due to the presence of the historic settlement which is however considered to have been location on the west side of the Market Place with little or no development along its east side, where this site is located. Historic England comments that it appears therefore that the Archaeological Priority Area needs to be revised to correctly identify the area of greater potential for medieval settlement archaeology. There are therefore no objections on archaeological grounds.

Impact on car parking at and highways safety

The site is within walking distance of a town centre location. There are two Controlled Parking Zones (CPZ) in the vicinity of the site. The Highways Officer advises that this will require the provision of 7 to 11.5 parking spaces, and taking into account the Public Transport Accessibility Level (PTAL) value for the site which is 3, the parking provision required is 10 spaces. The existing residential buildings have a dedicated parking area that is accessed from Norfolk Close, and this will be rearranged and extended to facilitate an additional eight car parking spaces to serve the new flats, which means that there is a shortfall of two spaces.

A transport assessment was submitted that included a parking survey. This demonstrates that the surrounding roads would be able to accommodate the additional demand of two spaces that this development would generate, and this is considered to be acceptable by the Highways Officer.

A secure communal cycle store would provide the required 15 cycle spaces (one per bedroom in accordance with the relevant standard). Additional detailed drawings would be required to demonstrate that acceptable access to the store and stands are provided, as recommended in the relevant condition in Section 1 of this report.

Refuse collection will be collected from the bin store that operates with the existing building. This is within 10m of the public highway and is therefore acceptable on highway grounds.

Subject to conditions, there are no objections on highways grounds.

Impacts on trees

A number of trees would be removed to facilitate the proposed development including six 'B' category trees. The Tree Officer has commented on the application, and considers that the loss of these trees could be mitigated by transplanting some of the smaller trees that would otherwise be lost, and through replanting. This would be provided for by the recommended landscaping condition.

Building sustainability

The applicant's Sustainability Report has demonstrated that the proposed development would result in a decrease of over 35% of carbon dioxide above and beyond the requirements of the 2013 building regulations. The substantial part of the proposed saving arises from the use of roof-mounted photovoltaic panels. The photovoltaic are illustrated on a roof plan that was provided with the application.

The Sustainability Report also confirms that the proposed development would accord with the London Plan and Barnet SPD standards in relation to water usage per occupant.

Both emission savings and water usage can be secured by appropriate conditions.

The Sustainability Report also sets out that all homes would meet Level 4 of the Code for Sustainable Homes (CSH) in terms of overall building sustainability. While this high standard would be welcomed, the CSH has been cancelled by the government, and it would not therefore be appropriate for this standard to be imposed by a condition.

The Environmental Health Officer has commented that there is potential of land contamination and that air quality is likely to fall below minimum standards on occasions.

Appropriate conditions were requested for any planning permission, and these are included in those recommended in this report.

5.4 Response to Public Consultation

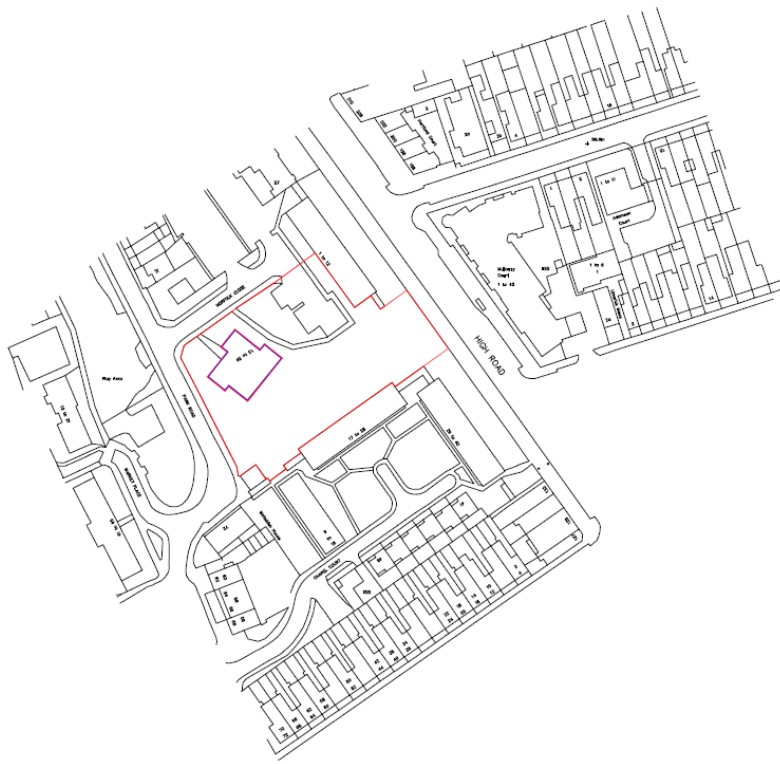
The issues referred to in neighbour letters and also in the Council's other consultations are addressed in the above discussion.

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 and the locality, and provided that sufficient landscaping is provided both at the road frontage and to the rear of the site, it is considered that the loss of amenity space can be sufficiently mitigated. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. It can be concluded that the proposal complies with the key policies of the development plan, and the application is therefore recommended for approval, subject to conditions.



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