

Location **Adamson Court 7 Hertford Road London N2 9BW**

Reference: **17/2417/FUL** Received: 13th April 2017
Accepted: 20th April 2017

Ward: East Finchley Expiry 20th July 2017

Applicant: **Open Door Homes**

Proposal: Demolition of existing block and erection of a part two-storey, part three-storey flat block comprising 10no. self-contained flats with associated 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:

16-274 D 001 Rev A;
16-274 D 010 Rev A
16-274 D 011 Rev A
16-274 D 040 Rev A
16-274 D 050 Rev A
16-274 D 100 Rev A
16-274 D 101 Rev A
16-274 D 102 Rev A
16-274 D 103 Rev A
16-274 D 200 Rev A
16-274 D 201 Rev A
16-274 D 202 Rev A
16-274 D 300 Rev A
Design & Access Statement
Drainage Statement
Heritage & Archaeological Desk-Based Assessment
Invasive Species Survey
Land Contamination Assessment
Sunlight, Daylight & Overshadowing Assessment
Sustainability Statement, with Energy Statement
Transport Statement, with Parking Survey
Tree Survey, Arboricultural Impact Assessment & Method 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) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2015).

- 6 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
- 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.
- b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 7 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition

before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

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

- 8
- a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.
 - 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.

- 9
- Before the building hereby permitted is first occupied the proposed window(s) in the east elevation facing 15 Hertford Road at first floor level shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 10
- 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).

- 11 Before the development hereby permitted is occupied the car parking spaces as shown on Drawing No. J15-290 D 04.050 Rev. A shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

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

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

- 13 Prior to the commencement of the development, details of any works proposed on public highway to facilitate the development shall be submitted to and approved by the Highway Authority and highway works shall only be carried out in accordance with the approved plans.

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

- 14 a) Notwithstanding the drainage strategy submitted, no development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan 2015.

- 15 Prior to occupation, the residents of the proposed development will be excluded from obtaining resident and visitor parking permits for the East Finchley Controlled Parking Zone.

Reason: To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced 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.

- 16 No part of the new development may be occupied until a Strategy for the provision of at least 10% of new flats to Building Regulations M4(3) wheelchair accessible standards across all of Open Doors Homes current and proposed developments has been submitted to and approved in writing by the Local Planning Authority. The provisions of the Strategy as they pertain to the application site shall then be permanently retained.

Reason to provide sufficient housing that meets Building Regulations M4(3) standard (wheelchair accessible), in accordance with Policy 3.8 of the London Plan 2016.

- 17 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

- 18 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.

- 19 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 35 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

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.

- 21 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 and telecommunications) 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 September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015).

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The 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.

- 3 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.
- 4 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.
- 5 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.
- 6 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 7 The applicant is advised that legal changes under The Water Industry (Scheme for the Adoption of Private Sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes, we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over/near-to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit www.thameswater.co.uk.
- 8 The applicant is advised that there are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of a public sewer. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.
- 9 The applicant is advised that it is their responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where you propose to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, and they can be contacted on 0800 009 3921. The above is in order to ensure that the surface water discharge from the site is not detrimental to the existing sewerage system.
- 10 Informative: If the development is carried out it will be necessary for any existing redundant vehicular crossover(s) to be reinstated to footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

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

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

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

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

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

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

Officer's Assessment

Officer's Assessment

1. Site Description

The application site is located on the southern side of Hertford Road, approximately 90m east of its junction with the High Road (A1000) in East Finchley. The area is of mixed character with some commercial and retail on the High Road, however, residential land use is predominant. Residential typology is also mixed with large flatted blocks on both sides of the High Road, with Victorian terraces forming the established character in Hertford Road.

The site contains a three storey flat roofed building comprising a small care home while still being shorter in height than the neighbouring property at 5 Hertford Road which is a two storey building. An access road separates the building from 15 Hertford Road. The access road arrives at a large parking area at the rear.

The street runs at a gradient up hill towards the junction with the High Road where a contemporary residential development has been constructed with a landmark feature at the junction.

The street contains a locally group listed terrace on the southern side of Hertford Road starting from 15 Hertford Road.

The site is not located in a conservation area and there are no listed buildings in the street. There are no trees subject to a Tree Preservation Order within the site or affected by their proximity to the curtilage of the site. There is however a mature street tree directly outside the site.

The site located in a Controlled Parking Zone and has a PTAL of 3.

2. Site History

The Housing Committee and the Building Control and Town Planning Committee gave their approval in 1971 for the erection of a building containing four bedsitting rooms and three, 1 bedroom flats on the site known as 7 Hertford Road along with parking for seven vehicles.

3. Proposal

Planning permission is sought for the demolition of the existing buildings and the erection of a part two and part three storey building to provide 10 flats.

The proposed accommodation comprises 9 x 2 bedroom and 1 x 1 bedroom flats designed to be dual aspect where possible and will meet or exceed the London Plan minimum space standard.

Some of the units will be provided with private balconies however, the scheme would deliver over 440sq.m of external communal amenity space to the rear which would replace the current car parking area.

No car parking is to be provided however, cycle parking for nineteen cycles will be provided within the development. It is proposed that the residents of the development will

be restricted from accessing or applying for car parking permits by way of a planning condition. Refuse and recyclables storage will be provided to the front of the site by way of covered sheds.

In order to accommodate the change in land levels towards the junction with the High Road and to mediate between the locally listed terrace to the east and the larger buildings to the west, the proposed building is a part two storey and part three storey construction. The two storey element starts adjacent to 15 Hertford Road and the eaves line rises incrementally and after a centrally located access core rises to a three storey building with the fenestration on the second floor overlapping the eaves line. The proposed development incorporates a traditional roof form with gable ends at each end rising to a ridge. At the rear, the proposed development replicates a Victorian form with a substantial rear projection. However, this is inset from the boundaries on both sides with 5 and 15 Hertford Road and the projection beyond existing rear returns is not significant. The rear elevation of the rear projection would have a substantial width with part of the roof terminating as a flat roof at the lower land level and part being terminated with a mansard roof at the upper land level. All living rooms, kitchen and dining rooms will have a rear aspect to the south, while some bedroom windows would have outlook towards 5 and 15 Hertford Road.

4. Public Consultation

Consultation letters were sent to 280 neighbouring properties.

3 responses have been received, comprising 2 letters of objection, 0 letters of support and 1 letters of comment.

The objections received can be summarised as follows:

- The proposed development would be too big, too high and too deep.
- The development would give rise to additional traffic impacts and parking issues. The back garden should still be used for parking.
- There would be overlooking from the windows to the rear garden of 5 Hertford Road.
- Concerns are raised regarding the impact from demolition and construction including asbestos control
- The development would give rise to a loss of light.
- The proposed development may result in an uplift in land levels across the site during the course of development.
- Provisions should be made regarding Japanese knotweed and asbestos across the site.

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

5.3 Assessment of proposals

Whether the principle of the development is acceptable.

Planning permission is sought for the erection of a part two storey and part three storey development to provide ten flats. The proposed development would comprise of nine, two bed flats and one, one bed flat. The development would be for the benefit of Barnet Homes and all ten units would be provided as affordable housing utilising the affordable rent product.

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. 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.

The scheme involves the loss of floorspace previously used as supported housing. Although the Local Plan policies set out in the Development Management Policies DPD (2012) sets out a presumption for its retention, it is considered that there are a number of relevant factors in respect of Adamson Court which would permit the loss of this facility. Although the building was previously used for the care of vulnerable adults in the form of supported housing, this use ceased in 2015 and the building was instead being used for emergency temporary accommodation. Part of the building became disused and its refurbishment was too costly for the Council to take this on. Furthermore, a public report published in 2015 demonstrates that the building has become surplus to requirements and as a result, its demolition with subsequent reuse of the site for the purpose of affordable housing is considered to be of an equal or greater importance.

The site is located within a short distance of a significant linear route within the Borough and as such, falls within the London Plan Density Matrix under the Urban category. As a result, these sites are capable of generating a site density within a range of 200 to 450 habitable rooms per hectare where the PTAL is level 3 (as it is at this site). As such, the proposed density of 322 habitable rooms per hectare is suitable for this site. Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;

The existing building on the site consists of a three storey flat roofed structure that was constructed in the 1970s with a large area of car park to the rear. The existing building is incongruous within its location within the streetscene context and does not make a positive contribution to a high quality built environment. The character of the street is mixed and contains locally listed terraced properties predominantly to the east and more contemporary larger scale to the development to the west.

The scheme has been subject to a lengthy design process to ensure that the proposed development responds to the streetscene context including the different forms of architecture within the street, the varying scales of development and the rising gradient towards the junction with the High Road. As such, the two storey element is considered to be an acceptable form of development adjacent to the locally listed terrace. A connecting access core allows the building to transition to the larger scale terracing and subsequently the flattened development at the junction with the High Road. The fenestration, eaves and ridge lines within the building form a coherent relationship with the neighbouring properties on either side of the site within Hertford Road. It is considered that the size, scale and massing would also be acceptable. Although the front elevation of the proposed development does not exactly replicate the front elevations of existing neighbouring properties in the street, the proposed front facades do incorporate a wide variety of characteristics which allows the development to be consistent with local character.

The rear of the building would incorporate a large part two storey and part three storey rear projection which is partly terminated by a flat roof and partly by a mansard roof. The extension projects by nearly 11.5m from the rear elevation of the main part of the building and is approximately 4m from the boundary on either side. In many respects, the footprint of the proposed development is intended to reflect the character of Victorian terraces, and with a projection of no more than 1.8m beyond the rear of the neighbouring property it is considered that the proposed development would replicate the spatial character and urban grain of the area leaving a substantial area of rear garden which would not be effective and usable compared to the current property following the removal of the hardstanding.

Impact on the amenity of neighbouring properties

The properties most likely to be affected by the proposed development would be 5 and 15 Hertford Road as these are the adjoining properties to the east and west of the site. The rear elevation of the properties to the rear are over 25m away with a 15m deep rear

garden behind this application site. The impact on 5 Hertford Road is negligible given the fact that the proposed development would be situated further away from that dwelling compared to the existing building. The distance would be over 4m and the projection from the rear would be less than 2m. As such, the proposed development would not appear visually overdominant or overbearing and would not give rise to a loss of light or privacy to that property.

There would be a greater impact on the amenity of the neighbouring property at 15 Hertford Road due to the orientation of 15 Hertford and its relationship with the proposal and the fact that there are bedroom windows on the flank elevation of the proposed development at the first floor level facing 15 Hertford Road. The proposal would

Impact on the amenity of future occupiers.

The proposed development would deliver 10 units comprising 9 x 2 bed and 1 x 1 bed. Each of the units would exceed the London Plan requirements for units of this size and level of occupancy. Individual rooms would also all exceed London Plan standards. Each unit has the required amount of storage. All units would have access to over 440 sq.m of external communal space to the rear while some units would also have private and defensible amenity space afforded to them.

All units would be dual aspect and despite the deep rear projection, it is considered that no harm would arise for the main living areas with these all either facing the street or facing directly on the rear garden as a primary aspect and the kitchens which are not habitable rooms facing the rear. Bedrooms are all located at the centre of the development and predominantly have side aspect and as such, will have a lesser quality of outlook. In order to protect the amenity of the neighbours particularly at 15 Hertford Road and it is proposed that those facing that property should be condition to be obscure glazed to top fanlight. Given the purpose of these rooms and the overriding and compelling objective to deliver affordable (rent) housing, it is considered that this impact would be acceptable.

Sustainability

The development as a whole would be able to deliver a reduction of 35% in Co2 emissions below the Building Regulation of 2013.

The development is only capable of achieving M4(1) under the Building Regulations in respect of access for people with limited mobility. The application of these standards permits the presentation of viability information to demonstrate that the scheme would be undeliverable to the density necessary. The applicants have demonstrated to the Council that to ensure blanket compliance with this standard across all developments would render the scheme unviable given the scheme costs. It would also necessitate an increase in service and maintenance charges which would preclude the opportunity to reduce the (affordable) rent level. In mitigation, a condition has been imposed which would require a strategy document to be provided to demonstrate how the target or standard is being met across the range of schemes coming forward to deliver the affordable housing coming forward.

Highway safety, parking, cycle parking and refuse collection

The proposed development is located in a PTAL 3 area within a short walking distance of the High Road. Hertford Road is located within a Controlled Parking Zone. As such, residents are nominally permitted to apply for residents' permits for the parking of private vehicles during the hours of operation of the Controlled Parking Zone.

The site already benefits from a car parking area with access from Hertford Road. However, in order to benefit from the optimum level of residential development on the site with equivalent level of amenity, the proposed development would result in the removal of the car park, the removal of the access road and the provision of no on site parking. As such, the proposed development is a car free development.

In order to provide for the limited level of parking demand associated with this development, it is proposed that the residents will be prevented from applying for car parking residents's permits in this zone. In this case, the restriction will be sought by planning condition. It is feasible and possible to secure a restriction for car parking permits by way of planning condition. A planning condition will also secure the raising of the dropped kerb and all other public highways works which should take place prior to the commencement of works.

Highways officers are satisfied that a planning condition would be satisfactory to secure the proposed car free development. The scheme provides for 20 cycle parking spaces to meet London Plan standards.

Refuse storage is provided at the front of the site to permit easy access for residents and also for refuse collection teams. The storage and collection provision is therefore considered to be acceptable in this instance.

5.4 Response to Public Consultation

The planning issues raised are addressed in the report above. The presence of Japanese Knotweed and asbestos and the process of their lawful removal are not planning issues for consideration.

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.

