

LOCATION: 7-11 Victoria Road, Barnet, Herts, EN4 9PH

REFERENCE: B/00938/13 **Received:** 08 March 2013

Accepted: 28 March 2013

WARD: East Barnet **Expiry:** 23 May 2013

APPLICANT: Spen Hill Developments Limited

PROPOSAL: Demolition of existing buildings and the erection of 2no. two-storey dwellings with rooms in the roofspace. Associated landscaping and the provision of 4no. parking spaces accessed from Albert Road.

APPLICATION SUMMARY

The proposed development would fail to meet the development principles of the New Barnet Town Centre Framework in terms of creating a sense of place and retail activity, would not enhance the economic, social and environmental function of the Town Centre and would be detrimental to the character and appearance of the area. Also, inadequate garden space would be provided for future occupiers of the development. Accordingly, the proposal would result in material harm to interests of acknowledged importance.

RECOMMENDATION

REFUSE planning permission, for the reasons set out below:

Reasons for refusal:

1. The proposed development, by reason of its design and function would be out of keeping with the character of the commercial parade of which it would form a part, failing to contribute to the activity, vitality or viability of the New Barnet Town Centre contrary to the development principles of the New Barnet Town Centre Framework (2010), policy CS5 of the Barnet Local Plan Core Strategy (2012), policies DM01 and DM11 of the Barnet Local Plan Development Management Policies DPD (2012) and the NPPF.
2. The proposed family dwellinghouses, by reason of inadequate provision of garden space, would result in substandard accommodation and lack of external amenity space for the intended occupiers of the development, to the detriment of the living conditions of those occupiers, contrary to Policy DM01 of the Development Management Policies DPD (2012) and Residential Design Guidance (April 2013).

Informatives:

The informatives that it is recommended be included on the decision notice in respect of this application are set out in **Appendix 3** of this report. These include (as the first informative) a summary of the relevant development plan policies taken into account in making this decision.

1. MATERIAL CONSIDERATIONS

1.1 Key Relevant Planning Policy

Introduction

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is The London Plan (published July 2011) and the development plan documents in the Barnet Local Plan (adopted September 2012). These statutory development plans are the main policy basis for the consideration of this planning application. A number of other documents, including supplementary planning guidance and national planning guidance, are also material to the determination of the application.

More detail on the policy framework relevant to the determination of this development and an appraisal of the proposal against the development plan policies of most relevance to the application is set out in subsequent sections of this report dealing with specific policy and topic areas. This is not repeated here.

The officers have considered the development proposals very carefully against the relevant policy criteria and, for the reasons set out in this report, have concluded that that the development would fail to comply with the requirements of the development plan, for the reasons set out above.

The London Plan

The London Plan (adopted July 2011) is the development plan in terms of strategic planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The London Plan policies (arranged by chapter) most relevant to the determination of this application are:

Context and Strategy:

1.1 (Delivering the Strategic Vision and Objectives for London)

London's Places:

2.6 (Outer London: Vision and Strategy); 2.7 (Outer London: Economy); 2.8 (Outer London: Transport); and 2.18 (Green Infrastructure: the Network of Open and Green Spaces)

London's People:

3.1 (Ensuring Equal Life Chances for All); 3.2 (Improving Health and Addressing Health Inequalities); 3.3 (Increasing Housing Supply); 3.4 (Optimising Housing Potential); 3.5 (Quality and Design of Housing Developments); 3.6 (Children and Young People's Play and Informal Recreation Facilities); 3.8 (Housing Choice); 3.9 (Mixed and Balanced Communities); 3.10 (Definition of Affordable Housing); 3.11 (Affordable Housing Targets); 3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes); 3.13 (Affordable Housing Thresholds); and 3.16 (Protection and Enhancement of Social Infrastructure)

London's Response to Climate Change:

5.1 (Climate Change Mitigation); 5.2 (Minimising Carbon Dioxide Emissions); 5.3 (Sustainable Design and Construction); 5.6 (Decentralised Energy in

Development Proposals); 5.7 (Renewable Energy); 5.9 (Overheating and Cooling); 5.10 (Urban Greening); 5.11 (Green Roofs and Development Site Environs); 5.12 (Flood Risk Management); 5.13 (Sustainable Drainage); 5.14 (Water Quality and Wastewater Infrastructure); 5.15 (Water Use and Supplies); 5.17 (Waste Capacity); and 5.21 (Contaminated Land)

London's Transport:

6.1 (Strategic Approach); 6.2 (Providing Public Transport Capacity and Safeguarding Land for Transport); 6.3 (Assessing Effects of Development on Transport Capacity); 6.4 (Enhancing London's Transport Connectivity); 6.5 (Funding Crossrail and Other Strategically Important Transport Infrastructure); 6.7 (Better Streets and Surface Transport); 6.9 (Cycling); 6.10 (Walking); 6.11 (Smoothing Traffic Flow and Tackling Congestion); 6.12 (Road Network Capacity); and 6.13 (Parking)

London's Living Places and Spaces:

7.1 (Building London's Neighbourhoods and Communities); 7.2 (Inclusive Environment); 7.3 (Designing Out Crime); 7.4 (Local Character); 7.5 (Public Realm); 7.6 (Architecture); 7.13 (Safety, Security and Resilience to Emergency); 7.14 (Improving Air Quality); 7.15 (Reducing Noise); 7.19 (Biodiversity and Access to Nature); and 7.21 (Trees and Woodlands)

Implementation, Monitoring and Review:

8.2 (Planning Obligations); and 8.3 (Community Infrastructure Levy)

Barnet Local Plan

The development plan documents in the Barnet Local Plan constitute the development plan in terms of local planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The relevant documents comprise the Core Strategy and Development Management Policies documents, which were both adopted in September 2012. The Local Plan development plan policies of most relevant to the determination of this application are:

Core Strategy (Adopted 2012):

CS NPPF (National Planning Policy Framework – Presumption in favour of sustainable development)

CS1 (Barnet's Place Shaping Strategy – Protection, enhancement and consolidated growth – 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)

CS8 (Promoting a strong and prosperous Barnet)

CS9 (Providing safe, effective and efficient travel)

CS11 (Improving health and well being in Barnet)

CS12 (Making Barnet a safer place)

CS13 (Ensuring the efficient use of natural resources)

CS14 (Dealing with our waste)

CS15 (Delivering the Core Strategy)

Development Management Policies (Adopted 2012):

DM01 (Protecting Barnet's character and amenity)

DM02 (Development standards)

DM03 (Accessibility and inclusive design)
DM04 (Environmental considerations for development)
DM08 (Ensuring a variety of sizes of new homes to meet housing need)
DM10 (Affordable housing contributions)
DM11 (Development principles for Barnet's town centres)
DM14 (New and existing employment space)
DM16 (Biodiversity)
DM17 (Travel impact and parking standards)

Supplementary Planning Guidance and Documents

A number of local and strategic supplementary planning guidance and documents are material to the determination of the application.

Local Supplementary Planning Documents and Guidance:

Planning Obligations (April 2013)
Sustainable Design and Construction (April 2013)
Affordable Housing (February 2007)
Contributions to Education from Development (February 2008)
Contributions to Health Facilities from Development (July 2009)
Contributions to Library Services from Development (February 2008)
Residential Design Guidance (April 2013)
New Barnet Town Centre Framework (November 2010)

Strategic Supplementary Planning Documents and Guidance:

Accessible London: Achieving an Inclusive Environment (April 2004)
Sustainable Design and Construction (May 2006)
Health Issues in Planning (June 2007)
Wheelchair Accessible Housing (September 2007)
Planning for Equality and Diversity in London (October 2007)
All London Green Grid (March 2012)
Housing (November 2012)

National Planning Guidance

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published in March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications that are considered to accord with the development plan.

1.2 Key Relevant Planning History

A full summary of the key planning history of this site is set out in **Appendix 1** of this report. The relevant planning history to this proposal principally comprises the development of a 3 storey building comprising 392m² of A1 retail with 2 residential flats above, which was allowed on appeal in 2009.

1.3 Public Consultations and Views Expressed

Public Consultation

A total of 118 local properties and other bodies were consulted on the application by letter and email in April 2013.

The section below provides a summary of the comments received on the application. Responses are provided in the relevant section of the report.

Number of Responses from Residents

None received.

Consultation Responses from Statutory Consultees and Other Bodies

New Barnet Community Association:

Have responded to the consultation and **support the application.**

Thames Water:

Recommend that petrol/oil interceptors be fitted in all car parking areas. Surface water storm flows should be attenuated or regulated. No objection with regard to sewerage infrastructure.

Internal Consultation responses

Traffic and Development Team:

The parking provision is in accordance with London Plan and Barnet Local Plan policy. Any new crossover would be subject to a detailed survey under the Highways Act, at the applicant's expense. Conditions recommended to secure the provision of the parking spaces and to require a Demolition, Construction and Traffic Management Plan.

Environmental Health Service:

Noise issues should be addressed by standard thermal double glazing. The air quality is not predicted to be poor in this location. As the site is dilapidated, contaminated land condition is recommended.

2. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL

2.1 Site Description and Surroundings

The application site comprises a rectangular piece of land extending to an area of 0.04ha on the northern side of Victoria Road in New Barnet. The site is occupied by two vacant two storey Victorian terraced properties, both of which were formerly in commercial (ground floor) and residential (upper floor) use. They form a terrace with the adjoining property to the west, No.5, and the return frontage of the site abuts Albert Road. The land rises by a gentle gradient from east to west (towards East Barnet Station). The application site is situated approximately 200m from East Barnet national rail station and has a public transport accessibility level (PTAL) of 3. The site falls within the boundaries of the New Barnet Town Centre, classed as a district centre, but does not fall within the designated shopping frontage.

In character terms, the site forms an 'end stop' to the town centre on the north

side of Victoria Road, at the end of a commercial parade comprising a mixture of uses, including a restaurant and a dry cleaners, with residential flats above. The area surrounding the application site contains a mixture of uses and building forms. Victoria Road is generally characterised by low level dwellings of suburban character, with 2-3 storeys (3rd storey generally in the roofspace), small footprints and generous gardens. Land to the rear of the site (north) is occupied by the New Barnet Salvation Army Hall, with the site of the former gasworks beyond. To the south are buildings forming part of New Barnet Town Centre's principle shopping street along East Barnet Road and is characterised by mixed users, mainly independent shops, takeaways and retailers with residential accommodation over.

2.2 Description of the Proposed Development

Detailed planning permission is sought by the applicant (Spenn Hill Developments Ltd) for the redevelopment of the site to provide 2 Use Class C3 residential dwellinghouses, with associated amenity space, landscaping and 4 car parking spaces. A plan showing the layout of the site as proposed is provided in **Appendix 2** of this report.

The proposed dwellings would comprise an extension to the existing property at No.5 to form a terrace with a maximum combined width of 13.8m. The dwellings would be two storey in form, but with a large habitable roofspace in a mansard style. The roof form would be stepped to account for the slope of the site. The depth of the development would line up with the adjoining property, with the exception of a two storey rear projection of 1m, set 2m from the boundary and from the flank wall facing Albert Road.

To the rear of the dwellings would be two private garden areas with 4 parking spaces to serve the development beyond, including the provision of a new access. Refuse storage would be at the front, where front boundary walls and railings are also proposed. The architecture of the proposed buildings would be contemporary, incorporating the use of brickwork, render and timber. The dwellings would have tiled, pitched roofs.

It is proposed to offer the 2 dwellings as affordable.

All of the units proposed would meet or exceed the minimum floor space standards for the relevant type of dwelling (specified in Table 3.3 of the London Plan). The Planning Statement submitted with the application confirms that the dwellings proposed would all achieve the relevant Lifetime Homes Standards and meet Code for Sustainable Homes 'Level 4'.

Pre-application advice was sought from, and provided by, the Council on the redevelopment of the application site. In summary, a mixed use scheme of commercial and flats was considered to be acceptable.

In addition to the application drawings the documents accompanying the submission include the following:

- Planning Report incorporating Design and Access Statement
- Statement of Community Involvement
- Sustainable Energy Design Notes

3. PLANNING CONSIDERATIONS

3.1 Principle of the residential use proposed

It is noted that the site does not form part of the designated shopping frontage of the town centre, having been de-designated in the adoption of the Core Strategy, so there is no specific policy objection to the loss of retail use on the ground floor of the site.

However, in character terms, the site forms the 'end stop' to this part of the town centre, abutting Albert Road to the east with more suburban residential areas beyond. There are commercial units in the parade, along with the Railway Bell public house. The principle of the proposed development, in terms of its conventional suburban nature and ground floor residential use, is therefore not considered acceptable on this site.

The New Barnet Town Centre Framework (NBTCF) was adopted by the council in November 2010. This document was prepared in consultation with the community, in line with the objectives of localism, and therefore carries some weight. It states that the centre performs poorly against key vitality and viability indicators and sets out a number of Development Principles that seek to address this decline. Specifically, it is envisaged that this part of the 'Victoria Quarter' would form a cluster of non-residential uses to promote a more attractive evening economy to anchor new residential development that may come forward on sites to the north. Accordingly, the principle of an A3 use on the ground floor here would also be acceptable, in line with Development Principle 5.3.

In the submitted Planning, Design and Access Statement the applicant states that the development complies with the 3 tenets of sustainable development as set out in the NPPF. However, officers consider that a mixed use development would better achieve these objectives, particularly in economic and social terms, as the site falls within a town centre where it would be appropriate to provide modern commercial space on the ground floor to anchor this end of the shopping centre, encourage footfall for surrounding uses and to contribute to a sense of place. It is also noted that housing delivery objectives could be achieved by the provision of residential flats above the ground floor commercial use, as per the previous planning permission.

In summary, the principle of the development is considered to be unacceptable, as it would be detrimental to the character and appearance of the area (discussed in further detail below), fails to comply with the Development Principles of the NBTCF and would fail to take the opportunity to contribute to support town centre growth, contrary to the NPPF and Barnet Local Plan policies CS6 and DM11.

3.2 Dwelling mix

Development plan policies require proposals to provide an appropriate range of dwelling sizes and types, taking account of the housing requirements of different groups. The council's Local Plan documents (Core Strategy and Development Management Policies DPD) identify 3 and 4 bedroom units as the highest priority types of market housing for the borough.

The proposal would provide two 4 bedroom family dwellings and it is also noted that these would be provided as affordable. It is noted that this would be in line with Local Plan objectives, however as set out above there is an in principle objection to this form of development on this site, where commercial uses (A1 or A3) are promoted.

3.3 Density of development

London Plan policy 3.4 seeks to optimise the housing potential of sites. This policy provides a guide to appropriate density ranges for particular locations, depending on accessibility and setting.

The proposed density is not considered to be objectionable. There are however concerns from officers over the form and design of the development and the level of amenity space provided for the properties given their size and the number of habitable rooms as discussed in other appraisal sections.

3.4 Standard of accommodation provided and amenities of future occupiers of the proposed dwellings

Local Plan policies require high quality design in all new development that creates attractive places which are welcoming, accessible and inviting. Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings, outdoor amenity space and play space. Policy DM04 states that buildings should be designed to minimise exposure to air pollutants. The same policy states that proposals to locate noise sensitive development in areas with high levels of noise will not normally be permitted and also that the mitigation of any noise impacts will be expected where appropriate.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new dwellings. These include requirements to provide high quality indoor and outdoor spaces, set minimum internal space standards for different types of unit and seek accommodation which has an appropriate layout and meets the needs of its occupiers over their lifetime.

External amenity space provision

The council's adopted supplementary planning documents (SPDs), Sustainable Design and Construction and Residential Design Guidance, and the Mayors adopted supplementary planning guidance, Housing, provide more detailed guidance on a range of matters related to creating new dwellings that have adequate amenities for their future occupiers. These include identifying minimum sizes for private garden space for new houses. The Barnet standard as set out in Table 1.2 of Appendix 2 for houses with 6 habitable rooms (such as the dwellings proposed) is 70m². Both the garden areas proposed (at 50m² for House 1 and 40m² for House 2) fall significantly short of this standard. Having regard to these standards, the proposed development is considered to provide inadequate garden space for future occupiers of these family dwellings, contrary to Barnet Local Plan Policy DM02.

Dwelling size

Table 3.3 in the London Plan provides a minimum gross internal floor area for different types of dwelling. Having regard to these areas, the minimum floor area would be 117m² for each of the dwellings. The proposed dwellings, at 138m³, comfortably exceed these minimum standards and the individual room sizes in all of the units would comply with the standards in the Mayors Housing SPG.

Dwelling outlook, daylight/sunlight and privacy

Development plan policy requires that new dwellings are provided with adequate outlook. Both the proposed houses would be dual aspect and would have appropriate fenestration throughout. There would be adequate setting space between the dwellings and neighbouring buildings to ensure that outlook from the units would not be unduly constrained and the level of outlook and daylight/sunlight levels provided would therefore be adequate for future occupiers of the development. The proposed dwellings, or their rear gardens, would not be overlooked to an unacceptable degree by surrounding dwellings.

Noise and air quality

The Council's Environmental Health Service have been consulted on this application and consider that, were the proposal otherwise considered acceptable a condition should be imposed requiring details of glazing to be submitted and approved, in order to ensure appropriate insulation from the noise generated from nearby traffic. No objections are raised in terms of air quality. The proposal is therefore found to be acceptable in respect of the noise and air quality environment that it would provide for the occupiers of the dwellings proposed.

Conclusions on the amenities of future occupiers

In summary, the proposal is considered to provide inadequate garden space for future occupiers and would therefore fail to comply with Local Plan Policy DM02 and the Residential Design Guidance as discussed above.

3.5 Design and character matters:

The National Planning Policy Framework 2012 makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document states that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It identifies that good design involves integrating development into the natural, built and historic environment and also points out that although visual appearance and the architecture of buildings are important factors, securing high quality design goes beyond aesthetic considerations.

Local Plan policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The London Plan also contains a number of relevant policies on character,

design and landscaping. Policy 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.

Barnet Local Plan policy CS6 seeks to 'ensure that new development is of an appropriate scale and character for the centre in which it is located'. It is noted that the approved development on the site adopted a similar form in terms of height, scale and the mansard roof design. However, as discussed above in section 3.1, there is an in principle objection to the provision of a ground floor residential use on this site, which doesn't contribute to activity, vitality or viability at the edge of the town centre.

The proposed landscaping treatment of the forecourt of the site, which would comprise residential front gardens, would also be out of character with the immediate locality and the wider town centre, which consists of commercial forecourts that contribute to the public realm.

The proposed development would therefore be detrimental to the character and appearance of the town centre, as it would introduce a development of entirely residential character into a commercial location. It would fail to take the opportunities available for improving the character and quality of an area and the way it functions and would therefore be contrary to the NPPF, Barnet Local Plan policies CS5 and CS6, and the New Barnet Town Centre Framework (2010).

3.6 Impacts on amenities of neighbouring and surrounding occupiers and users:

Local Plan policies seek broadly to promote quality environments and protect the amenity of neighbouring occupiers and users through requiring a high standard of design in new development. More specifically policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users. Policy DM04 identifies that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted.

Overlooking and Loss of privacy

The Residential Design Guidance SPD identifies that there should be a minimum distances of about 21m between properties with facing windows to habitable rooms and 10.5m to a neighbouring garden, in order to avoid overlooking in new developments. The rear windows of the proposed dwellings do not directly overlook any residential properties, so there would be no adverse impact in this regard.

Daylight and sunlight/outlook and visual impact

It is considered that there would be no significant adverse affects on the

daylight or sunlight received at neighbouring residential properties. It is considered that the design, size and siting of the proposed buildings is such that they would not have an unacceptable visual impact or result in any significant loss of outlook at neighbouring properties and spaces. The application is therefore considered to be acceptable and compliant with development plan policy in these regards.

Noise

The residential dwellings proposed in the development are of a nature that they would be expected not to generate unacceptably high levels of noise and disturbance to the extent that they would harm the amenities of the occupiers of neighbouring properties in the normal course of their occupation. The Council's Environmental Health Service has been consulted and has not recommended any mitigation in this regard.

In relation to construction works, a condition would have been recommended to ensure that the construction of the development does not result in unacceptable levels of noise and disturbance, were the proposal otherwise considered acceptable. This includes the carrying out of the works within certain hours and in accordance with a Construction Management and Logistics Plan that has been previously agreed with the Local Planning Authority.

Conclusions

The proposed development is considered to be acceptable and compliant with the relevant development plan policies as they relate to the protection of the amenities of neighbouring and surrounding occupiers and users.

3.7 Affordable Housing

It is noted that the size of the development proposed falls below the 10 unit threshold for the requirement to provide affordable housing. The 2 dwellings are however proposed as affordable provision, as part of a comprehensive viability appraisal undertaken in regards to this proposal, as well as two other sites also reported on this agenda (refs B/00937/13 and B/00939/13), which are also owned by the applicant. To explain and justify this position the applicant has submitted a confidential report which evaluates the economic viability of the proposed developments making a contribution to affordable housing provision. The Council has then commissioned GVA to independently review the viability report provided and examine its findings. For the reasons discussed above the proposal would fail to comply with adopted policy on other grounds. It is therefore not possible to secure these dwellings as affordable housing. However, when considering this scheme in isolation, it falls below the threshold for affordable housing provision and officers therefore consider it unnecessary to require such provision as part of this scheme.

3.8 Trees and Landscaping:

The scheme proposed includes the planting of new trees and additional landscaped areas to provide a setting for the proposed development. Were the proposal otherwise considered acceptable, a condition would have been recommended to ensure that these were of an acceptable size and species.

3.9 Transport, parking and highways matters:

Policy context

Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) identifies that the Council will seek to ensure more efficient use of the local road network, seek more environmentally friendly transport networks, ensure that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 (Travel impact and parking standards) of the Barnet Development Management Plan Document sets out the parking standards that the Council will apply when assessing new developments. Other sections of policies DM17 and CS9 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

Parking provision

The car parking standards for residential development, as set out in the Barnet Local Plan, recommend a range of parking provision for new dwellings based on a sites Public Transport Accessibility Level (PTAL) and the type of unit proposed. For the different types of unit the range of provision is as follows:

- Four or more bedroom units - 2.0 to 1.5 parking spaces per unit
- Two and three bedroom units - 1.5 to 1.0 parking spaces per unit
- One bedroom units - 1.0 to less than 1 parking space per unit

For higher PTAL scores the parking requirement would be expected to be at the lower end of the range and for a lower PTAL scores parking provision at the higher end of the range would be required. The PTAL Score for the site is 3. The proposed provision of 2 spaces per unit would therefore be appropriate.

A condition would have been recommended to ensure that the parking spaces proposed are provided prior to the occupation of the development and also that they are allocated and managed in an appropriate way, were the proposal otherwise considered acceptable. A Demolition, Construction and Traffic Management Plan would also have been required.

Access and site layout

The application proposes a new access crossover from Albert Road to the 4 parking spaces. This is considered to be acceptable and would be subject to detailed survey and design under the Highways Act.

Parking, highways and transport conclusions

The Council Traffic and Development Team have assessed the proposal and found it to be adequate. For the reasons outlined above the proposal is considered to be acceptable and compliant with the objectives of policy in relation to parking, highways and transport matters subject to the imposition of the conditions.

3.10 Creating inclusive environments for all members of the community:

Planning policies make it clear that new developments should be accessible, usable and permeable for all users. Proposals should demonstrate how the principles of inclusive design have been integrated into the development for which consent is sought.

The documents submitted with the application do not include a detailed explanation of how the layout of the scheme and design of the proposed buildings has been influenced by the desire to make them accessible for all members of the community. Policy requires all the proposed dwellings (houses and flats) to meet the relevant Lifetime Homes standards.

It is noted that there would be nothing to prevent level access being provided to the houses proposed, so all of the units are capable of complying with Lifetime Homes standards. Disabled standard parking spaces (width 3.3m) are also proposed. A condition would have been recommended, were the proposal otherwise considered acceptable, to ensure that the proposed dwellings would meet the relevant Lifetime Homes standards in terms of their internal arrangements.

Subject to these controls and the requirements in place under other legislation officers conclude that the design and layout of the proposal is such that it is acceptable in terms of creating a development that is accessible, useable, permeable and inclusive for all members of the community.

3.11 Contaminated land and water quality issues:

The Council's Environmental Health Service have confirmed that any concerns they may have regarding contaminated land issues could be adequately addressed through conditions.

3.12 Safety and security matters:

Development plan policies require new developments to provide a safe and secure environment for people to live and work in and reduce opportunities for crime and fear of crime.

The design and layout of the development proposed and the degree of natural surveillance is considered to be such that, provided adequate external lighting and boundary treatments are provided, subject to conditions, it would provide a safe and secure environment. The proposal is therefore deemed to be acceptable in respect of providing a safe and secure development with an environment which reduces opportunities for crime and the fear of crime.

3.13 Flooding and water infrastructure matters:

Thames Water has responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed upon any grant of consent. The applicant states that there is sufficient capacity in terms of utilities in the vicinity of the site.

3.14 Energy, climate change, biodiversity and sustainable construction matters:

London Plan Policy 5.2 requires development proposals to make the fullest contribution to minimising carbon dioxide emissions. Residential developments are currently required to achieve a 25% reduction in carbon dioxide emissions when compared to the 2010 Building Regulations. Policy 5.3 of the London Plan goes on to set out the sustainable design and construction measures required in developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation.

Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Proposals are also expected to comply with the guidance set out in the council's Supplementary Planning Documents (SPD) in respect of the requirements of the Code for Sustainable Homes. The council's adopted Sustainable Design and Construction SPD provides that schemes such as this should achieve Code Level 4 or above against the Code for Sustainable Homes.

Carbon dioxide emissions

The application is accompanied by a Sustainable Design Note, which sets out a commitment to achieving level 4 under the Code for Sustainable Homes. As part of reaching this level under the Code for Sustainable Homes the dwellings proposed will need to achieve an improvement of 25% over the Target Emission Rate under the 2010 Building Regulations. The chosen options include built fabric improvements such as high insulation values, low energy lighting and high efficiency boilers, as well as the installation of photovoltaic panels on the roof of the development, thereby achieving a 28% betterment for each of the houses. Such an improvement is adequate for the scheme to comply with the requirements of policy on reductions in carbon dioxide emissions. Were the proposal otherwise considered acceptable, a condition would have been recommended to ensure that the development achieves Code Level 4 and this level of carbon dioxide reductions as a minimum. A condition would also be imposed requiring details of the photovoltaic panels to be installed to be submitted and agreed with the Local Planning Authority, in order to ensure an acceptable appearance.

3.15 Community Infrastructure Levy

As the proposed development is offered as affordable housing, it would not be liable for charge under the Mayoral Community Infrastructure Levy (CIL) or the Barnet CIL.

4. EQUALITIES AND DIVERSITY ISSUES

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- “(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*

- (c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”*

For the purposes of this obligation the term “protected characteristic” includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section.

The new buildings proposed as part of the application would be required to comply with current legislative requirements in respect of equality and diversity related matters, for example access for the disabled under Part M of the Building Regulations. In addition to this the development would ensure that in several regards the building constructed would exceed the minimum requirements of such legislation. Examples of this would include all the proposed residential units being constructed to meet the relevant Lifetime Homes standards, the provision of level or appropriately sloping access within the site and the inclusion of disabled standard parking spaces (as set out in greater detail in earlier sections of this report).

The proposal is found to accord with development plan policies as they relate to the relevant equalities and diversity matters, by providing a high quality inclusive design approach which creates an environment that is accessible to all and would continue to be over the lifetime of the development.

It is considered by officers that the submission adequately demonstrates that the design of the development and the approach of the applicant are acceptable with regard to equalities and diversity matters. The proposals do not conflict with either Barnet Council’s Equalities Policy or the commitments set in our Equality Scheme and support the council in meeting its statutory equality responsibilities.

5. COMMENTS ON GROUNDS OF OBJECTIONS

No objections were received.

6. CONCLUSION

The proposed development would fail to meet the development principles of the New Barnet Town Centre Framework in terms of creating a sense of place and retail activity, would not enhance the economic, social and environmental function of the Town Centre and would be detrimental to the character and appearance of the area. Also, inadequate garden space would be provided for future occupiers of the development. Accordingly, the proposal would result in material harm to interests of acknowledged importance.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development generally and taken overall does not comply with the relevant development plan policies. It is therefore considered that there are material planning considerations which justify the refusal of planning permission. Accordingly, refusal is recommended, for the reasons set out in the recommendations section at the beginning of this report.

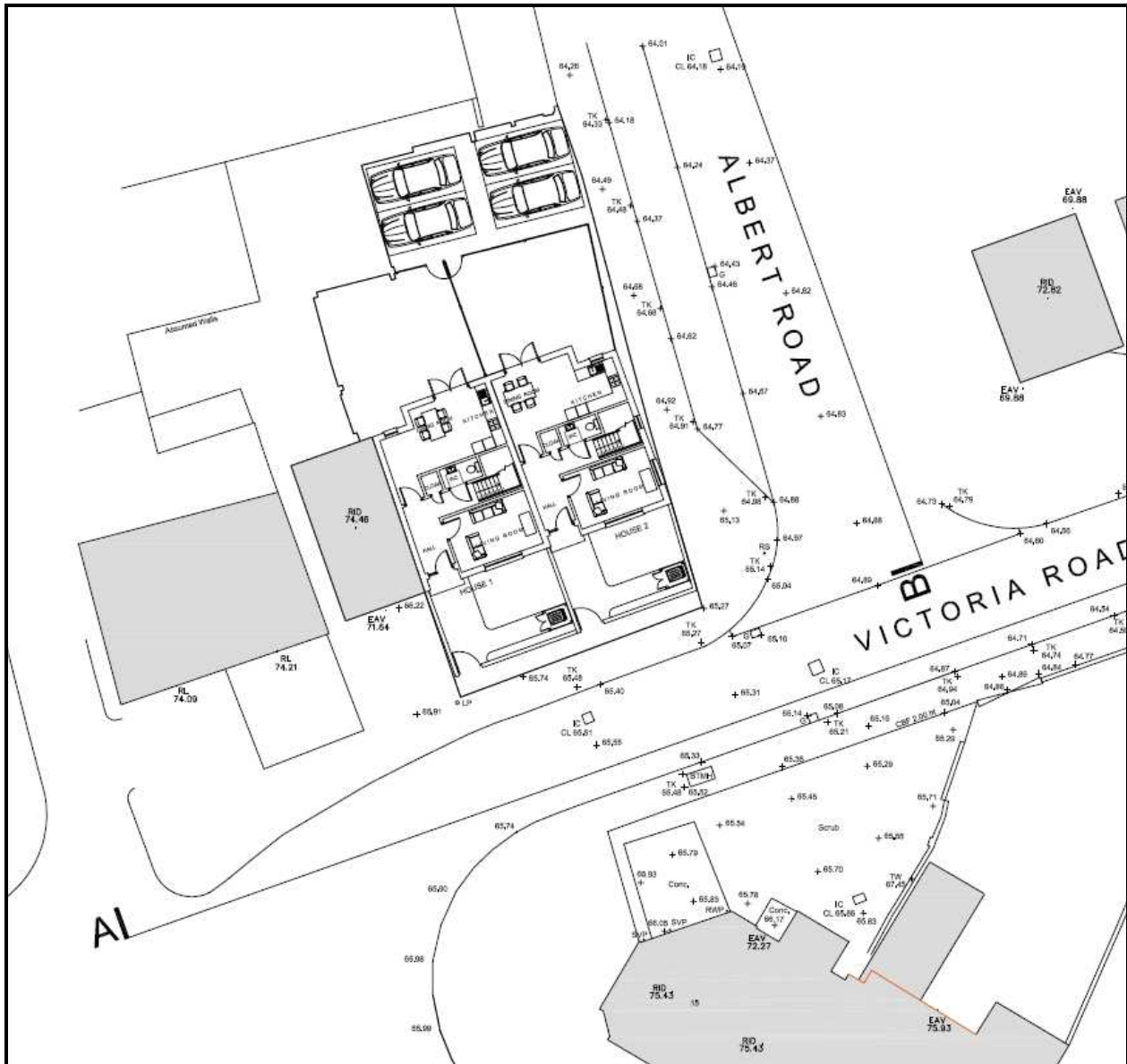
APPENDIX 1: KEY PLANNING HISTORY FOR THE SITE

N09569E/08 'Demolition of existing buildings and erection of a three storey building plus basement level comprising of 392m² of class A1 floorspace at ground floor and basement level and 2 No. residential flats at first and second floors'. Appeal allowed (2009).

N09569D/07 'Demolition of existing buildings and erection of a three storey building plus basement level comprising of 392m² of class A1 floorspace at ground floor and basement level and 4 No. residential flats at first and second floors'. Refused (2007).

APPENDIX 2: PLANS OF THE PROPOSED DEVELOPMENT

Site layout and context as proposed



APPENDIX 3: INFORMATIVES

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development generally and taken overall does not comply with the relevant development plan policies. It is therefore considered that there are material planning considerations which justify the refusal of planning permission. Accordingly, refusal is recommended, for the reasons set out in the recommendations section at the beginning of this report.

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. In this case formal pre-application advice was sought prior to submission of the application, but the submitted proposals do not accord with this advice.

A summary of the development plan (London Plan 2011, Barnet Core Strategy 2012 and Development Management Policies DPD 2012) policies relevant to this decision is set below:

Core Strategy (Adopted 2012):

CS NPPF (National Planning Policy Framework – Presumption in favour of sustainable development)

CS1 (Barnet's Place Shaping Strategy – Protection, enhancement and consolidated growth – 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)

CS8 (Promoting a strong and prosperous Barnet)

CS9 (Providing safe, effective and efficient travel)

CS11 (Improving health and well being in Barnet)

CS12 (Making Barnet a safer place)

CS13 (Ensuring the efficient use of natural resources)

CS14 (Dealing with our waste)

CS15 (Delivering the Core Strategy)

Development Management Policies (Adopted 2012):

DM01 (Protecting Barnet's character and amenity)

DM02 (Development standards)

DM03 (Accessibility and inclusive design)

DM04 (Environmental considerations for development)

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

DM10 (Affordable housing contributions)

DM11 (Development principles for Barnet's town centres)

DM14 (New and existing employment space)

DM16 (Biodiversity)

DM17 (Travel impact and parking standards)

London Plan 2011 (set out by chapter):

Context and Strategy:

1.1 (Delivering the Strategic Vision and Objectives for London)

London's Places:

2.6 (Outer London: Vision and Strategy); 2.7 (Outer London: Economy);

2.8 (Outer London: Transport); and 2.18 (Green Infrastructure: the Network of Open and Green Spaces)

London's People:

3.1 (Ensuring Equal Life Chances for All); 3.2 (Improving Health and Addressing Health Inequalities); 3.3 (Increasing Housing Supply); 3.4 (Optimising Housing Potential); 3.5 (Quality and Design of Housing Developments); 3.6 (Children and Young People's Play and Informal Recreation Facilities); 3.8 (Housing Choice); 3.9 (Mixed and Balanced Communities); 3.10 (Definition of Affordable Housing); 3.11 (Affordable Housing Targets); 3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes); 3.13 (Affordable Housing Thresholds); and 3.16 (Protection and Enhancement of Social Infrastructure)

London's Response to Climate Change:

5.1 (Climate Change Mitigation); 5.2 (Minimising Carbon Dioxide Emissions); 5.3 (Sustainable Design and Construction); 5.6 (Decentralised Energy in Development Proposals); 5.7 (Renewable Energy); 5.9 (Overheating and Cooling); 5.10 (Urban Greening); 5.11 (Green Roofs and Development Site Environs); 5.12 (Flood Risk Management); 5.13 (Sustainable Drainage); 5.14 (Water Quality and Wastewater Infrastructure); 5.15 (Water Use and Supplies); 5.17 (Waste Capacity); and 5.21 (Contaminated Land)

London's Transport:

6.1 (Strategic Approach); 6.2 (Providing Public Transport Capacity and Safeguarding Land for Transport); 6.3 (Assessing Effects of Development on Transport Capacity); 6.4 (Enhancing London's Transport Connectivity); 6.5 (Funding Crossrail and Other Strategically Important Transport Infrastructure); 6.7 (Better Streets and Surface Transport); 6.9 (Cycling); 6.10 (Walking); 6.11 (Smoothing Traffic Flow and Tackling Congestion); 6.12 (Road Network Capacity); and 6.13 (Parking)

London's Living Places and Spaces:

7.1 (Building London's Neighbourhoods and Communities); 7.2 (Inclusive Environment); 7.3 (Designing Out Crime); 7.4 (Local Character); 7.5 (Public Realm); 7.6 (Architecture); 7.13 (Safety, Security and Resilience to Emergency); 7.14 (Improving Air Quality); 7.15 (Reducing Noise); 7.19 (Biodiversity and Access to Nature); and 7.21 (Trees and Woodlands)

Implementation, Monitoring and Review:

8.2 (Planning Obligations); and 8.3 (Community Infrastructure Levy)

APPENDIX 4: SITE LOCATION PLAN

7-11 Victoria Road, Barnet, Herts, EN4 9PH:

