

Location **Land Behind Sheaveshill Court The Hyde London NW9 6SJ**

Reference: **16/6222/FUL** Received: 26th September 2016

Accepted: 5th October 2016

Ward: Colindale

Expiry 4th January 2017

Applicant: Ms Christine Coonan

Proposal: Demolition of existing garages and stores and the erection of two, three-storey buildings to provide 24no. self-contained flats and 10no. two-storey houses with associated amenity space, refuse and recycling storage and cycle stores. Alterations to hard and soft landscaping. Reprovision of 26 storage sheds. Additional 31 car parking spaces, and 8 disabled car parking spaces

Recommendation: Approve subject to s106

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. The provision of affordable housing for affordable rent at a proportion of 40% of all the units (thereby 14 out of 34) being provided within the development in accordance with the London Borough of Barnet Nominations Statement.
4. The provision and implementation of a landscape management plan.
5. Monitoring fee: £1000.00

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Planning Performance and Business Development Manager/Head of Development Management approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Planning Performance and Business Development Manager/Head of Development Management:

1 RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

The provision of affordable housing for affordable rent at a proportion of 40% of all the units being provided within the development in accordance with the London Borough of Barnet Nominations Statement.

The provision and implementation of a landscape management plan.

Monitoring fee: £1000.00

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

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

- 3 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13 , CS14,

DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 4
- a) Prior to the felling of any trees along the boundaries shared with the Colin Park Road properties to the rear of the site, the following shall have been submitted to and approved in writing by the Local Planning Authority:
 - (i) A geotechnical report that outlines any structural issues that may result for neighbouring properties from the felling of the trees, and sets out an acceptable strategy for ensuring that any damage to adjacent the properties is avoided.
 - (ii) Details of insurance to cover any damage to the neighbouring properties that may occur.
 - b) Tree felling and site clearance works shall then be carried out only in compliance with the approved geotechnical report.

Reason: To ensure that the proposed development makes proper provision for any structural impacts on adjoining residential properties.

- 5
- a) No site works or works in connection with the development including any temporary enabling works, site clearance and demolition or any investigative works referred in any other conditions, or development shall be commenced until a biodiversity strategy, to include details of further survey works, details of the protective measures to be implemented for the wildlife species protected by law and details of any mitigation measures including the timing of development works and special techniques, has been submitted to and approved in writing by the Local Planning Authority.
 - b) The site clearance and any mitigation measures shall be implemented in full in accordance with details approved under this condition.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 6
- a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.
 - b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 7 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).

- 8 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall commence on site until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority.

b) All tree felling and pruning works shall be carried out in full accordance with the approved specifications under this condition and in accordance with British Standard 3998 (Recommendation for Tree Works).

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 9 a) No development shall take place until the implementation of a programme of archaeological evaluation has been secured in accordance with a written scheme which has been submitted by the applicant and approved by the Local Planning Authority in writing and a report on that evaluation has been submitted to the Local Planning Authority.

b) If heritage assets of archaeological interest are identified by the evaluation under a) above, then before development (other than demolition to present ground level) commences the implementation of a programme of archaeological investigation shall be secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.

c) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under b).

d) The development shall not be first occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under

b), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To enable archaeological investigation of the site in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD and Policy 7.8 of the London Plan 2015.

10 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.

- 11 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations
- b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2015.

- 12 a) Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority.

It shall have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment, the London Air Quality Network and London Atmospheric Emissions Inventory. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

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

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

- 13 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.

- 14 The development hereby approved shall not commence until a surface water drainage strategy for the site has been submitted to and approved in writing by the local planning authority. All planning applications relating to major development - developments of 10 dwellings or more; or equivalent non-residential or mixed development - must use Sustainable Drainage Systems (SUDS) for the management of surface water runoff, unless demonstrated to be inappropriate.

Reason: To ensure that the development manages surface water in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-statutory Technical Standards for Sustainable Drainage Systems).

- 15 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.

- 16 Prior to the first occupation of the development they shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 20% 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.

- 17 The level of noise emitted from any ventilation and air conditioning plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

- 18 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.

- 19 a) No external lighting shall be installed and used until details of the appearance and luminance of the proposed lighting has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted 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.

- 20 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.

21 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall be commenced until details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.

c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

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

22 Before the development hereby permitted is occupied, parking spaces and the access to the parking spaces shall be provided in accordance with Drawing No. A_BA1-S01_DR_0100 Rev. C submitted with the planning application. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with 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 2012 and Policy DM17 of the Development Management Policies DPD (2012).

23 Before the development hereby permitted is occupied 20% active and 20% passive parking spaces shall be installed with electric vehicle charging points. Such spaces shall be permanently retained and maintained thereafter.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan.

24 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 The Core Strategy (2012) and Policy DM17 of the Development Management Policies DPD (2012).

- 25 Prior to the commencement of the development works, details of any works proposed on public highway shall be submitted to and approved by the Highway Authority and 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 The Core Strategy (2012) and Policy DM17 of the Development Management Policies DPD (2012).

- 26 Prior to the commencement of the development hereby approved, details of any public right of ways within the site to be stopped under Section 247 of the Town and Country Planning Act shall be submitted to and agreed with the Local Planning Authority.

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

- 27 a) Buildings A and B (the flats) shall not be occupied until details of the electronically controlled access to these building has been submitted to and approved in writing by the Local Planning Authority and the approved details have implemented.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted 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 2016 and advice in the Mayor's Housing SPG.

- 28 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 - H of Part 1 and Classes A, B, D, E and F of Part 2 of Schedule of that Order shall be carried out at the houses within the approved development.

Reason: To safeguard the amenities of neighbouring occupiers and the viability of adjacent retained trees in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

INFORMATIVES

- 1 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £75250.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £290250.00 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local

Government at
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

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

- 2 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.
- 3 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.
- 4 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.
- 5 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.
- 6 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.

- 7 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.
- 8 Provision of a new footway or modification of the existing footway shall be Disability Discrimination Act (DDA) compliant.

RECOMNMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 26/10/2017 or any other period of time agreed in writing unless otherwise agreed in writing, the Head of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

- 1) The proposed development makes no contribution towards affordable housing despite this being found to be viable. The proposals would be contrary to policy DM10 of the Adopted Barnet Development Management Policies 2012.

The proposal seeks to deliver 34 units (100%) at affordable rent. This committee previously resolved to approve this development subject to legal agreement to secure 55% (19 units) of all units as affordable rent. The committee agreed a higher quantum of affordable rent than that required by policy (policy requires 40%) in an effort to mitigate against the loss of trees.

The amended recommendation seeks to reduce the quantum of affordable rent (units) secured by legal agreement. Whilst the application will continue to seek to provide 100% affordable rent, the amended recommendation will ensure 40% of the overall scheme is secured by Legal Agreement. The flexibility in not securing the remaining 60% by legal agreement permits the scheme to be viable and affordable. This position was agreed in light of adopted policy, the Written Ministerial Statement on affordable housing and in relation to the Barnet Homes schemes previously approved by this Committee in 2016.

In addition, the loss of trees have been mitigated by a planning condition seeking a comprehensive landscape management plan securing compensatory planting for the loss of the specific trees.

As such, Members are being asked to secure the provision of affordable housing by Legal Agreement at a level of 40% comprising 14 units in total.

The application should therefore be approved on the basis of the amended Heads of Terms set out in this report.

This report has been amended below to reflect these changes. The changes are to be found in the underlined sections below.

[illegible]

Officer's Assessment

1. Site Description

The site comprises a 1940s housing estate set on 1.64ha and located to the east of Edgware Road (the A5). It contains 96 no. 1, 2 and 3 bdr. units in 6 three-storey buildings, which are aligned south-east to north-west along the road frontage. The land between these buildings and the Edgware Road is largely in lawn, with trees planted close to the road frontage boundary. Access is provided to an unadopted estate road in two locations, one at the north-eastern end of the estate, adjacent to number 1 Sheaveshill Court, and the other between numbers 80 and 81. Car parking at the rear currently consists of 69 parking spaces and 22 garages.

In addition to the A5 road frontage, site boundaries are shared with the following properties:

- On the north-western side, by the McDonalds fast food outlet on the corner of Edgware Road and Colindeep Lane;
- to the north-east - the rear of the site - 1-10 Orchard Gate (including 8A) and 5-61 Colin Park Road (odd numbers only) to the north-east; and

- on the south-eastern side, Hendon Tyres on Sheaveshill Avenue, Café Delight at 1 Colin Parade, and the car parking and vehicle access that serves the other properties in Colin Parade.

The adjoining residential properties to the rear, at Orchard Gate and Colin Park Road, are typical 1940s and '50s semi-detached, red-brick houses, with pitched tiled roofs and rear gardens of reasonable size.

The deepest parts of the site are to the rear of 33-96 Sheaveshill Court, where the site extends back to the shared boundaries with 5-61 Colin Park Road. Numbers 1-32 are separated by just the width of the estate access road from the rear of the adjacent properties at Orchard Gate, whereas the deeper spacing towards Colin Park Road is a more open area which is currently occupied by amenity space including lawns, trees and former allotment space along with pram sheds and bin stores.

There are a range of retail outlets and other facilities nearby, including a selection of cafes, pharmacies, a bank, hair and beauty salons, a greengrocer, newsagent, off-licence, dry cleaner, Costcutter supermarket, eat-in restaurants and takeaways, primary and secondary schools, sports fields, and doctors' and dental surgeries.

The site falls largely into an area with a PTAL 2 accessibility rating, with the northern-most part of the site PTAL 3.

The southern part of the site is within an area of Special Archaeological Significance. There are no other planning allocations or site-specific designations for this site.

2. Site History

The site has no relevant planning history.

3. Proposal

The application proposes the demolition of the existing bins stores, pram stores and 22 garages at the site and the development of the amenity space located towards the Colin Park Road boundaries to construct an additional 34 houses and flats, as follows:

- 10 x 3-bed, family units;
- 8 x 2-bed flats;
- 4 x 1-bed, wheelchair accessible flats;
- 12 x 1-bed flats.

The development will be linear in nature with the new buildings to be laid out more or less parallel to the existing Sheaveshill Court development. The flats would be within two separate three-storey buildings, each with 12 flats, Block A to the north and Block B to the south, with five semi-detached pairs of houses between them. The flats would be similar and essentially 'handed' versions of the same design, with two wheel-chair units in each building at ground level and walk-up units above. The five semi-detached pairs as submitted would all be identical, and for the purposes of this report, they are identified as buildings C - G.

It is proposed to introduce on-way traffic along the access road, with the flow from north to south.

An additional 35 car parking spaces will be provided as part of the scheme, and reordering of the existing car parking will result in a total of 104 proposed parking spaces for the whole estate with 10% of the spaces to be designated for wheelchair users. A parking permit scheme is operated for the estate by Barnet Homes, and priority will be given to the re-provision of existing permit holders within the additional spaces prioritised to family units and two bedroom flats.

The proposal is also intended to deliver improved communal amenity space for use by the whole estate, with better surveillance of these spaces. The ten family houses will have also private amenity spaces, and the flatted units will have private balconies.

Storage for refuse and recycling, and cycle storage, is also provided.

All of the homes are for affordable rent, are dual aspect and meet or exceed both internal and external space standards as set out in the London Housing SPG 2016 and the Barnet Sustainable Design and Construction SPD.

4. Public Consultation

Consultation letters were sent to 481 neighbouring properties.

13 letters of objection have been received, and a petition that opposes the scheme and has 59 signatories has also been submitted. The letters and petition raise the following issues:

- Density and overdevelopment. The height, mass and bulk of the three storey buildings (flats), which is accentuated by the changes in levels.
- Loss of trees which are an important amenity for the area and also block traffic noise from Edgware Road. It is unclear whether trees are covered by Tree Protection Orders or not.
- Structural damage that may result from the removal of large trees.
- Impact on privacy and overlooking.
- Loss amenities for neighbouring residents.
- Impacts on public services and infrastructure. Improvements to social infrastructure are needed including to bus services on Edgware Road.- Highways safety on Edgware Road, parking congestion on local roads and increased traffic.
- Concerns about site drainage.
- Loss of light;
- Non-compliance with London Plan SPGs and with PPS1 and PPS3
- Too much new development in this locality, which brings attendant disruption from construction for residents, particularly on elderly neighbours some of who are unwell.
- Since development was first proposed, Britain has voted to leave the EU - what are the implications for future housing demand ?
- Barnet has not fulfilled its past affordable housing obligations. If it had, this development would not be required now.
- The Council has also allowed an uncontrolled explosion of private extensions.
- Impacts on wildlife

An objection from the Hendon Society was made on a single issue related to archaeology; the Society stated that it would withdraw the objection if an appropriate condition is included in any permission granted.

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

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

- Policy 3.3 - Increasing Housing Supply
- Policy 3.4 - Optimising Housing Potential
- Policy 3.5 - Quality and Design of Housing Developments
- Policy 3.8 - Housing Choice
- Policy 3.9 - Mixed and Balanced Communities
- Policy 5.2 - Minimising carbon dioxide emissions
- Policy 5.3 - Sustainable design and construction
- Policy 6.9 - Cycling
- Policy 6.10 - Walking
- Policy 6.13 - Parking
- Policy 7.2 - An Inclusive Environment
- Policy 7.3 - Designing Out Crime
- Policy 7.4 - Local Character
- Policy 7.5 - Public Realm

Policy 7.6 - Architecture
Policy 8.1 - Implementation
Policy 8.2 - Planning Obligations
Policy 8.3 - Community Infrastructure Levy

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy DPD Policies:

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

CS1 Barnet's place shaping strategy - the Three Strands approach

CS3 Distribution of growth in meeting housing aspirations

CS4 Providing quality homes and housing choice in Barnet

CS5 Protecting and enhancing Barnet's character to create high quality places

CS13 Ensuring the efficient use of natural resources

CS14 Dealing with our waste

CS15 Delivering the Core Strategy

- Relevant Development Management DPD Policies:

DM01 Protecting Barnet's character and amenity

DM02 Development standards

DM03 Accessibility and inclusive design

DM06 Barnet's Heritage and Conservation

DM08 Ensuring a variety of sizes of new homes to meet housing need

DM09 Specialist housing: Houses in Multiple Occupation, student accommodation and housing choice for older people

DM10 Affordable housing

DM11 Development principles for Barnet's town centres

DM12 Maintaining our local centres and parades

DM17 Travel impact and parking standards

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

Supplementary Planning Documents

Mayor of London's Housing SPG

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

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

Other relevant planning documents

London Borough of Barnet Characterisation Study (2011)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the living conditions of future occupiers would be acceptable;
- Whether the proposal is acceptable in terms of impacts on the highway network and sustainable transport;
- Whether the proposal is acceptable in terms of impacts on trees and biodiversity;
- Affordable housing provision;
- Building sustainability; and
- Archaeological mitigation.

5.3 Assessment of proposals

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the area and wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the living conditions of future occupiers would be acceptable;
- Whether the proposal is acceptable in terms of impacts on the highway network and sustainable transport;

- Affordable housing provision;
- Whether the proposal is acceptable in terms of impacts on trees and biodiversity;
- Building sustainability; and
- Archaeological mitigation.

5.3 Assessment of proposals

- Character and appearance

The proposed houses and flats are of contemporary design with brick elevations that provides a material link with the vernacular architecture of the existing estate buildings, Colin Park Road and the other adjacent streets. The development will create a new streetscape within the development drawn from local housing typologies, with the proposed three-storey flats buildings being of similar height to those existing at Sheaveshill Court and the two storey houses providing a link to the scale of the houses at Colin Park Road and Orchard Close. Facing brickwork is the predominant material within the surrounding area, including both Sheaveshill Court and the houses to the rear, and the proposed brick detailing and the angle of the roof pitches on the proposed buildings would be complimentary to these suburban surroundings. Contemporary brick colours and high quality materials including front doors in a range of natural colours, dark grey frames for the large format windows with reveal depths of at least 100mm, and slate grey roof tiles are proposed. Photovoltaic panels would be provided on the roofs. Fascias, soffit boards, rainwater pipes and gutters and balcony balustrades for the flats would also be coloured dark grey to match the window frames.

The proposed architecture and layout of the development is considered to be respectful to its suburban setting, and intended landscaping and improvements to the urban realm will assist in melding the development into the surrounding built environment.

London Plan policy 3.4 - Optimising Housing Potential - sets out a range of densities as a guide to providing new housing at appropriate densities. For mid-sized units (3.1-3.7 habitable rooms per unit), the target density ranges within suburban locations is 40-80 units / hectare, while for urban locations it is 55-145 units ha. Taking into account the existing 96 flats at the front of the site, density of the estate would rise from 60 to 81 units / hectare, which is at the top of the range for suburban areas. While the site is typically suburban, it is noted that the site also has some more urban characteristics, including the frontage to the busy A5 Edgware Road, and it is considered therefore that this density is appropriate for this location.

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

The development would introduce new housing to the rear of Colin Park Road within an area that currently has generous separation distances from the existing flats. Development of this form must be carefully managed in order to ensure that impacts on the amenities of neighbours is not unacceptable. The Residential Design Guidance recommends minimum separation distances and garden depths which new development should strive to meet. The recommended building separation distance is "about" 21m between facing habitable room windows, with 10.5m being the recommended minimum garden depth., although the SPD notes that these standards may not be met in all instances. With regard to back-to-back distances, it is noted that the alignment of rear boundaries for the properties at Colin Park Road varies, and it appears that this may be due to sections of an old path along the rear of the properties having been absorbed into some of the properties. This is the case at 33, 43, 45, 53 and 55 Colin Park Road, all of

which have slightly longer gardens than their neighbours as a result. This means that the proposed back gardens at the application site do not quite meet the 10.5 metre guidance in all cases, and most of the proposed houses have window to legal boundary distances of 10.2m. However there would be no directly facing habitable rooms between the existing and proposed homes which have a separation of less than 21m, while for the new flats the equivalent distances exceed 23m. It is considered that with appropriate boundary treatment in the form of 2m fences topped by the additional height of a trellis, along with new plantings along the boundary, an acceptable level of amenity for these closest neighbours will be retained.

The only other directly neighbouring residential properties are 1 and 2 Orchard Gate. These both have rear gardens approximately 10m in depth at the rear of the houses and there will be no direct views between habitable room windows at either property. 2 Orchard Gate is the closest of the two to the flats Building A, and this has an unusually wide plot, so that the flank wall of Building A will face this side / rear garden rather than the house. There are six windows in the flank wall, one each to serve a bathroom and a secondary living room window on each level. The bathroom windows would be obscure glazed and while this could also be provided by the secondary windows, the distance to this boundary will in itself protect the amenities of the neighbouring occupiers.

Separation distances to the front of the proposed dwellings, to the existing properties at Sheaveshill Court, are also 21m in most instances, although for the houses in Buildings C, D and E this distance is not quite met. However the existing flats and new houses will be separated by the access road, which will take on a more street-like character as a result of the development on either side of it. It is accepted that separation distances will sometimes be closer than the SPD minimum along residential street frontages and for residents in the closest existing flats, any impacts will be balanced by amenity gains from new landscaping and the resulting improved sense of enclosure along the Edgware Road frontage.

The application includes a very detailed sunlight and daylight analysis which has been carried out in line with the methodology the Building Research Establishment (BRE) Guide 'Site Layout Planning for Sunlight and Daylight: A Guide to Good Practice' (2011). The results of the analyses confirm that the proposed development would not impact negatively on the surrounding existing properties in terms of daylight, sunlight and overshadowing.

A construction management plan would be required by condition, to ensure that impacts of construction for neighbours both within and adjacent to the estate are properly managed. This would include allowable hours of construction and other on-site works.

Several neighbours have raised concerns regarding the structural impacts of removal of trees on their properties. A recommended condition would require a geotechnical report and insurance to ensure that any impacts of this type on neighbouring properties are properly assessed and mitigated, and that insurance is in place to ensure that any such damage if it occurs is properly rectified.

For the occupiers of the 96 existing flats, the layout provides a new play area for under 5 year olds to be located in front of the flats building B, a shared drying area to the north of that (in front of house pair G), another shared garden to the front of house pair F, and a small quiet shared garden in the front of the flats building A. While these areas are substantially reduced from the large areas of private amenity space currently available for the existing residents, the quality of these play and sitting out areas will be secured through the landscaping recommended condition.

- Whether the living conditions of future occupiers would be acceptable

Both the internal spaces within the houses and exterior garden spaces are designed to comply with standards within the London Plan and Barnet SPD, either meeting or exceeding the minimum internal and external space requirements as set out in Table 3.3 at Policy 3.5 of the London Plan.

Some of the flats within Building B would face directly into the crown of one of the retained trees. While this would inevitably impact on levels of natural light and overall amenity for the applicants, the sunlight and daylight analysis noted above also analysed whether the design of the proposed dwellings would provide good day lighting conditions within the dwellings and gardens, and found that light conditions within the development would be acceptable.

Standard 11 in the Mayor's Housing SPG requires that 90 per cent of new build housing should meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings' with the remaining 10 per cent meeting Building Regulation requirement M4(3) 'wheelchair user dwellings'. The development is designed to comply with these requirements, and a condition is recommended to provide for this.

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

- Whether the proposal is acceptable in terms of impacts on the highway network and sustainable transport

The Highways Officer's comments are, in summary:

It is proposed that the rearranged estate road will become a one way road with an entrance through the western end (adjacent to McDonald's restaurant) access road and exit in the central part of the site (via the exiting vehicular access). A short section of the internal road will remain two-way as it is not connection to any further access points. Horizontal Traffic calming measures are proposed in form of chicanes and pinch points on the access road to ensure lower vehicle speeds and maintain accessibility for service and emergency vehicles, as well as for cyclists and pedestrians.

The applicant's consultant has assessed the Trip Generation for the proposed development and predicted that the trip generation is likely to be 33 and 27 two-way people trips during the AM and PM peak hours respectively. Of the predicted person trips, 17 trips during the AM peak and 14 during the PM peak are likely to be vehicle trips.

The development would rationalise the existing parking layout to provide a total of 105 parking spaces across the whole estate. Larger units will be given parking permit priority above smaller units, with each of the 3-bed family houses allocated a space. The proposal for the parking provision is as follows:

- 77 parking spaces for the existing residents with 6 parking spaces designated for the disabled use;
- 10 parking spaces for the new 3 bedroom houses;
- 8 parking spaces for the new 2 bedroom flats;
- 5 parking spaces for the new 1 bedroom units;

- 4 blue badge holder parking spaces assigned to the wheelchair accessible units; and
- 1 visitor parking bay for the new development.

Taking into account the PTAL rating for the site, the assessed car parking requirement for the new dwellings and residents would be 38 parking spaces. 28 additional parking spaces would be being provided, resulting in a shortfall of 10 spaces.

In order to assess whether this shortfall would result in an unacceptable impact on parking demand in the surrounding area, the applicant has therefore undertaken Parking Beat Surveys on four separate dates to assess the parking pressure in the vicinity of the development. These surveyed the availability of parking overnight at on-street locations within a 10 minute walk (500m walk distance), and were required by the Council's Highways Officer to supplement the parking data in the Transport Statement that was submitted with the application. The surveys were between the hours of 0200 and 0500 to account for the maximum demand for residential on-street parking. The applicant's consultants also reviewed the car ownership data within the Census information for 2011 to ascertain the car parking requirement for the proposed development.

This assessment provides a worst case scenario of possible demand for on-street car parking, by assuming that the proposed 34 residential units would generate a car ownership level of 43 vehicles, which is in line with the maximum parking provision level required to meet the Policy DM17 parking standards. The parking surveys showed that there were more than 60 spaces available overnight within a 10 minute walking distance from the site on the dates of the four surveys. Based on this information, the Highways Office is satisfied that the proposed parking provision of 28 parking spaces for the new development is acceptable on highway grounds. In addition, 52 cycle parking spaces are proposed, and cycle lock planters proposed outside the existing flats will provide up to 18 additional on-street cycle spaces.

The proposed one way operation will require installation of appropriate signage to ensure that there is no confusion and consequently no detrimental impact on public highway. This can be provided for by an appropriately worded condition.

- Impacts on trees and biodiversity

The Tree Survey submitted with the application identifies one 'A' grade tree, 21 'B' grade, 3 'C' grade trees and an unknown number of mainly young saplings in three further groups. The majority of the A and B grade trees are oaks, although there are a number of other native species present including sycamore, cherry, beech and one elm and also one false acacia (not a native species).

Key trees identified on the submitted tree removals plan are as follows:

- On the site of the proposed flats building A: 2 no. B grade and 1 no. C grade sycamores along with a weeping willow (T19) and a good quality hornbeam (T20 - both B grade) to the rear of the proposed building, close to the boundary with 69 and 71 Colin Park Road. The loss of the trees that would directly conflict with the development of the new building is considered to be acceptable; and discussion with the architects has established that it is likely to be possible to retain the good quality hornbeam. This would be provided for in the landscape condition.

- Adjacent to the proposed flats building B: Three good quality trees including the single 'A' grade tree at the site, a 25m oak, will be retained adjacent to the south side of this

building. A pollarded willow to the front of the building is identified for removal, while a good quality oak T6 will be retained to the rear of the building.

- On the site of the proposed houses: A group of seven larger oaks with one beech (T11 - T17) and a small group of younger trees of mixed species (G1) are located to the rear of house pairs D, E and F. Apart from one off-site oak in the group which would be retained (T11), these trees are identified for removal to facilitate the siting of these houses. Most of the oaks and the beech are B grade trees and some of them are very substantial oaks that are up to 24m in height (T13, T14, T17).

While these trees form an attractive landscape feature, and consideration is being given as to whether any of these trees can be retained within the development, their loss must be balanced against the gains of allowing the development of five of the six semi-detached houses within the house pairs D, E and F.

Their removal is justified by the gain that the scheme delivers through affordable housing which will be provided throughout the entire scheme in the first instance although the legal agreement will seek to secure 40% of units as affordable rented. In the case of this application therefore, the scheme will deliver 34 affordable rent units in reality which is considered to be an overarching sustainable development principle. In addition, the proposed development would also seek to secure replacement planting through a landscape management plan. The details of the landscaping management and planting plan can be evaluated and negotiated with the Council in respect of the most appropriate species as well as their densities, age and location in order to provide the most appropriate amenity for this site. On this basis, it is considered that the proposed development would be acceptable in this regard.

On this basis it is recommended that a landscape management plan be provided for the future maintenance of the retained trees, including the hornbeam T20 noted above, and for the eventual removal and replanting of any that might become too large for their locations in the future. As part of this, any younger saplings that have the potential to develop into good quality trees and that do not conflict with the development could be retained to allow for the faster reestablishment of the site's landscape.

An ecology survey was submitted with the application which includes recommendations for biodiversity improvements at the site. These should be incorporated into a biodiversity strategy in line with the recommended condition. It is noted that the position of the rear boundary was unclear at the time that the survey was undertaken in January 2016, due to the presence of two boundary fences adjacent to the Colin Park Road boundaries, and as a result, this part of the site including the group of trees noted above for removal was not covered by the survey,. The biodiversity strategy recommended in this report would include a new survey to be carried out prior to the commencement of clearance works on this part of the site, including an emergence / re-entry survey for bats.

Affordable housing provision

London Plan Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought when negotiating on individual private residential and mixed use schemes. This approach is reflected in Policy CS4 of the Core Strategy and policy DM10 of the Development Management Policies DPD.

While the policy sets a target of 40% affordable housing on sites that meet the 11 units and / or 0.4 hectare thresholds, this proposal is for 100% rental housing and there is no

intention for any of the housing to be sold on at this point, whether as shared ownership or open market housing. In order to meet the London Plan and Local Plan objectives it is proposed to secure 40% of these 34 units as affordable housing. This provision will be secured through a legal agreement.

- Building sustainability

A sustainability report was submitted with the application, which was prepared in July 2016. It set out that the development would achieve the following:

- 35% reduction in Carbon dioxide emission with reference to part L1A 2013 of the building regulations
- Code for Sustainable Homes level 4 certification.
- Internal water restrictions to 105 litre/person/day.
- All units would meet part M4(2) of the building regulations where it is technically feasible to do so.

Since the report was prepared, the Government has abolished the Code for Sustainable Homes. The other provisions noted above remain relevant, and provide compliance with the requirements of the Council's Sustainable Design and Construction SPD and the relevant policies in the London Plan. This provision can be secured by the conditions recommended below.

Details of surface water drainage were included with the application, and a condition requiring the submission and approval of a strategy based on the principles of sustainable urban drainage systems is included in the recommended conditions.

- Archaeological mitigation

Part of the application site is within a Local Area of Special Archaeological Significance, and considered to have a moderate potential for Medieval evidence along with a low potential for Roman evidence. An investigation of this part of the site's potential for archaeological remains will need to be demonstrated in line with Policy DM06 and advice in the NPPF. A Heritage Statement was provided in the application which sets out the position on this, and a condition is recommended below to provide for an investigation ahead of development taking place.

- Conclusion

In conclusion, it is considered that the proposal is acceptable and that, on balance, it not complies with the key policies of the development plan. Subject to the conditions recommended below, it would have an acceptable impact on the character and appearance of the surroundings, and will provide acceptable living standards for future occupiers while also ensuring that the amenities of neighbouring residents are not adversely impacted on. The application is therefore recommended for approval.

5.4 Response to Public Consultation

The issues referred to in neighbour letters are addressed in the above discussion.

In addition to the Highway's Officer's comments which are reported in detail above, the following consultee responses have also been received:

- Environmental Health has no objections, subject to conditions which are recommended in this report.
- Sustainable Drainage have also responded and while they note that due to the size of the site a Flood Risk Assessment should have been provided, conditions are also recommended to ensure that the development's drainage is provided in accordance with Sustainable Urban Drainage principles.
- Transport of London have also responded, and again do not object but have requested conditions in any permission granted.
- Historic England has recommended an archaeology condition be included in any planning permission for the scheme.
- Brent Council were also consulted, and have not objected to the scheme.

6. Equality and Diversity Issues

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

7. Conclusion

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

