

Location **Land Fronting St Andrew's Road And Portsdown Avenue Golders Green London NW11 0PJ**

Reference: **18/4546/FUL** Received: 23rd July 2018
Accepted: 7th August 2018
Ward: Golders Green Expiry 2nd October 2018

Applicant: .

Proposal: Erection of 8no two storey single family dwellinghouses with rooms in the roofspace. Associated alterations to hard and soft landscaping with associated vehicular access. Provision of amenity space, parking, bicycle storage and refuse and recycling storage. Retention of 3no existing tennis courts, (1no of which to be upgraded to a Multi-Use Games Area) with installation of wheelchair access. Refurbishment of the clubhouse including replacement roof, replacement windows with double glazing and new external cladding

Recommendation: Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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)

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. A contribution towards improvements to Local tennis facilities at Princes Park and Lyttelton Playing Fields - £75,000 plus a monitoring fee of £2,625

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director – Planning and Building Control or Head of Strategic Planning approve the planning

application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director – Planning and Building Control or Head of Strategic Planning:

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

Drawing no. 572/PA/001; Drawing no. 572/PA/010; Drawing no. 572/PA/020; Drawing no. 572/PA/021; Drawing no. 572/PA/022; Drawing no. 572/PA/100 A; Drawing no. 572/PA/110 A; Drawing no. 572/PA/120; Drawing no. 572/PA/200 A; Drawing no. 572/PA/210 B; Drawing no. 572/PA/300 A; Drawing no. 572/PA/310; Drawing no. 572/PA/330 A; Drawing no. 572/PA/400 B; Drawing no. 572/PA/410 B; Drawing no. 572/PA/411 A; Drawing no. 572/PA/420 B; Drawing no. 572/PA/430 A; Drawing no. 572/PA/440 A; Drawing no. 572/PA/450 A; Drawing no. 572/PA/451; Drawing no. 572/PA/460; Drawing no. 572/PA/500 A; Drawing no. 572/PA/510 B; Planning Statement by MRPP; Design and Access Statement by MRPP; Sustainability Statement by MRPP; Transport Statement by Transport Planning Associates dated July 2018; Soft Landscape Design Palette by Marcus Foster; Hard Landscape Design Palette by Marcus Foster; Tree Planting Proposal Summary by Marcus Foster; Arboricultural Survey (BS5837:2012) & Impact Assessment by Marcus Foster ref AIA/MF/080/18; Existing Tree Survey by Marcus Foster Drawing T001; Proposed Tree Survey by Marcus Foster Drawing T002; Proposed Tree Survey with RPA by Marcus Foster Drawing T003; Tree Constraints Plan by Marcus Foster Drawing T004; Tree Planting Scheme by Marcus Foster Drawing no. LD-001; Soft Landscaping Plan by Marcus Foster Drawing no. LD-003; Ecological Appraisal Report by MLM Group.

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 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 2016.

- 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 2016.

4 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).

5 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed along proposed houses 7 and 8 shall be submitted to and approved in writing by the Local Planning Authority.

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

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

6 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. 4572/PA/200 Rev A before first occupation or the use is commenced and retained as such thereafter.

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

7 Before the building hereby permitted is first occupied the proposed window(s) in the side elevations facing no. 7 and 9 Portsdown Avenue and no. 8 and 10 St Andrews

Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 8 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 no. 7 and 9 Portsdown Avenue and no. 8 and 10 St Andrews 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).

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of 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).

- 10 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 occupation of the hereby approved development. These details shall include landscaping for both the residential and tennis club.

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 2016.

- 11 a) Prior to the occupation of the hereby approved development, details of a Landscape Management Plan for all landscaped areas within the Tennis Club area

only, as hereby approved, for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2016.

12 a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016).

13 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

14 The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition 13 shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the

development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

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

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

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

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy 5.21 of the London Plan (2016).

- 16 In the event that unexpected contamination is found at the site during the construction hereby approved, work shall stop immediately, a site investigation/ inspection carried out by a competent person and a report shall be submitted in writing to the Local Planning Authority for Approval. No further works shall be undertaken unless otherwise approved in writing by the Local Planning Authority.

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 October 2016) and 5.21 of the London Plan 2016.

- 17 No construction work resulting from the planning permission, including the installation of the temporary buildings hereby approved, 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).

18 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations

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

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.15 of the London Plan 2016.

19 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the amenities of occupiers are not prejudiced by traffic/mixed use noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016), and 7.15 of The London Plan 2016.

20 The level of noise emitted from any fixed mechanical plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

21 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy 7.15 of the London Plan 2016.

22 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 2016.

23 a) No development other than demolition works shall take place until a detailed assessment for the kitchen extraction unit, which assesses the likely impacts of odour and smoke on the neighbouring properties is carried out by an approved consultant. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the amenities of the neighbouring occupiers are not prejudiced odour and smoke in the immediate surroundings in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012) and Policy CS14 of the Local Plan Core Strategy (adopted 2012).

24 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development, including a technical report have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed using anti-vibration mounts. The report shall include all calculations and baseline data, and be set out so

that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

- 25 Notwithstanding the details shown on plans otherwise hereby approved and prior to the installation of any new lighting, a detailed external lighting scheme including siting of lighting columns and a site plan with lux lines shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason: To safeguard the visual amenities of the locality and prevent disturbance to existing and future occupants thereof are not adversely affected by the development in accordance with Policies DM01 and DM04 of the Development Management Policies (2012).

- 26 Before the development hereby permitted is occupied, existing parking spaces and the accesses to the parking spaces shall be provided in accordance with the Drawing No. 4572/PA/210 B submitted with the planning application. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with 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.

- 27 The approved development shall make provision for cycle parking and cycle storage facilities in accordance with a submitted planning application and approved drawings 4572/PA/210B and 4572/PA/520. Such spaces shall be permanently retained thereafter.

Reason: 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.

- 28 The development shall be implemented in full accordance with the details of the storage of recycling containers and wheeled refuse bins/ other refuse storage containers as indicated on Drawing no. 4572/PA/520 prior to the first occupation and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies

DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 29 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.
- 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).

- 30 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 6% 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.

- 31 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and

efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

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

- 32 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.

- 33 The site clearance and any mitigation measures in relation to ecology shall be implemented in full in accordance with details in the hereby approved document titled "Ecological Appraisal Report" by MLM Group.

Reason: To ensure that nature conservation interests are not prejudiced 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).

- 34 The tennis club and associated club house hereby permitted shall not be open to members of the public before 8am or after 10pm on weekdays and Saturdays or before 8am or after 9pm on Sundays and Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

- 35 The street trees to be retained as indicated on the hereby approved documentation shall not be damaged or removed prior to, during or after construction, unless otherwise agreed with the Council's Street Trees department.

Reason: To mitigate against the loss of trees of special amenity value on site in accordance with Policy CS of the Local Plan Core Strategy (adopted September 2012) and Policy DM01 and of the Development Management Policies DPD (adopted September 2012).

RECOMMENDATION III:

- 1 That if an agreement has not been completed by 15/02/2019 unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control

should REFUSE the application 18/4546/FUL under delegated powers for the following reasons:

1. The proposed development does not include a formal undertaking to meet the costs of improvements and new facilities at identified tennis facilities. In the absence of this, the proposal would result in the loss of a tennis club and community facility contrary to London Plan (2016) Policy 7.18, Policy CS10 of the Local Plan Core Strategy (adopted September 2012), Policy DM13 of the Development Management Policies DPD 2012 and the Planning Obligations SPD (adopted October 2016).

Informative(s):

- 1 In accordance with paragraphs 38-57 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. Your planning application has been assessed at this time as liable for a payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a payment under Barnet CIL.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the

Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

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

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

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

Relief or Exemption from CIL:

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

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

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

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

Please

visit

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

- 3 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 4 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 4500.

- 5 The submitted Construction Method Statement shall include as a minimum details of:
 - Site hoarding
 - Wheel washing
 - Dust suppression methods and kit to be used
 - Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
 - Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - Confirmation that an asbestos survey has been carried out.
 - Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
- 6 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise,

WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 7 The applicant is advised to engage a qualified kitchen extraction consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory smoke and odour control. Please note that:
 - Flue(s) must be 1.5 m* above eaves or any open able windows in the vicinity (within 20 metres of the flue) if there are sensitive premises in the vicinity. The final discharge must be vertically upwards. There should be no hat or cowl on the top of the flue. If flues are to be attached to neighbouring noise/vibration sensitive premises they must incorporate anti-vibration mounts, flexible couplings and silencers. *If the flue is in a Conservation area then this height may be reduced to 1m above eaves.
 - The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (DEFRA, January 2005); DEFRA Odour Guidance for Local Authorities (DEFRA, March 2010). 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.
- 8 In case if any modification is proposed or required to the existing access off the public highway then it will be subject to a detailed investigation by the Environment, Planning & Regeneration Directorate. This may involve relocation of any existing street furniture and would need to be done by the Highway Authority at the applicant's expense. Estimate for this and any associated work on public highway may be obtained from the Environment Development and Regulatory Services, Barnet House, 1255 High Road, London N20 0EJ.
- 9 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. 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.

- 10 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.
- 11 The costs of any associated works on the public highway, including reinstatement works, will be borne by the applicants and will require the Applicant to enter into a rechargeable agreement or a 278 Agreement under the Highways Act 1980.
- 12 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 13 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development

works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

- 14 As required by condition 35, if any damage is caused to the existing street trees the applicant will be required contact the Council's Street Trees department to secure a scheme for the provision of replacement tree planting off site that reflects the amenity value of the trees.

The London Borough of Barnet, Green Spaces use the industry recognised system Capital Asset Valuation of Amenity Trees (CAVAT) to evaluate the loss of publicly owned and managed trees. Details of this system can be found on the London Tree Officers Association web site (www.ltoa.org.uk). If development activities causes a loss of these values by not conforming to agreed methods, then compensation will be sought from the developer to mitigate the loss of visual tree amenity in the local area.

The Street Tree officer has confirmed the CAVAT value of these trees as detailed below:

- T3- Sweet Gum £5,629
- T9 - Maple (Snakebark) £10,978
- T10 - Hawthorn £2,994

Officer's Assessment

1. Site Description

The application site comprises approximately 3860 sqm of tennis courts with one small club building, located between St Andrews Road and Portsdown Avenue. The tennis club is a privately-owned tennis club.

There are change in ground levels in the site with the ground levels declining from east to west along St Andrews Road and inclining from the centre of the site towards the south (towards St Andrews Road).

Surrounding properties are suburban character in both streets, with a mix of detached and semi-detached houses along with two short terraces towards the junction of St Andrews Road with Templar Avenue.

While the Club grounds are predominantly in tennis courts, there is an area of lawn towards its south-eastern corner, with an attractive stand of trees adjacent to the Portsdown Avenue frontage.

While the more immediate surroundings of the site are defined by the generally large although closely set houses which results in the suburban character of the area, Portsdown Avenue becomes more urban in character towards its eastern end where it continues eastwards beyond its junction with Templar Avenue to join Finchley Road.

There are a range of local shops and services on Finchley Road itself, all within a short walk from the Tennis Club site.

The site does not lie within a Conservation Area nor are the surrounding buildings Locally or Statutory Listed.

2. Site History

Reference: C01446F

Address: Templars Lawn Tennis Club, Portsdown Avenue, London, NW11

Decision: Approved subject to conditions

Decision Date: 13.07.1988

Description: Single storey clubhouse and landscaped area

3. Proposal

Planning permission is sought for the redevelopment of the site comprised of removal of two tennis courts and erection of 8no two storey single family dwellinghouses with rooms in the roofspace. In terms of the residential units the scheme seeks associated alterations to hard and soft landscaping with associated vehicular access for each dwelling (off-street parking), provision of amenity space, bicycle storage and refuse and recycling storage.

The proposal would provide 8no 4 bedroom houses. Proposed dwellings 3, 5, 7 and 8 would benefit from two parking spaces, whilst the other dwellings would benefit from 1no off-street parking each due to the relative positioning of street trees. Cycle parking, Refuse and recycling would be located at the front of each dwelling within purpose built storage.

The proposal would include the retention of the three courts altogether; the two most westerly are synthetic courts would be retained along with the associated floodlighting. These courts would be upgraded. The existing hard court would be upgraded to a MUGA (multi use games area) including tennis, 5-a-side football, basketball and netball and associated equipment. The existing clubhouse would be upgraded and refurbished; other than improvement works, the club house would not be altered.

Four dwellings are proposed along St Andrews Road and four along Portsdown Avenue, arranged as semi-detached dwellings.

New dwellings on St Andrew's Road

Along the St Andrews Road, proposed dwelling no.5 would have a front gable wing which would match the front line of no.8 St Andrews Road. The proposed buildings along this road would generally follow the building line apart from recesses to reduce the overall massing.

Proposed dwelling no.5 would have a depth of 12m, and would be set 1.6m from the boundary with no.8 St Andrews Road (retaining a gap of 3.3m between the side elevations). At the rear, the amendments have reduced the depth of the no.5 along the boundary with existing no.8 St Andrews Road; the proposed building would not project to the same depth as the ground floor rear projection of no. 8 St Andrews, however the building would project to a depth of 2.1m beyond the rear elevation at first floor.

Proposed dwellings 6 and 7 would protrude further into the garden by approximately 0.9m beyond the rear elevation of dwelling 5. Proposed dwelling no.8 would have a depth of 10.2m, and would as a result, be marginally wider than the other 3 dwellings on this section of the site. Unit no.8 would maintain a gap of 3m to the boundary with MUGA.

There would be a gap of 1.9m between the pairs of semis.

The buildings, as amended, would match the ridge and eaves height of the terrace to the east (no.2-8 St Andrews Road).

New dwellings on Portsdown Avenue

Proposed dwelling no.1- 4 would have a recessed front building line, set back by 0.9m from the front elevation of existing properties 5 and 7; this follows the modest stagger in building of properties to the east.

The proposed buildings along this road would have a maximum depth of 13.2m and are more consistent in the plot widths. Proposed units 1 and 4 would be set 0.9m from the boundary with the tennis courts and no.7 Portsdown Avenue respectively; proposed unit 4 would retain a gap of 2.1m between the side elevation of no.7. Unit 4 would project 3m beyond the first floor rear elevation of no. 7 Portsdown Avenue.

There would be a gap of 0.8m between houses 2 and 3.

The proposed dwellings would match the eaves height of no.5-7 Portsdown Mews, although the ridge height would be 0.5m lower than the ridge height of the immediately neighbouring buildings.

The design of these dwellings includes front gables and side dormers on the outer side dwellings, and side gables between the semis. Units 1 and 2 are mirrors of Units 3 and 4.

4. Public Consultation

Consultation letters were sent to 171 neighbouring properties. 56 responses have been received, comprising 49 letters of objection, 6 letters of support and 1 letter of comment.

The objections received can be summarised as follows:

Tennis Facilities

- Courts are a valuable asset and the heart of Temple Fortune;
- Loss of important community facility;
- Only sporting area in the vicinity;
- demand for tennis facilities;
- What allowances made to make a S106 agreement with contributions;
- No marketing done for the loss of the tennis facilities;
- MUGA does not justify loss of facilities;
- Require confirmation of whether Historic England have been consulted on this application. As the tennis club is over 100 years old, they would be statutory consultees;
- Can the club be legally sold? Queries whether this has been checked;
- Membership denied for people;

Character

- Out of character development;
- Lack of uniformity in design;
- Overcrowding/ Over-intensification;
- Dense & bulky design;

Amenity

- Loss of Outlook;
- Oppressive & overbearing;
- Overshadowing;
- Pollution due to increased traffic and building works;
- Loss of daylight/ sunlight to neighbouring houses;
- No daylight & sunlight assessment provided;
- Alter quality of life of neighbours;
- Removing the courts will result in both public and residential loss of view and of space - a huge, adverse impact on residential amenity of the neighbourhood;
- Air pollution;

Highways

- Loss of parking, which already restricted;
- Loss of residents parking bays;
- Dispute findings of parking survey;

Other

- Loss of Trees/ open space;
- Nearest park is 15 minutes away/ insufficient amenity areas within the local vicinity;
- The present site is green belt development;
- First phase to converting to flats/ HMOs;
- Developers intention is to redevelop the other side of the tennis club;
- Lack of affordable housing;

- Loss of nature conservation/ wildlife;
- Club internationally run badly to discourage new membership;
- No provision for supporting infrastructure in the area;
- Increase in crime due to cheaper "affordable" housing;
- Imperative that the development is limited to 8 houses if approved;
- Loss of tennis club would "be deprivation of a social amenity and result in players having to drive to a new location creating pollution, parking facilities";
- Subsidence;
- "Ground contamination and use of possibly dangerous materials may release hazardous elements, posing a health and safety risk to residents and beyond"
- Encroachment into neighbouring boundary;
- Questions whether existing members will benefit financially; who will run the club; will new members be allowed;

In addition, a weblink to an online petition was provided which included 315 people objecting to the scheme.

The representations received can be summarised as follows:

- No objection provided time activities are controlled/ control noise;
- Great use of the space;
- Area in need of housing and the development would support this;
- Proposal would offer more to the public/ Former club only benefitted a handful of people;
- Other club in the area;
- "Kisharon School has had free access for our pupils with SEN to this site for many years, which has provided us with a nearby additional outdoor area. The school site has limited outdoor area. The plans will include a mixed sports area with wheelchair access which we have been assured will continue to be available to our students and provide enhanced facilities. We therefore would strongly support this application."
- "An enhancement to an area that has been poorly frequented. The plans submitted suggest an exciting opportunity to develop the area, inviting more life to the community with a professional structure to the existing club."
- Kisharon very much support additional disabled mixed sports facilities being developed for the wider community;

Mike Freer MP has requested that the committee are advised that the application is for houses only and not for flats; "any objection based on flats should be ignored".

Andrew Dismore Assembly Member objects to the scheme for the following reasons:

- "A dangerous precedent for the loss of sports and physical recreation facilities for more development"
- Loss of sports/ recreational facility;
- Loss of trees;
- Represents major development of the site.

The Council's Green Spaces, Arboriculturalist, Highways and Environmental Health officers were consulted; the responses are in the relevant section below.

A site notice was erected on the 16th August 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 24th July 2018. 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. 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.

The London Plan is currently under review. 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 adopted 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, CS11, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM13, 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

Planning Obligations SPD (adopted April 2013)

Residential Design Guidance SPD (adopted 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:

- Partial loss of Tennis facilities;
- Principle of development and 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 Highways;
- Sustainability.

5.3 Assessment of proposals

Partial Loss of Tennis Club

The NPPF emphasises the importance of social and recreational facilities, and states that Local Planning Authorities should "guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs" (para 92). The NPPF seeks to protect existing sports and recreational buildings from being built on unless "an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements" (para. 97).

Policy 3.19, relating to sports facilities of the London Plan (2016) sets out a strategic aim "to increase participation in, and tackle inequality of access to, sport and physical activity in London particularly amongst groups/areas with low levels of participation". Therefore, "development proposal that increase and enhance the provision of sports and recreation facilities will be supported", and "wherever possible, multi-use public facilities for sport and recreational activity should be encouraged".

Policy 7.18 of the London Plan 2016 states:

"The loss of protected open spaces must be resisted unless equivalent or better quality provision is made within the local catchment area. Replacement of one type of open space with another is unacceptable unless an up to date needs assessment shows that this would be appropriate".

Policy CS7 of the Barnet Core Strategy states that the Council will "meet increased demand for access to open space and opportunities for physical activity... securing improvements to open spaces including provision for children's play, sports facilities and better access arrangements"

The Council policy DM13 seeks to protect community uses. The policy details that the loss of a community facility will only be acceptable where:

- i. "New community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location; or
- ii. There is no demand for continued community or education use, and that the site has been marketed effectively for such use."

The Council has adopted a Playing Pitch Strategy which assesses quality and quantity of all outdoor sporting facilities in the borough including tennis. The document emphasises the need for protection of and investment in tennis. There is a focus on Council stock of tennis courts and the role of the private sector is identified.

"The highest current and latent demand for tennis has been identified in catchments surrounding existing courts is around Victoria Park, Princes Park, Hendon Park, Childs Hill Park and Basing Hill Park."

Princess Park is local to Templars Avenue, therefore officers would identify that there is a need for tennis courts locally. The proposal seeks the loss of two tennis courts and the open area to the south to accommodate the residential units. The supporting information has confirmed that the tennis club until April 2018 was a private club, "containing 72 members ... [it] was for this reason primarily that the Council decided that the land is not an asset of community value."

The proposal would seek to make improvements to the existing tennis courts and deliver one as a Multi-Use Games Area (MUGA), in addition to the refurbishment of the existing clubhouse. The proposal would also make the facilities available to the general public.

It is accepted that the scheme would still result in the loss of two tennis courts facilities, in an area identified as having a deficit of these facilities. The Council's Green Spaces team have been consulted and consider that the applicants offer to make a financial contribution for improvements to local tennis facilities elsewhere in the area is appropriate. It is considered that the financial contribution of £75,000, secured through a S106 agreement is an acceptable solution and would justify the loss of the two tennis courts. Tennis court improvements have been identified at Princes Park and Lyttelton Playing Fields (improvements to at least 2 tennis courts) .The loss of two tennis courts, considering the above including improvements to the retained courts and availability for public use, is considered acceptable.

Policy DM15 is also considered to be relevant in relation to the protection of open spaces, and it states:

"i. Open space will be protected from development. In exceptional circumstances loss of open space will be permitted where the following can be satisfied:

- a. The development proposal is a small scale ancillary use which supports the use of the open space or
- b. Equivalent or better quality open space provision can be made.

Any exception will need to ensure that it does not create further public open space deficiency and has no significant impact on biodiversity."

The area of open space is relatively modest and located to the south. As mentioned above, the scheme would secure financial contributions which would go towards improvements to local open spaces. In this regard, it is considered that the scheme would comply with this standard.

The proposed loss of the two tennis courts is considered to be acceptable given the financial contribution that would be secured subject to section 106 agreement.

Principle of development and Impact on the character of the area

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.

The principle of residential use would reflect the surrounding uses and there is no objection in this regard.

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 2 which is considered to be low, and is considered to fall within a suburban setting as defined in the London Plan.

The London Plan Density Matrix therefore suggests a range of 35-95 units per hectare (150-250 hr/ha). Taking the site area as 0.18ha (only including the area of residential use), the proposal for 8 houses would equate to a density of 44.44 units per hectare (388.89 habitable room per ha, due to all the bedrooms exceeding the standard for double rooms) which complies with the London Plan density matrix. Taking the site area to include the tennis courts (total of 0.41 ha) the density would be even lower.

Density however is not the only consideration to determine whether development is suitable. Planners acknowledge that the supporting text within the London Plan (2016) indicates that density calculations should not be applied mechanistically. The NPPF (adopted 2018) stipulates that planning decisions should "optimise the potential of the site to accommodate and sustain an appropriate amount and mix of 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 sections.

Policy DM08 stipulates that for market housing, the highest priority is for family homes of 4 bedrooms and the medium priority is 3 bedroom units. The houses are all 4 bedroom units and therefore the scheme adheres to this policy by providing large family units.

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites 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.

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. 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.

The spacing between dwellings, depth of buildings, plot divisions and siting within the site have been carefully and sympathetically arranged and the Local Planning Authority has no

objection. The buildings on both roads reflect the pattern of development, front and rear building lines.

The design of the properties is considered to be of a high standard with some variety in the detailing of the houses and arrangement of features. The dormers on some of the properties are considered to be subordinate to the relevant main roofslope. A condition has been added requiring details of the proposed materials, however the design is considered to be attractive and includes attractive detailing including on the windows and gable at the front. The indicative palette of materials and design has contextual references which would result in the buildings integrating well within the suburban area. The scheme promotes a modern interpretation of local vernacular and this is in accordance with the emphasis on design within the NPPF.

The plans indicate a bin and cycle store located at the front of each property. The structure itself is modest in height with a flat roof. The bins would be located at the front and within 10m from the highway. Officers do not object to this arrangement.

In addition, the improvements to the tennis club facilities is encouraged and would make an overall improvement to the area.

The design of the properties is considered to be of a high standard would make a positive contribution to this section of the Portsdown Avenue and St Andrews Road. The proposal is considered to be acceptable on character grounds.

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 a 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. The proposed dwellings would have the most impact on each other in terms of overlooking due to the "back garden to back garden"

arrangement. It is not considered that the new dwellings (no. 4 and 5) in particular, would give rise to further levels of overlooking than in a typical suburban setting.

The depth of the building at plot 5 has been reduced as part of amendment as requested by officers, as has the depth of the terrace to prevent overlooking into the garden of no. 8 St Andrews Road. In addition, the proposed dwellings have also been reduced in height and therefore the combined amendments have reduced the visual impact on dwelling no.5 in terms of overlooking and perceived height (the proposed dwelling would not be overbearing) on no. 8 St Andrews Road. The first floor projection of the building, given the depth beyond no.8 St Andrews Road and the distance from this property would not be uncharacteristic or visually dominant.

In terms of the visual impact of proposed house 4 on the nearest neighbouring property at no. 7 Portsdown Avenue, the building would maintain a gap to this dwelling and would have a relatively modest projection beyond the rear elevation. It is considered that there would be some overshadowing to this property, however due to the siting and distance, it is not considered that this would be sufficient to warrant refusal. No. 7 Portsdown Avenue benefits from side windows facing no. 4 including a side dormer. Looking at the planning history of this property, including recent planning approvals (references F/03556/13 and F/00059/11), the side windows generally serve non-habitable accommodation, whilst the side dormer is a secondary window to a bedroom. The ground floor kitchen which due to its size is considered to be a habitable room, has windows to the side however there is also fenestration towards the rear. Whilst there would be loss of light to these windows, given what rooms these windows serve and other fenestration, officers do not consider that this impact is unacceptable and that the siting of the new dwellings would justify refusal of the application.

It is not considered that the improvements to the tennis facilities would have a further impact on the amenity of neighbouring occupiers, particularly adjacent to no. 9 Portsdown Avenue and no.10 St Andrews Road. Conditions have been added nonetheless with regards to the hours of use and if any additional lighting is proposed (details would be required).

Overall, the proposal is considered to have an acceptable impact on the amenity of neighbouring residential occupiers.

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 4 bedroom 8 person unit over three storeys is 130sqm. The eight units would comply and exceed the minimum space standards. In addition, the bedrooms would meet and again exceed the standards for double rooms (respectively).

All proposed residential development should provide suitable outlook and daylight for future units. All habitable rooms would benefit from suitable outlook and light; the units are all dual aspect.

In respect to mutual overlooking between the proposed units, the units would all be set at least 11m from the rear gardens of the parallel future units (the standard is 10.5m) and at least 23.4m between rear windows of the proposed units (the standard is 21m). The terrace of proposed dwelling 7 would project 2.7m beyond the rear elevation of proposed dwelling 8; to mitigate against overlooking, it is recommended that privacy screening is located along this boundary and details would be secured via a condition. It is therefore considered that there would not be unacceptable levels of overlooking between future units.

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; the Sustainable Design and Construction SPD stipulates that for houses with 7 or more habitable rooms a minimum of 85sqm should be provided. All the gardens for the new dwellings would meet this standard and thus provide sufficient amenity space for the future occupiers of the units. The depth of the garden of proposed unit 8 is relatively modest due to the siting of the retained tennis courts. As part of the amendments, the garden of this property was increased along the boundary with proposed unit no.7 and therefore the amenity of future occupiers improved compared to the initial submission. The layout of the amenity areas has been conditioned.

Environmental Health officers have commented on the proposal and consider that whilst some of the tennis courts would be removed for the development to provide private residential gardens, there is not any significant source of contamination in the immediate vicinity. The supporting information indicates that the tennis courts to be removed do not comprise hard courts (which are generally made from asphalt or concrete). Environmental Health officers have advised however that as the area would be covered by private gardens to each dwelling, a contamination condition is added to ensure that there is no harm to the future amenity. Environmental Health officers have also recommended conditions to address potential noise issues generated from fixed mechanical plant associated with the tennis club, users of the site, traffic and kitchen extraction equipment particularly given the proximity to the future dwellings.

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

Impact on Trees and Ecology

The NPPF (2018) stipulates that Planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

Policy DM01 of the Adopted Barnet Development Management Policies advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location,

species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

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

The proposal requires the removal of all trees within the site. The quality, value and life expectancy does vary and the majority have been rated as poor.

Street trees growing along either side of the development on St Andrew Road and Portsdown Avenue provide high quality amenity value. These trees are shown as retained, however Tree officers have identified that there is a risk that they may be harmed by construction activities and the developer should provide a commitment that in case harm occurs, replacement trees of equivalent CAVAT value of the trees can be secured. This would be secured through a condition.

No provision has been provided for soil treatments for gardens to ensure new trees will grow post development; this can be secured through suitably worded conditions.

There is a high risk that the installation of services may impact on the health of street trees. The services must be designed to avoid the rooting areas of these trees; details would be secured through a condition.

The Arboricultural officer advised that mitigation planting is advised of additional planting on either side other development; whilst this would soften the impact of the new development, it is not considered that the site can accommodate additional street planting without compromising the entrances into the site and plot layouts. On balance therefore, it is considered that the benefits of the additional units would offset the loss of the low quality trees.

A detailed landscape plan has been produced to support this application for the residential properties. New landscaping must be provided for the revised tennis club to include new trees that will provide shade. It is therefore recommended that a landscaping condition is added to obtain this information.

Sufficient information has been provided to fully assess the impact of the application on trees. A high-quality landscape scheme across the site with extra heavy nursery stock plantings will be required to mitigate the impact of the buildings

The applicant has submitted an independent ecology assessment which concludes that "the habitats on-site have the potential to support nesting birds and roosting bats". The report recommends that the following:

"Any clearance of vegetation, or buildings that support suitable nesting features, should be timed to avoid the bird breeding season (March-August inclusive). If this is not possible, these habitats can only be removed following confirmation by a suitably qualified ecologist that they are not in active use by nesting birds.

Wall cotoneaster, an invasive species listed on Schedule 9 of the Wildlife and Countryside Act, is present on site and should be removed from site and disposed of as controlled waste.

Given the 'low' suitability of the tennis facility to support roosting bats, this building should be subject to a single roost emergence or re-entry survey during the bat active period (May to September inclusive), to confirm the presence/absence of roosting bats."

It is considered that the recommendations within this report should be implemented and this would be secured through a condition.

In conclusion, on balance, the proposal is considered to be acceptable on tree and ecological grounds.

Impact on Highways

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

The site includes five tennis courts. The associated pedestrian access point is located towards the southern boundary of the site on St Andrew's Road. No parking is provided onsite.

The site is located within a one hour Control Parking Zone (CPZ) operational from Monday to Friday 11am to midday.

Parking Provision:

Policy DM17 states that 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).

In accordance with Policy DM17, this application would need to include off-street parking for 12 to 16 vehicles would need to be provided for the proposed residential development.

Consideration has been given to the site being location within walking distance of town centre and local amenities; site being located within a CPZ. Also taking into consideration the PTAL rating of the site of 2 would require parking provision of between 15.2 parking spaces to conform with the parking standards as set out in the Policy DM17. Therefore, the provision of 12 parking spaces will result in a shortfall in parking provision by approximately 3 parking spaces.

Parking Beat Survey:

In order to gauge the existing level of on street parking (and the availability of parking spaces) that takes place during the day in the vicinity of the site, a parking beat survey was undertaken by the applicant, London NW Properties Ltd, across six weeks in April, May and June 2018. The survey recorded two beat counts at 10:00 am and 22:00 pm.

The survey indicated that the average parking stress was 33%. Therefore, there is parking capacity on street in the vicinity of the proposed development to accommodate the potential

overspill parking and the reduction in on street parking due to the provision of the new crossovers for the proposed development.

Cycle Parking Provision:

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 residential aspect of the development would require the provision of 18 cycle spaces (1 cycle space per studio and 1 bedroom unit and 2 cycle spaces per other sized dwellings).

It is proposed that two Sheffield stands will be provided per residential unit providing a total of four cycle parking spaces per residential unit in accordance with the adopted and emerging London Plan standards.

The cycle parking provision in absence of any cycle parking standard for the proposed leisure use, has been assessed based on a 20% mode share target for a maximum demand for 18 users. Four cycle parking spaces are to be provided, which acceptable on highway grounds.

Vehicular Access to Residential Parking Spaces:

It proposed that the access to the proposed residential dwellings is to be taken from Portsdown Avenue and St Andrew's Road. Four crossovers will be constructed on Portsdown Avenue to provide vehicular access to units 1 to 4 and four crossovers will be constructed on St Andrew's Road to provide vehicular access to units 5 to 8. Each crossover will be no longer than 4.8 m in width to comply with London Borough of Barnet requirements.

The applicant is advised that the maximum width of a crossover allowed from public highway is 4.8m.

Trip Assessment:

The Transport Assessment submitted with the planning application included a trip assessment based on industry standard TRICS Database which indicated a trip generation assessment for the existing and the proposed development.

It is anticipated that the proposed development with tennis courts and MUGA will provide facilities to cover a wide range of sports for the local catchment area.

The proposal therefore differs from the previous club arrangement which had a reported catchment of 75% outside the local NW11 postcode, which suggests a greater potential of club members travelling by private vehicle.

Therefore, the proposed development for two publicly accessible tennis courts and one MUGA are expected to result in a more sustainable travel patterns by comparison, given the typically local catchment.

Refuse Collection and Servicing:

Servicing for the tennis courts will continue as per the existing on-street refuse collection arrangements.

It is proposed that the provision for the storage of domestic waste be provided on Portsdown Avenue and St Andrews Road and bins will be brought to the kerbside on refuse collection days.

Highways officers advise the applicant that the refuse bin shall be brought within 10 metres of the public highway on the day of collection; an informative would be added to this effect

Conclusion

It is therefore considered that the proposal would be 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 (2016 Minor Alterations to 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 is attached 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 6% 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 (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy

In terms of water consumption, a condition is attached 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).

The proposal has been calculated to be liable for Barnet CIL and Mayor's CIL.

5.4 Response to Public Consultation

The planning related comments received have been addressed in the report above. The following are provided in response to other comments received:

- The site is a tennis facility, however not designated as Green Belt.

- The proposal is considered to be a minor development and therefore it does not meet the requirement to provide affordable housing;
- The site is not defined as an area with of special nature conservation;
- The agent has confirmed that the curtilage/ ownership of the site is correct as outlined in the site location plan in red;
- There is no protection on the site to require consultation with Historic England.

6. 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.

7. Conclusion

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

