

Location **Reets Farm Close Garages Land Adjacent To 19 Reets Farm
Close London NW9 7HN**

Reference: **16/3724/FUL** Received: 7th June 2016
Accepted: 13th June 2016

Ward: West Hendon Expiry 8th August 2016

Applicant: Ms Sally Young

Proposal: Demolition of existing garages. Erection of a single storey, two
bedroom, wheelchair accessible bungalow for affordable rent.
Associated car parking, landscaping and waste storage facilities

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

A_BA2-S15_DR_0001; A_BA2-S15_DR_0300 rev A; A_BA2-S15_DR_0301;
A_BA2-S15_DR_0400; A_BA2-S15_DR_0200 rev a; A_BA2-S15_DR_0100 rev A;
Arboricultural Impact Assessment (AGB Environmental); Design and access
statement (HTA Design); Planning Statement (HTA Design); Transport Statement
(Vectos); Utility record search (Premier Energy Services); Daylight and Sunlight
assessment (HTA Design); Sustainability statement (BBS Ltd)

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).

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

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

- 3 a) No development shall take place until details of the levels of the building(s),
road(s) and footpath(s) in relation to the adjoining land and highway(s) and any
other changes proposed in the levels of the site have been submitted to and
approved in writing by the Local Planning Authority.

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

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

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

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

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

5 a) Notwithstanding the details submitted with the application and otherwise hereby approved, prior to the commencement of the relevant phase of the development (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).

6 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the relevant phase of the development.

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.

7 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).

8 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, B, C, D and E of Part 1 of Schedule 2 of that Order shall be carried out within the curtilage of the property without the prior written permission of the Local Planning Authority.

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

9 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).

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

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 11 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of any of the new dwellings (Use Class C3) permitted under this consent, the dwellings shall have been constructed to meet and achieve all the relevant criteria of Part M4(3) of Schedule 1 to 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) prior to the first occupation of either of the new dwellings (Use Class C3) permitted under this consent. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 12 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 34.25 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 13 Before the development hereby permitted is occupied cycle parking spaces as per the submitted planning application shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13 , CS14, DM01, DM04 and DM17 of the Barnet Local Plan and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

15 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 2011.

- 16 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as shown on the tree protection plan approved under Condition 1 of this permission 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 permission.

Reason: To safeguard the health of existing tree(s) 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 (adopted September 2012) and Policy 7.21 of the London Plan 2015

17 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 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.
- 3 If the development is carried out it will be necessary for any existing redundant vehicular crossovers to be reinstated to footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the

Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South London, N11 1NP

- 4 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 5 Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 6 The applicant is advised that for construction works adjacent or affecting the public highways, the council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary.
- 7 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 8 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 9 The applicant is advised that any works required on public highway to facilitate the development will require a separate agreement with the Highways Authority under S184 or S278 of the Highways Act 1980.
- 10 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

1) The Environment Agency CLR & SR Guidance documents (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.

In addition, the applicant is advised that the building on site may contain asbestos. Advice on removal is available at: <https://www.barnet.gov.uk/citizen-home/environmental-health/pollution/hazardous-substances/asbestos.html>

Reference should be made to the uncovering and disposing of asbestos in complying with the contaminated land conditions part 1 and 2.

- 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.

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 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.

- 13 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.
- 14 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.
- 15 The grant of planning consent confers no rights for any work to be undertaken to a tree on public highway land and you are advised to consult the Council's Principal Arboricultural Officer - Greenspaces and Streets prior to taking any further action
- 16 The applicant is advised that the garages on site may contain asbestos. Advice on removal is available at: <https://www.barnet.gov.uk/citizen-home/environmental-health/pollution/hazardous-substances/asbestos.html>
- 17 Prior to the commencement of the development hereby approved, details and statutory orders of any highways required to be stopped up to facilitate the development shall made under Section 247 of the Town and Country Planning Act 1990. These shall be submitted to and agreed with the Local Planning and Highway Authority.

Officer's Assessment

1. Site Description

The application site measures 0.06ha and consists of a cul-de-sac containing 16 residents garages at the end of Reets Farm Close. Pedestrian and vehicular access to the site is gained from Fryent Grove along an existing adopted road that serves a small number of bungalows around a public amenity area. The site is bounded on all sides by existing residential development. The immediate street block around the site consists of Goldsmiths Avenue, Fryent Grove and Hyde Crescent. The site is located to the western side of the A5, close to the boundary with the London Borough of Brent. The surrounding area is principally residential, although, because of the close proximity to the A5, there are commercial employment and retail uses in the vicinity.

With the exception of the properties in Reets Farm Close which are bungalows, the properties surrounding the site are two storey semi detached and terraced dwellings. Brick is the principal materiality in the area. The site is not within a conservation area and there are no listed buildings on or adjacent to the site which may be affected by the proposed development. There are no trees subject to a Tree Preservation Order. However, there are trees around the periphery of the site which form significant features within the locality. There is a substation at the eastern end of the site which would be retained. Access to the substation would also be retained as is currently the case.

The site is located within a Flood Zone 1, according to the Environment Agency's Flood Zone Maps. As such, there is no significant risk of flooding.

The site is located in a PTAL 2 location (where 1a is low and 6b is high). However, there are bus stops within close proximity to the site on Kingsbury Road and The Hyde. Hendon railway station is a short distance away.

Most properties around the site have off street car parking by way of an area of hard standing within the front garden of the property. On street car parking is also available.

2. Site History

No history of relevance for the garages site.

3. Proposal

The application seeks planning permission for the demolition of all the existing garages and the erection of one detached single storey bungalow. The proposed dwelling would be orientated so that its front elevation would face towards the southwest. The proposed development would be constructed from brick and would have gable ends on its front and rear elevations with a central ridge line running southwest to northeast.

The proposed development be a two bed three person wheelchair dwelling house and would have an internal floor area of 71.4sq.m with a surrounding garden area of 171sq.m. The site outline runs along an existing wall that separates a terrace of bungalows overlooking the site. Refuse and cycle storage would be located on the opposite side of this separating wall as well as a disabled parking space. At its closest the proposed development would be 12m from the edge of the building at 19 Reets Farm Close, noting that the principal habitable room windows overlook the open space to the west rather than the development. The proposed development would be at least 23m away from the rear

elevations of properties in Hyde Crescent and Goldsmith's Avenue. As well as the landscaped rear garden, the proposed development would lead to the resurfacing of the access road to the substation and the approach to the proposed dwelling. The proposed dwelling would be 8m distant from the substation.

4. Public Consultation

Consultation letters were sent to 156 neighbouring properties.

A site notice was erected on 23 June 2016.

6 responses have been received, comprising 5 letters of and 1 letter of support.

The objections received can be summarised as follows:

- o The proposed development would result in a loss of privacy
- o The proposed development would reduce sunlight to neighbouring properties
- o The removal of the garages would result in the loss of the boundary walls to surrounding properties giving rise to a reduction in security.
- o The proposed development would give rise to more refuse being stored externally close to surrounding properties. This would increase odours and other amenity harm.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital 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.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their 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.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted 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 harm would be caused to the character and appearance of the the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

- Whether harm would be caused to the living conditions of future residents.
- Whether harm would be caused to the health and quality of trees
- Whether the development would impact traffic and highways to an unacceptable level

5.3 Assessment of proposals

Principle of development and redevelopment of the site

For areas such as the application site policies CS1 and CS3 of the Barnet Core Strategy expect new developments to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

The proposed development would result in the demolition of the 16 existing garages on the site and their replacement with a single bungalow. This property would be developed by Barnet Homes and would be specifically constructed for wheelchair housing.

An assessment has been made of the existing car parking by the applicant. The planning statement provided with this planning application indicates that of the 16 garages, 7 of them are vacant. Of the remaining 9 garages, three are let to people who live more than 500m away and on this basis, it is unlikely that these garages are used for parking of cars. Furthermore, the existing garages are unlikely to be able to accommodate private cars and are more likely to be used for storage by residents. There is no presumption against the loss of facilities within Development Plan Policy. Finally, the garages are considered to be in a poor state of repair and not fit for purpose.

The application site has not been identified for any specific use in development plan planning policies, is previously developed land and is situated in an area characterised by residential housing. The land is located within walking distance of a number of bus stops, is close to local amenities and utilises existing access off Quinta Drive.

In such circumstances, Planning Officers find that there is nothing to specifically preclude the redevelopment of the site in the broadest sense, subject to the scheme proposed being compliant with the relevant development plan policies.

As such the principle of redevelopment of the site is deemed acceptable.

Affordable housing

The National Planning Policy Framework and the National Planning Policy Guidance states that where small scale development of less than 11 units come forward for determination, they should not need to make a contribution towards either affordable housing or other tariff style obligations.

Policy CS4 of the Core Strategy DPD (2012) seeks to ensure a mix of housing products in affordable and market sectors to provide choice for all households. 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.

Policy 3.10 of the Mayor's London Plan (2015) states that affordable rented housing should meet the criteria outlined in Policy 3.10 and be let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

During the pre-application phase and within the application documentation, Barnet Homes have advised that the proposed residential accommodation coming forward for all the sites for both the DCLG defined categories of major and minor applications would be delivered as affordable housing. These units would be brought forward as affordable rent with a rent level indicated as being 65% of the market rent. Based on this commitment, the provision of affordable housing constituted a significant material consideration which was dominant in the planning balance evaluation if there were any disbenefits associated with particular schemes.

The applications which have been submitted by Barnet Homes are at present a mixture of small schemes of less than 11 units (so far forming the greater majority) and a small number of major schemes delivering 11 or more units. Nevertheless, all the applications which have been put forward to the Planning and Environment Committees on 14 and 27 July, contained a planning condition which the applicant to enter into a legal agreement to secure affordable housing on an affordable rent basis at 65% of market rent. The planning consultants representing Barnet Homes are firmly of the view that the amendment to the NPPG following the *West Berkshire District Council and Reading Borough Council v Secretary of State for DCLG* means that the Council should not be seeking to secure affordable housing by condition or by legal agreement for the smaller schemes. In addition, the applicant is of the view that the imposition of a requirement to enter into a legal agreement to secure affordable housing would have an impact on the ability of the developer to secure the levels of further funding to provide more homes in the future.

Barnet Homes is a wholly owned subsidiary of Barnet Council, responsible for the management and maintenance of the Council's 15,000 rental properties. Barnet Homes is in the process of setting up a new Registered Housing Provider known as Open Door Homes as a further subsidiary, committed to providing affordable housing. Utilising a loan from Barnet Council, the first programme of homes will be let at affordable rents. This position will be protected by the terms of the loan agreement and by the transfer of the sites from Barnet Council. Barnet Homes are therefore contractually obliged to provide affordable (rent) housing.

With respect to the larger sites where both Local Plan Policy DM10 supported by the London Plan and the NPPF states that there is a Borough wide target to bring forward 40% of new dwellings in a tenure that meets the definition of affordable housing in the NPPF. Barnet Homes is willing to enter into a legal agreement to secure these units. Barnet Homes and subsequently Opendoor have indicated their willingness to enter into a legal agreement in order to deliver a policy compliant affordable housing level. However, as stated, an onerous legal agreement would reduce the ability of Opendoor to raise future funds to continue the development cycle. Barnet Homes have a programme to deliver 326 affordable homes in order to alleviate homelessness in the borough. However, some sites may not be able to deliver the 100% provision on all sites and the monies raised will enable Barnet Homes to deliver more than the identified 326 units.

Barnet Homes recognises the concern that affordable housing secured outside of a legal agreement under Section 106 of the Planning Act, would be susceptible to disposal

through Right to Buy, however the monies raised will be recycled for further investment and further build.

The overarching aim of Opendoor Homes is to build 750 units by 2020. Some dwellings will be delivered on the open market which will not be possible if the land value is based on having to provide affordable housing above policy. However, despite the absence of a legal agreement, Opendoor have every intention to provide affordable housing at affordable rent levels based on a local nominations agreement.

Ultimately, the provision of no affordable housing units on the smaller sites and the provision of at least 40% of units in affordable tenure on the larger sites would be policy compliant in respect of all the relevant tiers of policy. Nevertheless, an interpretation of the NPPF and NPPG would suggest that contributions or provision should not be sought, as opposed to must not be sought. As such, the Council could be entitled to secure affordable housing through a legal agreement on the smaller schemes. Furthermore a Council may be able to seek affordable housing at a proportion greater than 40% just as a developer may choose to deliver housing in affordable housing on a small scheme or at a ratio of greater than 40% on larger schemes.

Undoubtedly, the position promoted by Barnet Homes since their engagement with planning officers in December 2015 has been based entirely on a 100% affordable housing provision. Supporting planning documents including the planning statement and the application form has been clear in stating that it is the intention to provide this. The applications came before Committee carrying a condition seeking a legal agreement.

Nevertheless, there is a clear intention to provide affordable housing through other means and securing this for at least the first occupants under a Barnet Nominations procedure. The schemes, both small and large are policy compliant. Barnet Homes will be providing affordable rented housing on these sites although Members are being asked to consider these schemes purely on the basis of them being new dwellings only. Barnet Homes will be able to secure and raise funding on more advantageous site values allowing them to invest and earn greater sums of money. This would enable Barnet Homes to deliver effectively the stated aim of 326 units in this next phase and 750 in total by 2020. In a holistic view, this is a tangible planning benefit and it is considered that there would be an inherent risk to the programme that could be compromised.

On balance, the amended approach is considered to be acceptable.

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

Design, appearance and character matters

The National Planning Policy Framework (published in 2012) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development.

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

The locality and wider area consists of low density residential development within an open and spacious character comprising two storey semi-detached properties and short terraces.

The application proposes a single storey, detached bungalows which would be subordinate within their context and respect the spacing in this area. The proposed dwelling would have pitched roofs, with ridges and gables. In terms of height, size, scale and massing it is considered that these proposed dwellings would not detrimentally harm the local character.

Given the removal of a number of garages and existing hardstanding, and their replacement with the single-storey dwelling and associated soft landscaping, it is considered that the proposed development would improve the character and appearance of the application site.

In terms of their design and appearance, the proposed building would reflect that of the surrounding properties. Design features of the proposed dwelling include pitched tiled roofs; gable ends; glazing; and red brick elevations with linear brick detailing. Such features are considered to respond positively to its context and are found to have an acceptable relationship with the neighbouring buildings and spaces.

Conditions have been recommended to ensure that the materials used in for the new building are of an appropriate quality. Conditions are also recommended to ensure that a suitable design and quality of materials are used for the areas of hard and soft landscaping around the new building and means of enclosing the site.

Subject to the conditions recommended, the proposal is found to be acceptable and compliant with development plan policies as they relate to design, character, appearance and landscaping matters.

Quality of accommodation for future occupants

Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings and outdoor amenity space.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new residential accommodation. The council also has adopted SPD's (entitled Sustainable Design and Construction and Residential Design Guidance) providing more detailed guidance on a range of matters related to creating new residential accommodation in addition to the Mayors adopted SPG's (entitled Housing).

Dwelling size:-

The unit proposed would have gross internal areas which exceed the requirements of the London Plan for a dwelling of that type.

Dwelling layout and outlook:-

Development plan policy requires that new dwellings are provided with adequate outlook. The design approach proposed maximizes the outlook of occupiers of the new dwellings,

while also taking account of the need to prevent unacceptable levels of overlooking at neighbouring properties.

The bungalow is multi-aspect with at least one façade orientated south-west or east-west, and will feature a sufficient amount of glazing.

It is considered that the dwelling proposed in this instance has an acceptable degree of outlook.

External amenity space provision:-

The proposed dwelling would have access to a substantial area of open space with a provision of over 170 sq.m of private garden space which would exceed requirements set out in the London Plan.

Privacy and overlooking:-

It is noted that Table 2.4 of Barnet's Sustainable Design and Construction SPD (2013) states that in new residential development there should be a minimum distance of 21 m between properties facing windows to habitable rooms to avoid overlooking and 10.5 m to a neighbouring garden.

Properties in Goldsmiths Avenue and Hyde Crescent would all be at least 22m away and would therefore have negligible impact on these properties. However, the proposed development would result in the demolition of the garages, removing the means of enclosure, privacy and security that these properties currently enjoy. Given the importance of protecting residential amenity a condition will be imposed on the planning permission requiring a robust temporary means of enclosure during the construction and a means of enclosure that is of equivalent type or better following the completion of development.

The nearest properties are 17 to 19 Reets Farm Close which are currently separated from the garage and parking courts by a boundary fence. These properties are approximately 12m away from the nearest point of the proposed development. These bungalows have windows facing the development however, these are not the main habitable room windows of the bungalows. Nevertheless, the separating means of enclosure prevents harmful amenity impacts between properties.

Daylight and sunlight:-

The submission documents include an assessment of the levels of daylight and sunlight that would be received in the habitable rooms of the dwelling proposed. This was carried out by HTA Design LLP.

The evaluation found that all of the habitable rooms proposed would be provided with excellent levels of daylight and adequate levels of sunlight throughout the year. The proposal is found to be acceptable in this regard.

Accessibility: -

The proposed development has been designed for and would be constructed for occupation by a wheelchair user. The proposed development would therefore be constructed in accordance with standard M4(3). The proposed development should therefore be welcomed in its ability to contribute to the full variety of housing stock in the Borough, thereby providing for balanced and mixed communities.

Conclusions on the amenities of future occupiers:-

For the reasons set out above the development, as controlled by the conditions recommended, is found to be compliant with development plan policy.

Impact on amenity of neighbouring occupiers

Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users.

As single storey dwellings which would be bounded by the rear gardens of neighbouring properties, it is considered that the proposed development would not give rise to a harmful impact on the residential and visual amenities of adjoining occupiers.

As stated above, the bungalow would be at least 22m distance from properties in Hyde Crescent and Goldsmiths Avenue. Existing boundary treatments would mitigate any harm even though these distances are greater than those set out in the Supplementary Planning Document.

By virtue of the proposed dwelling's design, height, massing and an inset from adjoining boundaries, it is not considered that the dwellings would impact the amenity of neighbouring properties to an unacceptable level.

The submission documents include an assessment of the proposals impact on daylight and sunlight of the neighbouring residential properties, produced by HTA Design LLP. The report concludes that the criteria relating to both daylight and sunlight would be met and that there would be no significant adverse impact on the daylight or sunlight received at neighbouring residential properties. Officers accept the findings of this assessment and conclude that the application is acceptable in terms of its impact on the daylight and sunlight received at neighbouring properties.

Officers consider that the occupation and natural surveillance that would come from these proposed dwellings and their private gardens, would provide a greater sense of security for occupiers at the neighbouring properties, compared to the existing garages.

In conclusion, the proposed development is considered to be acceptable and compliant with the relevant development plan policies in regards to the amenities of neighbouring and surrounding occupiers.

Highways and Parking

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 (Travel impact and parking standards) of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

The development site is an existing garage court accommodating 16 garages. Pedestrian and vehicular access to the site is gained from Fryent Grove by way of an existing access road. The Public Transport Accessibility Level (PTAL) for the site is 2 (where 1a is low and 6b is high).

1 parking space is being proposed in total (1 parking space per dwelling). No replacement parking is being proposed for the existing garage parking.

A Transport Statement has been submitted to accompany this application.. Barnet Homes have confirmed in the Transport Statement that the existing garages are considered sub-standard as they are not suitable for parking standard vehicles nor do they allow comfortable access to/from the vehicles. Barnet Homes have also advised that, of the 9 garages leased, it is likely that many are used for storage purposes, and not parking.

Taking into consideration the PTAL rating of 2 for the site, Highways Officers have considered that the parking provision proposed for the dwellings is in accordance with the Barnet Local Plan, Development Management policy DM17.

Access will be from Reets Farm Close via the existing access road. Conditions are recommended to ensure that refuse collection points are within an adequate distance of the public highway as well as easily accessible for users of the property.

Cycle parking in accordance with the requirements of the London Plan will be provided as part of the proposals.

In conclusion, subject to the conditions recommended, the proposal is considered to be acceptable and compliant with policy in respect of parking, highways and transport matters.

Refuse and recycling

Refuse and recycling storage has been provided for the dwelling. Notwithstanding the details on the plans submitted, a condition has been recommended to secure satisfactory refuse and recycling facilities are provided at the proposed development.

Trees and Landscaping

Policy DM01 identifies that proposals will be required to include hard and soft landscaping and states that trees should be safeguarded.

There are no trees currently on site. There are tree outside the site in neighbouring properties rear gardens. No trees on neighbouring sites are subject to a Tree Preservation Order. It is not proposed to remove any neighbouring trees.

An Arboricultural Impact Assessment accompanies the application, produced by agb Environmental Ltd. The Report states that some reduction would be required to two trees, involving the south-west crown fact of T3, Lawson's cypress, and the east crown face of T8, Ash, in order to prevent obstruction to new parking and access, and provide clearance for construction.

The report specifies the protection measures to be implemented in order to ensure that there is no negative impact on any trees during the construction of the proposed development. These are considered acceptable by Officers.

Conditions have been recommended to ensure that the landscaping finally installed is of an appropriate design and quality and makes a positive contribution to the area. Subject to these conditions, trees and landscaping matters are deemed acceptable.

Sustainability

In regards to water usage, a condition has been attached to ensure the proposed dwellings are 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 Regulation.

The agent has confirmed in writing that the proposed development will achieve over 35% carbon dioxide emission reduction when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. A condition has been attached accordingly.

Contaminated Land

Garages such as those proposed have often been constructed using asbestos materials and their demolition may require statutory controls. The planning permission will be subject to a condition requiring that investigations accompanied by appropriate mitigation is carried out.

The proposed development is located within 8m of a substation. This substation is not located in a fully enclosed facility and is an open structure. It is recommended that further information to analyse the likely impacts on amenity arising from electro magnetic currents generated by the substation. This information should be submitted to the Council in order to discharge an appropriate condition with the objective of protecting safety and amenity.

Safety and Security

The design and layout of the development proposed is considered to be such that it would provide a safe and secure environment for users of the proposed buildings and surrounding properties. As stated above, a condition will be added to the permission addressing the removal of existing boundaries during construction, securing restoration of a boundary treatment to protect the security of existing residents and also a permanent means of enclosure for adjoining residents once the development has been completed.

Barnet and Mayoral Community Infrastructure Levy

The proposed development is liable for charge under the Barnet Community Infrastructure Levy (CIL) and is liable for charge under the Mayoral CIL.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sqm 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 sqm on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

5.4 Response to Public Consultation

- The proposed development would result in a loss of privacy

The proposed development would be contained entirely by surrounding boundaries. An occupier will not be able overlook adjoining properties in Hyde Crescent, Reets Farm and Goldsmiths Avenue. There would also be a removal of permitted development rights which would prevent any alterations to the dwelling house which would permit overlooking to occur.

- The proposed development would reduce sunlight to neighbouring properties

The development would be single storey. The development would be higher than the existing garages. However, as these garages run around the perimeter of the site, and the development is centrally located, the impact on these adjoining properties would be very limited. The distance of 22m to Goldsmiths Avenue and Hyde Crescent would exceed the distances set out in SPD. BRE guidelines indicate that where the distance from the obstruction to the nearest window is more than three times the height of the obstruction, it is unlikely that there would be any harmful impact on residential amenity. This is the case in this scenario.

- The removal of the garages would result in the loss of the boundary walls to surrounding properties giving rise to a reduction in security.

This objection is noted and is of significance. Existing residents should not have to endure harm to their privacy and security. Prior to the demolition work taking place, details of temporary means of enclosure forming a robust replacement boundary should be submitted to and approved by the Local Planning Authority for approval. In addition, replacement boundary treatment should also be provided for permanent retention that would ensure that these objectives are maintained in perpetuity.

- The proposed development would give rise to more refuse being stored externally close to surrounding properties. This would increase odours and other amenity harm.

Refuse and recyclables storage is already stored on the reverse side of the separating wall from 17 to 19 Reets Farm Close. This development would increase the required capacity by one small dwelling's worth. The impact arising from odours would be negligible.

- Self seeding trees are giving rise to impacts on neighbours.

These trees are not in the ownership of the applicant and not in the red line site. These trees do not form part of the description of the proposed development and are not part of the application.

6. Equality and Diversity Issues

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

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

For the purposes of this obligation the term "protected characteristic" includes:

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

Officers have in considering this application and preparing this report had careful regard to the requirements of this Section and have concluded that the proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme.

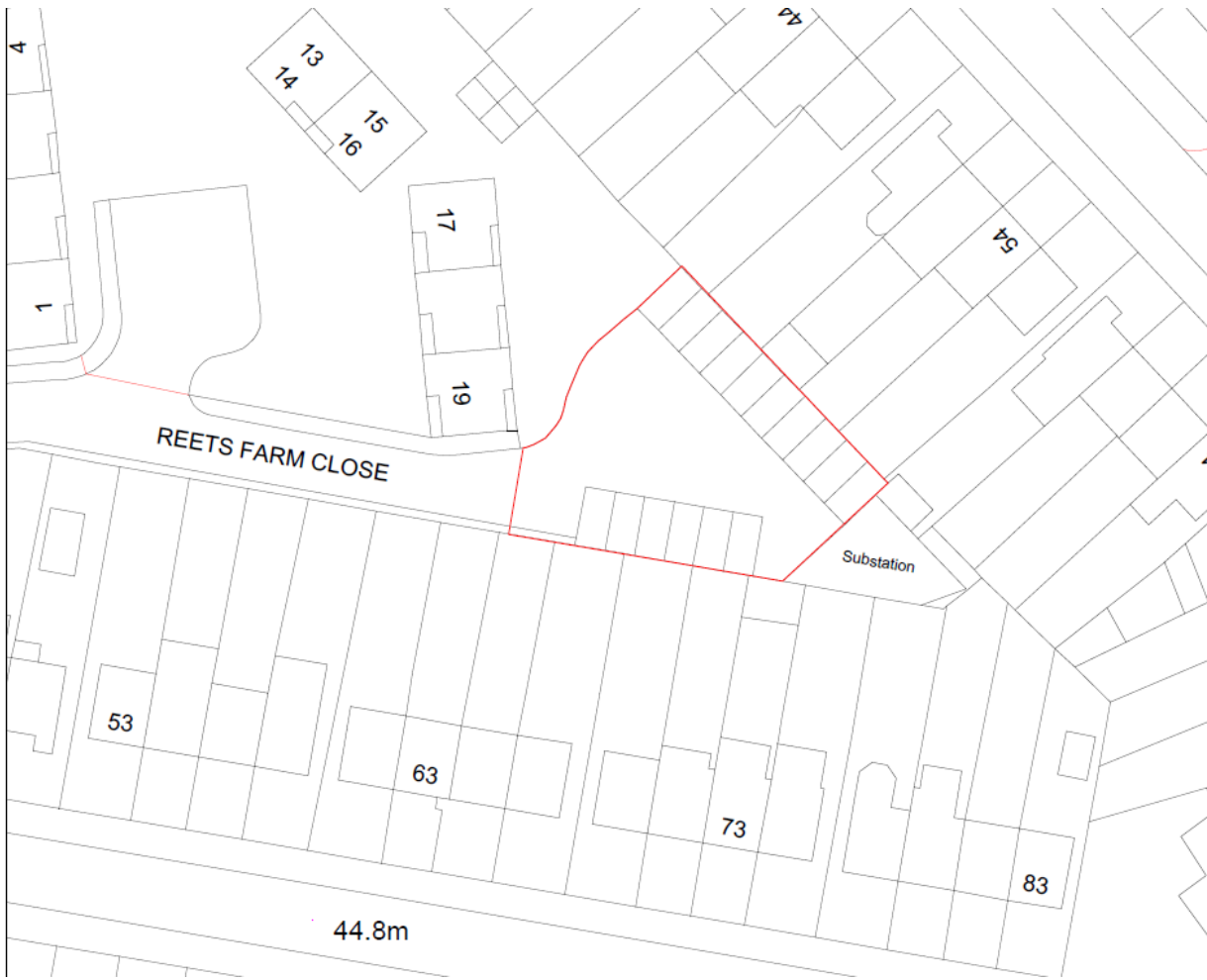
The proposed development would benefit future occupiers/users with disabilities, who are protected under this act, and therefore would support the Council in meeting its statutory equality responsibilities and is a clear merit of the proposed scheme.

7. Conclusion

The application proposes the redevelopment of an existing group of garages which are currently in a visible state of disrepair and disuse, into a high quality dwelling, which exceed minimum internal and external space standards. The dwelling is specifically constructed for wheelchair users.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within The Mayor's London Plan and the Barnet Local Plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority in their assessment of this application.

For the reasons set out in the previous sections of this report it is concluded that the proposed development generally and taken overall accords with the relevant development plan policies and constitutes a sustainable form of development. Accordingly, APPROVAL subject to conditions is recommended.



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 1,000m², 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

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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 Councils 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

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