

<b>Location</b>	<b>164 Brunswick Park Road London N11 1HA</b>	
<b>Reference:</b>	<b>17/3720/FUL</b>	Received: 12th June 2017 Accepted: 16th June 2017
<b>Ward:</b>	Brunswick Park	Expiry 11th August 2017
<b>Applicant:</b>	Ms Christine Coonan	
<b>Proposal:</b>	Demolition of existing house and garages and erection of 8no two storey dwelling houses. Associated landscaping, parking, cycle storing, refuse and recycling and amenity space	

**Recommendation:** Approve subject to conditions

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

LBB-SMP-200\_HTA-A\_BA2-S13-14\_DR\_0800\_Brunswick Park Road\_3D View-REV -  
 LBB-SMP-200\_HTA-A\_BA2-S13-14\_DR\_0303\_Brunswick Park Road\_Unit Plans\_2B4PH\_Type C4-REV A.pdf  
 LBB-SMP-200\_HTA-A\_BA2-S13-14\_DR\_0302\_Brunswick Park Road\_Unit Plans\_2B4PH\_Type C3-REV A.pdf  
 LBB-SMP-200\_HTA-A\_BA2-S13-14\_DR\_0301\_Brunswick Park Road\_Unit Plans\_2B4PH\_Type C2-REV A.pdf  
 LBB-SMP-200\_HTA-A\_BA2-S13-14\_DR\_0300\_Brunswick Park Road\_Unit Plans\_2B4PH\_Type C1-REV A.pdf  
 LBB-SMP-200\_HTA-A\_BA2-S13-14\_DR\_0210\_Brunswick Park Road\_Block Elevations-REV B.pdf  
 LBB-SMP-200\_HTA-A\_BA2-S13-14\_DR\_0110\_Brunswick Park Road\_Street Elevation-REV B.pdf  
 LBB-SMP-200\_HTA-A\_BA2-S13-14\_DR\_0100\_Brunswick Park Road\_Proposed Site Plan-REV H(1).pdf  
 LBB-SMP-200\_HTA-A\_BA2-S13-14\_DR\_0100\_Brunswick Park Road\_Proposed Site Plan-REV H.pdf  
 LBB-SMP-200\_HTA-A\_BA2-S13-14\_DR\_0001\_Brunswick Park Road\_Existing Site Location Plan-REV-.pdf  
 Brunswick Park Road Topographical Survey.pdf  
 Appendix E: Proposed drainage strategy layout

Design and Access Statement (DAS), by HTA Design; Daylight, Sunlight and Overshadowing Report, by HTA Design; Transport Assessment including draft Travel Plan, by Vectos; Foul and Surface Water Drainage Statement by 7 Engineering Consultancy; Arboricultural Implications Assessment, by agb

Environmental; Utilities Site Investigation Report, by Premier Energy; Sustainability Statement, by BBS.  
Topological Survey by Msurv; Bat Survey (AGB Environmental);

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 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the southern elevation facing 162 Brunswick Park Road.

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).

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. A\_BA2-S13-14\_DR\_0100 J 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 Prior to the commencement of the development hereby approved, details and statutory orders of any highways required to be stopped up to facilitate the development shall be made under Section 247 of the Town and Country Planning Act 1990. These shall be submitted to and agreed with the Local Planning and Highway Authority.

Reason:

To ensure that adequate public access is provided throughout the development.

- 15 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.

- 16 The development shall be carried out in accordance with the submitted and approved drainage strategy.

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.

- 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.

## 20 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.

## 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).

- 23 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, and E of Part 1 of Schedule 2 of that Order shall be carried out within the area of the site hereby approved.

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

#### **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](mailto: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](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 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 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via [crossovers@barnet.gov.uk](mailto:crossovers@barnet.gov.uk).
- 7 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 8 The applicant is advised that legal changes under The Water Industry (Scheme for the Adoption of Private Sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes, we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over/near-to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit [www.thameswater.co.uk](http://www.thameswater.co.uk).
- 9 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.

- 10 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.
- 11 Informative: If the development is carried out it will be necessary for any existing redundant vehicular crossover(s) to be reinstated to footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

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

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

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

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

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

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

Informative: The applicant is advised that Brunswick Park Road is Traffic Sensitive Road during Monday to Friday from 8am to 9.30am and 6.30pm to 6.30pm; deliveries during the construction period should not take place during these times.

The applicant is also advised that the site is located within close proximity of a school and therefore deliveries during the construction period should avoided between 0800 hrs to 0900hrs and 1500 hrs to 1600 hrs.

Careful consideration must be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.

Informative: The applicant is required to submit a Street Works Licence application to the Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, 4-6 weeks before the start of works on the public highways.

## **Officer's Assessment**

### Officer's Assessment

#### 1. Site Description

The application site is located on the eastern side of Brunswick Park Road straddling both sides of the junction with Nurseryman's Road. As such, the site red line outline encompasses two sites within this planning application. The site to the north of the junction with Nurserymans Road comprises a garage block accessed from Brunswick Park Road. The site to the south of the same junction contains one single dwelling house within a generous area of land enclosed by a robust and mature hedge. There are also mature trees within the site particularly along the boundary with Nurserymans Road.

The area is predominantly residential in character with some commercial uses interspersed along Brunswick Park Road such as the North London Business Park. Residential properties are of an older variety to the western side of Brunswick Park Road and characterised by semi detached properties. The eastern side of Brunswick Park Road has been subject to more recent residential development and the land to the rear of the site comprises a recently constructed residential development.

The land runs at a gradient downhill from Brunswick Park Road along Nurserymans Road. The rear gardens of 6 - 13 Dowd Close adjoin the rear boundary of the larger application site with the rear elevations of these properties situated 13m away from the boundary, while 162 Brunswick Park Road adjoins the site to the immediate south.

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.

#### 2. Site History

There is no relevant prior planning history pertaining to the red line site subject to this planning application.

The land directly to the rear of the application site within Nurserymans Road, Dowd Close and Gardners Close appears to have benefitted from planning permission granted in 2002 allowing for the redevelopment of land to provide for a carehome and 29 residential units. The relevant planning permission is N00949AH/01.

#### 3. Proposal

Planning permission is sought for the demolition of the existing garages to the north of the junction with Nurserymans Road and the existing detached dwelling house to the south of the same junction and their replacement with a new residential development comprising of 8 dwelling houses for affordable rent by Barnet Homes.

On the northern side of Nurserymans Road, the application proposes the erection of a pair of semi detached properties with private gardens. Off street car will be provided with

access from Nurserymans Road. On the southern side of the junction, the application proposes the erection of a terrace of 6 dwelling houses. The northern most property will also contain two parking spaces within its curtilage. However, the remaining five properties will have an off street parking space within the forecourt accessed from Brunswick Park Road via new crossovers.

The proposed dwellings would all be two storey, 2 bedroom properties with approximately 80 sq.m of internal floor space.

The properties would be constructed from brick with gable ends at each end of the terrace or semi detached pair. Each pair of properties would also have a two storey front facing gable end facing Brunswick Park Road which would be grouped in pairs.

The pair of properties on the northern side of Nurserymans Road would be constructed along the same building line as 170 Brunswick Park Road. However the terrace of 6 properties to the south will be constructed closer to the road than the established building line to the south. This is to enable a suitable separation distance from the rear elevation of the proposed development to the rear elevation of 6 - 13 Dowd Close. This separation distance would be 23m while the rear garden depth of the proposed properties would be 10m. The southern most terraced property would be 2.5m distant from 162 Brunswick Park Road but would be set 6.0m further forward than the front elevation of this property.

#### 4. Public Consultation

Consultation letters were sent to 58 neighbouring properties.  
4 responses have been received, comprising 3 letters of objection.

The objections received can be summarised as follows:

- Hours of construction and construction management
- Community infrastructure including school places and health care
- Implications of the proposed development on a tree close to the boundary with the development and 162 Brunswick Park Road.
- The digging up of the road and pavement for utility connections would prevent free access to the property for the owner of the neighbouring properties.
- The road is already congested and parking in the area is difficult.
- Signage would have to be installed in relation to the prevention of ball games on land around the development.
- Concerns about boundary treatments
- Concerns about crossovers.
- The proposed development would result in the loss of an existing garage and parking block which is being used.
- Overspill parking from the North London Business Park is preventing residents' parking in the Brunswick Park Road area particularly through the day.
- The development would be dangerous to the existing highway safety within the Nurserymans Road, Dowd Close and Gardners Close development.

#### 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 demolition of a garage block and a dwelling house on land on the eastern side of Brunswick Park Road either side of the Nurserymans Road junction and the erection of a pair of semi detached properties and a terrace of six dwelling houses. The development would be for the benefit of Barnet Homes and all eight 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 a single dwelling house. However, it would be replaced by 8 dwellings a net gain of 7 units. As such there is no net loss of housing and the scheme is not contrary to Development Plan policy. The existing dwelling is not protected by any restrictive designations and although the building is not unattractive, its loss cannot be prevented. The proposed development would also reflect existing development patterns along Brunswick Park Road and is therefore proposed to be of an adequate and appropriate development density.

The proposed development would result in the loss of garages and car parking comprising of 13 spaces. Some of these parking spaces were being used prior to the application being submitted to the Council. A parking beat survey was undertaken by the applicant to assess the existing parking demand in the vicinity of the site to inform the parking provision for the proposed development. The parking beat survey demonstrated that there is on street parking spaces available to accommodate any potential overspill in parking demand.

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

The proposed development comprises a pair of semi detached properties and a terrace of six properties. The proposed development is arranged over two storeys and each property would be provided with a private rear garden. The proposed development would be constructed of brick and would terminate with a gable end. Each property would have a front elevation facing gable end to the street which would be constructed in pairs.

The layout of the proposed development would largely follow the pattern of development within Brunswick Park Road and would not be out of character or out of keeping with the established character of residential development within this street.

The proposed development would be consistent with the building line to the north, however, it would project further forward of the building line to the south to the extent that there would be a 6m projection. This would be an abrupt change within the street, however, it would not be so visually different to other buildings or terraces which terminate with a gable end within Brunswick Park Road given the design is such that it seeks to reflect the prevailing form, size and scale within the area.

The proposed development would also result in the removal of trees and vegetation means of enclosure which are quite dense around the site. None of these trees are protected however, these are significant characteristics to the site and their loss would have an impact on visual amenity. However, their removal would not be protected and their quality is assessed elsewhere in this report. It is considered that a landscaping plan would assist in mitigating the visual impact of this loss

## Impact on the amenity of neighbouring properties

The properties most likely to be affected by this proposed development would be 162 Brunswick Park Road to the immediate south of the proposed development, 6 - 13 Dowd Close to the immediate east of the proposed development and 170 Brunswick Park Road to the immediate north of the proposed development. 162 Brunswick Park Road has been previously extended on its northern side taking the development footprint up to the boundary of the site. The proposed development would be 2.4m distant from the flank of this extension and would project nearly 6m beyond the front elevation. As such, the proposed development would have some material impact on the outlook from the front of the property. However, it is indicated that a number of the conifer trees on the southern flank elevation would be removed which would therefore reduce the overbearing visual impact on the outlook and amenity of this occupier. To the rear there would be no impact from the proposed development. On balance it is considered that the loss of the trees on this boundary compared to the forward projection of the neighbouring dwelling would be acceptable and would therefore not be significant additional harm that would warrant refusal.

It is considered that it would be necessary to limit the permitted development rights applicable to the proposed dwellings which would prevent the construction of extensions to the rear or side or the installation of windows to the flank elevation which may have a harmful impact on the amenities of the occupiers of this property.

To the rear of the site, it is considered that the separation distance is sufficient to prevent a harmful impact on the amenities of the occupiers residing at 6 - 13 Dowd Close. The proposed development would therefore be acceptable in this regard.

It is considered finally, that the separation distance between 170 Brunswick Park Road and the proposed development and the fact that the development neither projects further forward or rear ward of the established building line would result in no harmful impact on the amenity of these occupiers.

## Impact on the amenity of future occupiers.

The proposed development would deliver 8 units comprising 8 x 2 bed units. 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 a private garden and an on street parking space for each property. The rear gardens of the terraced properties would have a depth of 10m and the rear elevation of the proposed units would be 23m distant from the first floor rear windows of the properties at 6 - 13 Dowd Close. The rear of 162 Brunswick Park Road would project by more than 6m from the rear elevation of the most southerly property in this terrace. However, the adequate separation distance and the fact that this impact only relates to one property is not sufficiently compelling to warrant the refusal of planning permission.

## 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 capable of meeting M4(2) standard for accessible housing under the building regulations.

The proposed development would be able to secure a reduction of 35% of CO2 emissions from the relevant 2013 building regulations.

Highway safety, parking, cycle parking and refuse collection

The proposed development would result in the loss of an existing garage and parking court. Highways officers are satisfied that the overspill parking can be accommodated within the existing local highway network following the carrying out of a parking beat survey.

The proposed development would include one car parking space per dwelling which would be acceptable. Each unit also provides sufficient ability to accommodate cycle storage on site.

Vehicle access to the site is being maintained from Brunswick Park Road for the six residential units located at the southern section of the site. This would involve provision of two new crossovers and reinstatement of the existing crossover. Highways officers have considered the safety impact arising from access to and from the car parking spaces on to Brunswick Park Road as acceptable and this includes visibility considerations for highway users and pedestrians.

The applicant has assessed the capacity of the garage block to accommodate vehicles and has found that these are substandard to accommodate modern vehicles. A parking survey has been carried out in the area and has found that the surrounding streets has substantial capacity as low as 25% and it is considered that this can accommodate the loss of the garage block.

For the two residential units located at the northern section of the site, a new vehicle access is proposed from Nurseryman's Road. It is proposed that each unit will have their own secure bin store to the west, south and north of each of the units will be wheeled to the footway on Brunswick Park Road or Nurseryman's Road to be collected in accordance with the existing refuse collection operations. The applicant is advised that the highway tree or any other highway furniture located on the verge are likely to be affected by the proposal and therefore the proposed new crossovers would be subject to site investigation following the application being made to the Council's highways development control and the highways tree section will need to be consulted for their approval for the removal/relocation of trees. Also it is proposed that the existing verge on the southern kerb line of Nurseryman's Road is to be converted to footway.

The redevelopment will also result in changes to the immediate streetscene including paths, pavements, boundaries and other street furniture. The location of new parking in Nurseryman's Road will also need to be taken into account.

Landscaping and ecology

The existing dwelling house at 164 Brunswick Park Road is anomalous in that contains mature and established vegetation and planting in and around the site. None of the trees are protected by a Tree Preservation Order or by a conservation area designation. However the proposed development would result in the removal of a large number of these trees. A tree survey has been provided to the Council which indicates that many of

these are of poor quality in landscape and health terms and their loss would not be significant. The applicant intends to put forward a mitigating landscaping plan which would seek to ensure that some of this loss is compensated.

The applicant has commissioned ecological surveys in the area with a particular focus on bats given the opportunities that the existing buildings on site might provide in respect of bat roosting and commuting routes. A survey carried out earlier in 2017 established no habitats. A bat emergence survey was undertaken on the 14th June and I am pleased to confirm that no roosting bats were found during the survey. As such, the report concludes that the planned proposal can proceed with no mitigation required for roosting bats.

#### 5.4 Response to Public Consultation

The planning issues raised are addressed in the report above.

#### 6. Equality and Diversity Issues

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

#### 7. Conclusion

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



## Existing Site Location Plan

1:1250

09.06.17	PSM	Issue for planning
16.06.17	PSM	Issue for planning

Notes:  
Do not scale from drawings unless by agreement with HTA. Use figured dimensions only. Check all dimensions on site prior to commencing the works. Drawing to be read in conjunction with other relevant consultant information.

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Legend  
— Site Boundary

1:1250 SCALE BAR  
0 10 20 30