

LOCATION: Chandos Lawn Tennis Club, Chandos Way, Wellgarth Road,
London, NW11 7HP
REFERENCE: F/01319/12 **Received:** 05 April 2012
Accepted: 19 April 2012
WARD: Garden Suburb **Expiry:** 19 July 2012

Final Revisions:

APPLICANT: BDW Trading Limited

PROPOSAL: Erection of 45 self-contained units with associated car parking, cycle storage, amenity space, landscaping, refuse/recycling access, following demolition of existing building and structures.

APPROVE SUBJECT TO COMPLETION OF SECTION 106 AGREEMENT

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 **Special Site-Specific Obligation** **£0.00**
No development shall commence (other than for Site Investigations, Groundworks, Site Preparation Works and Mobilisation) until the new tennis club at East End Road has been constructed in its entirety and has been handed over to the club in accordance with planning application F/01320/12.
- 4 **Special Site-Specific Obligation** **£0.00**
No residential units shall be occupied until the off site units at the Stonegrove site identified on the approved plan and schedule listed in condition 1 pursuant to the permission have been completed and handed over to Family Mosaic acting as registered provider. This off site provision shall consist of 19 social rented units as follows:

9 x 2 bed flats
2 x 3 bed flats
5 x 3 bed houses
3 x 4 bed houses
- 5 **Special Site-Specific Obligation** **£0.00**
The off site affordable housing units shall be retained for such purposes in perpetuity.

6 Monitoring of the Agreement

£1,500.00

Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: F/01319/12 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Drawings 2830_0100, 2830_1000A, 3170_1101D, 3170_1102D, 3170_1103E, 3170_1104C, 3170_1105C, 3170_1100B, 3170_2110B, 3170_2111B, 3170_2112B, 3170_2113B, 3170_2114B, 3170_2100B, 3170_2101B, 3170_2102A, 3170_2103A, 3170_2104A, 2830_3009B, 2830_4000B, 2830_4001B, 2830_6001A, 2830_6002A, 2830_6003A, 3170_2105A, 3170_3001A, 3170_3000A, 3170_3010A, 3170_3011A, 3170_3003A, 3170_3002A, 3170_4000A, 3170_4001A, 3170_4002A, 3170_4010B, 3170_4011B, 3170_4012A, 3170_1153A
 - Access Statement (within D&AS) (David Bonnett Associates) 23.08.13
 - Air Quality Assessment (URS) 05.04.12
 - Arboricultural Implications Assessment (Middlemarch Environmental Ltd) 23.08.13
 - Arboricultural Survey (Middlemarch Environmental Ltd) 05.04.12
 - Daylight and Sunlight Report (Savills Ltd) 23.08.13
 - Design and Access Statement (AWW Architects) 23.08.13
 - Extended Phase 1 Habitat Survey (Middlemarch Environmental Ltd) 05.04.12
 - Heritage Impact Assessment (Purcell UK) 23.08.13
 - Updated Initial Bat Survey (Middlemarch Environmental Ltd) September 2013
 - Landscape Design Report (within D&AS) (Townshend Landscape Architects) 23.08.13
 - Noise and Vibration Assessment (SRL Technical Services Ltd) 23.08.13
 - Planning Statement (bptw partnership) 23.08.13
 - Playspace Assessment & Amenity Space Schedule (AWW Architects) 23.08.13 (within DAS)
 - Preliminary Construction Method Statement (within PS) (Barratt Homes) 05.04.12
 - Site Investigation Report (RSA Geotechnics Ltd) 05.04.12
 - Statement of Community Involvement (HardHat) 23.08.13
 - Sustainability Statement, incl. Energy Statement and CfSH Pre-Assessment (BBS Ltd) 12.09.12
 - Transport Assessment (Mayer Brown) 05.04.12 / (SKM Colin Buchanan) 23.08.13
 - Verified Views Report (within D&AS) (Animated Remedy) 23.08.13
 - Viability Assessment (Allsops) 01.11.13

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

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

Reason:

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

3. Notwithstanding the details shown on the plans otherwise hereby approved the development hereby permitted shall not commence (other than for Ground Investigations, Groundworks, Site Preparation Works and Mobilisation) unless and until details and appropriately sized samples of the materials to be used for all the external surfaces of the proposed buildings and the new hard surfaced areas at the site have been submitted to and approved in writing by the Local Planning Authority. The Development shall thereafter be implemented in accordance with such details and samples as so approved before the dwellings approved are first occupied.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the development is constructed in accordance with policies CS5, DM01 and DM06 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

4. Notwithstanding the details shown in the drawings submitted and otherwise hereby approved the development is not to commence (including any works of demolition) unless and until details of the levels of the buildings, roads and footpaths in relation to adjoining land and highways and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

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 DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

5. Notwithstanding the details submitted with the application and otherwise hereby approved, before the development hereby permitted is brought into use or occupied details of the:
 - enclosures, screened facilities and/or internal areas of the proposed buildings to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable;
 - satisfactory points of collection; and

- details of the refuse and recycling collection arrangements shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and the refuse and recycling facilities provided in full accordance with the details approved under this condition before the development is occupied and the development shall be managed in accordance with the approved details once occupation of the site has commenced.

Reason:

To ensure a satisfactory refuse and recycling facilities are provided at the development in accordance with policies CS5, CS9, CS14, DM01, DM04 and DM17 of the Barnet Local Plan.

6. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking and re-enacting that Order) the houses hereby permitted shall not be extended or altered in any manner whatsoever.

Reason:

To ensure the development does not prejudice the character of the locality and the enjoyment by existing and/or neighbouring occupiers of their properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

7. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no installation of any structures or apparatus for purposes relating to telecommunications shall be installed on any part the roof of the building(s) hereby approved, including any structures or development otherwise permitted under Part 24 and Part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any equivalent Order revoking and re-enacting that Order.

Reason:

To ensure that the development does not impact adversely on the townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with policy DM01 and DM18 of the Adopted Barnet Development Management Policies DPD (2012).

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

Reason:

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

9. The hereby approved flats and houses shall be used as self-contained units as shown on the hereby approved drawings under Class C3 (a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

10. Notwithstanding the details submitted and otherwise hereby approved, prior to the commencement of the development (other than for Groundworks and Site Preparation Works) a detailed scheme of hard and soft landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The details of landscaping submitted shall include but not be limited to the following:

- The position of any existing trees to be removed.
- New tree, hedge and shrub planting including species, plant sizes and planting densities as well as planting for green roofs including herbaceous / climbers / grasses / ground cover plants.
- Means of planting, staking and tying of trees, including tree guards as well as a detailed landscape maintenance schedule for regular pruning, watering and fertiliser.
- Existing contours and any proposed alterations such as earth mounding.
- Areas of hard landscape works including paving, proposed materials samples and details of all techniques to be used to provide conditions appropriate for new plantings.
- The timing of planting.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

11. 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.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

12. 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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

13. Before this development is commenced details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site shall be submitted and approved in writing by the Local Planning Authority and the development carried out in accordance with such approval.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

14. No site works or works on this development shall be commenced before temporary tree protection has been erected around existing trees in accordance with documents submitted with this application and listed in condition 1. 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.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

15. The development hereby approved shall not be occupied unless and until a Landscape Management Plan, including details of the long term design objectives, management responsibilities and maintenance schedules for the landscaped parts of the site (other than for privately owned domestic gardens) shall have been submitted to the Local Planning Authority and approved in writing. The management of the landscaping at the site shall be carried out in full accordance with the details in the approved Landscape Management Plan.

Reason:

To ensure a satisfactory appearance to the development and protect the amenities of the area and neighbouring occupiers in accordance with policy DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.

16. The dwelling(s) shall achieve a Code Level 4 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme) and achieve full Lifetime Homes credits. No dwelling shall be occupied until evidence that the Lifetime Homes credits have been achieved and a Final Code Certificate has been issued certifying that Code Level 4 has been achieved and this certificate has been submitted to and approved by the

local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).

17. Before the development hereby permitted commences details of the location within the development and specification of the 4 units to be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users shall be submitted to and approved in writing by the Local Planning Authority. The specification provided for the 4 units shall demonstrate how the units will be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users. The development shall be implemented in full accordance with the details as approved prior to the occupation of the development.

Reason:

To ensure that the development is accessible for all members of the community and to comply with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and policies 3.8 and 7.2 of the London Plan 2011.

18. Prior to the first occupation of the apartments a scheme detailing all play equipment to be installed in the communal amenity space on the part of the site identified in drawings listed in condition 1 shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the details as approved prior to the first occupation of the apartments.

Reason:

To ensure that the development represents high quality design and to accord with policies CS7 of the Core Strategy and DM02 of the Development Management DPD and policy 3.6 of the London Plan 2011.

19. The dwellings hereby approved shall have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters.

Reason:

To encourage the efficient use of water in accordance with policies DM02 of the Development Management DPD (2012) and 5.15 of the London Plan 2011.

20. The development hereby permitted shall not commence unless and until a Drainage Strategy detailing all on and off site drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning. No foul, surface or ground water shall be discharged from the development hereby approved into the public sewer system until the drainage works and Sustainable

Urban Drainage System features identified in the approved Drainage Strategy have been implemented in their entirety.

Reason:

To ensure that the development provides appropriate drainage infrastructure and to comply with policy CS13 of the Barnet Local Plan and policies 5.13 and 5.14 of the London Plan.

21. The only toilets to be installed in the development hereby approved shall be dual flush (6 to 4 litres) toilets and all taps fitted in the development shall be spray or flow restricted taps.

Reason:

To encourage the efficient use of water in accordance with policy CS13 of the Barnet Local Plan and policy 5.15 of the London Plan.

22. Notwithstanding the details shown on the plans submitted and otherwise hereby approved prior to the commencement of the development (other than for Groundworks and Site Preparation Works) full details, including annotated scaled plans, of all proposed boundary treatments, walls, fencing, gates or other means of enclosure to be erected at the site (both to enclose the site and to divide areas within the site) shall have been submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved details prior to the first occupation of the dwellings hereby approved and be permanently retained as such thereafter.

Reason:

To ensure that the development protects the amenities of the occupiers of neighbouring and future properties, provides a safe and secure environment and to protect the character and visual amenities of the site and wider area in accordance with policies CS5 and DM01 and DM02 of the Barnet Local Plan and policies 1.1, 7.3, 7.4, 7.5 and 7.6 of the London Plan.

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

Reason:

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

24. Prior to the first occupation of the dwellings hereby approved full plans, details and specifications of all external lighting to be installed as part of the development shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved details prior to the first occupation of the development.

Reason:

To ensure that appropriate lighting is provided as part of the development in accordance with policy DM01 of the Barnet Local Plan and policy 7.13 and 5.3 of the London Plan.

25. Notwithstanding the details shown in the plans submitted and otherwise hereby approved prior to the first occupation of the dwellings hereby granted consent details of the security and crime prevention measures to be included within the development shall be submitted to and approved in writing by the Local Planning Authority. The information submitted in this respect shall include (but not be limited to) details in relation to:
- The postal arrangements for communal entrances.
 - The measures to be used to prevent unauthorised access to the undercroft parking areas.
 - The means of enclosing the site.
 - The contribution that the landscaping of the site can make to security and crime prevention.
- The development shall be implemented in full accordance with the approved details prior to the first occupation of the development.

Reason:

To ensure that appropriate security and crime prevention measures are provided as part of the development in accordance with policy DM01 and DM02 of the Barnet Local Plan and policy 7.13 of the London Plan.

- 26 Car and cycle parking spaces (with the exception of parking spaces along the northern boundary of the site subject to condition 39) shall be provided in accordance with the drawings listed in condition 1 pursuant to this consent. 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 parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

- 27 No development shall take place until a 'Demolition & Construction Method Statement' has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution. Throughout the construction period the detailed measures contained within the approved Statement shall be strictly adhered to.

Reason:

In the interests of highway safety and good air quality in accordance with Policy DM17 and DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.21 of the London Plan (2011).

- 28 For every five parking spaces provided, one parking space should have provision or be future proofed to provide a suitable electrical charging point.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with policies 6.13 of the London Plan (2011) and Policy DM17 of Barnet's Local Plan (Development Management Policies).

29

Part 1

Before development commences other than for investigative work:

- a. A desktop study 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 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

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 policies DM04 of the Adopted Barnet Development Management Policies

DPD (2012), CS NPPF of the Adopted Barnet Core Strategy DPD (2012) and 5.21 of the London Plan 2011.

- 30 A noise assessment, by an approved acoustic consultant, shall be carried out that assesses the likely impacts of noise on the development. This report and any measure to be implemented by the developer to address its findings shall be submitted in writing for the approval of the Local Planning Authority before the development commences. The approved measures shall be implemented in their entirety before any of the units are occupied.

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 policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 31 The level of noise emitted from any 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 Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 32 Before development commences, a report should be carried out by a competent acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the development of the ventilation/extraction plant. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

It should 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 contents and recommendations. The approved measures shall be implemented in their entirety before (any of the units are occupied / the use commences).

Reason:

To ensure that the amenities of neighbouring premises are protected from noise from the development in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 33 A scheme for acoustic fencing between the site and Golders Green Depot shall be submitted in writing and approved by the Local Planning Authority prior to development. This scheme shall be fully implemented before the development hereby permitted is brought into use.

Reason:

To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their home(s) in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 34 The development shall be constructed / adapted so as to provide sufficient air borne and structure borne sound insulation against internally / externally generated noise and vibration. This sound insulation shall ensure that the levels of noise generated from the (specified use) as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

A scheme for mitigation measures shall be submitted to and approved by the Local Planning Authority prior to development. The approved mitigation scheme shall be implemented in its entirety before any of the units are occupied.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 35 Development shall not begin until a scheme for protecting the proposed development from vibration, has been submitted to and approved by the Local Planning Authority. The vibration protection scheme include such combination of land separation, vibration control techniques and other measures, as may be approved by the Local Planning Authority, in the light of current guidance on vibration levels. The said scheme shall include such secure provision as will ensure that it endures for so long as the development is available for use and that any and all constituent parts are repaired and maintained and replaced in whole or in part so often as occasion may require. The relevant parts of the approved mitigation scheme shall be implemented before each of the units is occupied.

Reason:

To ensure that the amenities of occupiers are not prejudiced by rail and / or road traffic vibration in the immediate surroundings.

- 36 Before the development hereby permitted commences, details of the following shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

- a. details of dormer windows
- b. details of chimney stacks
- c. details of eaves
- d. details of parapets
- e. details of balconies
- f. details of doors including garage doors
- g. details of door canopies
- h. details of window aprons and heads
- i. details of tile creasing

- j. details of rainwater goods
- k. details of boiler flues and other extract/intake terminals
- l. details of roof ventilation
- m. details of gates
- n. details of signage and lighting

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 DM01 and DM06 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

- 37 Before house 2 hereby permitted is occupied the proposed first floor windows facing Waterlow Court shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

- 38 Before house 1 hereby permitted is occupied the proposed second floor window facing Waterlow Court shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

- 39 Before development hereby permitted is occupied details of the parking spaces located along the northern boundary of the site shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason:

To ensure that parking and associated works are provided in accordance with the council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011

INFORMATIVE(S):

1. i) In accordance with paragraphs 186 and 187 of the NPPF, 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. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

ii) In this case, formal pre-application advice was sought prior to submission of the application.

2. Highways informatives:

The applicant is advised that prior to any alteration to the public highway (including pavement) will require consent of the local highways authority. You may obtain an estimate for this work from the Chief Highways Officer, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

Any provision of a new crossover or modification to the existing crossovers will be subject to detailed survey by the Crossover Team in Environment and Operations, Crossover Team as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. An estimate for this work could be obtained from London Borough of Barnet, Environment and Operations, Crossover Team, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP

Refuse collection points should be located within 10 metres of the Public Highway; otherwise, unobstructed access needs to be provided for the refuse vehicle on the day of the collection. The development access needs to be designed and constructed to allow refuse vehicles to access the site. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.

Any details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.

3. Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.

4. Any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The Council of the London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via email: street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

5. Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
6. Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.
7. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
8. Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.
9. 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 £283,990 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 £872,100 payment under Barnet CIL.

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.

If affordable housing or charitable relief applies to your development 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 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 Community Infrastructure Levy 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: cil@barnet.gov.uk.

10. In complying with the contaminated land condition parts 1 and 2:

Reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents;
- 2) Planning Policy Statement 23 (PPS 23) - England (2004);
- 3) BS10175:2001 Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH.

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

11. You are advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The council's supplementary planning document on Sustainable Design and Construction requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: 1) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and & measurement of environmental noise; 2) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 3) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 4) Department of transport: Calculation of road traffic noise (1988); 5) Department of transport: Calculation of railway noise (1995); 6) Department of transport : Railway Noise and insulation of dwellings.

RECOMMENDATION III

That if an agreement has not been completed by 31 January 2014, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application F/01319/12 under delegated powers for the following reasons:

1. The development does not include a formal undertaking to secure the necessary affordable housing contributions and the associated monitoring costs which would be incurred by the community as a result of the development; contrary to Policies CS4, CS10 and CS11 of the Local Plan Core Strategy DPD (Adopted) 2012 and DM10 of the Local Plan Development Management Policies DPD (Adopted) 2012; and the adopted Supplementary Planning Documents "Affordable Housing" and "Planning Obligations".

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan: July 2011

- 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 3.10 – Definition of Affordable Housing
- Policy 3.11 – Affordable Housing Targets
- Policy 3.12 – Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- Policy 3.13 – Affordable Housing Thresholds
- Policy 3.14 – Affordable Housing Thresholds
- Policy 3.19 – Sports facilities
- Policy 5.2 – Minimising carbon dioxide emissions
- Policy 5.3 – Sustainable design and construction
- Policy 5.14 – Water quality and wastewater infrastructure
- Policy 5.15 – Water use and supplies
- Policy 6.12 – Road network capacity
- Policy 6.13 – Parking
- Policy 7.1 – Building London's Neighbourhoods and Communities
- Policy 7.2 – An Inclusive Environment
- Policy 7.3 – Designing Out Crime
- Policy 7.4 – Local Character
- Policy 7.6 – Architecture
- Policy 7.14 – Improving air quality

Core Strategy Policies 2012

- Policy CS 1 Barnet's Place Shaping Strategy – The Three Strands Approach
- Policy CS 3 Distribution of growth in meeting housing aspirations
- Policy CS 4 Providing quality homes and housing choice in Barnet
- Policy CS 5 Protecting and Enhancing Barnet's character to create high quality places
- Policy CS 9 Providing safe, effective and efficient travel
- Policy CS13 Ensuring the efficient use of natural resources
- Policy CS14 Dealing with our waste
- Policy CS 15 Delivering the Core Strategy

Development Management Policies 2012

- DM01 Protecting Barnet's character and amenity
- DM02 Development standards
- DM03 Accessibility and inclusive design
- DM04 Environmental considerations for development
- DM06 Barnet's Heritage and Conservation

- DM08 Ensuring a variety of sizes of new homes to meet housing need
- DM10 Affordable housing contributions
- DM13 Community and education uses
- DM16 Biodiversity
- DM17 Travel impact and parking standards
- DM18 Telecommunications

Local Supplementary Planning Documents (SPDs):

- Planning Obligations (2013)
- Residential Design Guidance (2013)
- Sustainable Design and Construction (2013)
- Affordable Housing (updated 2010)
- Hampstead Garden Suburb Character Appraisal (2010)

Strategic Supplementary Planning Documents and Guidance:

- Accessible London: Achieving an Inclusive Environment
- Wheelchair Accessible Housing (September 2007)
- Planning for Equality and Diversity in London (October 2007)
- All London Green Grid (March 2012)
- Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
- Mayor Housing SPD

Relevant Planning History:

Application Number: C01684L
Application Type: Full Application
Decision: Approve
Decision Date: 09/01/1974
Proposal: **Transfer of tennis club from land adjoining Wellgarth Road**

Application Number: C01684M
Application Type: Full Application
Decision: Approve
Decision Date: 05/06/1974
Proposal: **Details of tennis clubhouse pursuant to outline approval.**

Application Number: C01684S
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 25/02/1976
Proposal: **Construction of new tennis club building, incorporating club room, changing room and groundsman's accommodation with associated parking provision.**

Application Number: C01684AK
Application Type: Full Application
Decision: Refuse
Decision Date: 06/01/1988
Proposal: **Inflatable airdome over two tennis courts**

Application Number: C01684BB/04
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 07/06/2005
Proposal: **Installation of flood-lighting to court 2.**

Application Number: F/02283/09
Application Type: Full Application
Decision: Not yet decided
Decision Date: Not yet decided
Proposal: **Installation of 12 floodlights to tennis courts 1, 7 and 8 (3 floodlights to court 1 and 5 floodlights to courts 7 and 8).**

Consultations and Views Expressed:

Neighbours Consulted: 234
Replies: 85
Neighbours Wishing To Speak 14

The 80 objections raised may be summarised as follows:

Amenity:

- Excessive height and scale
- Excessive density resulting in noise and disturbance
- Impact on views from Waterlow Court
- Overlooking and loss of privacy to properties on Reynolds Close, Waterlow Court and The Bungalow
- Loss of light
- Noise and fumes at night
- Impact on the garden of The Bungalow
- Inadequate provision of screening between the site and the Hampstead Garden Suburb Conservation Area
- Noise from traffic affecting properties on Britten Close
- A gate should not be allowed at the entrance of the development as it could result in noise
- Disturbance during construction caused by excessive working hours
- Poor amenity for future occupiers due to proximity of phone mast, vibration and pollution

Character:

- Inappropriate use for the area
- Overdevelopment of the site
- Impact on Hampstead Garden Suburb Conservation Area generally
- Impact on the setting of listed buildings within the Hampstead Garden Suburb Conservation Area including buildings on Reynolds Close, Waterlow Court and The Bungalow
- Excessive height, scale and poor appearance
- Loss of environmental character
- Impact on views from Hampstead Heath

Highways:

- New and dangerous traffic patterns
- Risk of accidents
- Dangerous increase in traffic
- Visitor parking should be relocated
- Insufficient number of parking spaces
- Disturbance during construction caused from traffic

Other matters:

- The relocated club is too far from its existing location
- Loss of community facility
- Effect on nature conservation
- Accuracy of the information submitted including misleading information and inaccurate comparative sections, ground levels and views
- Applicant failed to identify all heritage assets
- Increased floodlighting
- Luxury housing not catering for working people
- Health and safety due to access by London Underground

General comments part of the objection letters:

- Trees screening should be retained
- Trees should not be pruned
- Reduction in the height of the proposed block of flats is welcome
- No objection if the top floor was removed
- Support the provision of housing in principle

The Hampstead Garden Suburb Residents Association has objected on the following grounds:

- Impact on Conservation Area including Waterloo Court and The Bungalow
- Impact on the setting of Reynolds Close and 150 adjacent residents
- Loss of privacy and overlooking
- The tennis club should contribute towards the refurbishment of nearby play areas

The Waterlow Court Residents Association has objected on the following grounds:

- Impact on the setting of Waterlow Court
- Impact on The Bungalow
- Appreciate the efforts of the developer to build environmentally friendly buildings that fit in with their surroundings
- Height of development is excessive
- Level views are inaccurate

The Reynolds Close Residents Association has objected on the following grounds:

- Impact on the setting of Reynolds Close and the Hampstead Garden Suburb Conservation Area

Mike Freer MP has objected on the following grounds:

- Impact on Conservation Area and the setting of listed buildings
- Overlooking and loss of privacy

The Hampstead Garden Suburb Trust has no in-principle objection but has recommended amendments (when compared to the first scheme):

- Concern about height of block of flats – a reduction would minimise the impact of the development on the Conservation Area and setting of buildings
- Relayed Reynolds Close and Waterlow Court residents' concerns
- Adequate planting along the boundary with the Conservation Area should be provided
- All existing boundary trees should be retained and not harmed during construction

The Trust wrote a second letter and has reiterated the positive nature of the amendments to the scheme but also raised concerns with the screening between the site and Reynolds Close which they consider should be planted. The report addresses those issues in detail and landscaping conditions have been recommended.

Comments can be summarised as follows:

The London Parks and Garden Trust wrote to advise that Waterlow Court has opened as part of the Trusts Open Garden Squares and that the Council should carefully consider the setting and character of Waterlow Court.

The Hertfordshire Gardens Trust and Association of Gardens Trusts wrote to advise that the Council should consider the impact that the proposed density, layout and design would have on the setting and character of Waterlow Court.

The Council should have regard to construction traffic

The 2 supporting letters can be summarised as follows:

- The design is sensitive to the surrounding built environment
- Every effort has been made by the developer to consult
- Objections from the Waterlow Court Residents Association does not necessarily reflect the opinions of all Waterlow Court residents

Internal /Other Consultations:

- Urban Design & Heritage – No objection raised
- Traffic & Development – No objection raised
- Transport for London – No objection
- Environmental Health – No objection raised
- Trees and Landscape – No objection raised subject to planning conditions
- Thames Water – No objection

Date of Site Notice: 03 May 2012

This application was originally on the agenda of the December 2013 meeting. As a consequence of a number of residents being unable to attend the meeting, Councillor John Marshall, Ward Councillor for Garden Suburb moved that the item be deferred to award them the opportunity to do so. Councillor Jack Cohen seconded the deferral. The Committee RESOLVED TO DEFER the application to the next appropriate meeting of the Committee.

2. MATERIAL CONSIDERATIONS

Site description:

The application site is a tennis club located at the end of Chandos Way which is a cul de sac accessed from Wellgarth Road. The site has relatively good access to public transport and local amenities located in nearby Golders Green town centre.

The site has an area of 0.95 hectares and currently consists of eight full sized tennis courts of which two are covered, two mini courts and a club house. 45 car parking spaces are currently provided at the south-eastern corner of the site.

Transport for London (TfL) has a secondary vehicular access to their train depot that runs along the south western boundary of the site. TfL require this access to be maintained.

The site is bordered by tube tracks operated by TfL to the east and south, four-storey apartment blocks on Chandos Way to the west and residential properties on Reynolds Close, Waterloo Court and Corringway to the north.

Properties on Reynolds Close, Waterloo Court and Corringway are located within the Hampstead Garden Suburb Conservation Area and the boundary of the conservation area runs along the north of the site. No part of the site is located within the conservation area. Waterloo Court is a Grade II* listed building, properties on Reynolds Close are grade II listed buildings and properties on Corringway closest to the site have no specific designation.

There is a group of mature trees separating the site from the conservation area. Whilst none of the trees on site are protected by a Tree Preservation Order (TPO), a number of trees within the conservation area are. Some of the protected trees have branches and roots overhanging or within the application site.

The club was established in 1977 as a private members club. The club's lease on the land expires in 2018 and the applicant has advised that the club wishes to ensure that it will have longer term security of tenure, and that there is necessary investment in the facilities to the long term benefit of its members.

Proposals:

The proposal seeks planning permission for the demolition of the existing buildings and structures and the construction of 45 self-contained units with associated car parking, cycle storage, amenity space, landscaping.

The residential accommodation is proposed to be set out as follows:

- 6 two storey detached houses to the north of the site
- 39 apartments in a three/four storey U-shaped building to the south of the site

The houses have been individually designed in the Arts and Craft style commonly found in the nearby Hampstead Garden Suburb Conservation Area. Five of the houses provide two levels of accommodation, and the sixth house (Plot 1) provides additional habitable space in the roof. Each house is set within a private garden and has access to private on site car parking.

The 39 apartments are split into 14 two-bedroom flats and 25 three-bedroom flats. Whilst the building is more contemporary in design than the houses, it has been inspired by features found in the Arts and Crafts buildings found in the nearby Hampstead Garden Suburb Conservation Area. Parking and refuse facilities are provided within a basement accessed via car lifts. Most ground floor units have access to private amenity space and some upper floor flats have access to private balconies. A central courtyard provides additional amenity space including an area identified as Children Play Space.

The application has been the subject of extensive pre-application discussions detailed in the Design Development section of the Design and Access Statement forming part of the applicant's submission.

Early proposals included 9 houses and 2 five storey blocks of flats. The scheme evolved over a number of pre-application meetings including a consultation with Urban Design London.

Changes to the scheme since submission:

During the course of the planning process both at pre-application and application stage, the scheme has undergone statutory consultation and additional consultation undertaken by the applicant with residents and local groups. This has resulted in a number of comments and suggestions, to which the applicant has responded. Two main sets of revisions have occurred to the scheme since its submission in April 2012.

The first round of consultation responses from residents and the Council's Highway Officers prompted the following revisions, submitted in September 2012:

- Reduction in height of the northern wing of the apartment block by one storey, to reduce the visual impact as viewed from the Hampstead Garden Suburb Conservation Area;
- Reduction in floor area of two duplexes in the northern wing to create apartments, to accommodate the change in height;
- Removal of balconies and juliet balconies at roof level of the apartments;
- Minor changes to the gradient of the basement car park ramp;
- Minor changes to the road layout following tracking updates; and
- Minor detail changes to the houses and apartments, including chimneys, balconies, windows and dormers.

The second round of consultation on this revised scheme prompted further comment from Transport for London (TfL), which currently has access through the site in order to access the railway sidings to the south. These revisions, submitted in August 2013, involved the following:

- Re-routing of the proposed TfL vehicular access back to the existing location along the eastern site boundary;
- Replacement of the basement car park ramp with two car lifts and a bicycle lift;
- Shifting of the apartment block by approximately 6.5m to the northwest of the site, but remaining the same distance from the northern site boundary, and a minor shift of the southern wing of the apartment block closer to the southern site boundary;
- Marginal shift of the houses closer together, with the house at Plot 3 staying in the same location;
- Minor internal layout revisions to three apartments on the southern wing of the apartment block to improve outlook for residents;
- Relocation of the sub-station to the eastern side of the apartment block, adjacent to the car lifts;
- Increase in size of three private gardens on the western side of the apartment block and relocation of 3 car parking spaces where the previously proposed TfL access is removed; and
- Improved boundary treatment along eastern site boundary, and along the south western site boundary between the houses and the railway sidings.

Relocation of the club / Loss of community facilities

Policy 3.16 of the London Plan relates to the “Protection and enhancement of social infrastructure”. The policy states that the net loss of such facilities must be resisted and increased provision sought.

The Council’s Core Strategy policy CS10 on Enabling Inclusive and Integrated Community Facilities and Uses aims to ensure that the Council provides the right community facilities for Barnet’s communities. The Council plans to protect existing community uses across the borough and to ensure that new facilities are in accessible locations.

The Core Strategy’s definition of community facilities includes (but is not restricted to) recreational and leisure uses which is considered to encompass the existing use on site.

The preceding text to policy DM13 states that protecting all community and education uses without exception could reduce the possibilities of developers or community use promoters coming forward with proposals to mix and/or intensify community uses or relocate them to more accessible locations.

Policy DM13 relates to community and education uses and states that the loss of community use will only be acceptable in exceptional circumstances where new community use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location

The applicant proposes the relocation of the tennis club to a new site in East End Road which is the subject of planning application F/01320/12. The East End Road site is located within the same ward and would provide better facilities for existing and future members as well as the wider community. Members are referred to the committee report relating to planning application F/01320/12 for more details on how the club is proposed to operate on the new site as well as legal requirements to provide access to the wider community.

In order to ensure the delivery of the tennis club facility at East End Road as a prerequisite to development at the Chandos site subject to this application, a legal agreement is required to ensure that no development shall commence at Chandos Way before the tennis club at East End Road has been constructed and handed over to the tennis club. It is considered that the proposed loss of community facility on site will be compliant with policies details above subject to compliance with the legal agreement.

Principle of the residential use proposed

The Government is committed to maximising the re-use of previously developed land and empty properties to minimise the amount of green field land being taken for development. One of the chief objectives of the NPPF is to provide sufficient housing for future needs, ensuring that as many of the new homes as possible are built on previously developed land. The NPPF advocates the adoption of a sequential approach to selecting sites for housing to ensure that green field sites are used only when no appropriate sites exist inside urban areas. The sequential

approach identifies previously developed sites within urban areas as being the most suitable for development.

The site is previously developed land and therefore is sequentially preferable for residential development.

Policy CS5 states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'. Policy DM01 requires that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The development standards set out in Policy DM02: Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

Furthermore, the Residential Design Guidance SPD advises that the design and layout of new development should be informed by the local pattern of development. The continuity of building lines, forecourt depths, road layout, space about the building and rear garden areas are all likely to be significant factors when redeveloping sites within existing residential areas,

The principle of demolishing the existing buildings and structures is not considered objectionable. As explained above, the site is not within a conservation area and the buildings and structures have no particular architectural merit to warrant their retention.

London Plan policy 3.4 seeks to optimise the housing potential of sites with reference to the density matrix contained in Table 3.2 which provides a guide to appropriate density ranges for particular locations, depending on accessibility and character. The application site benefits from a PTAL of 2. It is considered to fall within a suburban setting as defined in the London Plan. The London Plan Density Matrix therefore suggests a range of 35 to 95 units per hectare and 150-250 habitable rooms per hectare. Taking the site area of 0.95 hectare, the proposal for 45 flats would equate to a density of 47 units per hectare (207 habitable rooms per ha).

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 dwelling mix proposed, including 68% of the total dwellings which would have 3 or more bedrooms, is considered to include an appropriate range of dwelling sizes and types that would make a useful contribution to meeting the needs of the growing and diverse population of the borough.

Design, character and conservation 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.

Local Plan policy DM06 of the Development Management Policies (Adopted) 2012 states that development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

The preamble to policy DM06 states that if a site lies within a Conservation Area or is located nearby, planning permission will not be granted where development proposals neither preserves nor enhances the character or appearance of that area. Proposals will need to consider the Council's conservation area character appraisals and suite of Supplementary Planning Documents.

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.

Background to neighbouring Hampstead Garden Suburb Conservation Area

The Character Appraisal for the nearby conservation area is the Hampstead Garden Suburb Conservation Character Appraisal (2010).

The Supplementary Planning Document for the nearby conservation area is the Hampstead Garden Suburb Conservation Area Design Guidance (2010). The Council Guide 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of a supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council.

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the Greater London Development Plan, and subsequently in the Unitary Development Plan, as an “Area of Special Character of Metropolitan Importance”. The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a ‘who’s who’ of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 – 1939.

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

Assessment:

The buildings and spaces proposed in the application respond positively to the context of the site and are found to have an acceptable relationship with the neighbouring buildings, streets and spaces. This is achieved in a number of ways.

The layout of the proposals has been the subject of extensive pre-application discussions and it is considered that the provision of the block of flats and houses would respect the general pattern of development in this part of the Borough. The scale of the buildings would also be in keeping with the general grain of development here and provide a good transition between the larger scale flatted blocks on Chandos Way and the lower scale residential development of the Hampstead Garden Suburb Conservation Area.

As explained above, the site lies between the Hampstead Garden Suburb Conservation Area to the north and the Golders Green Town Centre Conservation Area to the south. To the north-east of the site, within the Hampstead Garden Suburb Conservation Area, are a large number of listed buildings, both houses and flats as follows:

- Reynolds Close by Parker and Unwin, grade II
- Heathcroft on Hampstead Way by JBF Cowper, listed grade II
- Waterlow Court by M.H Baillie Scott at Heath Close, grade II* listed
- Corringway by Parker and Unwin, listed grade II

These buildings were constructed between 1908 and 1924. The existing tennis club site does not feature any buildings of merit and consequently, no objection is raised to the removal of the existing buildings/structures on the site.

The design of the residential buildings proposed on the Wellgarth Road site have been directly influenced by the Arts and Crafts architecture of the historic buildings on the adjoining sites within the Hampstead Garden Suburb Conservation Area. The original scheme included a flatted development of 5 storeys in a modern style, with 8 detached houses of a traditional style, although this proposal was considered to be unacceptable. Subsequently, the scale, siting and design of both the flatted block and the detached houses were revised following discussions with officers and a public consultation exercise. Further modifications were made to the scheme including removal of one storey from the north east wing of the apartment block, to prevent overlooking.

The current proposed C-shaped apartment block, in the south of the site, rises between 3 and 4 storeys with a steeply pitched roof, staircase towers, gabled entrances, dormer windows and tall chimney stacks. It has a central courtyard garden with amenity space, seating and water feature. Balconies are provided to those flats facing south-west. Basement level parking (40 spaces) for the apartments is provided below the courtyard with two car lifts and a bicycle lift providing access, close to the site entrance. Refuse will be stored in the basement and moved to the site entrance on collection day by the management company.

The six detached houses are of traditional design, two storeys in height (one with additional habitable roof space) with gable ends, steep pitched roofs and tall chimney stacks. The detailing on the houses is reminiscent of detailing on Hampstead Garden Suburb houses and includes the use of decorative brickwork laid in an English bond, tile creasing, sprocketed eaves, bonnet tiling and cast iron rainwater goods. The houses are sited on either sides of a central access road and each has a front and rear garden. Surface level car parking spaces and garages are provided for the individual houses. Evergreen hedges and brick walls define the site boundaries.

The type and quality of windows used both on the flats and the houses will be critical to the success of the development. Consequently, a condition is recommended to require the submission of window samples before construction starts on site. The use of good quality facing materials including handmade brick and clay tiles will be of equal importance. Attention to the detailing of architectural features such as chimneys, eaves/parapets, door canopies, window aprons etc, and the use of high quality hard and soft landscaping will also be essential and those matters are also recommended to be conditioned.

Although the site is not within a conservation area, it adjoins the boundaries of both Hampstead Garden Suburb and Golders Green Town Centre conservation areas. A Heritage Impact Assessment has been prepared by the applicant to consider the impact on the conservation areas and the listed buildings within the Hampstead Garden Suburb Conservation Area. This included an assessment of the impact of the proposed development on a number of views from different positions outside the site. A series of wire-line and photo-montage views have been undertaken in accordance with established non-statutory guidance. The conclusions reached were that although the development would be visible in certain views, it would not detract from the significance of those heritage assets, and in particular the listed buildings

and their garden settings at Reynolds Close and Waterlow Court. The presence of an established tree screen along the boundary between the site and Hampstead Garden Suburb helps to mitigate any visual impact. Taking account of the submission material and following detailed officer assessment and analysis, the Urban Design and Heritage team have advised that they have no reason to disagree with the findings in the heritage impact assessment and that they consider that the proposed development would not harmfully affect the significance of the heritage assets within the Hampstead Garden Suburb Conservation Area.

Assessment specific to Waterlow Court and buildings on Reynolds Close

Following their initial advice, the Urban Design and Heritage team have provided supplementary comments in relation to the Waterlow Court and buildings on Reynolds Close. The proposed re-development of the tennis club site will introduce new residential buildings on land that is presently open. Consequently, this new built form will be evident in some views from the listed buildings at Waterlow Court and Reynolds Close, and also from their gardens. The bank of mature trees close to the boundary between the two sites will, however, limit any visual impact, particularly in summer months when the trees are in leaf. In terms of the impact on the setting of the listed buildings, the proposed development of flats and houses is considered to be sufficiently far away so as not to be harmful. At its closest point to Waterlow Court, house 2, which is the nearest of the six houses to the listed building, would be some 26.8m away. At its closest point, the new flatted block would be over 47m from No.16 Reynolds Close, which is the closest in the group of listed houses and over 33m from the Bungalow, which is physically linked to Waterlow Court. The modest scale of the proposed development and the distance to the listed buildings does not give rise to concerns about an adverse impact on their setting. It should also be recognised that the design of the new buildings has been well-considered to be respectful of its conservation area setting and its listed neighbours. In accordance with paragraph 132 of the NPPF, the significance of the listed buildings will not be harmed or lost as a result of the proposed development. Furthermore, there is an existing two tennis court canopy cover that occupies a central position within the site. This, unlike that proposed at East End Road, is an 'off the shelf' structure that has no architectural merit, whilst being very visible from adjoining residential buildings. The proposals would result in the removal of this feature and replacement with lower rise structures.

In summary, officers consider that the size, scale, siting and design of the buildings and layout of the scheme proposed are such that they would adequately respect the character of the surrounding area including the Hampstead Garden Suburb Conservation Area and Golders Green Town Centre Conservation Area. The scheme would make effective and efficient use of previously developed land. The overall design quality of the development responds to the site context. The proposal is therefore considered to comply with the relevant design policies set out above.

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.

Barnet's Residential Design Guidance Supplementary Planning Document provides further guidance on safeguarding the amenities of neighbouring and surrounding occupiers and users. This includes stating 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.

Overlooking, Privacy and Outlook

The nearest existing residential properties to the application site are flats within Chandos Way, Corringway and Waterloo Court and houses on Reynolds Close.

The flatted block overall does not include windows to habitable rooms which directly face existing habitable windows in neighbouring residential buildings that are set apart a distance of less than 21 metres and distances from directly facing habitable windows in the development proposed to a neighbouring properties garden are not less than 10.5 metres.

Houses 1 and 2 have proposed windows facing Waterlow Court. The distance between those windows and the boundary of the site is less than the required 10.5 metres. In order to prevent unacceptable overlooking to the outdoor amenity area enjoyed by the residents of Waterlow Court, the window in question at house 2 has been changed to a high-level roof light, and a planning condition requiring the window at house 1 to be obscured glazed is recommended.

As conditioned, these parts of the proposal would therefore comply with planning policy in these regards. The position of the proposed terraces and balconies would also comply with overlooking standards.

The documents submitted with the application include extensive information showing the relationship of the proposed buildings with neighbouring properties and spaces that enable an assessment of the proposals on residential amenity. It is considered that the design, size and siting of the buildings are such that they would not have an unacceptable visual impact or result in any significant loss of outlook at neighbouring properties and spaces.

The applicant has submitted a sunlight and daylight assessment. Technical analysis was carried out in relation to properties located on Chandos Way, Waterlow Court and Reynolds Close and it confirms that the results of the daylight and sunlight study comply with BRE guidance.

The application is therefore considered to be acceptable and compliant with development plan policy in these regards.

Noise and Health

The residential dwellings proposed in the development are of a nature that would not be expected 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 Officer has no objection on this ground. The use of the new vehicular access point to the basement is also not anticipated to cause undue harm to the residential amenity of neighbouring occupiers.

A condition has been recommended to ensure that the construction of the development does not result in unacceptable levels of noise and disturbance. This includes the carrying out of the works in accordance with a Construction Management Plan that has been previously agreed with the Local Planning Authority. Subject to these conditions the proposal is considered to be acceptable in terms of the noise impacts.

Impacts from Lighting Associated with the Development

Policy DM01 of the Barnet Local Plan requires new lighting schemes to not impact upon amenity. A condition has been recommended requiring the implementation of the development in accordance with details of the external lighting installed as part of the development. Subject to this condition the proposal is considered to be acceptable and compliant with the objectives of policy in terms of preventing unacceptable lighting impacts from new development.

Conclusion

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.

Standard of accommodation provided and amenities of future occupiers of the proposed units

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.

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.

The Residential Design Guidance SPD identifies that there should be a minimum distance 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.

Dwelling size

Table 3.3 in the London Plan provides a minimum gross internal floor area for different types of dwelling. All the proposed units comply with or exceed these minimum standards.

Dwelling outlook

Development plan policy requires that new dwellings are provided with adequate outlook. The design approach proposed is considered to maximize the outlook of occupiers of the new dwellings, while also taking account of the need to prevent unacceptable levels of overlooking at neighbouring properties. Most of the proposed flats would be dual aspect and would have appropriate fenestration throughout. There would be adequate setting space around each of the proposed buildings to ensure that outlook from the units would not be unduly constrained by other buildings or trees and the level of outlook provided would therefore be adequate for future occupiers of the development.

External amenity space provision

Barnet Local Plan policy DM02 and London Plan policy 3.6 state that proposals for dwellings should make provision for play and informal recreation based on the expected child population generated and an assessment of future needs.

The requirements for provision of play space in new development are defined by policy 3.6 of the London Plan and the London Mayor's Shaping Neighbourhoods: Play and Informal Recreation Supplementary Planning Guidance. London Plan policy 3.6 states that proposals for housing should make provision for play and informal recreation based on the expected child population generated and an assessment of future needs. All developments with an estimated child occupancy of ten children or more should seek to make appropriate play provision on site to meet the needs arising from the development. The benchmark standard of the SPG recommends a minimum of 10m² of dedicated play space per child as a basis for assessing existing provision within an area. The area for Childs Play identified on the submitted drawings fully meets the requirements of the SPG. Further details are required by planning condition.

Guidance in Barnet's Residential Design Guidance SPD sets out minimum standards for outdoor amenity space provision in new residential developments. Flats are expected to be provided with 5m² of usable outdoor communal or private amenity space per habitable room proposed. Houses of the size proposed are expected to be provided with 85m² of usable outdoor private amenity space. For both houses and flats kitchens over 13m² are counted as a habitable room and habitable rooms over 20m² are counted as two habitable rooms for the purposes of calculating amenity space requirements.

The provision of a mixture of private balconies, gardens and communal garden space would ensure that the flatted section of the development meets the minimum standards in the SPD. Most of the flats would also have private outdoor space, in the form of a balconies / roof terraces or small gardens, to meet the requirements in the Residential Design Guidance.

Each of the houses is set within plots which significantly exceed minimum requirements. The quality of the space provided is also considered acceptable.

The proposal is considered to be compliant with the objectives of planning policy on the provision of outdoor amenity space.

Privacy and overlooking

The distance between directly facing windows to habitable rooms in the new dwellings would not be less than 21m. The distance from a habitable room window to a directly facing private garden area within the development would not be less than 10.5m. Subject to the conditions recommended it is considered that the design and layout of the windows, doors and amenity areas in the proposal are such that the new residential units would all be provided with an acceptable level of privacy and not suffer unacceptable overlooking. The proposal is therefore found to be acceptable in this regard.

Noise and air quality

As explained above, there is an existing access to the TfL land that adjoins the site. This is a secondary access to its operational land and is only used occasionally. It is not, as a result, considered that the use of this access would be detrimental to residential amenity of future occupiers. Following the amended layout arrangements, the access road would be separated from the residential that would also be protected and screened by boundary wall to the rear of the flatted block.

The Council's Environmental Health Service considers the site to be suitable for residential use and has not raised any objection to the scheme. They have however, recommended the inclusion of planning conditions in relation to the protection of future occupiers of the development. 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 flats proposed.

Conclusions on the amenities of future occupiers

The scheme is found to be compliant with development plan policy as it relates to the amenities of the future occupiers of the dwellings proposed and the design approach is considered, for the reasons outlined above, to provide future occupiers with acceptable amenities.

Affordable Housing

London Plan Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought when negotiating on individual residential schemes, having regard to:

- Current and future requirements for affordable housing at local and regional levels identified in line with policies 3.8, 3.10 and 3.11.
- Affordable housing targets adopted in line with Policy 3.11.
- The need to encourage rather than restrain residential development (Policy 3.3).
- The need to promote mixed and balanced communities (Policy 3.9).
- The size and type of affordable housing needed in particular locations.
- The specific circumstances of individual sites.

It suggests that negotiations on sites should take account of their individual circumstances including development viability, the availability of public subsidy and other scheme requirements. It also makes it clear that affordable housing should normally be provided on site and off site contributions to affordable housing will only be accepted in exceptional circumstances.

This approach is reflected in Local Plan policy DM10 which requires the maximum reasonable amount of affordable housing to be provided on site, subject to viability, having regard to a borough wide target that 40% of housing provision should be affordable. To explain and justify this position the applicant has submitted a confidential report which evaluates the economic viability of the proposed development making a contribution to affordable housing provision. The Council has then commissioned Deloitte to independently review the viability report provided and examine its findings.

The application proposes to deliver 19 Affordable Rented units at the Stonegrove redevelopment. These would comprise of:

- 9 x 2 bed flats
- 2 x 3 bed flats
- 5 x 3 bed houses
- 3 x 4 bed houses

Taking account of the costs associated with bringing the development forward, including the associated planning obligations and likely CIL payments, and the value that the applicant would be likely to generate from the scheme, Deloitte have concluded that the proposed contribution represents the maximum reasonable amount of affordable housing that it is financially viable for the development to provide.

While development plan policy identifies that an off site contribution to affordable housing provision will only be acceptable in exceptional circumstances, it has been shown (through the review of the scheme's viability) that in this instance the off site contribution proposed results in a greater contribution to affordable housing provision than an on-site approach would viably deliver.

For these reasons in this instance the proposed contribution to affordable housing is considered to be acceptable and compliant with the objectives of planning policies and the NPPF in regard to development viability.

Trees and Landscaping:

Policy DM01 identifies that proposals will be required to include hard and soft landscaping that:

- Is well laid out in terms of access, car parking and landscaping.
- Considers the impact of hardstandings on character.
- Achieves a suitable visual setting for buildings.
- Provides appropriate levels of new habitat including tree and shrub planting.
- Contributes to biodiversity including the retention of existing wildlife habitat and trees.
- Adequately protects existing trees and their root systems.
- Makes a positive contribution to the surrounding area.

The policy also states that trees should be safeguarded and when protected trees are to be felled the Council will, where appropriate, require replanting with trees of an appropriate size and species.

A number of objections have been raised with regards to the loss of tree screening between the site and the Hampstead Garden Suburb Conservation Area. All mature trees along this boundary would remain following completion of the development and they would be afforded sufficient protection during construction subject to the planning conditions listed above. The applicant's initial landscaping proposals have identified the position of new trees to be planted along this boundary and this matter is conditioned.

The application submission includes an Arboricultural Implications Assessment and an Arboricultural Survey. The documents identify all trees within and immediately adjacent to the site as well as measures to protect their roots, trunks and canopies during construction. The proposals have been designed to ensure that the construction of the buildings would not result in the removal of any tree of special amenity value. The proposed layout and position of habitable room windows in relation to tree canopies would not lead to unacceptable future pressure for treatment. The application has been reviewed by tree officers who raise no objection subject to planning conditions.

Conditions have been recommended to ensure that the trees and wider landscaping implemented as part of the proposal would be of a sufficient quality, including new trees of a suitable size and species. The conditions recommended also include requirements to ensure that appropriate measures are taken to protect the trees immediately adjacent to the application site. Officers take the view that adequate consideration has been given to trees in this instance.

More generally the indicative landscaping proposed for the site is considered to include an adequate balance of hard and soft surfaces, given the constraints of the scheme. Conditions have been recommended to ensure that the landscaping finally installed is of an appropriate quality and makes a positive contribution to the area.

It is concluded that the scheme provides adequate mitigation for the existing protected trees and other landscaping which would be lost as part of the works proposed and that the development is acceptable and compliant with policy in respect of tree and landscaping matters with the conditions recommended.

Transport, parking and highways matters:

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.

Major development proposals with the potential for significant trip generation will be expected to be in locations which are, or will be made, highly accessible by a range of modes of transport and supported by a Transport Assessment that fully assesses the transport implications of the development across all modes.

The parking provision of 65 car parking spaces in the revised scheme is unchanged since the first submission but the parking layout has been revised to take into consideration the amendments to access to the basement. 40 parking spaces are being provided in the basement of the flatted development and the rest of the parking spaces are being provided for the residential houses including 5 visitor parking spaces. Two of the visitors parking spaces by the planting on the access road within the development appears to be less than 6 metres in length therefore are sub standard therefore they need to be revised or relocated. 64 cycle parking spaces are also being provided in the basement with 2 dedicated lifts for cycle access.

The proposed parking provision is in accordance with the parking standards set out in the Barnet Local Plan (Development Management Policies DM17). In order to comply with London Plan policy, there is a requirement of 20% active and 20% passive Electrical Vehicle Charging Points that will need to be provided. A condition to this effect will be placed on the application.

The application was submitted in 2012 and has since been revised to take into account changes to the access arrangements as follows.

Revised Access arrangements:

Access to Golders Green Depot:

In order to maintain the vehicular entrance to the Golders Green Depot at its current location, it is proposed to provide a new vehicular access road to the south-east of the proposed apartment block building. To restrict access to the depot a line of electronically operated rising bollards will be installed.

Access to Basement Car Park:

In order to maintain access to the depot, previously proposed two-way access ramp to the basement car park has been replaced by 2 car lifts. Car park layout has also been amended to ensure that it operates acceptably. SKM Colin Buchanan, consultants appointed by the applicant undertook swept path analysis of a large car to and from the car lifts to demonstrate that it operates acceptably. 40 car parking spaces are still being provided as proposed before with the revised car park layout.

Access to Basement Cycle Store:

Dedicated cycle lift is provided adjacent to the car lifts. The cycle parking is revised to provide 64 cycle parking spaces.

Trip Assessment:

The Transport Statement (TS) was prepared by transport consultants SKM Colin Buchanan appointed by the applicant. They carried out traffic surveys to assess the impact of the existing use. To assess the likely impact of the proposed development on public highway they have used industry standard TRVL database. The following table summarises the results of their assessment.

| Traffic Attraction | AM Peak (0800-0900) | | PM Peak (1700-1800) | | Daily | |
|--------------------------|---------------------|-----------|---------------------|-----------|---------|-----------|
| | Arrival | Departure | Arrival | Departure | Arrival | Departure |
| Existing Use Tennis Club | 7 | 1 | 8 | 13 | 119 | 118 |
| Proposed Use Residential | 2 | 7 | 5 | 4 | 54 | 51 |
| Net Traffic Attraction | -5 | +6 | -3 | -9 | -65 | -67 |

It can be seen from the table above that the proposed residential use is likely to generate less trips than the existing use of the site therefore the proposed development is unlikely to have any additional detrimental impact on public highway.

A number of objections have been received on highways grounds. Objections have been carefully reviewed by highways officers who have made the following comments:

New and dangerous traffic patterns

Traffic survey Data for the operation of the Tennis Club was included in the Transport Statement as part of the application submission. The surveys demonstrated the trip generation as shown in the table above. The table demonstrates the proposed development unlikely to have any additional detrimental impact on public highway.

Risk of accidents

Interrogation of the Council's personal Injury accident records for Chandos Avenue and Wellgarth Road in the vicinity of site has indicated that there have been no personal injury accidents in the last 3 years to 31 July 2013. Considering the proposed residential development is likely to generate fewer trips it is unlikely that this will result in increased accidents.

Dangerous increase in traffic

The assessment of trip generation carried out by the consultants for the proposed residential development when compared to the existing traffic flow has demonstrated that the traffic flow generated by the residential development is likely to be less.

Insufficient number of parking spaces

The parking provision for the proposed development is in accordance with the parking standards as set out in Barnet's Local Plan, Development Planning Policies approved in September 2012.

Disturbance during construction caused from traffic

A planning condition will be applied to the proposed planning application for the provision of a Construction Management Plan to ensure that the impact of the construction is minimised on public highway.

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. Statements should be submitted with proposals explaining how the principles of inclusive design have been integrated into the development for which consent is sought.

Policy requires all the proposed dwellings (houses and flats) to meet the relevant Lifetime Homes standards and also that more than 10% of the dwellings proposed to be designed to meet wheelchair accessible standards or be easily adaptable to meet such requirements. A sufficient number of parking spaces proposed would be provided to a disabled parking space standard.

Conditions have therefore been recommended to ensure that all the proposed dwellings would meet the relevant Lifetime Homes standards and not less than 10% of the dwellings proposed would meet (or be easily adapted to meet) wheelchair accessible standards. 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.

Flooding and water infrastructure matters:

The application site is located within Flood Risk Zone 1 which is classified as an area identified as being at risk of flooding. The submission of a Flood Risk Assessment is not required by the Environment Agency for site of less than 1 hectare in area within zone 1.

A condition has been recommended to ensure that suitable drainage infrastructure is implemented as part of the development proposed. Conditions are also recommended to ensure that water use by the development is minimised. Subject to these conditions the development is not objectionable in this respect.

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 in accordance with the following energy hierarchy:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy

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. Policy DM04 requires all major developments to provide a statement which demonstrate compliance with the Mayor's targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy. 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 Sustainability Statement which includes an Energy Statement and Code for Sustainable Homes Pre-Assessment. The Sustainability Statement includes an assessment of the options considered under the Mayor's hierarchy. This document sets out the applicant's 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. Such an improvement is adequate for the scheme to comply with the requirements of policy on reductions in carbon dioxide emissions. A condition has been recommended to ensure that the development achieves Code Level 4 and this level of carbon dioxide reductions as a minimum. Subject to this condition the proposal is found to be acceptable and policy compliant in respect of reducing carbon dioxide emissions.

The Energy Statement submitted with the application identifies that the houses will be heated by ground source heat pumps and the flats with a community heating system. The use of these systems would result in a net reduction of carbon monoxide emissions by 14.81% and 9.47% respectively. Together with the use of passive energy saving and energy efficiency measures that would reduce emissions by 9.57%, the total reduction would be 30.26%, in line with policy.

Therefore the conditions recommended include requirements for the details of the CHP to be installed to be submitted and agreed with the Local Planning Authority.

The submission includes a preliminary Code for Sustainable Homes assessment for the scheme. This makes it clear that the proposal could meet Code for Sustainable Homes Level 4. It is considered that the details provided in the submission are acceptable in this regard and that the application would result in a development which reaches an appropriate standard in respect of sustainable design and construction matters. To ensure that the commitment to reaching Code Level 4 and certain other key elements of developing sustainably are carried through to implementation conditions on these aspects of the proposal have been recommended. Such an approach allows a degree of flexibility as to the precise sustainable design and construction measures to be incorporated in the development, while ensuring that, taken in the round, the scheme achieves an appropriate level of sustainability.

To address policies on urban greening specifically the development includes areas of planting and soft landscaping at a ground level, including new areas of communal amenity space and private rear gardens for each of the houses proposed. Conditions have been recommended to ensure that the site is appropriately landscaped at the implementation stage of the development

Biodiversity matters

Barnet Local Plan policy DM16 states that when it is considering development proposals the council will seek the retention, enhancement or creation of biodiversity. The application site has no specific designation relating to wildlife or habitat conservation, nor are there any nearby. Due to the nature of its use it consists mainly of hardstanding areas and buildings.

Notwithstanding this an Extended Phase 1 habitat survey was undertaken. The tree and wider landscaping conditions recommended are considered sufficient to ensure that the scheme makes appropriate contributions to biodiversity generally and that the new planting which takes place provides suitable levels of habitat.

Subject to the controls in place under the conditions recommended and the requirements in place under other legislation the proposal is found to be acceptable and compliant with the objectives of planning policy on biodiversity and nature conservation matters.

Environmental Impact Assessment Regulations:

The development for which consent is sought is not considered to be of a description identified in Schedule 1 of the Regulations (Town and Country Planning (Environmental Impact Assessment) Regulations 2011). However, the development is considered to be of a description identified in column 1 of Schedule 2 of the Regulations. The development described in the submission is deemed to fall within the description of 'urban development projects'. The site identified in the plans accompanying the application is not considered to be in or partly in a sensitive area as defined in Regulation 2. As a development falling within the description of an urban development project, the relevant threshold and criteria in column 2 of Schedule 2 of the Regulations is that the area of development exceeds 0.5 hectares. The area of development identified in the information submitted exceeds this threshold. The proposal is therefore Schedule 2 development.

The characteristics, location and the impacts of the development proposed are described in detail in other sections of this report and so are not repeated here. Having considered the characteristics of the development, the location of the development and the characteristics of the potential impacts of the proposal (the criteria set out in Schedule 3 of the Regulations) it is concluded that in each of these respects and taken in totality the proposal would not be likely to give rise to significant effects on the environment in the sense intended by the Regulations. It is considered that the proposal is not a major development which is of more than local importance, is not a proposal situated in (or partially within) a particularly environmentally sensitive or vulnerable location and is not a development with unusually complex or potentially hazardous environmental effects. This is considered to support further the conclusion that the proposal would not be likely to give rise to significant effects on the environment in the sense intended by the Regulations.

Taking account of the criteria set out in Schedule 3 of the Regulations and all other relevant factors it is considered that the development described in the information accompanying the application would not be likely to have significant effects on the environment, in the sense intended by the Regulations. Therefore an Environmental Impact Assessment is not necessary and an Environmental Statement, in line with the Regulations, is not required to be submitted with the application.

Planning obligation matters:

Policy CS15 of the Barnet Local Plan states that where appropriate the Council will use planning obligations to support the delivery of infrastructure, facilities and services to meet the needs generated by development and mitigate the impact of development.

As detailed in the above sections and in accordance with development plan policies and the Council's supplementary planning documents the following obligations are required to be secured through a legal agreement with the developer:

- No development shall commence until the new tennis club at East End Road has been constructed in its entirety and has been handed over to the club in accordance with planning application F/01320/12.
- No residential units shall be occupied until the off site units at Stonegrove identified on the approved plan and schedule listed in condition 1 pursuant to the permission have been completed and handed over to Family Mosaic acting as registered provider. This off site provision shall consist of 19 Affordable Rented units as follows:
 - 9 x 2 bed flats
 - 2 x 3 bed flats
 - 5 x 3 bed houses
 - 3 x 4 bed houses
- The off site affordable housing units shall be retained for such purposes in perpetuity.

With these obligations secured the proposal is considered to be acceptable in terms of delivering the infrastructure, facilities and services needed to mitigate the impacts it would generate. It is noted that education, healthcare and library provision is covered by the Barnet Community Infrastructure Levy.

Monitoring of the Section 106 Agreement

The delivery of the planning obligation from the negotiations stage to implementation can take considerable time and resources. As the Council is party to a large number of planning obligations, significant resources to project manage and implement schemes funded by planning obligation agreements are required. The Council therefore requires the payment of £500 per non-financial obligation towards the costs of undertaking the work relating to securing the planning obligations in line with the adopted Supplementary Planning Document for Planning Obligations. This amounts to £1,500 in this case.

Barnet Community Infrastructure Levy

The proposed development is liable for charge under the Barnet CIL (at a rate of £135 per square metre). Because of the nature of the way in which CIL is calculated it is only possible to estimate the contribution which will finally be made through the Barnet CIL at the time applications are determined. The existing floorspace on the site has been occupied lawfully for 6 of the last 12 months. As such it is possible that

only additional floorspace generated by the development (less the area of underground car parking proposed) would be potentially liable for charge under Barnet CIL. The development might be expected to generate a Barnet CIL charge of £872,100.

Mayoral Community Infrastructure Levy

The proposed development is liable for charge under the Mayoral CIL (at a rate of £35 per square metre). Because of the nature of the way in which CIL is calculated it is only possible to estimate the contribution which will finally be made through the Mayoral CIL at the time applications are determined. The existing floorspace on the site has been occupied lawfully for 6 of the last 12 months. As such it is possible that only additional floorspace generated by the development would be potentially liable for charge under Mayoral CIL. The development might be expected to generate a Mayoral CIL charge of £283,990.

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 and have concluded that a decision to grant planning permission for this proposed development will comply with the Council’s statutory duty under this important legislation.

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, as controlled by the conditions recommended, 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, not less than 10% of the residential units proposed being constructed to be wheelchair accessible or easily adaptable for residents who are wheel chair users and the inclusion of disabled standard parking spaces (as set out in greater detail in earlier sections of this report).

With the conditions recommended 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. The design of the proposed development is such that the site would, as an area of land, become significantly more accessible to all members of the community. In this sense the development would have a positive effect in terms of equalities and diversity matters.

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

Planning matters are considered to have been covered in detail in the above appraisal.

6. CONCLUSION

The proposed use of the site for residential purposes is policy compliant subject to the relocation of the tennis club to the East End Road site. The replacement of the existing courts and structures with new residential development of the nature proposed would provide a high quality design approach which relates acceptably to its neighbouring properties, would be in keeping with the character of the area and the setting of the Hampstead Garden Suburb Conservation Area and Listed Buildings and would not cause any unacceptable harm to the amenities of the occupiers of neighbouring properties and would provide its future occupiers with a good standard of accommodation is considered to accord with policies that seek to optimise the use of sites such as this.

The design and layout of the development has been influenced significantly by the need to create a scheme that relates acceptably to the character of the nearby Hampstead Garden Suburb Conservation Area and which provides a suitable residential environment, while not impacting unacceptably on the setting of the Hampstead Garden Suburb Conservation Area, its listed buildings and the amenities of neighbouring occupiers.

More generally the proposal includes a number of measures to achieve a good standard in respect of sustainable design and construction, with the new dwellings all meeting Code for Sustainable Homes Level 4.

The scheme provides an appropriate level of car parking on site for the number and type of dwellings proposed. All vehicular access to and from the site would be from

the single existing access from Chandos Way. The scheme has been designed to provide appropriate and safe access for all users and would not be expected to result in any significant adverse impacts to the local road network (including when the transport impacts of other committed developments in the surrounding area are taken into account).

The landscaping proposed for the site is considered to include an adequate balance of hard and soft surfaces (including new areas of lawn and shrub planting), provides an appropriate setting for the buildings proposed and provide opportunities for the planting of new trees. No trees outside the application site are proposed for removal as part of the works.

A number of conditions and planning obligations have been recommended to ensure that the development achieves a suitable quality of residential environment, does not cause any unacceptable harm to the amenities of neighbouring occupiers, achieves the benefits that the submission advances in support of the scheme and mitigates any potential adverse impacts from the proposal. The development would also be liable for a charge under both the Mayoral and Barnet Community Infrastructure Levy regimes.

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 Mayor's London Plan and the Barnet Local 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 accords with the relevant local plan policies. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to the satisfactory completion of the Section 106 Agreement, **APPROVAL** subject to conditions is recommended, as set out in the recommendations section at the beginning of this report.