

Location **Elmbank Barnet Road Barnet EN5 3HD**

Reference: **15/03343/FUL**

Received: 1st June 2015

Accepted: 4th June 2015

Ward: High Barnet

Expiry 3rd September 2015

Applicant: Linden Barnet LLP

Proposal: Demolition of existing buildings and erection of 114 residential dwellings (93 flats and 21 houses), car parking, landscaping and associated works [AMENDED PLANS: Amendments include increase in on-site car parking layout and provision by 20 spaces (to 155 spaces)]

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. Highways Improvements - £15,000 toward improvements to pedestrian crossing facilities at Barnet Road and £10,000 toward facilitating a study in respect of possible implementation of waiting restrictions at Barnet Road and Galley Lane.
4. Local Employment Agreement to be completed.
5. Affordable Housing - Provision of 24 Affordable Housing units on-site, delivered as 14 Affordable Rent Units (14x 2-bed, 4-person) and 10 Shared Ownership units (10x 2-bed, 4-person units). Inclusion of an affordable housing review mechanism in the event development is not commenced within 12 months of the date of planning permission.
6. Travel Plan - A requirement that the developer shall enter into Travel Plans that seek to reduce reliance on the use of the private car, promote sustainable means of transport and include the appointment of an appropriately qualified Travel Plan Champion. This requirement includes a contribution of £15000 towards monitoring, plus £300 as a travel plan incentive per dwelling.
7. Monitoring of the Agreement - £3368.

RECOMMENDATION II:

That upon completion of the agreement the Service Director of Development Management and Building Control approve the planning application under delegated powers subject to the following conditions:

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:

Drawing Nos. S101, S102, P101C, P102L, P104, P106A, P107, P109, P110A, P111A, P112A, P113A, P114A, P115A, P116A, P117A, P118B, P119B, P120B, P121D, P122A, P123A, P124A, P125B, P126A, P127A, P128A, P129D, P130E, P131A, P132A, P133A, P134A, P135A, P136A, P137A, P138A, P139B, P140B, P141B, P142B, P143A, P144A, P145A, Drainage Strategy 3853-FR001 Revision B.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 3 a) Notwithstanding the details contained within the submission, no development other than site preparation works and ground works shall take place until details of the materials to be used for the external surfaces of the buildings (including details of windows and rainwater goods) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.
b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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

- 4 a) No development other than site preparation works shall take place until details of the levels of the buildings, roads and footpaths in relation to the adjoining land and highways and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.
b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

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

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

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

d) The development shall not be first occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under b), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

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

6 a) No development or site preparation works shall take place on site until a Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for:

i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;

ii. site preparation and construction stages of the development;

iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;

iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;

v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;

vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;

vii. noise mitigation measures for all plant and processors;

viii. details of contractors compound and car parking arrangements;

ix. Details of interim car parking management arrangements for the duration of construction;

x. Details of a community liaison contact for the duration of all works associated with the development.

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

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.3 and 5.18 of the London Plan (2015).

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

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

- 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 pm on other days.

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

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Class A of Part 2 of Schedule 2 of that Order shall be carried out within the area between the front elevation of any approved building and the access road hereby approved.

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

- 10 a) Notwithstanding the details shown in the plans submitted and otherwise hereby approved none of the buildings hereby approved shall be first occupied until details are submitted to the Local Planning Authority and approved in writing which specify all windows in the proposed buildings that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight opening and the manner and design in which these windows are to be implemented.

b) Before the buildings hereby approved are first occupied the development shall be implemented in full accordance with the details and specifications as approved by this condition and shall be permanently retained as such thereafter.

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

- 11 a) Notwithstanding the details on the drawings hereby approved, before the development hereby permitted is first occupied, details of the method to secure privacy between balconies and adjacent properties, including elevations/specification

of privacy screens to be installed, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include scaled drawings, details of the material and a plan showing the position in which they would be installed.

b) The screens shall thereafter be installed in accordance with the details approved under this condition before the development hereby permitted is first occupied and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

12 a) Before the development hereby permitted is first occupied, details of the subdivision of the individual amenity areas within the site, and the means of enclosure for the site including position and specification of an acoustic barrier to Plot 100, including details of materials and typical elevations shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

13 a) Notwithstanding the details submitted as part of this application, no site preparation works shall take place until a dimensioned tree protection plan (including details of any phasing) in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees and expanding on the principles of the submitted document in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site preparation works shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

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

14 a) Notwithstanding the submitted details, no development other than site preparation works shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and

telecommunications) and means of installation of services, in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.

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

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

15 a) Notwithstanding the details submitted as part of this application, a scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, including full details of the use and installation of structural cells, shall be submitted to and agreed in writing by the Local Planning Authority before site construction works hereby permitted are first commenced.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

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

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

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

- 17 a) No site preparation works shall commence on site until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority.

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

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

- 18 The dwellings hereby approved shall be used as self-contained units as shown in 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.

- 19 Before the development hereby permitted is first occupied or the use first commences the car and bicycle parking spaces and garages shown on Drawing Nos. P110A, P111A, P121D, P129D, P131A, P139A, P141A, P143A, P145A shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the 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 Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

- 20 Prior to the first occupation of the development hereby approved, a Car Parking Management Plan detailing the following shall be submitted to and approved in writing by the Local Planning Authority:
- i. location and layout of car parking spaces;
 - ii. The allocation of car parking spaces;
 - iii. On site parking controls;
 - iv. The method of enforcement of unauthorised parking;
 - v. Locations of disabled parking spaces;
 - vi. The monitoring of Electrical Vehicle Charging Points, including when additional spaces are required to be brought into operation.

The Car Parking Management Plan shall thereafter be implemented in accordance with the approved details immediately following the first occupation of the development hereby approved.

Reason: To ensure that parking is provided and managed in line with the council's standards in the interests of highway and pedestrian safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

21 a) Prior to the first occupation of the development hereby approved, details of a warning system to vehicles entering the single lane ramp to the underground car park and details of a maintenance agreement for the operation of the warning system shall be submitted to and approved in writing by the Local Planning Authority

b) The warning system shall be installed prior to the first occupation of the development hereby approved, and the maintenance agreement secured immediately following first occupation and permanently maintained thereafter.

Reason: To ensure the safe form of access to the development and to conform to London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

22 a) Prior to the first occupation of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20 per-cent of the proposed car parking spaces to be provided with active Electric Vehicle Charging facilities and a further additional 20 per-cent of the proposed car parking spaces to be provided with passive Electric Vehicle Charging facilities.

b) The development shall be implemented in full accordance with the details approved by this condition prior to the first occupation of the development and thereafter be maintained as such in perpetuity.

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

23 Prior to the first occupation of the development hereby approved, a Waiver of liability and indemnity agreement in relation to the non-adopted roads within the development must be signed by the developer and be submitted to and approved in writing by the Local Planning Authority. This is to indemnify the Council against any claims for consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

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

24 a) Notwithstanding the details submitted with the application, prior to the commencement of any construction works on site details of the specification and position of trickle ventilation to be installed in accordance with Noise Impact Assessment 90985R3 shall be submitted to and approved in writing by the Local Planning Authority.

b) The trickle ventilation shall thereafter be installed in accordance with the details approved under this condition, and retained as such thereafter.

Reason: To ensure the development provides satisfactory quality of internal space for future occupants in accordance with Policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012).

25 a) Prior to the first occupation of the development hereby approved details of the size, design and siting of all solar PV panels to be installed as part of the development shall be submitted to and approved in writing by the Local Planning Authority.

b) The solar PV panels shall thereafter be installed in accordance with the details approved by this condition prior to the first occupation of the development hereby approved, and maintained as such thereafter.

Reason: To safeguard the character and visual amenities of the site in accordance with Policy DM01 of the Development Management Policies DPD.

26 a) Notwithstanding the details hereby submitted, prior to the first occupation of the development hereby permitted plans, details and specifications of all external lighting to be installed as part of the development, including measures to minimise the impact on biodiversity, shall be submitted to and approved in writing by the Local Planning Authority.

b) The external lighting shall thereafter be installed in accordance with the details as approved by this condition prior to the first occupation of the development hereby approved and maintained as such thereafter.

Reason: In order to protect the character of the area and biodiversity, in accordance with Policies DM01 and DM16 of the Development Management Policies DPD.

27 a) Notwithstanding the details submitted with the application, prior to the commencement of any construction works on site details of the type and siting of ecological mitigation and enhancement measures, including bird boxes, bat boxes and invertebrate log piles as recommended in the submitted Ecological Appraisal shall be submitted to and approved in writing by the Local Planning Authority.

b) The ecological mitigation and enhancement measures shall thereafter be installed in accordance with the approved details prior to the first occupation of the development hereby approved, and permanently maintained as such thereafter.

Reason: In order to ensure the retention and enhancement of biodiversity within the site, in accordance with Policy DM16 of the Development Management Policies DPD.

- 28 a) Notwithstanding the details submitted in the drawings hereby approved, prior to the commencement of any construction works on site details of the following features shall be submitted to and approved in writing by the Local Planning Authority:
- Elevations at 1:10 of the proposed timber windows and doors, and brick surrounds;
 - Elevations at 1:10 of the balustrading to be used for all balconies;
 - Details of the proposed metal rainwater goods;
 - Details of the proposed chimneys
 - 1:10 (or similar) details of the proposed rooflights
- b) The development shall thereafter be constructed in accordance with the details as approved by this condition.

Reason: To safeguard the character and visual amenities of the site in accordance with Policy DM01 of the Development Management Policies DPD.

- 29 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, all units except for Units 83, 84, 85, 90, 91, 92, 97, 98 and 99 shall be constructed to achieve the relevant criteria of Part M4(2) of Schedule 1 of the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future).

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8, 7.2 and 7.6 of the London Plan (2015) and policies DM02 and DM03 of the Barnet Development Management Policies document (2012).

- 30 a) Notwithstanding the details shown in the plans and documents submitted and otherwise hereby approved, no development other than site preparation works shall take place until a Sustainable Urban Drainage Strategy, expanding on the principles within submitted Flood Risk Assessment and Drainage Strategy 3853-FR001 Rev B and including details regarding long-term operation and maintenance throughout the lifespan of the development has been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the details as approved by this condition and permanently maintained as such thereafter.

Reason: In order to ensure the development makes suitable provision for water run-off and no result in sewer flooding, in accordance with Policy DM04 of the Development Management Policies DPD and the Sustainable Design and Construction SPD.

- 31 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy 5.15 of the London Plan (2015).

32 a) Before the development hereby permitted is first occupied, details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

33 a) Before the development hereby permitted is first occupied, a scheme detailing all play equipment to be installed in the communal amenity space shown on the drawings hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure that the development represents high quality design and to accord with Policy CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013), the Planning Obligations SPD (adopted April 2013) and Policy 3.6 of the London Plan 2015.

34 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 40% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 1 March 2016, unless otherwise agreed in writing with the Service

Director of Development Management and Building Control, the Service Director of Development Management and Building Control **REFUSE** the application under delegated powers for the following reasons:

1. The proposed development does not include a formal undertaking to secure the delivery of highway improvements and sustainable transport objectives and the associated costs and monitoring. The proposal would therefore not address the impacts of the development, contrary to CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).
2. The proposed development does not include a formal undertaking to secure the provision of affordable housing. The proposal would therefore not address the impacts of the development, contrary to Policy 3.19 of the London Plan 2015, Policy DM10 of the Development Management Policies DPD (adopted September 2012), Policy CS4 and CS15 of the Local Plan Core Strategy (adopted September 2012), the Affordable Housing SPD (2009), and the Planning Obligations SPD (adopted April 2013).
3. The proposed development does not include a formal undertaking to secure the provision of apprenticeships and therefore ensure the development positively contributes to Barnet's economy. The proposal would therefore not address the impacts of the development, contrary to Policy CS8 and CS15 of the Local Plan Core Strategy (adopted September 2012), DM14 of the Development Management Policies DPD (September 2012), the Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD (October 2014) and the Planning Obligations SPD (adopted April 2013).

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

- 4 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.
- 5 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 6 The applicant is advised that there are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of a public sewer. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.
- 7 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.
- 8 The applicant is advised that, in respect of the condition above related to Tree Protection and Method Statement, that the expanded method statement should contain details of the precise methodology to be used throughout the build process, and should allow for direct on-site arboricultural supervision during the installation of services within and immediately adjacent to the Root Protection Area of retained trees.
- 9 The applicant must submit an application under Section 184 or Section 278 of the Highways Act (1980) for the proposed vehicular access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant. This may involve relocation of any existing street furniture and would need to be done by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.
- 10 The applicant is advised that Barnet Road is a Traffic Sensitive Routes; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction and the Highways Authority should be consulted in this respect. The applicant must ensure that site and/or delivery vehicles do not impede traffic on the public highway and that traffic flow on the High Road is maintained at all times.

- 11 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. 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 Mayoral and Barnet CIL. Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

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

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

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

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

Relief or Exemption from CIL:

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

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

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

documentation published by the Department for Communities and Local Government at
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

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

12 The applicant is advised that for the purposes of the planning conditions attached to this notice, the terms are defined as follows:

1) Site Preparation Works - Include the following works:

- Demolition of existing structures including removal of asbestos, the stripping out of buildings, disconnecting services and grubbing up foundations.
- Removal of existing and surplus rubble from the site.
- The erection or re-establishment of a hoarding line for the construction site.
- Providing piling matting.
- Providing clear health and safety information on the site.

2) Ground Works - Include the following works:

- Removal of services on the site including service trenches.
- Piling works.
- Substructure and underground drainage works.
- Installation of services and utilities.
- Construction of basement car parking and ground floor slab.
- Ground levelling works.

3) Construction works - Is defined as:

- Superstructure works above the ground floor slab.

13 The applicant is advised that, in respect of Condition 20 (requirement to submit a Car Parking Management Plan), the details should ensure 2 parking spaces are allocated to each property with 4 or more bedrooms, and at least one space for each of the other properties, not exceeding the maximum of 1 space for 1-bedroom units and an average of 1.5 spaces for 2 and 3 bedroom units.

Officer's Assessment

This application was previously presented at the Chipping Barnet Area Planning Committee meeting on 9 December 2015. The Committee resolved to defer the application for the applicant to look into matters of access, parking and affordable housing. The application was subsequently reported to a meeting of 21 January but was deferred to the next meeting to enable Members time to consider late representations received. This report sets out the additional responses received from the applicant in respect of the three deferral areas from the December committee, and the responses received as a result of the public consultation. The original committee report from December is attached as APPENDIX B.

1. Proposal

To recap, this application proposes the demolition of all existing buildings on the site, and the redevelopment of the site to provide a total of 114 residential units, comprising 21 houses and 93 flats. The scheme includes the associated car parking and hard and soft landscaping works. The development would be accessed from the existing single access point with Barnet Road.

The proposed units would have the following mix:

- One bedroom flat: 17
- Two bedroom flat: 70
- Three bedroom flat: 6
- Three bedroom house: 9
- Four bedroom house: 10
- Five bedroom house: 2

The proposed development has been split into four character areas:

1) Barnet Road Frontage: The main frontage of the site would contain four two-storey buildings with rooms in the roofspace. These would contain flats and would be set back approximately 8m from Barnet Road. The buildings would include two storey front-projecting elements to reflect the design and appearance of neighbouring houses. The front elevations would include front entrance doors to ensure the site has an active frontage to Barnet Road, and to give the impression of being single family houses akin to the surrounding development.

2) Villas: On entering the site, the first buildings would be detached and semi-detached two storey houses with rooms in the roofspace. These would each have private gardens, and would overlook the open space and mature TPO trees.

3) Courts: To the south eastern side of the site, flatted buildings of between three and four storeys with rooms in the roofspace. These would be at least 6m from the boundary between the application site at Whalebone Park.

4) Terraces and semi-detached: To the south-western side of the site, two pairs of semi-detached houses and three terraces of three houses are proposed. Each would be two storeys when viewed from the front, with rooms in the roofspace. However due to the topography of the site the rear elevations would have additional lower ground floor levels. They would be set at least 10.5 metres from the common boundary with the properties which front Elmbank Avenue.

All proposed buildings would have tiled pitched roofs and prominent chimneys, as well as traditional windows, doors and porches. The majority of the buildings would include crown roof elements, and these would contain photovoltaic panels.

The existing protected trees would be retained, and protected during construction works. Additional tree planting and soft landscaping would be incorporated to enhance the character, appearance and setting of the site.

Car parking would be split between surface car parking spaces, and basement/undercroft car parking spaces (with one basement car park beneath the three buildings fronting Barnet Road (Units 4-21), and undercroft car parks beneath each of the flatted buildings containing plots 28-62, 63-78 and 79-99). The two detached houses and the two pairs of semi-detached houses would include garages. The application proposes a total of 155 car parking spaces, including 26 visitor spaces.

The application is accompanied by a number of supporting documents, the content of which was summarised in the initial committee report. An additional report has been submitted since the committee meeting, comprising an independent review of the original traffic assessment. The details contained within the report are summarised below.

2. Public Consultation

Following the receipt of additional information in respect of extra car parking spaces being provided at the site, a new public consultation period was commenced. Further to the consultation period, objections have been received from 39 interested parties. Nineteen of those repeat the same letter and a further six repeat a different letter. The objections raised are summarised below:

- There is only one access and egress point from the site onto Barnet Road which is inadequate given the scale of the development.
- Manual for Streets is not relevant to this development.
- The Transport Assessment report confirms there is a poor level of accessibility to public transport, and the site is beyond the ideal walking distance to a station. The vast majority of residents on site will be commuters. Consequently the on-site parking provision is insufficient.
- There will be a significant impact on parking in the surrounding area, and making will make existing junctions dangerous.
- Proposal would result in loss of light, overlooking and loss of privacy to neighbouring properties.
- Proposal would result in significant noise and disturbance to neighbouring properties.
- Local schools are oversubscribed.
- Proposal is not in keeping with the character of Arkley.
- The proposal is not in keeping with the character of Barnet Road as there are no other flatted buildings in the area.
- Barnet Road is a traffic sensitive road, due to traffic flow, and any increase in traffic would have a significant impact on highway users. There is already congestion on this road and the single access point will compromise safety, and cause congestion when drivers wait to turn into the site.
- There are already on-street parking problems around The Arkley and on Elmbank Avenue.
- The nurses accommodation previously on the site is far removed from luxury flats where occupants would need and average two cars per family.
- The proposal exceeds the recommended density range for this site based on its accessibility level.

- There are already flooding and sewerage issues in Elmbank Avenue and adjacent roads, and more dwellings would make the situation worse.
- The ratio of affordable housing is around half recommended levels. This application is an opportunity to provide key worker accommodation for Barnet General Hospital and ease parking and congestion in the area as occupants would not need to use their cars to travel to and from work.
- The Elmbank site is adjacent to the Green Belt where low density linear-rural detached housing is typically found.
- The site is not large enough to cope with the amount of traffic this would generate.
- Not clear where children from the development would go to school.
- Barnet General Hospital is already under strain to cope with the areas it has to cover.
- Unclear whether there has been an assessment of the risk of flooding from surface water [Officer Response: A detailed drainage scheme has been submitted which assesses the risk of flooding from surface water. Details are summarised in the original committee report].
- Transport Assessment is inadequate [Officer Response: The Transport Assessment (TA) and the applicant's review of the TA have been evaluated by the Traffic and Development Team and they confirm that the TA is adequate, being based on TfL's guidance and industry standard databases].
- Proposal would exacerbate on-street parking problems in neighbouring roads [Officer Response: The proposal includes sufficient on-site parking spaces to comply with the council's parking standards].
- Proposal would increase traffic congestion [Officer response: The TA suggests the development resulting in an average of one vehicle movement every 2 minutes and a 1.3% increase compared to current traffic flows which is not significant].
- A parking beat study should have been undertaken [Officer response: Parking beat surveys are required where development does not provide parking in accordance with the council's parking standards. However this development does provide policy-compliant levels of parking].
- The access is too small and refuse vehicles would not be able to use the access [Officer response: The access is wider than the minimum standards. The site was previously in operation as nurses accommodation and offices and would have been serviced by refuse vehicles].
- Use of TRICS database is inappropriate [Officer Response: TRICS is an industry standard database and its use to derive trip rates for the type of proposal is accepted practice].
- Additional traffic would be harmful to health and wellbeing in Barnet.

Two letters have also been received from Theresa Villiers MP, making the following comments:

- I was disappointed to note that the only changes made to the original application was an increase of 20 parking spaces. I do not feel this is sufficient for the number of houses and flats proposed.
- Constituents are calling for the application to be put on hold because a number of residents in nearby roads who will be affected were not consulted [Officer Response: The application has been subject to two public consultation periods where neighbours within 100m of the site have been written to. In addition, a notice was displayed outside the site and a notice published in the newspaper].
- Constituents wish to see a development which will enhance the area.
- Consideration should be given to withdrawing this application and asking the developers to revisit their proposals and design something more in keeping with the area [Officer response: As set out in the committee report, it is considered that the proposed

development would be appropriate and would preserve and enhance the character of the area].

3. Main issues for consideration

This application was presented at the Chipping Barnet Area Planning Committee meeting on 9 December 2015. The Committee resolved to defer the application for the applicant to look into matters of access, parking and affordable housing. It was deferred again at the 21 January 2016 meeting. This report sets out the additional responses received from the applicant in respect of these three areas.

Access

The applicant has commissioned an independent review of the transport assessment which accompanied the original application. The report detailing the outcome of this review has been submitted as part of the application.

The report sets out that the proposed access has a width of 5.5 metres and this exceeds the minimum width that would normally be required (5m). In respect of visibility splays from the site, the report concludes that the splays provided (70m) exceed the minimum normally required based on this road (51m). The width of the footway to the site has been increased to 2m to meet requirements.

In respect of the existing single point of access, the report explains that there is no issue in principle with a single point of access and that 'even before the issue of the Manual for Streets guidance in March 2007 it was possible for up to 300 dwellings to be served by a single point of access'. The report states 'there is no technical justification for requiring a second access'.

Notwithstanding this, the report has also appraised whether two points of access on Barnet Road, or an access onto Elmbank Avenue, or an access onto Wellhouse Lane, would be possible.

Two points of access onto Barnet Road: Two accesses in such close proximity has the potential to introduce confusion for emerging vehicles over which access a vehicle indicating to turn into will be using. In addition, the second access would be opposite the access to The Arkley PH which would be undesirable from a highway safety perspective.

Access onto Elmbank Avenue: The site does not have a boundary with Elmbank Avenue and this option is unlikely to be easily available. Elmbank Avenue is narrower than Barnet Road and has high levels of on-street parking. It is a more constrained and less desirable access route.

Access onto Wellhouse Lane: The application site does not have a boundary with Wellhouse Lane. In addition, the plot of land between Wellhouse Lane and the application site is not within the applicant's ownership or control. The applicant has confirmed that the land to the south of the application site is leased to and occupied by a healthcare company who provide facilities management services to Barnet Hospital. The land is required by the company to run their operation and is on a 35 year lease (until 2034), so is not available to be used as an access to the development site. Furthermore, an access at Wellhouse Lane would mean most traffic would need to access the wider highway network via Wellhouse Lane and Elmbank Avenue. These are lower order roads than Barnet Road and have high levels of on-street parking. Therefore an access here would also be less desirable.

In relation to trip generation from the site, the review report explains that the original Transport Assessment overestimates the traffic generation from the site. It sets out that the lawful use of the site could generate 15-18 two-way movements in peak hours, and that the proposed could generate 20-21 movements in peak hours, therefore the proposed use would generate approximately two extra vehicle trips in the morning peak (one trip every 30 minutes) and six extra vehicle trips in the evening peak (one trip every 10 minutes) when compared to the lawful use of the site. The report concludes that the proposed development would have a minimum impact when compared to the existing/lawful use. The report also notes that 'even assuming that all traffic will be new, the traffic increases at local junctions should not be noticeable and certainly not severe'.

The transport review notes that the site is in a suitably accessible location for residents to take up opportunities for sustainable travel. The site is in close proximity (less than 200m) to bus stops and is a mile from Chipping Barnet Town Centre. Whilst High Barnet Underground Station is beyond the ideal walking distance to a station, local busses provide a connection to it. The development includes space for 228 bicycles to be parked. A travel plan accompanies the application and this is the appropriate means to encourage such opportunities to be realised. The development includes a footpath to facilitate safe walking from the development to nearby amenities. The path and surrounding roads include street lights which serve to make the routes feel safer and more useable. Residents will be informed of easy walking routes into the High Street, and of cycling routes to the development.

Parking

The application as submitted proposed a total of 135 parking spaces. This comprised 129 spaces for residents and 6 visitor spaces. The applicant has reviewed the parking situation on site and has introduced an additional 20 car parking spaces. This includes 7 additional parking spaces in the basement below Units 28-62 and 5 additional parking spaces in the basement under units 63-78. The remaining 8 additional parking spaces are distributed at surface level. The additional spaces are not considered to interfere with the root protection area of any protected tree within the site, and the method of construction would be secured by condition. The additional surface spaces are not considered to be detrimental to the character or appearance of the resultant site.

The Traffic and Development Team have confirmed that the parking provision of 155 spaces for the 114 proposed units is in accordance with the council's adopted parking standards, which recommend a range of 107.5 to 174.5 spaces for a development of this size.

The drawings indicate that of the 155 parking spaces, 129 would be allocated to residents and 26 to visitors. However it is noted that recommendation condition 20 requires the submission and approval of a Car Parking Management Plan. This would include further details on the location and layout of car parking spaces, the allocation of parking spaces, on-site parking controls, the method of enforcing unauthorised parking, the locations of disabled parking spaces, and the monitoring of electric vehicle charging points. This condition will enable the council to ensure that two parking spaces are allocated for each of the properties with 4 or more bedrooms and at least one space for each of the other properties.

Notwithstanding the above, the applicant's transport review report compares the adequacy of the proposed parking provision against car ownership levels identified using 2011 census data. This estimates a total of 109 vehicles for the 114 units. The census data does suggest that insufficient parking spaces would be provided for the three-bedroom

houses. However, given the number of unallocated spaces on the site, and that the final allocation would be secured by condition, it is considered that this matter could be addressed to ensure the three bedroom houses have adequate off-street parking.

Affordable housing

Policy DM10 of the Development Management Policies DPD states that having regard to the borough-wide target that 40 per-cent of housing provision should be affordable, the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units. The tenure mix which is sought is 60 per-cent social rented and 40 per-cent intermediate.

Following the Local Planning Authority's assessment of the applicant's Affordable Housing Viability Appraisal, the applicant has put forward an offer of a total of 24 affordable housing units to be provided. This comprises 21 per-cent of the total housing proposed. The affordable housing proposed includes 14 units for affordable rent and 10 units for shared ownership which reflects the 60-40 split required above. The LPA's assessment concludes that this is the maximum amount of affordable housing that can be provided on site subject to viability.

At the original committee meeting, questions were raised around the lack of key-worker housing proposed, with specific reference to workers at Barnet Hospital. It is noted that the application site is in private ownership, with no links at all to Barnet Hospital other than the geographical proximity. Therefore there are no planning grounds to secure any of the proposed housing solely for employees at Barnet Hospital.

Key worker housing no longer exists as a tenure, and therefore it is not possible for the proposed housing to be specifically allocated to key workers. Instead, provision for key workers is encompassed in intermediate housing. The councils housing allocations policy gives priority to applicants that live and work in Barnet, and also to working households. Therefore any staff from the hospital who are in housing need and have applied through the relevant routes may be eligible. However this in itself is not a material planning consideration, and is dealt with entirely separately from the planning system.

Other Matters

Waiting Restrictions

As previously noted, the Traffic and Development team consider that the development could encourage vehicles to park or unload on Barnet Road. In order to address this matter, there would first be an assessment and feasibility study undertaken by the Highway Authority, from which recommendations for the nature of waiting restrictions would be made. A public consultation would then be carried out in respect of any proposed changes.

In addition, the applicant has offered an additional contribution to increase the geographical scope of the assessment and feasibility study into waiting restrictions, to include part of Galley Lane. The assessment and study would be undertaken by the Local Highway Authority.

4 Response to Public Consultation

The comments received are addressed in the appraisal above, were addressed in the original committee report, or are addressed by means of planning conditions.

5. Equality and Diversity Issues

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

6. Conclusion

Having taken all material considerations into account, it is considered that whilst at the lower end of the public transport accessibility level, the proposed development would provide much needed housing to the borough, including family-sized housing units and affordable housing, would retain existing protected trees and provide a well-landscaped setting, would be of a high quality design, and would provide sufficient parking to comply with the council's parking standards. On this basis, subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers, on the setting of the conservation area or on highway safety. This application is therefore recommended for approval.



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