

**Location**                      **Westbrook Crescent Garages Barnet EN4 9AP**

**Reference:**                      **16/3385/FUL**                      Received: 24th May 2016  
Accepted: 25th May 2016

Ward:                              East Barnet                              Expiry 20th July 2016

Applicant:                      Mr

Proposal:                              Demolition of existing garages and erection of 2no semi-detached dwellinghouses for affordable rent with associated car parking and access, cycle storage, refuse storage and landscaping

**Recommendation:** Approve subject to 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 plans:

D-15-290-D10.01 Rev A; D-15-290-D10.02 Rev A; D-15-290-D10.10 Rev A; D-15-290-D10.11 Rev A; D-15-290-D10.50 Rev A; D-15-290-D10.100 Rev A; D-15-290-D10.101 Rev A; D-15-290-D10.102 Rev A; D-15-290-D10.200 Rev A; D-15-290-D10.300 Rev A; D-15-290-D10.500 Rev A; Design and access statement (BPTW); Flood Risk Assessment (Campbell Reith); Land contamination assessment (AGB Environmental); Planning statement (BPTW); Sunlight, daylight and overshadowing assessment (HTA); Sustainability statement (BBS Environmental); Transport Statement with parking survey (Campbell Reith); Tree survey/Arboricultural impact assessment with method statement (AGB Environmental) Topographical Survey (MSurv); Utilities - Site investigations report (Premier Energy Services);

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) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

- 4 a) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

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

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2011).

- 5 Prior to the commencement of development, details of the proposed fenestration including details of materials, glazing bars and frames and reveal depths shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed with the approved details.

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 2011.

- 6 Details of rainwater goods, soil and vent pipes, fixtures and fittings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant phase of the development. The development hereby approved shall be carried out in accordance with the approved details.

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 2011.

- 7 Refuse and recyclables storage shall be provided and made ready for use prior to the first occupation of the proposed development and shall be retained permanently thereafter.

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

- 8 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 9 The parking to be provided on the site for the purposes of serving the parking needs of the proposed development shall be provided and made ready for use prior to the first occupation of the site.

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 2011.

- 10 a) 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.

b) 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 2011.

- 11 The development shall be carried out in accordance with the details, recommendations and measures of the submitted Tree Survey/Arboricultural Impact Assessment and Method Statement (AGB Environmental)

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 2011.

- 12 Notwithstanding the approved plans and elevations, prior to the commencement of development, a proposed roof plan shall be provided indicating the design and position of the proposed photovoltaic panels to be installed on the roof surface of the proposed development. The development shall be constructed in accordance with these approved details and be retained permanently thereafter.

Reason: To ensure that the proposed development contributes to sustainable development and to ensure that the design and appearance of the proposed PV array does not harm the character and appearance of the building and the wider area to ensure that the development complies with Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.2 and 5.3 of the London Plan (2011).

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

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).

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order shall be carried out within the curtilage of the dwelling houses 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).

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

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

- 16 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 35% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 17 The proposed development of two new residential units shall be provided and retained in use as units of affordable housing in perpetuity in accordance with the Planning Statement (BPTW: May 2016). In accordance with the approved planning statement, these units shall be provided as affordable rent with a rent level of 65% for the purposes of accommodating residents of the Borough through a nominations process.

Reason: To ensure that the proposed development of affordable housing is permanently retained for the benefit of residents of the Borough in order to meet the the housing needs of the London Borough of Barnet and to comply with policies DM01, DM08 and DM10 of the London Borough of Barnet Local Plan Development Management Policies DPD (2012).

- 18 Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

## Part 2

d) Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

19 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan 2011.

20 a) No site works or works on this development including demolition or construction work shall commence until details of the temporary means of enclosure, including boundary treatments to neighbouring properties, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before site works including demolition and construction work commence, and retained as such throughout the demolition and construction period of the development.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of

traffic and conditions of general safety on the adjoining highway during the demolition and construction work in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

**Informative(s):**

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The 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](http://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.

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](mailto: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](http://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 exceptional 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](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](http://legislation.gov.uk)

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

- 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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 7294.

- 4 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 5 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via [crossovers@barnet.gov.uk](mailto:crossovers@barnet.gov.uk).
- 6 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 (including CLR11 'Model Procedures for the Management of Land Contamination');
  - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
  - 3) BS10175:2011 - 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;
  - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
  - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.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.
- 7 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 8 The applicant is advised that legal changes under The Water Industry (Scheme for the Adoption of Private Sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes, we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over/near-to agreement is required. You can contact

Thames Water on 0845 850 2777 or for more information please visit [www.thameswater.co.uk](http://www.thameswater.co.uk).

- 9 The applicant is advised that there are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of a public sewer. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.
- 10 The applicant is advised that it is their responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where you propose to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, and they can be contacted on 0800 009 3921. The above is in order to ensure that the surface water discharge from the site is not detrimental to the existing sewerage system.

## Officer's Assessment

### 1. Site description

The site consists of a small garage area on the eastern side of Westbrook Crescent adjacent to the junction with Lawton Road. The area is predominantly residential with two storey semi detached dwellings forming the main development typology in this area. There is a park with sporting facilities to the south and a school is located a short distance to the north of Westbrook Crescent. The site is a short distance from New Barnet local centre. The existing garages on the site are derelict and have largely fallen out of use. Land levels drop from west to east along Lawton Road towards Baring Road at the rear of the site. There is a bus stop at the south east corner of the site on Lawton Road although the site is in a PTAL 1b location. There site is not located in a conservation area and the application site does not contain any listed buildings or structures and is not located within the setting of a listed building. There are no trees which are the subject of a Tree Preservation Order on the site.

### 2. Site history

None

### 3. Proposal

Planning permission is sought for the demolition of the five existing garages on the site and the erection of a pair of semi detached dwellings arranged over one and a half storeys insofar as that the first floor is partially contained within the roof space. Additional outlook for the proposed accommodation is resolved by way of dormers over the eaves on the front elevation of the proposed development. Each property is a two bedroom, four person dwelling.

The proposed development is situated within a site area of 400 sq.m. Each property has an internal floor area of 87sq.m and the external garden area for each unit is 97sq.m and 107sq.m respectively. The properties have a short rear garden depth with the principal private amenity space being located to the side of each dwelling and subsequently enclosed. The garden depths to the rear boundary are 2.2m and 4.4m respectively. However, there are no windows in the rear elevation of the proposed development at the first floor level and the elevation to elevation distance is at least 26m. All windows within the proposed development at the first floor level will face towards the streetscene on the front elevation or the side elevation facing Lawton Road.

One car parking space is provided within the curtilage of the site at the front of the property. The proposed development is to be constructed from brick. The dormers are to be constructed from a dark grey metallic cladding material.

### 4. Public consultation

Consultation letters were sent to 93 neighbouring properties.

No responses were received from neighbours. A representation was received from the Thames Water which is set out below.

Thames Water - No objections, but acceptable surface water drainage will be required

Environment Agency - No objections, however, evidence should be provided, that in respect of the site's location in a Flood Risk Zone 2 area, that the relevant developer's standing advice is followed.

Environmental Health - No objection subject to conditions

## 5. Planning Considerations

### 5.1 Policy context

#### National Planning Policy Framework and National Planning Practice Guidance

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

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

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

#### The Mayor's London Plan 2015

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

#### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS10, CS11, CS15

- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM17

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

Policy DM04 states that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.

Policy DM17 states that the council will ensure that the safety of all road users is taken into account when considering development proposals, and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users. The council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

i. 2 to 1.5 spaces per unit for detached and semi detached houses and flats (4 or more bedrooms);

ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and

iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

2. Residential development may be acceptable:

i. with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be

demonstrated through a survey that there is sufficient on street parking capacity.

ii. with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

#### 5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of the development is acceptable

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

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

- Whether the proposals would provide an acceptable level of amenity for future residents

- Whether the proposals would have an acceptable impact on highway and pedestrian safety

- Whether the proposals would have an acceptable impact on security in the vicinity of the site

- Whether the proposals would make adequate provision for drainage

- Sustainability Issues

Whether the principle of the development is acceptable

Planning permission is sought for the erection of a pair of semi detached dwellings providing two bedroom four person units following the demolition of garages. The proposed development would be for the benefit of Barnet Homes and both units would be provided as affordable housing utilising an affordable rent product.

The National Planning Policy Framework promotes a presumption in favour of sustainable development requiring local authorities to permit development which accords with the development plan. A fundamental principle of achieving sustainable development, is the ability of a developer to provide housing, which is affordable and which meets local identified need on a previously developed site.

Policy DM08 (Ensuring a variety of sizes of new homes to meet housing need) states that development should where appropriate provide a mix of dwelling types and sizes in order to provide choice within the Borough, having regard to the borough wide target of 40% affordable housing provision. Policy DM10 (Affordable housing contributions) seeks the maximum reasonable amount of affordable housing to be provided on all new sites that provide 10 or more units, having regard to the Borough wide target for 40% affordable housing provision.

The site to which this application relates is considered to be previously developed land given that the development is to be carried out within the curtilage of an already existing residential development on an area of hardstanding. Furthermore, the all the proposed units are for affordable rent, exceeding the policy requirement for 40% on site affordable housing and exceeding the policy target for 60% of affordable housing to be social or affordable rent. The affordable rent level proposed for these units is 65% of the local market rent level which is lower than the 80% market rent threshold as defined in national planning policy. The units are therefore more affordable for future occupiers and will make a more significant contribution to a mixed and balanced community.

The recommendation for planning permission would be subject to a planning condition which would secure the units within the proposed development for the purposes of being affordable housing on an affordable rent product basis.

It is considered that the proposed development would provide a compelling factor in the consideration of all the relevant matters in the planning balance.

The applicants have established that two of the five garages on the site are vacant and the three remaining garages are occupied. It is believed that one is used for storage. The garages are considered to be too small to accommodate modern cars. However, given that the parking stress in the locality of the site is 41% it is considered that any overspill parking that may occur because of the loss of the garages (given that each new dwelling has a parking space) can be accommodated on the street. As a result, it is considered that the loss of parking is acceptable and the principle of site redevelopment for the purposes of residential development would be acceptable.

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

The proposed development would consist of a pair of demi detached dwellings constructed from brick. This design would be consistent with the character of the wider area and the spatial pattern of development around Westbrook Crescent, Lawton Road and Baring Road. The proposed building line and ridge line would be consistent with that within Westbrook Crescent and the proposed development would replicate the junction of Westbrook Crescent and Lawton Road directly opposite the site.

The proposed development is constrained to some extent by the short depth of the plot and therefore the relationship with the properties to the rear in Baring Road. This results in a design that is required to protect the amenity of residents within Baring Road to the rear

and 2 Westbrook Crescent to the north. The resulting design includes no windows to the rear elevation and the front elevation incorporates dormer windows that override the eaves line. The proposed development also features gable ends rather than hipped roofs. However, there is a mixture of both gable ends and hipped roofs in the locality and it is considered that the proposed development would not be out of keeping in this respect. The treatment to the front elevation at the eaves level is considered to deviate from the established character in Westbrook Crescent, however, it is not considered that this design detracts from the character and appearance of the area. However, this proposal should not be seen as a precedent for future development that may come forward in the street in relation to front facing roof extensions.

Nevertheless, the height and width of the proposed development and the spaciousness to the front and its sides would ensure that the proposed development does not appear visually dominant or overly large within the plot. The use of materials consistent with those used in the area as well as front garden areas emphasise the acceptable appearance, size, scale and massing.

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

The proposed development has been designed to prevent any harmful impact on the amenity of adjoining residents. While it is acknowledged that the proposed development would be two storeys within a very short garden depth to the rear, it is considered that no harm in relation to sense of enclosure, loss of privacy through overlooking or loss of light would occur.

In order to incorporate a front garden and on site parking as well as respect an established front building line, the proposed development has been set back within the site. This results in short garden depth that varies between 2.2m to 4.4m at its deepest. Generally, this would result in non compliance with the Council's SPD in respect of garden depths to rear boundaries to prevent overlooking. However, the scheme does not propose rear elevation windows. The ground floor windows would be enclosed by a boundary treatment to a height of no less than 1.8m which would prevent overlooking with subsequent loss of privacy. The rear elevation of the proposed development would be 26m from the rear elevation of the proposed development and as a result, would exceed the relevant standard. The distance from the rear elevation combined with the 7m height of the building would also negate concerns about a possible sense of enclosure. In respect of sunlight and daylight, the BRE Guidelines for sunlight and daylight in site layout planning suggest that where the distance of a building to the nearest affected window is more than 3 times the height of the obstruction, it is unlikely to give rise to any harm to sunlight and daylight.

2 Westbrook Crescent is located directly to the north of this site and at their closest point, the buildings are 8m apart, Due to the curvature in the road this gap widens towards the rear to 11.5m. The footprint of the proposal is only half the depth of the neighbour and as such, would not project beyond the rear building line. The proposed development would therefore not be visible from primary habitable room windows in their rear elevation. With no windows above ground floor level in the northern flank elevation, it is considered that the proposed development would have no harmful impact on the amenity of this property.

Whether the proposals would provide an acceptable level of amenity for future residents

Each of the proposed units exceed the internal space standard for two storey two bedroom four person dwelling houses. Each unit has an internal floor area of 87 sq.m with the

standard for such a dwelling being 79sq.m. With the external garden area being 97sq.m and 107sq.m respectively, it is considered that the private garden areas would be acceptable. Subject to being enclosed by appropriate boundary treatments the proposed garden areas would be acceptable. All living spaces at ground floor would be dual aspect and all bedrooms would have windows facing west. As such, it is considered that all habitable rooms would be satisfactorily served by daylight and sunlight and would not endure unacceptable standard of enclosure.

Whether the proposals would have an acceptable impact on highway and pedestrian safety

Policy DM17 states that for one and two bedroom units, parking should be provided at a ratio of up to 1 space per unit. This would result in the need to provide at least one car parking space. Each unit would be provided with an off street car parking space at the front of the property.

The proposal would result in the loss of five garages, two of which are known to be vacant. One more is used for the purposes of storage. This gives rise to the implication that the remaining two garages may still be used for the parking of a car, although it is considered that these garages constructed several decades ago would be too small to be able to park a private car. Nevertheless, the applicants have carried out a parking stress survey which demonstrates that the parking stress in the area is only 41%. This is significantly below the standard where on street car parking demand becomes unmanageable. As such, any overspill parking resulting from the loss of the garages can be accommodated on street. Each unit has provision for cycle parking. Refuse collection can be undertaken from kerbside.

Whether the proposals would make adequate provision for sustainable drainage and flood risk alleviation.

The site is highly vulnerable development. It is located within Flood Risk Zone 2 according to correspondence from the Environment Agency which is contrary to the applicant's assertion. The Environment Agency has requested that the proposed development should be carried out in accordance with standing advice for developers from the agency. In this respect, the recommendation for planning permission should be subject to a condition requiring the submission of a statement demonstrating compliance with this advice.

### Sustainability

The applicant's energy strategy has demonstrated that the proposed development would result in a decrease of over 35% in respect of Carbon Dioxide above and beyond the 2013 building regulations. A large part of this saving arises from the use of photovoltaics at roof level.

Changes to the accessibility standards which replace Lifetime Homes, which were introduced in 2015 now require developments to provide step free access to dwellings. Where these entrances are above the ground level access, these should then be provided with a lift to provide access. Each dwelling house would be provided with step free access from the street and would therefore qualify as M4(2) accommodation which would be acceptable. Both properties would also have toilets on the ground floor.



The planning statement confirms that the proposed development would accord with the London Plan Standard in relation to water usage per occupant.

## CIL

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail.

The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet.

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013 at £135 per sqm.

However, as the development is for social housing floorspace, the CiL regulations (2010) exempt such development from being liable.

## Response to public consultation

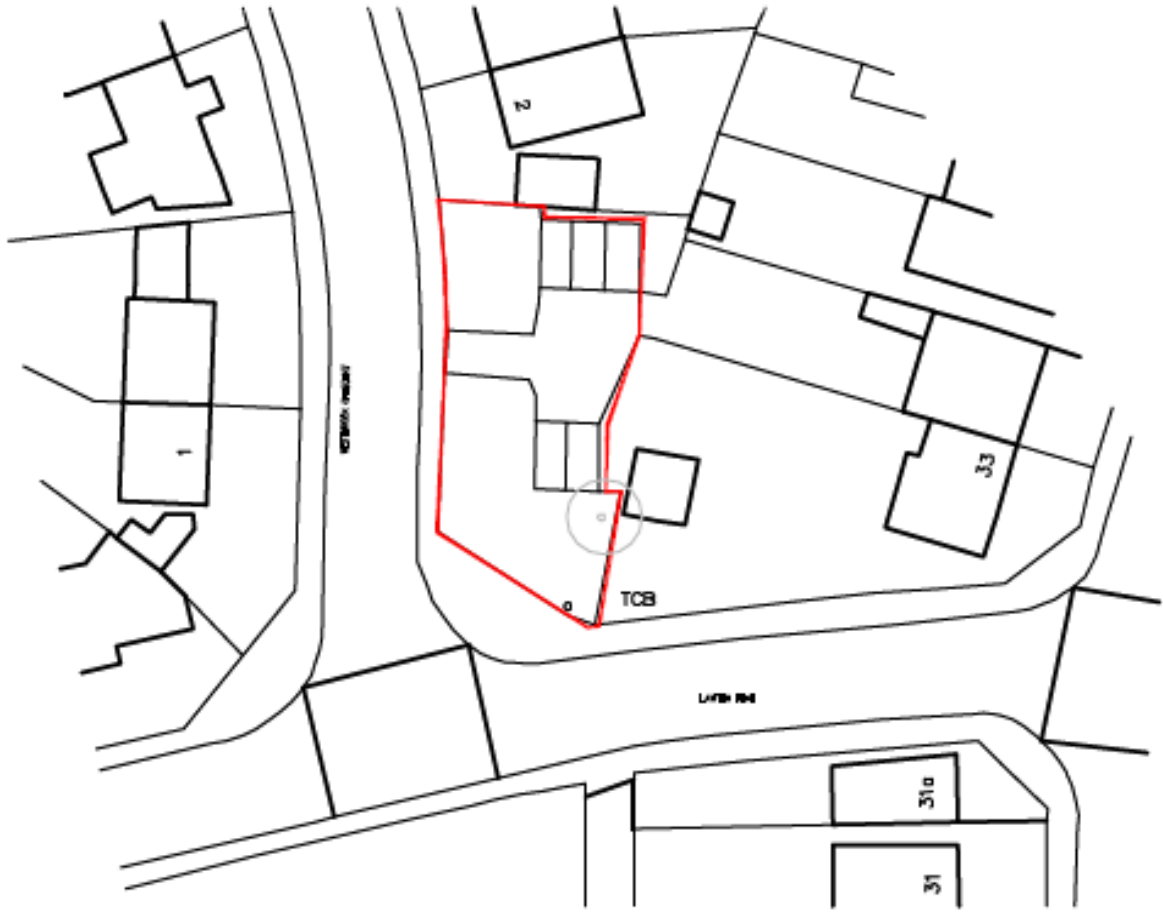
No objections were raised

## 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.

## Conclusion

Having taken all material considerations into account, it is considered that the new application satisfactorily addresses the previous reasons for refusal and is therefore considered subject to recommended conditions to comply with the Adopted Barnet Local Plan, London Plan and National Planning Policy Framework policies. This application is therefore recommend for approval.



## Barnet Homes

Barnet House, 1255 High Road, Whetstone, London N20 0EJ



Barnet Homes is a wholly-owned subsidiary of Barnet Council, responsible for the management and maintenance of the Council's 15,000 rented properties and is in the process of setting up a new Registered Housing Provider, Opendoor Homes as a subsidiary, committed to providing affordable housing in line with National and Local Planning Policy objectives.. Opendoor Homes' intends that its first programme of homes, funded by a loan from Barnet Council, will be let at affordable rents. This position will be protected by the terms of the loan agreement and by the transfer of sites from Barnet Council. The homes have been designed specifically to meet affordable housing standards with a mix of types of homes that has been agreed with Barnet.

As part of the requirements of registering Opendoor Homes with the Homes and Communities Agency, Barnet Homes, as developer, has asked its professional consultants to prepare cost plans to inform Opendoor Homes' business plan and to make sure that development of the sites is financially viable. The loan from the Council to Opendoor Homes and the development arrangements include specific obligations on Opendoor Homes that secure further financial benefits to the Council in the future, these include on lending contributions and annual "dividend payments.

The above is set out to provide an overview to the Councillors to recognise the constraints the Opendoor Homes development pipeline is under and the amount of control and the relationship between Opendoor Homes and Barnet Council.

In return, the Council is transferring the sites to Opendoor Homes at nil value and continues to support the development process in order to fulfil its ambitions to reduce homelessness and the General Fund bill within the Borough.

Opendoor Homes will provide affordable homes in line with its responsibilities as an RP, but its responsibility is independent of planning policy.

National Planning policy is that a S106 agreement or contributions for affordable housing should not be requested for schemes of under 10 units gross, or less than 1,000m<sup>2</sup>, notwithstanding that the applicant is Barnet Homes.

For larger sites, Barnet's adopted planning policy (DM10) sets a Borough wide target of 40%, and Barnet Homes/Opendoor will enter into s106 obligations to deliver this planning policy compliant level of affordable housing provision on site, which is safeguarded in the loan agreement between the Council and Opendoor Homes.

We believe a more onerous S106 than this on these sites would reduce Opendoor Homes ability to use these sites to raise future further funds to provide more homes and may impact on the future business plan of Opendoor Homes to support the existing benefits agreed. The sites are being transferred to Opendoor Homes to be used as an asset that future funds could be raised against it to provide further homes. Should Planning put S106 conditions over and beyond the standard criteria on these schemes then they are restricting our ability to realise further funds to provide further homes.

[www.barnethomes.org](http://www.barnethomes.org)

Barnet Homes Limited, Registered in England No. 04948599  
Registered office: Barnet House, 1255 High Road, Whetstone, London N20 0EJ  
Barnet Homes Limited is a company controlled by the London Borough of Barnet

## Barnet Homes

Barnet House, 1255 High Road, Whetstone, London N20 0EJ



Opendoor Homes wishes to have its applications considered on the same basis as other registered providers operating within Barnet. We are happy with a S106 agreement that targets a minimum of 40% affordable housing in perpetuity on all these sites that yield over ten homes. This allows Opendoor flexibility over the remainder of the site with the possibility to cross-subsidise across the development pipeline through selling a home in a high value area and borrowing against this valuable asset in order to build more homes than the original 326 identified for the current programme.

Opendoor Homes can enter into a S.106 Agreement with the Council because it is a separate legal entity. It will be registered by the Homes and Communities Agency as a provider of affordable housing. Council members have raised concern that not securing affordable housing through a S106 agreement would expose the schemes to the new extension of the Right to Buy scheme to registered providers. Whilst this is possible it is considered that the loss of some units would be balanced by the potential to build many more homes, using the equity in the unsold homes as collateral.

Opendoor Homes has an ambition to provide 750 homes by 2020. Some may be built on sites bought on the open market. Opendoor Homes will be unable to buy these sites if the residual value is based on a higher than policy-compliant number of affordable homes. This would put us at a disadvantage not only with private sector developers but also other RP's.

It is proposed that no legal requirement is drawn up to restrict the tenure for smaller schemes of 10 and fewer units. This complies with the policy threshold. In spite of this, Opendoor Homes have every intention to continue letting these homes / this house at affordable rent levels as enshrined in the Nominations Agreement with the Borough (see below)

We have attached a standard nominations agreement received from Barnet Council's Social Housing Co-ordinator that Opendoor Homes will sign up to. It should be noted that nominations to Barnet will be protected on all S106 schemes and all existing and future schemes in perpetuity as we are funded by Barnet Council and benefit from discounted/free land.

Opendoor Homes and Barnet Council will benefit greatly from working together and aligning to the Council's strategic affordable housing policy target:

- Greater flexibility where a cash injection is required to plug a funding gap
- Future investment funding through loans based on the capital asset
- A level playing field with other RPs and developers.
- Delivery of the maximum amount of affordable housing in the future

Author: Meera Bedi 26/08/2016

[www.barnethomes.org](http://www.barnethomes.org)

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