

**Location**                      **Garage Site West Close Banet EN5 3BY**

**Reference:**                      **16/3869/FUL**                      Received: 13th June 2016  
Accepted: 13th June 2016

Ward:                              Underhill                              Expiry 8th August 2016

Applicant:                      Mr

Proposal:                      Demolition of existing garages and erection of 3no. two-storey terraced dwellinghouses for affordable rent with associated car parking, cycle storage, refuse storage and amenity space

**Recommendation:** Approve subject to conditions

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

15-290-D07-01-Rev A; 15-290-D07-02-Rev A; 15-290-D07-10-Rev A; 15-290-D07-11-Rev A; 15-290-D07-50-Rev A; 15-290-D07-100-Rev A; 15-290-D07-200-Rev A; 15-290-D07-201-Rev A; 15-290-D07-202-Rev A; 15-290-D07-203-Rev A; 15-290-D07-204-Rev A; 15-290-D07-300-Rev A; Design and access statement (BPTW); Land contamination assessment (AGB Environmental); Planning Statement (BPTW); Sunlight, daylight and overshadowing assessment (HTA Design); Sustainability statement with energy statement (BBS Environmental); Transport statement with parking survey (Campbell Reith); Tree Survey (AGB Environmental); Topographical Survey (MSurv); Utilities (Premier Energy);

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 within the curtilage of the property without the prior written permission of the local planning authority.

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).

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(2) 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 35 % 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 policies 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](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 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](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

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](mailto: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](http://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 contains 19 garages, accessed from a cul-de-sac accessed from the south side of Ryecroft Crescent. There is an expansive area of open countryside to the west and south of the site which is located within the Green Belt and separates the A411 Barnet Road in the north from the A5189 Totteridge Lane in the south. It would appear that this land is public accessible open space. A minor watercourse runs along the boundary to the rear of the built up area. However, this site is not designated by the Environment Agency as being within a Flood Risk Zone.

Unusually the rear garden for 12 West Close extends southwards along the rear boundary of the garage area between the garages and the open space at the rear.

The applicants have advised that of the 19 garages, nine are void (empty properties) while the others are used as storage facilities. Many of these are used for storage and are not suitable for use for car parking. The immediate street block is principally characterised by two storey semi detached properties and short terraces of three dwellings. There are also chalet bungalows which feature accommodation in the roof space. The site is not in a conservation area and there are no listed or locally listed buildings close to the site. There are no Tree Preservation Orders pertaining to any trees which might constrain the development. The site is located in a PTAL 1b location equating to poor local passenger transport access. Many properties around the site have off street car parking by way of an area of hard standing within the front garden of the property. Abundant on street car parking is available.

Land levels change markedly across the site running downhill from east to west towards the open land to the rear and from north to south towards the rear of St Peter's Close.

### 2. Site history

There is no site history pertaining to the garage area. However, planning permission was granted in 2001 for a single storey extension to 12 West Close (immediately to the north of the site) and in 2007, planning permission was granted for replacement windows on properties at 51 - 57 Ryecroft Crescent immediately to the east of the site.

### 3. Proposal

Planning permission is sought for the demolition of all the existing garages and the erection of a short terrace of three, two storey, two bed/four person dwellings. The terrace would constitute a continuation of the existing building form expressed by 8 - 12 West Close. The proposed dwellings would be constructed from brick to match the predominant building material in the area. Each property would have an internal floor area of 83sq.m. The middle property would have a garden area of approximately 45sq.m while the two end of terrace properties would have a fully private and enclosed and usable garden area of approximately 64sq.m. As stated above, the rear gardens would be enclosed by the rear garden of 12 West Close which would separate the development from the open land to the rear. Each dwelling would be provided with a car parking space as well as private refuse and cycle storage space.

### 4. Public consultation

Consultation letters were sent to 91 neighbouring properties.

No responses were received.

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.

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.

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.

The existing site has been derelict and redundant for a long period of time and as a result none of the garages have been used. Consequently, there is no concern arising from the loss of this space with respect to the impact of relocated car parking. 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 result in the removal of a largely redundant garage block which detracts from the character and appearance of the area and its redevelopment to provide a terrace of three dwelling houses. The proposed development would constitute the continuation of the spatial pattern of development along the western side of West Close.

The proposed development would also respond to the topography of the site and as a result, the size, scale and massing would correspond with existing building lines and ridgelines without appearing incongruous or out of keeping with the established form of development in West Close.

To the rear of the development is an area of open space which is publicly accessible. As such, the proposed development would be highly visible. However, it is considered that given its design, appearance, size and massing, that the proposed development would also be acceptable in this regard.

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

In summary, the unit would provide affordable housing for future occupiers above and beyond affordability levels set out in regional policy, and would contribute to providing a mix of housing products for all households.

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

The proposed development would not give rise to any significant harm to the amenity that is currently enjoyed by the occupiers of neighbouring properties.

The proposed development would be situated 5.5m from the flank elevation of 12 West Close and would project by approximately 5.8m from the rear building line. However, the distance from the affected property, the retained open vista to the west and the preservation of a 45 degree line to the nearest window would not unduly affect this property. It is noted that the garden depth of the proposed development is no greater than 8m at which point the garden of 12 West Close wraps around the rear of the proposed properties. Although this brings an area of private rear garden within close proximity to the rear windows of proposed development and that this garden is currently private, it is considered that this garden arrangement is rather unorthodox. Secondly, much of the rear garden's function and use is contained directly to the rear of that property and it is

considered that this arrangement should not be used to prevent affordable housing coming forward. This property as well as others around the perimeter of this site benefit from the garage walls also forming the boundary wall of these properties. The demolition of the garages will result in these boundaries being demolished during construction. It is recommended that the boundaries (and the privacy, security and amenity that they provide) should be replaced temporary during construction and permanently following development in accordance with details agreed in writing by the planning authority.

49 - 53 Ryecroft Crescent is over 23m away and 2 - 18 St Peters Close is over 22m away. As a result it is considered that the impact on these adjoining properties is negligible.

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 83 sq.m with the standard for such a dwelling being 79sq.m. With the external garden area being 45sq.m for the middle property and 64sq.m for the outer properties 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. The proposed development would be orientated west to east and as such, all habitable rooms would benefit from an acceptable standard of 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 19 garages. 9 of these garages are vacant. Of the remaining 10, five of these are occupied by people living more than 200m away. The applicant's transport assessment and parking survey suggests that there is adequate on street parking closer to these occupiers which would accommodate any overspill parking that may occur. In addition, most of the properties in West Close and many more in Ryecroft Crescent have off street curtilage parking. There is also an onstreet car parking area close to the junction with Ryecroft Crescent. As such, it is considered that the parking needs of the properties located with most proximity to the proposed development would be accommodated within the existing infrastructure.

The proposed development would also provide three parking spaces which would equate to one space per unit. This parking provision is considered acceptable. Each unit would be provided with cycle storage. In addition, waste and recyclables would be collected in common with other properties in West Close.

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

Despite a watercourse at the rear of the site and beyond the additional garden area of 12 West Close, the site is located in Flood Risk Zone 1 and as such no additional measures would be required.

## 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.

## 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.

## 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

The application proposes the redevelopment of an existing group of garages which are currently in a visible state of disrepair and disuse, into high quality dwellings, which exceed minimum internal and external space standards.

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.

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

Response to public consultation

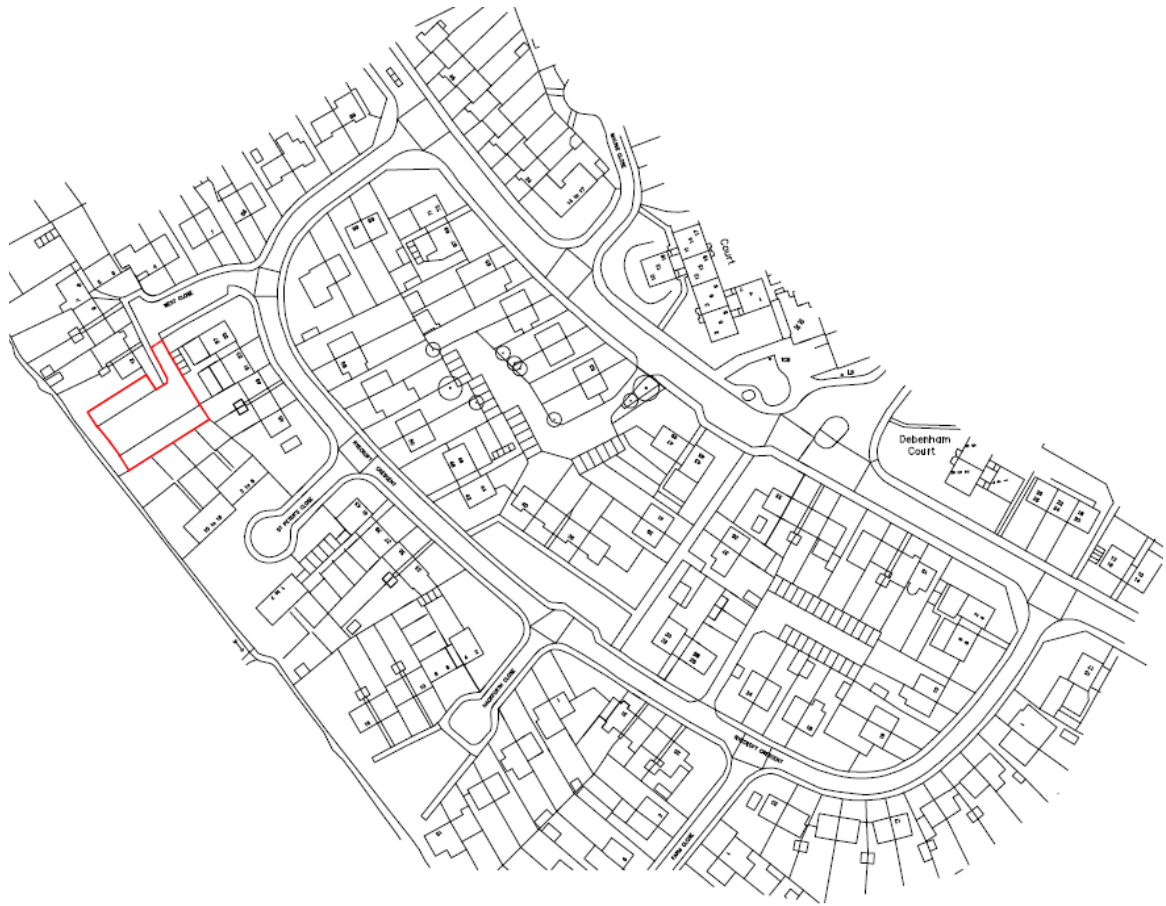
No objections were raised

Equality and diversity issues

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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)

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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

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