

Location **78 - 80 Crescent Road And Land To Rear Of Nos. 68 - 84 Crescent Road
Barnet EN4 9RJ**

Reference: **18/0615/FUL**

Received: 29th January 2018

Accepted: 30th January 2018

Ward: East Barnet

Expiry 27th March 2018

Applicant: Founthill Land NB Ltd

Proposal: Demolition of existing house at No.80 Crescent Road and erection of 8 x 2
bed houses with associated parking, amenity space, landscaping and cycle
storage

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

Drawing no. A14-17 - Site Survey

Drawing no. 462016-1 - Existing Details

Drawing no. CR3-P01 - Proposed Site Plan

Drawing no. CR3-P02 - Proposed Elevations (Front and Rear)

Drawing no. CR3-P03 - Proposed Elevations (North and South)

Drawing no. CR3-P04 - Proposed House Plans

Drawing no. CR3-P05 - Proposed Site Sections

Drawing titled "Tree Protection Plan II" dated 30.1.18.

Planning Statement by Henry Planning

Sustainability Statement by Henry Planning

Density comparison information

Backland housing comparison information

Preliminary Ecological Assessment Including Protected Species Assessment at 68-84 Crescent Road by Skilled Ecology Consultancy Ltd, dated May 2017

Phase II Arboricultural Impact Assessment (Ref. 10116) by Arbol EuroConsulting dated 03/05/2017, updated 19.6.17 and 29.1.18.

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 other than demolition works shall take place until details, including physical samples, 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 2016.

- 4 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 2016.

- 5 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).

- 6 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevations facing the rear gardens of properties on Margaret Road or no. 86 Crescent Road.

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

- 7 The roof of the proposed buildings hereby permitted shall only be used in connection with the repair and maintenance of the buildings and shall at no time be converted to or used as a balcony (ies), roof garden (s) or similar amenity or sitting out area(s).

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 8 a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.

b) The details approved by this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2015.

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

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

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

- 10 a) No development shall take place until a scheme of hard and soft landscaping to the front forecourt area and site boundaries, including details of existing trees to be retained and size, levels around the retained trees, species, planting heights, densities and positions of any soft landscaping, has been submitted to and agreed in writing by the Local Planning Authority.
- 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 October 2016) and 7.21 of the London Plan 2015.

- 11 Before the development hereby permitted is first occupied, the amenity area(s) shall be subdivided and shall be implemented in accordance with the details indicated Drawing no. CR3-P01 before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (2016).

- 12 Before the development hereby permitted is occupied 9 car parking spaces shown on Drawing No. CR3-P01 submitted with the planning application including the access to the parking spaces 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.

- 13 Before the development hereby permitted is occupied the electric vehicle charging points indicated on the submitted planning application Drawing No. CR3-P01 shall be provided. The development shall be implemented in full accordance with the approved details prior to first occupation and maintained thereafter.

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

- 14 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be 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 the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport 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.

- 15 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- 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.
- xi. xi A competent Banksman should be employed to monitor and manage vehicle traffic accessing and exiting the site to ensure pedestrian and highway safety

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

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 16 Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and agreed by the Local Planning Authority.

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 17 No works on public highway if required as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the highway authority and works shall only be carried out in accordance with the approved plans.

The applicant will be expected to enter into with the Highways Authority under Section 278 Agreement of the Highways Act, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

Reason: To ensure that the works on public highway are carried out to the satisfaction of the highway authority in the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 18 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, E and F of Part 1 of Schedule 2 of that Order shall be carried out within the area of new dwellings hereby approved.

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

- 19 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 20 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.

- 21 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all 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). 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.

- 22 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 10% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 23 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place other than in accordance with the submitted arboricultural method statement and tree protection plan: Phase II Arboricultural Impact Assessment (Ref. 10116) by Arbol EuroConsulting dated 03/05/2017, updated 19.6.17 and 29.1.18.

b) 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 approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time.

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.

- 24 a) No site works or works in connection with the development hereby approved shall be commenced until details of the protective measures to be implemented for the wildlife species protected by law and details of the mitigation and enhancement measures identified in the submitted Preliminary Ecological Assessment Including Protected Species Assessment at 68-84 Crescent Road by Skilled Ecology Consultancy Ltd, dated May 2017, including the timing of development works and special techniques has been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 25 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).

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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.

- 3 Any highway approval as part of the planning process for the alteration or removal of the existing crossovers or provision of new crossovers will be subject to detailed survey by the Crossover Team in Environment, Planning and Regeneration as part of the application for 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 Regulatory Service, Traffic and Development, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP
- 4 The applicant is advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

The applicant is advised that photographic survey shall be undertaken of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.

To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section - Development and Regulatory Services, London Borough of Barnet, Barnet House, 1255 High Road, Whetstone N20 0EJ

- 5 Any details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.
- 6 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.

- 7 All aspects of the submitted arboricultural method statement and tree protection plan must be fully implemented and strictly adhered to throughout all phases of development. Evidence of compliance to the method statement must be available to the local authority at any time.

Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine."

Officer's Assessment

1. Site Description

The application site is located to the rear of properties of nos. 68 to 84 Crescent Road. Access to the site would be between 78 and 82, which is currently occupied by no. 80 Crescent Road. The site is within the East Barnet ward. The site covers an area of approximately 0.24 ha. The existing rear gardens of the properties (no. 68 to 84) have very long yet narrow gardens.

The site is not located within a Conservation Area, nor are any of the adjacent buildings locally or statutorily listed. There are no protected trees on the site or in the immediate vicinity of the site.

The site is located within a Flood Risk Zone defined as 1 which is considered to have a low probability of flooding.

Due to changes to the topography, ground levels are at a higher level towards the north, and also rise towards the west.

To the north, the site abuts the rear gardens (including several outbuildings) of properties on Margaret Road. To the west, the site abuts the rear gardens of properties on Victoria Road.

2. Site History

Reference: 17/3017/FUL

Address: 78-80 Crescent Road and land to Rear of Nos 68-84 Crescent Road

Decision: Refused and Dismissed at Appeal

Decision Date: Refused 11th August 2017, Appeal dismissed 17th January 2018.

Description: Demolition of existing house at No.80 Crescent Road and erection of 9 x 2 bed houses with associated parking, amenity space, landscaping, refuse point and cycle storage.

Reasons for refusal:

1. The proposed development by reason of the amount of development on this restricted site, bulk, design, siting and layout would be cramped, is harmful out-of-character with the pattern of development in the area and would be a contrived form of development that fails to recognise the constraints of the site, being detrimental to the character and appearance of the wider area. The proposals would be contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012 and Policy CS5 of the Adopted Barnet Core Strategy and policy 7.4 and 7.6 of the Mayor's London Plan (MALP) 2016.

2. The proposed development by reason of its design including proposed form, materials, fenestration and detailing would fail to make a positive contribution to the wider area and would not be of a high architectural quality. The proposals would be detrimental to the character and appearance of the general locality contrary to policies 7.4 and 7.6 of the London Plan (2016), policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the

Adopted Residential Design Guidance SPD (2016, and paragraphs 61 and 64 on the National Planning Policy Framework.

Details of the dismissed appeal (APP/N5090/W/17/3184138) are set out in the 'Assessment of Proposals' section below.

3. Proposal

The current application follows a refused application (17/3017/FUL; also dismissed at appeal) for 9 no. terraced dwellings on the same site.

The application proposes the demolition of the existing dwelling at no. 80 Crescent Road and the erection of 8no self-contained dwellings, arranged as four pairs of semi-detached houses, to the rear of the gardens of nos. 68 to 84 Crescent Road including a new access road. All existing domestic outbuildings within the site would also be removed. The proposed dwellings would all be 2 bedroom units for up to 4 occupiers.

The proposed dwellings would be 2 storeys in height, in a contemporary form and flat roof design. Each dwelling would benefit from a private rear gardens, abutting the rear gardens of properties on Victoria Road to the west. The scheme makes provision for 9no off-street parking spaces, including 2 disabled spaces, to the front of the site, adjacent to no. 78 Crescent Road, and refuse areas for each dwelling. The proposal includes acoustic fencing along the boundary with no.78 and no.82 Crescent Road.

The indicative materials proposed include timber cladding, brick and sedum green roofs with solar panels at roof level.

The proposal involves varying levels of excavation to allow the pairs of semi-detached houses to follow a stagger with houses 7 and 8 (towards the north) being at a higher level than houses 1 and 2 (to the south).

The dwellings would have a length at ground floor of approximately 15.5m, a maximum length at first floor of 12.8m. Each pair of houses would have a width of approximately 9.5m. The dwellings would have a maximum height of approximately 6.1m. There would be a gap of 3.75m between each pair of houses.

9 no. car parking spaces and 16 cycle parking spaces will be provided.

4. Public Consultation

Consultation letters were sent to 165 neighbouring properties.

98 responses have been received to date, comprising 98 letters of objection.

The objections received can be summarised as follows:

Character objections

- Modern design is out-of-character/ flat roof design not in accordance with Edwardian and Victorian typologies
- Loss of Victorian dwelling
- Materials will not fit in with context
- Eyesore for area
- Scale of development

- Inappropriate development in area/ overdevelopment of the site
- Cramped
- Too much hardstanding/ concrete jungle
- Inappropriate back land development/ "garden grabbing"
- Undesirable precedent/ puts all back gardens at risk
- Unsuitable density especially compared to vicinity
- Inappropriate design, massing and materials
- Changes to the origins of the road
- Refuse collection at the front of site detrimental to streetscene
- Excessive number of dwellings
- Smaller number of 3/4 bedrooms houses would be more appropriate
- Design does not add to overall quality of the area
- Sedum roof design does not fit in with area
- Glazing is not in keeping with surrounding properties
- The nature of the proposals are not only inappropriate in scale, but are also visibly intrusive

Amenity objections

- Loss of outlook to neighbours
- Poor outlook to future occupiers
- Loss of privacy/ overlooking/ proximity of building
- Loss of light
- Overbearing and visually intrusive buildings
- Refuse collection is impractical
- Loss of family unit
- Noise and disturbance
- Street lights and light pollution
- Security risk to neighbours
- Loss of amenity to neighbours
- Loss of views
- Additional glazing will increase impact on neighbours

Highways objections

- Parking pressures/ insufficient parking including for visitors
- Limited space for local buses to travel through Crescent Road
- Increase in traffic accidents
- Unsafe entering and exiting the site especially as young children use roads due to nearby schools
- Access for emergency services/ safety as access could be impeded by a badly parked car
- Obstruction to pathway during collection day
- Access into the site is too narrow
- New plans remove parking provision thus increasing parking pressures even more

Ecology & Trees objections

- Damage to tree
- Loss of mature trees
- Developer has already removed trees
- Barnet has a duty to protect sites of nature conservation
- Part of green corridor/ loss of green space
- Loss of habitat would result in significant harm to the biodiversity of the area including bats

- Japanese knotweed on the site. A neighbour-commissioned survey indicated that the Japanese Knotweed "remains untouched and allowed to grow so that a chemical application has the best possible chance of success". "There is a huge, and very real, risk that if the Japanese Knotweed is not eradicated and/or that it is disturbed by building, that it can have devastating consequences on not only any new buildings but also risk extensive further spread"
- Ecology report fails to acknowledge existence of Japanese Knotweed
- Bats nest in the area

Flooding

- Increased flood risk
- Surface water run-off exacerbated
- Inadequate drainage
- Site located within clay and therefore porous
- Will cause surrounding land to turn into marsh
- Raising water table due to other development

Other Planning related objections

- Lack of child playing areas
- Pressure on local schools
- Inadequate provision of water, electricity and drainage utility
- Air pollution
- Neighbouring properties not plotted correctly
- Problems during construction/ disruption
- Housing targets exceeded in Barnet
- Developer failed to consult with the community
- Insufficient consultation by Local Planning Authority
- Private refuse collection is a joke- how can this be guaranteed?

Non-Planning related objections

- Loss of value of neighbouring properties
- Proposal motivated by profit at the expense of Barnet communities
- Impact to foundations of neighbouring properties

An objection has also been received from RT Hon. Theresa Villiers MP. The key concerns raised being as follows:

- Overdevelopment of the site and out of keeping with the surrounding area
- The amendments to the application are not significant enough to justify a different decision in this case
- Not a brownfield site, would set a bad precedent for garden grabbing
- Constituents are concerned about potential for flooding
- Will increase traffic problems.

The Council's Highways, Tree Consultant and Recycling and Waste Team were notified. Responses were received from Highways and Trees, and are summarised in the respective sections below; the Waste team did not comment.

A site notice was erected on the 8th February 2018.

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.

Draft London Plan

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

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, CS4, CS5, CS9, CS10, CS15.

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM07, DM08, DM15, 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.

Supplementary Planning Documents

Residential Design Guidance SPD (October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

- 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:

- The Appeal decision relating to refused application 17/3017/FUL
- The Principle of development and density
- 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 development would provide suitable amenity for future occupiers;
- Whether harm would be caused to trees of special amenity value;
- Impact on Ecology
- Impact on Highways;
- Sustainability

5.3 Assessment of proposals

The Appeal decision relating to refused application 17/3017/FUL

Application 17/3017/FUL (9 unit, 3 blocks of 3 houses) was refused by the Local Planning Authority on 11th August 2017. The applicant then appealed to the Planning Inspectorate. The appeal was dismissed on 17th January 2018.

Although the appeal was dismissed, the Inspector's Decision forms a material planning consideration for the current application for 8 semi-detached units on the site.

Key extracts from the Planning Inspector's Report are as follows:

Principle of backland development:

Paragraph 4 - "The Council accepts the principle of the development of this site for housing and refers to other backland development in the vicinity. Given the amount of rear development I saw in the area, I have no reason to disagree."

Contemporary Design and Materials:

Paragraph 5 - "The townscape of the proposed houses would depart from the more traditional vernacular of some of the houses surrounding it. However, there is variety in the style of the houses in the area, reflecting the different dates of their development. Moreover, the isolated nature of the backland site limits the effect of its development in terms of any visual impact on the surrounding street scenes."

Paragraph 6 - "In this context, the principle of a contemporary approach to design is not misplaced. The simple forms of the houses and their flat roofs would reflect the buildings more commonly seen in back gardens. The number of openings in the houses, their size,

proportions and arrangement play a secondary role to the form and mass of the houses. They are ordered, and have a subdued effect in the overall townscape of the proposal."

Paragraph 7 - "I saw little use of timber and sedum in the surrounding houses, however, these elements would not be out of character beside the garden buildings alongside the northern boundary of the site. A planning condition could secure the remaining walls of the houses to reflect the material of the neighbouring houses. On this basis, I can identify no harm from the appearance, form, materials or detailing of the proposed houses to the surrounding street scenes, or to the character of the area."

Character and pattern of development:

Paragraph 8 - "Notwithstanding this, the housing surrounding the site is distinctive for the spacious character of its layout. The plot widths vary as do the widths of the houses and whether they are detached or semi-detached. I also noted terraces and blocks of flats in the area. However, the overwhelming character of development surrounding this site is of detached or semi-detached houses. There is an overriding sense of separation between the surrounding houses which diminishes the effect of their built mass, and there is a varying degree of spaciousness as a result of the lateral gaps between them. The space in their long back gardens balances the tighter grain of the street enclosure."

Paragraph 9 - "While the proposed layout would not appear cramped within the site, in terms of the surrounding pattern of development, the houses would have uncharacteristically greater plot coverage and substantially shorter front and back gardens. Combined with the terraced form of the houses in groups of three rather than in pairs or in single form, I consider the distinctive spatial aspect of the area would be harmed. I have taken into account the gaps between the proposed terraces and between the boundaries of the site, their stagger, as well as the cutting-in to the slope of the land. However, these do not reduce the effect of the lack of separation between the houses."

Paragraph 10 - "My sole criticism of the design, which would be visible from surrounding houses and gardens, is the lack of lateral space between the houses resulting from the terraced forms. In the distinctive spatial context of the enclosing housing, which is characterised by narrower building footprints and more frequent lateral gaps typical of detached or semi-detached form, the effect would be harmful to the character of the area."

Impact on the amenities of neighbours:

Paragraph 13 - "I have taken into account the representations from local people and the New Barnet Community Association. Given the modest height of the proposal and its separation from neighbouring houses, the degree of planting and outbuildings in these gardens, and the generally accepted principle of mutual overlooking of back gardens in the built-up area I find no material loss of privacy, light or outlook to surrounding occupiers."

Highways and Parking:

Paragraph 14 - "Given the site's accessibility to public transport, the parking provision at the lower end of the range required by the Council's parking standards suggests the development would not have an adverse impact on the street parking in the area. There is no substantive evidence that the additional traffic or the new access onto Crescent Road would result in congestion or unacceptable highway risks. I note that the Council's Highways Team does not object to the proposal."

Loss of an existing dwellinghouse and impact on Ecology:

Paragraph 15 - "While it would result in the loss of a 4-bedroom house, it would provide an additional eight 2-bedroom houses which would add to the choice of family-sized housing. I acknowledge the reports of bats in the area. However, the Preliminary Ecological Assessment and Protected Species Assessment concluded that the site is low in ecological value and that there would be minimal risk to protected, priority or rare species or habitats from its development. It sets out precautionary measures which could be secured by condition."

Planning Inspector's Conclusion:

Paragraph 17 - "The provision of 8 additional houses in the context of paragraph 47 of the Framework, which seeks a significant boost to housing supply, weighs substantially in favour of the proposal. However, this is outweighed by the harm the development would cause to the character of the area. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed."

Principle of development and Density

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings.

Whilst the Council does not have a policy objecting to backland development, this has to be assessed against the impact on the character of the area. The Council's Residential Design Guidance SPD recommends that all developments should protect and enhance the gardens at residential properties as the spaciousness of gardens makes an important contribution to Barnet's distinctiveness. Officers consider that the area is sufficiently mixed, with examples of historic backland development in the vicinity, to consider the principle of development on the site acceptable.

The Planning Inspector's Report (Paragraph 4) states that the Planning Inspector has no reason to disagree that the principle of development is acceptable on the application site.

With regards to the demolition of no.80 (a detached 4 bed dwelling), whilst the building has attractive detailing and contributes to the streetscene, the building is not statutory or locally listed, nor is it situated in a Conservation Area. There is no objection to the demolition of the building in principle.

London Plan policy 3.4 seeks to optimise the housing potential of sites with reference to the density matrix contained in Table 3.2 which provides a guide to appropriate density ranges for particular locations, depending on accessibility and character. The application site has a PTAL of 3 which is considered to be average, and is considered to fall within a suburban setting as defined in the London Plan.

The proposal has been calculated as having 40 habitable rooms and has an area of 0.24ha. Based on this, the density would equate to 33.3 units per hectare (166.66 habitable room per ha). The scheme would comply with the London Plan density matrix which stipulates a recommended range of 35-95 units per hectare and 150-250 habitable room per ha.

It must be noted that density however is not the only indicator on whether development is suitable within a site. The NPPF stipulates that planning decisions should "optimise the potential of the site to accommodate development" and development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. This will be discussed in more detail in the following section.

The proposed development would result in the loss of family dwelling house (4 bedrooms). Policy DM08 stipulates that for market housing, the highest priority is for family homes of 4 bedrooms (highest priority) or 3 bedrooms (medium priority). Although the scheme proposes 2 bedroom units, on balance the overall increase in the number of units is considered to outweigh the loss of the larger 4 bedroom family unit due to the associated benefits of adding to the housing stock.

The Planning Inspector's Report (Paragraph 15) notes that whilst the proposal would result in the loss of a 4-bedroom house, it would provide a net additional eight 2-bedroom houses which would add to the choice of family-sized housing.

Impact on the character of the area

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the site's context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan). In this instance, the proposal should also have regard to the distance to neighbouring boundaries and existing open character given that this is backland development.

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. However, whilst the NPPF advocates that planning should not attempt to impose architectural styles or particular tastes it is considered proper to seek to promote or reinforce local distinctiveness. Furthermore the NPPF stipulates that development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality.

Application Ref. 17/3017/FUL (9 unit terraced scheme) was refused by the Local Planning Authority for two reasons which can be summarised as:

1. The cramped layout of the development; and
2. The contemporary design of the proposed dwellings

Although the appeal was dismissed, the Inspector was clear (Inspector's Report Paragraph 10) that his sole criticism of the design of the 9 unit scheme is the lack of lateral space between the houses resulting from the terraced forms, noting that the surrounding housing is generally detached or semi-detached and characterised by more frequent lateral gaps.

In Paragraph 9, the Inspector notes that while the proposed development would not appear cramped within the site, in terms of the surrounding pattern of development, the

proposed houses within the 9 unit scheme would have uncharacteristically greater plot coverage and substantially shorter front and back gardens. Paragraph 9 goes on to state that "Combined with the terraced form of the houses in groups of three rather than in pairs or single form, I consider the distinctive spatial aspect of the area would be harmed."

In response to the Inspector's criticism of the 9 unit scheme, the current application reduces the number of units proposed down to 8 no. dwellings in the form of 4 pairs of semi-detached houses.

Whereas the gaps between the 3 terraces of 3 dwellings in the 9 unit scheme were 3.5m, the gaps between the 4 pairs of semi-detached houses has been increased to 3.75m. In addition, due to the semi-detached form of the proposed development, an additional gap has been introduced. The gap between Plots 2 and 3 would align with the proposed access driveway meaning that a visual gap along the driveway and through the development would have clear views from the Crescent Road streetscene towards Victoria Road (compared with the view down the driveway of the 9 unit refused scheme which would have looked onto the front elevation of Plot 3 with no view through).

It is considered that the change from terraced to semi-detached form and consequent introduction of additional and wider lateral spacing between the houses is sufficient to overcome the Inspector's concerns and ensure that the distinctive spatial aspect of the area would not be harmed.

In refusing application 17/3017/FUL the Local Planning Authority objected to the proposed contemporary design on the basis that it would not be of a high architectural quality and would fail to make a positive contribution to the area.

The Inspector considers the issue of design at paragraphs 5, 6 and 7 of his report acknowledging that whilst the contemporary design of the proposed development would depart from the more traditional design of the immediate surrounding houses, there are a variety of styles in the wider area and the isolated nature of the backland site limits the effect of its development in terms of any visual impact on the surrounding street scenes. He goes on to say that the principle of a contemporary design is therefore not misplaced with the proposed timber and sedum not being out of character beside the garden buildings along the northern boundary of the site, concluding that a planning condition could secure the remaining walls of the houses to reflect the materials of the neighbouring houses.

The Inspector concludes on this issue by stating that he identifies no harm from the appearance form, materials or detailing of the proposed houses to the surrounding street scenes, or to the character of the area.

The design of the current scheme is the same as the refused / dismissed scheme except for its semi-detached form and therefore it is considered that, based on the Inspector's conclusions set out above, the proposed contemporary design is acceptable.

The amended scheme comprising 8 no. semi-detached houses is considered to be acceptable in character, pattern of development and design terms.

Impact on the amenities of neighbours

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in

respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours' amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Any development, particularly in an urban/suburban site, should ensure that the amenities of neighbouring occupiers are respected. The Council's guidance advises that new development 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 building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed.

Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between windows serving habitable rooms should be 21 metres and that there should be a distance of 10.5 metres between a new development and a neighbouring garden. All the dwellings would provide a distance in excess of 21m of habitable windows, particularly to properties on Crescent Road and Victoria Road. In addition, the scheme has been designed so that habitable rooms would maintain a distance of at least 10.5m to neighbouring gardens; where this distance is below such as with dwellings 6 and 7 in particular, the internal layout has been varied with non-habitable rooms located closest to the rear boundary and/or habitable windows fronting existing structures. Given the design considerations, siting of the proposed buildings and the location of neighbouring outbuildings, it is not considered that the scheme would result in unacceptable levels of overlooking into neighbouring gardens.

With regards to light and noise pollution, although the introduction of built form on currently open land would result in some additional light and noise to occupiers at Crescent Road in particular, but also at Victoria Road from the gardens of these properties, given the distance between dwellings, it is not considered that this would be wholly unacceptable to warrant refusal and would not be out-of-character with the typical arrangement of a suburban setting.

The proposal involves acoustic fencing along the boundary of the access road closest to nos. 78 and 82 Crescent Road. It is considered that subject to details, this would mitigate the noise and disturbance caused by vehicles entering and leaving the site. The proposed acoustic fence will be secured by planning condition.

With regards to the proximity of the building to neighbouring gardens, consideration has been given to the existing ancillary residential buildings along the boundary with Plot 8. It is considered that the scale and height of the building along this boundary would be largely obstructed by the existing domestic structures and therefore it is unlikely that the building would appear overbearing on the occupiers of Margaret Road. To the south, House 1 has been set between 3m and 3.7m away from the boundary to reduce the perception of mass to adjacent garden. Officers are satisfied that the building would not appear overbearing to the neighbouring occupiers.

To the east and west, the siting of the buildings and distances aid in reducing the visual impact and perception of bulk from the rear of adjacent gardens and therefore are not considered to appear overbearing.

The properties at Crescent Road benefit from gardens in the range of 55 to 60m long, and with the reduced length would still retain suitably sized gardens in terms of compliance with the outdoor amenity space standards.

The refused/dismissed 9 unit scheme had a similar relationship to the site boundaries and in relation to that scheme the Inspector concluded on the subject of impact on neighbouring amenity as follows (Para 13): "Given the modest height of the proposal and its separation from neighbouring houses, the degree of planting and outbuildings in these gardens, and the generally accepted principle of mutual overlooking of back gardens in the built up area I find no material loss of privacy, light or outlook to surrounding occupiers."

For the reasons specified above, the scheme is not considered to cause unacceptable harm to the amenities of neighbours to warrant refusal of the scheme.

Impact on the amenities of future occupiers

Any proposal for the site which includes an element of residential dwelling use will need to demonstrate that it is providing suitable amenities for its future occupiers in the relevant regards (for example, daylight, sunlight, outlook, privacy and internal and external amenity space). Development plan policies DM01, DM02 (of the Barnet Local Plan) and 3.5 (of the London Plan), the guidance contained in the Barnet Supplementary Planning Documents 'Sustainable Design and Construction' and 'Residential Design Guidance' and the Mayoral planning guidance document 'Housing' identify what this would constitute.

All residential accommodation is expected to meet the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2016. Table 2.2 of the Sustainable Design and Construction SPD specifies that double bedrooms should provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm, in line with the National standards. The minimum standards as set out in the London Plan for a two bedroom (3p) two storey dwelling are 70sqm and for a two bedroom (4p) two storey dwelling are 79sqm. The proposed units would each provide 104sqm of internal floor area which is in excess of the standards. The studies within all units are below the minimum floor area for a single bedroom (less than 7.5 sqm) and have obscure glazed windows meaning that these rooms do not qualify as a bedroom.

All proposed residential development should provide suitable outlook and daylight for future units. All habitable rooms would generally benefit from suitable outlook. During negotiations in relation to the 9 unit scheme, in response to officers' concerns regarding the quality of outlook to the recessed windows at the front, the applicant provided amendments to introduce windows to the side for this room thus providing dual aspect. Due to the projecting wings, this arrangement would not facilitate overlooking between the units. This arrangement remains in place for the current scheme.

With regards to outdoor amenity space, all new residential development is expected to provide suitable and useable outdoor amenity space for future occupiers as advocated by the Council's Sustainable Design and Construction SPD. For houses, amenity space should be provided in the form of individual rear gardens.

For houses with up to 5 habitable rooms the Sustainable Design and Construction SPD stipulates that a minimum of 55sqm should be provided. All the units would benefit from outdoor amenity space in excess of this standard.

The refuse stores would be located at various points across the site reduce the visibility of stores, and would be managed by a private collection. The refuse would be collected within the site itself. Details of the collection arrangements and refuse and recycling storage facilities will be required by planning condition.

The proposal is considered to provide adequate quality units for future occupiers and is acceptable in this regard.

Impact on Trees and Ecology

The Council's Trees team have been consulted and have reviewed the submitted information including the applicant's Arboricultural Impact Assessment.

There are no trees on the site or in the immediate vicinity of the site which are protected by Tree Preservation Order (TPO).

In May 2017, the Council received a request that a sycamore tree on land at the rear of no. 62 Margaret Road, on the northern boundary of the site, be protected by a TPO. The Council's Trees team have assessed the tree and concluded that it is inappropriate for inclusion within a TPO.

The proposal requires the removal of several trees, which have been categorised as C (low amenity value). The Tree consultant considered that subject to mitigation planting, the removal of these would be acceptable. Moreover it was considered that the impact on retained trees would not be significant as the main development (4 pairs of 2 houses) would be located outside the root protection area of retained trees.

Plot/house 3 impacts slightly on the root protection area of T20 an oak tree which has recently been heavily reduced in height and width. The use of load barring boards to protect the root system during construction is proposed and should prevent root damage if it remains in place throughout all the development phases.

All other trees growing on third party land around the development site (T3, T4, T8, T12a, T12, T6, T30, T15, T18 & T20) will be protected by fencing as shown on the tree protection plan and must remain in place throughout all the development phases.

T37 is a small sycamore tree growing close to the northern site boundary on land to the rear of 62 Margaret Road. Permitted under common law, the following works have been reported in the arboricultural submission 7.4.1.1:- "Crown recently lopped back to the site boundary (see photo no. 6). In addition, we are advised that 5m long 50cm deep x 50cm wide trench has been dug". Plot 8 is positioned close to this tree, but will not impact on the tree's health due to the works already carried out.

The deployment of no-dig surfacing within the root protection areas of trees T3, T4 & T8 is acceptable.

The submitted arboricultural method statement and tree protection provides sufficient measures to ensure, if fully implemented and strictly adhered to throughout all phases of the development, the retention of important neighbouring trees.

No detailed landscape plan has been submitted to help settle the new buildings into the local environment. This requirement will be secured by a condition of any planning permission granted.

The landscape scheme must seek to provide replacement planting for those trees removed to facilitate the development, provide additional planting that will enhance the development and provide long term high quality local visual tree amenity.

A scheme of soft and hard landscaping is required, that includes the areas around the boundary that will improve tree cover and visual softening between the differing building types.

The submitted arboricultural method statement and tree protection plan provides sufficient measures to ensure, if fully implemented and strictly adhered to, the retention of important neighbouring trees.

The Council's Tree consultant therefore raised no objection and considered that subject to a suitably worded condition and informative, the proposal would not have a detrimental impact on the amenity value of existing trees.

The site is not considered as an area of importance for Nature Conservation. The applicant has provided a Preliminary Ecology Assessment which concludes that the site is of low ecological value with "common and widespread habitats present with minimal potential to support protected, priority or rare species".

The report also states that no Schedule 9 invasive plants were observed on the site.

In the applicant's Planning Statement, a proposal is presented to introduce ecological enhancement measures to increase potential roosting and nesting sites for bats and birds.

These enhancements will be secured by planning condition.

The proposal would not be considered harmful to any protected species or biodiversity on the site and therefore officers do not object on these grounds.

In conclusion, no objection is raised on impact to trees or ecology grounds.

Flood risk

Concerns have been raised with regards to the potential localised flooding. The site however has been identified as falling within a Flood Risk Zone 1 which has been identified as having a low probability of flooding and the flood risk from surface water has also been identified as low. In addition, the Environment Agency Groundwater vulnerability map has not identified the site as vulnerable.

The geology map indicates this area is overlain with London Clay (a relatively stable subsoil). However, a site investigation is recommended to confirm the ground conditions and ground water level; Building Control will request this information to assess the foundation design.

Impact on Highways

The Council's Highways team have been consulted on the scheme and subject to conditions do not object to the proposal.

A total of 9 parking spaces have been proposed including 2 disabled parking spaces.

Barnet's Local Plan Development Management Policies approved in September 2012 sets out Parking Standards as follows for the residential use:

- For 2 bedroom units the requirement is for between 1.5 to 1.0 parking spaces per unit

This equates to a range of parking provision of 9 to 13.5 parking spaces to meet the Barnet Local Plan Parking Standards contained in the Development Management Plan Policies approved in September 2012. The maximum parking provision would be more appropriate in an area with the lowest Public Transport Accessibility Level (PTAL) for the site.

The Public Transport Accessibility Levels (PTAL) is graded from 1 for poor accessibility to 5/6 for excellent accessibility; the site has PTAL rating of 3. The proposed 9 parking spaces is considered to be in accordance with the range of parking provision and therefore in accordance with the Parking Policy DM17.

All parking spaces will have an Electrical Vehicle Charging facility.

With regards to the access, the proposed development is a back land development with 5m wide vehicular access and 1.2m wide pedestrian footway adjacent to the road proposed from Crescent Road. This is considered to provide adequate access for both vehicles and pedestrians associated with the scheme.

The proposal includes the provision of a hydrant within the site.

The applicant is advised that there is a lamp column on Crescent Road fronting No. 80 Crescent Road which will need to be relocated at the applicant's expense to facilitate the access.

With regards to the refuse provision and management, the applicant has removed the siting of refuse at the front of no.78 Crescent Road during collection days. Instead, the waste and refuse associated with the development would be processed through a private collection (there will be no collection of rubbish from the street by Council refuse and recycling trucks). It has been confirmed that it will be arranged that the collection vehicle is of a suitable size so that they can enter the site in a forward gear and exit the site in a forward gear; these details will be secured by a planning condition.

In accordance with Policy 6.9 of the London Plan, new development should provide secure, integrated, convenient and accessible cycle parking facilities. Based on table 6.3 of the London Plan, the development would require the provision of 16 cycle spaces (1 cycle space per studio and 1 bedroom unit and 2 cycle spaces per other sized dwellings). The proposed site plan indicates that cycle storage for 16 bikes would be located at the front of the site (to the rear of the gardens of nos. 74 and 76). Details of the cycle store can be secured by a condition to ensure that it is modest in appearance; however the provision of cycle parking is in accordance with this policy.

It is therefore considered that the proposal is acceptable on Highways grounds subject to conditions.

Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition would be attached in the event planning permission is granted to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 10% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan and the 2016 Housing SPG's requirements and a condition would be attached in the event planning permission is granted to ensure compliance with the Policy.

In terms of water consumption, a condition would be attached in the event planning permission is granted to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

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 (index related) 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 (index related).

5.4 Response to Public Consultation

It is considered that the planning related objections have been addressed in the report above. However, additional comments can be made as follows:

- "Lack of child playing areas"- The proposal due to the scale of development does not require the provision of specifically allocated play area.
- "Pressure on local schools" - The Community Infrastructure Levy seeks to support the impact new development would have and is a contribution to help pay for community infrastructure. In the event of an appeal being granted, the scheme would be CIL liable.
- "Inadequate provision of water, electricity and drainage utility"- The utilities are provided by separate Legislation; with regards to drainage, due to the scale of the development a drainage strategy is not required.
- "Japanese knotweed on the site"- The submitted Ecology Report states that no Schedule 9 invasive plants were observed on the application site. In the event that Japanese

knotweed was found on the site the applicant would be required to treat it. The presence of Japanese knotweed would not warrant a reason for refusal of the application.

- "Problems during construction/ disruption"- a Construction Management Plan condition would be attached to any planning permission issued requiring details of deliveries, working hours etc.

- "Developer failed to consult with the community"- It is not a statutory requirement for the developer to engage with the community, although this is best practice.

- "Insufficient consultation by Local Planning Authority"- The Local Planning Authority carried out consultation in accordance with the statutory requirements and in addition erected a site notice.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed amended scheme comprising 8 no. semi-detached houses has addressed the concerns of the Planning Inspector in relation to the refused / dismissed 9 unit terraced scheme. The proposal is considered acceptable in terms of character, pattern of development and design, would not cause unacceptable harm to the amenities of occupiers of neighbouring properties and would provide suitable living conditions for future occupiers.

The application is therefore recommended for Approval.

