

Location **Blocks 1-6 Britten Close & Blocks 7-9 Chandos Way London NW11 7HW**

Reference: **18/3187/FUL**

Received: 24th May 2018

Accepted: 29th May 2018

Ward: Garden Suburb

Expiry 28th August 2018

Applicant: B & C Crestpearl Limited

Proposal: Erection of part 1, part 2 storey rooftop extensions to seven existing blocks to create 19no. self-contained flats, with private amenity space and ancillary gym within Block 7 and external lift shafts to each block. Provision of 21 additional parking spaces, 50 cycle spaces, external children's play space; photovoltaic (PV) panels and upgrading of existing refuse and recycling stores and new landscaping and access arrangements.

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. Contribution of payment towards affordable housing of £641,512. The contribution shall be subject to a late stage review mechanism.
4. Contribution of £48,357 towards off-setting the net zero carbon requirement (62.11%).

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:

1667-PL-ST-000 A (Site Location Plan, General Arrangement, As Existing)
1667-PL-ST-001 A (Site Plan, General Arrangement, As Existing)
1667-PL-ST-002 A (Chandos Way, Block Plan, As Existing)
1667-PL-ST-003 A (Britten Close, Block Plan, As Existing)
1667-PL-ST-004 (Parking Layout, General Arrangement, As Existing)
1667-PL-ST-600 C (Site Plan, General Arrangement, As Proposed)
1667-PL-ST-601 A (Chandos Way, Block Plan, As Proposed)
1667-PL-ST-602 A (Britten Close, Block Plan, As Proposed)
1667-PL-ST-603 A (Parking Layout, General Arrangement, As Proposed)

1667-PL-DOC-008 (Britten Close View, As Proposed)
1667-PL-DOC-009 (Chandos Way View, As Proposed)
1667-PL-DOC-010 (Roof Light Schedule)
1667-PL-DOC-011 (Sun Tunnel Specification)
1667-PL-DOC-012 A (Area Schedule)

1667-PL-GA-010 A (Block One, Ground Floor, As Existing)
1667-PL-GA-011 A (Block One, Roof Plan, As Existing)
1667-PL-GA-020 A (Block Two, Ground Floor Plan, As Existing)
1667-PL-GA-021 A (Block Two, Roof Plan, As Existing)
1667-PL-GA-050 A (Block Five, Ground Plan, As Existing)
1667-PL-GA-051 A (Block Five, Roof Plan, As Existing)
1667-PL-GA-060 A (Block Six, Ground Floor Plan, As Existing)
1667-PL-GA-061 A (Block Six, Roof Plan, As Existing)
1667-PL-GA-070 A Block Seven, Ground Floor Plan, As Existing)
1667-PL-GA-071 A (Block Seven, Roof Plan, As Existing)
1667-PL-GA-080 A (Block Eight, Ground Floor, As Existing)
1667-PL-GA-081 A (Block Eight, Roof Plan, As Existing)
1667-PL-GA-090 A (Block Nine, Ground Floor Plan, As Existing)
1667-PL-GA-091 A (Block Nine, Roof Plan, As Existing)
1667-PL-GA-100 A (Site Sections AA, As Existing)
1667-PL-GA-101 A (Site Sections BB, As Existing)
1667-PL-GA-210 A (Block One, West Elevation, As Existing)
1667-PL-GA-211 A (Block One, East Elevation, As Existing)
1667-PL-GA-212 A (Block One, North & South Elevation, As Existing)
1667-PL-GA-220 A (Block Two, West Elevation, As Existing)
1667-PL-GA-221 A (Block Two, East Elevation, As Existing)
1667-PL-GA-222 A (Block Two, North & South Elevations, As Existing)
1667-PL-GA-250 A (Block Five, East Elevation, As Existing)
1667-PL-GA-251 A (Block Five, West Elevation, As Existing)
1667-PL-GA-252 A (Block Five, North & South Elevation, As Existing)

1667-PL-GA-260 A (Block Six, East Elevation, As Existing)
1667-PL-GA-261 A (Block Six, West Elevation, As Existing)
1667-PL-GA-262 A (Block Six, North & South Elevation, As Existing)
1667-PL-GA-270 A (Block Seven, North Elevation 01, As Existing)
1667-PL-GA-271 A (Block Seven, North Elevation 02, As Existing)
1667-PL-GA-272 A (Block Seven, South Elevation, As Existing)
1667-PL-GA-273 A (Block Seven, West Elevation, As Existing)
1667-PL-GA-274 A (Block Seven, East Elevation, As Existing)
1667-PL-GA-280 A (Block Eight, North Elevation, As Existing)
1667-PL-GA-281 A (Block Eight, South Elevation, As Existing)
1667-PL-GA-282 A (Block Eight, East & West Elevation, As Existing)
1667-PL-GA-290 A (Block Nine, East Elevation, As Existing)
1667-PL-GA-291 A (Block Nine, West Elevation, As Existing)
1667-PL-GA-292 A (Block Nine, North & South Elevation, As Existing)

1667-PL-GA-610 A (Block One, Ground Floor Plan, As Proposed)
1667-PL-GA-611 A (Block One, 4th, 5th and Roof Plan, As Proposed)
1667-PL-GA-620 A (Block Two, Ground Floor, As Proposed)
1667-PL-GA-621 B (Block Two, 4th, 5th and Roof Plan, As Proposed)
1667-PL-GA-650 A (Block Five, Ground Floor Plan, As Proposed)
1667-PL-GA-651 A (Block Five, 4th, 5th and Roof Plan, As Proposed)
1667-PL-GA-660 A (Block Six, Ground Floor Plan, As Proposed)
1667-PL-GA-661 A (Block Six, 4th, 5th and Roof Plan, As Proposed)
1667-PL-GA-670 A (Block Seven, Ground Floor Plan, As Proposed)
1667-PL-GA-671 B (Block Seven, 4th Floor Plan, As Proposed)
1667-PL-GA-673 B (Block Seven, 5th Floor Plan, As Proposed)
1667-PL-GA-674 B (Block Seven, Roof Plan, As Proposed)
1667-PL-GA-680 A (Block Eight, Ground Floor Plan, As Proposed)
1667-PL-GA-681 A (Block Eight, 4th, 5th and Roof Plan, As Proposed)
1667-PL-GA-690 A (Block Nine, Ground Floor Plan, As Proposed)
1667-PL-GA-691 B (Block Nine, 4th and Roof Plan, As Proposed)
1667-PL-GA-700 C (Site Section AA, As Proposed)
1667-PL-GA-701 C (Site Section BB, As Proposed)
1667-PL-GA-810 A (Block One, West Elevation, As Proposed)
1667-PL-GA-811 A (Block One, East Elevation, As Proposed)
1667-PL-GA-812 A (Block One, North & South Elevation, As Proposed)
1667-PL-GA-820 A (Block Two, West Elevation, As Proposed)
1667-PL-GA-821 A (Block Two, East Elevation, As Proposed)
1667-PL-GA-822 A (Block Two, North & South Elevation, As Proposed)
1667-PL-GA-850 A (Block Five, East Elevation, As Proposed)
1667-PL-GA-851 A (Block Five, West Elevation, As Proposed)
1667-PL-GA-852 A (Block Five, North & South Elevation, As Proposed)
1667-PL-GA-860 A (Block Six, East Elevation, As Proposed)
1667-PL-GA-861 A (Block Six, West Elevation, As Proposed)
1667-PL-GA-862 A (Block Six, North & South Elevation, As Proposed)
1667-PL-GA-870 A (Block Seven, North Elevation 01, As Proposed)
1667-PL-GA-871 B (Block Seven, North Elevation 02, As Proposed)
1667-PL-GA-872 B (Block Seven, South Elevation, As Proposed)
1667-PL-GA-873 A (Block Seven, West Elevation, As Proposed)
1667-PL-GA-874 B (Block Seven, East Elevation, As Proposed)
1667-PL-GA-880 A (Block Eight, North Elevation, As Proposed)
1667-PL-GA-881 B (Block Eight, South Elevation, As Proposed)
1667-PL-GA-882 B (Block Eight, East & West Elevation, As Proposed)

1667-PL-GA-890 B (Block Nine, East Elevation, As Proposed)
1667-PL-GA-891 B (Block Nine, West Elevation, As Proposed)
1667-PL-GA-892 B (Block Nine, North & South Elevation, As Proposed)

Air Quality Impact Assessment (dated 16.04.18)
Arboricultural Impact Assessment (dated 10.04.18)
Covering Letter (dated 23.05.18)
Daylight & Sunlight Study (dated April 18)
Design & Access Statement (dated May 18)
Energy Statement (dated 19.04.18)
Financial Viability Assessment (dated 23.05.18)
Flood Risk Assessment (dated 12.04.18)
Drainage Memo from Hilson Moran (dated 26.06.18)
Drainage Memo from Hilson Moran (dated 27.07/18)
Heritage Appraisal (dated May 2018)
Independent Viability Assessment Review (dated October 18)
Noise and Vibration Impact Assessment (dated 11.05.18)
Planning Statement (dated May 18)
Preliminary Ecological Appraisal and Preliminary Bar Roost Assessment (dated 13.04.18)
Overheating Risk Analysis Report (dated 19.04.18)
Roof Light Schedule (dated 18.04.18)
Statement of Community Involvement (dated October 17)
Sun Tunnel Specification (dated April 18)
Sustainability Statement (dated 19.04.18)
Transport Statement (April 18)
Utilities Statement (dated 26.01.18)
Visual Impact Assessment (dated February 18)

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

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

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

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 4 a) No development 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).

- 6 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).

- 7 a) No development other than demolition works shall take place on site until a noise assessment of the detailed construction scheme, 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 April 2013) and 7.15 of the London Plan 2016.

- 8 Prior to installation, details of the sun tunnels shall be submitted to and approved in writing by the Local Planning Authority.

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.

- 9 a) A scheme of hard and soft landscaping, including levels and details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping and improvements to promote biodiversity, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

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

- 10 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.

11 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall commence on site until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority.

b) All tree felling and pruning works shall be carried out in full accordance with the approved specifications under this condition and in accordance with British Standard 3998 (Recommendation for Tree Works).

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.

12 a) Before the development hereby permitted is first occupied, a scheme detailing all play equipment to be installed in the communal amenity space shown on the drawings hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development represents high quality design and to accord with Policy CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013), the Planning Obligations SPD (adopted April 2013) and Policy 3.6 of the London Plan 2015.

13 Prior to the erection and installation of photovoltaic panels, details of the size, design and siting of all photovoltaic panels to be installed as part of the development shall be submitted and approved in writing by the Local Planning Authority. Calculations demonstrating the additional carbon emission reductions that would be achieved through the provision of additional panels shall also be submitted. The development

shall be carried out and constructed in accordance with the approved details.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

- 14 The level of noise emitted from the ventilation/ extraction plant for the residential use 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.

- 15 The gym shown on the plans approved under this application shall be used only as an ancillary facility as part of the scheme hereby approved and solely by the occupiers of the development hereby approved. The gym shall not be operated as a separate stand-alone facility or planning unit. The gym shall only be open during the hours of 7am - 10pm.

Reason: To ensure that the development operates as considered under this application and does not prejudice the amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwellings in accordance with policy DM01 of the Barnet Local Plan.

- 16 Before the development hereby permitted is occupied the car parking spaces shown on Drawing No. PL-ST-601 Rev. A and PL-ST-602 Rev. A shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 17 Prior to occupation of the development, Cycle parking spaces shall be provided in accordance with London Plan Cycle Parking Standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

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

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

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 19 The mitigation measures as detailed within the approved Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment shall be implemented in full accordance.

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).

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

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

- 21 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (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) and 10% (2

units) constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 22 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 37.9% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 23 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

RECOMMENDATION III:

- 1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 31 March 2019, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to meet the costs of provision of affordable housing and carbon off-set fund. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

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. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the

applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 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 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

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

- 6 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.

Officer's Assessment

1. Site Description

The application site is located within the Chandos Way estate, within the Garden Suburb ward. The estate, constructed in the mid-1970s, consists of nine, four-storey blocks comprising of 220 flats. Blocks 1-6 are situated around Britten Close at the eastern side of the estate, with blocks 7-9 situated at the western end of Chandos Way.

The existing buildings are visually imposing brick constructed structures with lead clad mansard roofs. The buildings are constructed with flat roofs and have a series of rooflights providing light to the upper floor flats. The site benefits from large areas of amenity space around the existing blocks, with large mature trees and shrubs planted around the site boundaries.

The site is accessed by a single access road (Chandos Way) from Wellgarth Road and is served by a total of 250 car parking spaces (220 allocated for residential use and 30 visitor parking spaces).

The site is located within an established residential area. The town centre of Golders Green is located approximately 500m to the south. To the north of site, lies the mansion block of Heathcroft and the properties of Reynolds Close. This area forms part of the Hampstead Garden Suburb (HGS) Conservation Area and contains a number of statutory listed buildings. To the east of blocks 3 and 4 is North End Road (A502) which comprises of two-storey and semi-detached properties. Wellgarth Road bounds the application site to the east, which comprises of predominately two-storey semi-detached or detached properties. This street lies within the HGS Conservation Area and consists of a number of locally listed buildings. To the south-west of the site and at the end of Chandos Way is a recently completed residential development of 45 dwellings (Hampstead Reach). To the south of blocks 1-6 and east of blocks 7-9 is the Northern Line Underground tracks with Golders Green Underground Station situated further to the south.

2. Site History

Reference: 15/03208/FUL

Address: Blocks 4 And 5, Chandos Way, London, NW11 7HF

Decision: Refused

Decision Date: 29.01.2016

Description: Erection of an additional floor at fourth floor level to create four no. 3-bedroom flats, the erection of lift and stair access and the provision of cycle storage.

Reference: 15/03207/FUL

Address: Blocks 7 And 8, Chandos Way, London, NW11 7HF

Decision: Refused

Decision Date: 29.01.2016

Description: Erection of additional fourth floor level to create four no. 3-bedroom flats, erection of lift and stair access and provision of cycle storage

Reference: 15/03207/FUL

Address: Blocks 7 And 8, Chandos Way, London, NW11 7HF

Decision: Refused

Decision Date: 29.01.2016

Description: Erection of additional fourth floor level to create four no. 3-bedroom flats, erection of lift and stair access and provision of cycle storage

Reference: F/01319/12

Address: Chandos Lawn Tennis Club, Chandos Way, Wellgarth Road, London, NW11 7HP

Decision: Approved following legal agreement

Decision Date: 22.09.2014

Description: Erection of 45 self-contained units with associated car parking, cycle storage, amenity space, landscaping, refuse/recycling access, following demolition of existing building and structures.

3. Proposal

The application seeks permission for the construction of rooftop extensions to seven of the nine residential blocks. The proposed scheme consists of part single, part two-storey extensions to provide 19no. self-contained flats; 2 x 1-bed, 5 x 2-bed and 12 x 3-bed units. Two of the proposed units would be wheelchair accessible.

Single storey extensions are proposed to blocks 2, part 7 and 9. Two-storey extensions to blocks 1, 5, 6, part-7 and 8. Blocks 3, 4 and part of 7 are not proposed to be extended.

The proposed massing will be set inboard of the parapet on all sides and will have a steep pitch roof facing the inner courtyard, and a larger vertical solid masonry wall with lightweight glazing on the outer facing elevations with a smaller pitch roof. An open gallery is proposed to the inner courtyard elevations to provide access to the new roof units. The extensions are proposed to be clad entirely in a pre-weather red-brown zinc. Each new flat would benefit from private roof terraces.

The proposed extensions will be supported by an independent structural frame. Columns are proposed to be positioned away from window openings, at points of vertical emphasis on the existing facades, running down the stair cores on the courtyard elevations and on solid masonry facades to the rear. The structure is proposed to be concealed behind matching brick cladding.

One of the existing stair cores from each proposed block will be extended and a new lift added. This will provide access to the intermediate floors as well as the new roof extensions. The proposed lift structures will be wrapped in a perforated mesh to allow natural light to filter through. Lightweight canopies are proposed at ground floor level to indicate entrances and at roof level to provide sheltered access.

The proposal would involve constructing over the existing rooflights, which serve communal and private stairwells, bathrooms, living rooms, bedrooms and kitchens. A number of these which serve kitchens would be replaced by new sun tunnels which would allow light to penetrate through the new flats into the existing third floor flats below.

The proposal also consists of the provision of new ancillary gym (52sqm) within the rooftop extension to block 7, improved landscaping (including 140sqm of new children's play space) and enlargement and improvement of existing refuse and recycling stores. A total of 21 additional car parking spaces (including 2 disabled spaces) is proposed, of which 12 are provided by way of below-ground car stackers. 50 new cycle parking spaces are proposed for use by all residents.

The proposed development was amended during the course of the application to include the following changes:

- Reduction of extension to block 9 from two-storeys to single-storey.

4. Public Consultation

Consultation letters were sent to 768 neighbouring properties. Following the submission of amended plans, a period of re-consultation was undertaken for 21 days.

245 responses have been received in total, comprising 242 letters of objection and 3 letters of support. 38 Letters of objection were received following the period of re-consultation.

The objections received can be summarised as follows:

- Previous applications of rooftop extensions were refused;
- Contrary to development plan;
- The proposal does not represent sustainable development;
- Un-aesthetic design;
- Overdevelopment;
- Additional floors will be very visible;
- New design will be unevenly spread across the existing buildings;
- Proposed height is out of proportion;
- Design is out of context;
- Inappropriate external materials;
- Proposed extensions are not subservient;
- Design is ugly and out of keeping with the symmetry, materials and appearance;
- Increase in height and bulk is not acceptable;
- Increase in visual bulk;
- Proposed materials are not in keeping with the look of Hampstead Garden Suburb;
- Negative impact on the listed buildings at Reynolds Close and on the Hampstead Garden Suburb Conservation Area;
- Proposal is overbearing, overpowering and intrusive;
- Proposal will create an enclosed feeling;
- Increased units will result in overcrowding;
- Proposed provision of solar panels will be highly visible;
- Loss of existing rooflights is unacceptable and will result in loss of natural daylight;
- Existing ventilation provided through the rooflights will be lost;
- Proposed sun tunnels will not work and will not provide adequate light;
- Proposal will create overlooking opportunities;
- Impact on privacy, sunlight and would suffer overshadowing;
- Ruin the harmonious, calm, green layout that currently exists;
- Lessen the light and feeling of space and make the area dark, ugly, foreboding and claustrophobic;
- Proposed gym space is not appropriate and unwanted by the existing residents;
- Loss of green space;
- Impact on trees;
- Adverse noise and disturbance through construction;
- Impact on the setting of Hampstead Heath;
- Proposal will result in increased traffic;
- Insufficient provision of parking;
- Loss of visitor parking spaces;
- Provision of car stackers are not appropriate and will be noisy;
- Impact of vibrations of TfL underground;

- Proposed lift shafts will generate adverse noise;
- Asbestos is present on site and its removal could have a harmful effect on residents;
- Impact on waste, sewerage pipes and water supply;
- Provision of new children's play space is not wanted by existing residents and will be noisy;
- Proposed provision of flats will not support the affordable housing crisis;
- Adverse impacts significantly and demonstrably outweigh any benefits;
- Disagree with conclusions of the submitted visual impact assessment;
- Heritage impact assessment is flawed;
- Requirement for increased bins;
- Impact on right of light;
- Impact on air quality;
- Proposed works will impact on structural stability of existing buildings.

The letters of support received can be summarised as follows:

- This is an attractive and well-designed extension;
- Provision of additional much needed homes;
- Ingenious way to create more living space in the cramped London suburbs;
- Good access to public transport and amenities;
- Creative solution which could be scaled and applied across the country.

Internal and External Consultee Comments

Arboricultural Officer – No objection subject to conditions.

Designing Out Crime Officer – No objection.

Drainage – No objection.

Environmental Health – Potential concerns expressed about the potential noise issues from the proposed gym.

Thames Water – No objections in terms of capacity for foul water and surface water.

Traffic and Development – No objection subject to conditions.

Hampstead Garden Suburb Trust – Objection. This is a poorly conceived scheme that would do considerable damage to the architectural and environmental qualities of the existing 1970's buildings, damage the setting of the Hampstead Garden Suburb Conservation Area, cause great harm to the amenities of residents in the conservation area and harm the setting of listed buildings of international significance.

Hampstead Garden Suburb CAAC – Agree with the views of the Trust. Objection.

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, CS7, CS9, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM10, DM16, DM17,

Supplementary Planning Documents

Affordable Housing (adopted February 2008)

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development;
- Provision of affordable housing;
- Whether harm would be caused to the character and appearance of the existing buildings, the street scene and the wider locality;
- Whether harm would be caused to the setting of the statutory listed buildings and Hampstead Garden Suburb Conservation Area;

- Whether harm would be caused to the living conditions of neighbouring residents;
- Provision of adequate accommodation for future occupiers;
- Highways, access and parking provision; and
- Any other material considerations.

5.3 Assessment of proposals

Previously, there were two applications submitted under references: 15/03208/FUL and 15/03207/FUL for the erection of single-storey rooftop extensions to blocks 4 & 5 and 7 & 8 to provide a total of 8no. flats. Both applications were presented to the FGG Planning Committee on 21st January 2016 and were refused for the following reasons:

- 1. The proposed development by virtue of the size and siting would result in an incongruous form of development that would erode the uniformity of the buildings and the estate as a whole to the detriment of the visual amenities of the area and the character and appearance of the streetscene. As such, the proposed development would be contrary to policies CS1, CS NPPF of the Adopted Core Strategy (2012) and policies DM01 and DM02 of the Local Plan Development Management Policies Development Plan Document (2012).*
- 2. The proposed development by virtue of its siting over existing rooflights serving the top floor flats would lead to significant reduction of natural light being received to these flats and result in a substandard quality of accommodation giving rise to an unacceptable loss of existing residential amenities. As such, the proposed development would be contrary to policies CS1, CS NPPF of the Adopted Core Strategy (2012) and policies DM01 and DM02 of the Local Plan Development Management Policies Development Plan Document (2012).*
- 3. The proposed development would result in the loss of existing visitor parking spaces. As such, the proposal is likely to result in an unacceptable increase in parking pressure in the area detrimental to the free flow of traffic and highway and pedestrian safety contrary to policies CS9 of the Adopted Local Plan Core Strategy and Policy DM17 of the Adopted Development Management Policies 2012.*

This application seeks to address the above reasons for refusal. Each reason will be addressed within the relevant section below.

Principle of development

The application seeks permission for the rooftop extension to provide additional residential units. Given that the proposed development would be located in a residential context, the proposal for additional flats would be in keeping with the established residential context.

Section 8.3 of Barnet's adopted Core Strategy encourages the efficient use of land and buildings to promote higher densities. Among other areas, locations which are accessible by public transport will be encouraged for higher densities. However, it is one of many important factors to take into account in the decision-making process, along with local context, design, transport accessibility and infrastructure. These factors will be discussed within the report.

The application provides for 12 x 3-bed flats which responds to an established housing need that the Council has established through the evidence gathered to support the development of the Local Plan and policy DM08 states that in meeting housing need, three and four bedroom units are a priority dwelling mix requirement. The scheme would be acceptable in this regard.

Provision of affordable housing

Barnet policy DM10 seeks a provision of 40% of affordable housing, subject to viability, from all new developments providing 10 or more units. The scheme comprises 19 units and therefore would be liable to provide affordable housing.

The applicant has prepared and submitted a financial viability assessment by Douglas Birt Consulting. Savills, were instructed by the LPA to carry out an independent review of the submitted viability assessment. Following their review, a contribution of £641,512 has been agreed with the applicant.

Officers are satisfied that an off-site contribution is acceptable in this instance. Following an independent review of the submitted financial viability assessment, an agreed financial contribution has been agreed between the applicant and the LPA. Therefore, the proposal is considered to comply with the requirements of policy DM10.

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

It is acknowledged that within the existing estate, there is an established uniformity of design and consistent architectural character, including materials, elevational design, size, scale and massing. This has not been significantly altered over the period of time since its construction. The previously refused proposals were heavily criticised and refused for eroding this uniformity by only part extending a number of the blocks. Therefore, the proposal now seeks to extend seven of the nine blocks in order to overcome the reason for refusal. The extensions to Blocks 1, 5, 6, part-7 and 8 will be two-storeys and blocks 2, part-7 and 9 will be single-storey in height.

The proposed massing would be built up from a new floor level above the existing roof, supported by independent structural frame. The footprint will be stepped back from the existing parapet on all sides. On the inner courtyard elevation, there is a semi-open lightweight structure providing an access gallery, with a steep roof pitch incorporated to help reduce the visual mass seen from ground level. At the outer facing elevations, there is a taller vertical emphasis with lightweight glazed elements which sits on top of the existing solid masonry façade. The extensions are to be clad entirely in a pre-weathered red-brown zinc. The proposed lift shafts are to be constructed in a lightweight steel structure and wrapped in a perforated metal mesh.

Officers are satisfied the proposed design, massing, scale, height and external materials are appropriate in this instance. The proposal would provide a comprehensive extension of the existing estate where the design and height has been carefully developed in combination with Officers. The decision not to extend blocks 3 and 4 was informed by the existing buildings being fairly visible from the junction of Wellgarth Road and North End Road. Any extension to these blocks would be highly visible and therefore it was decided to omit these blocks. The location of the single-storey extensions were carefully selected so that in more sensitive parts of the site, such as views from the adjoining conservation area and from the newly constructed Hampstead Reach, the visual impact would be limited. It was considered that single-storey extensions could be introduced to these areas and would not have significant adverse effects on the character and appearance of the site or surrounding area.

With the site being bounded by the stretch of the London Underground, wider views of the site were considered to be limited and the two-storey elements could be proposed to blocks 5, 6, 7 and 8 without any significant harm to the character and appearance of the area.

It was originally proposed to have a two-storey extension to block 9, but was reduced to single-storey during the application process. This reduction was requested as it was considered that a two-storey extension was considered to have a harmful overbearing effect on the adjacent development at Hampstead Reach.

The existing staircase towers will be extended with a lightweight structure to provide a canopy to the proposed new upper level of the staircase. The proposed lift shafts would be stepped in from the existing staircase towers and whilst they will introduce a new tall element within the estate, their design with a perforated mesh is considered to help reduce their visual impact. In addition, only one lift shaft will be constructed to each block, which will reduce any cluttered appearance of the front elevations and within the courtyards.

Whether harm would be caused to the setting of the statutory listed buildings and Hampstead Garden Suburb Conservation Area

The Hampstead Garden Suburb Conservation Area is located adjacent to the site to the north-east and south-east. There are Grade II listed buildings in Reynolds Close and Heathcroft. In the Character Appraisal, this part is known as Area 5 – Rotherwick Road, Hampstead Way. In terms of the nature of the buildings found in this area, buildings are generally larger and detached, with some higher density flatted buildings.

In terms of views from the conservation area, Officers acknowledge that the proposal will be visible from certain parts; blocks 1 and 2 from Wellgarth Road and blocks 6 and 7 on Hampstead Way between Heathcroft and Reynolds Close.

Block 1 would have single-storey and block 2 would be two-storeys in height. The proposal is considered to be apparent only within background views, whilst block 2 is closer to the properties of Wellgarth Road, it will only involve a single-storey extension and the visual impact is not considered to be significantly harmful. In terms of block 1, the extension would be higher, but has a greater separating distance and intervening landscape from Wellgarth Road. Whilst the proposal would be visible from this street, the overall impact taking into account the differing scale of extensions and the separating distance and existing mature landscaping, means the proposal would only be apparent within background views which is not considered to be significantly harmful or overbearing to the character and appearance of the HGS Conservation Area.

Block 6 would have a two-storey extension with block 7 being single-storey at the nearest part to Reynolds Close. The views of the extensions would principally be the side elevations and viewed between buildings. Block 6 would be partially hidden by Heathcroft with a clearer view of block 7 being visible from Hampstead Way. However, the proposal by virtue of its single-storey nature, the separating distance from the public conservation area viewpoint and the intervening landscaping, is not considered to have a significant harmful impact on the character and appearance of the conservation area. Officer consider that the proposal would be visible as a background structure and not as an overbearing or obtrusive development.

Overall, while the proposal will be visible from certain parts of the conservation area, Officers consider that a number of factors limit the proposal's impact and the significance to the

character and appearance of the HGS Conservation Area is considered to result in less than substantial harm.

In terms of the potential impact on the statutory and locally listed buildings, the Estate is separated from the properties to the north-east by substantial mature planting, with a distance of between 35-40m from the proposed development and the buildings in Reynolds Close and Heathcroft. The scale and height of development has been carefully considered so that single-storey extensions are only proposed to blocks 2 and 7 as they have closer links to the surrounding properties than the other blocks. In regard to Reynolds Close and Heathcroft, they would mainly experience the side profiles of the extensions but taking into account the separation distance, it is not considered that the setting of these buildings would be significantly harmful. The extensions would be apparent within wider views when seen from Reynolds Close and Heathcroft. From Wellgarth Road, the proposed development will be visible but not considered to be significantly harmful. Block 2 will be single-storey, whilst this block is located further away from the properties along Wellgarth Road, the distance is considered to help reduce any potential visual impact. Officers consider that that a number of factors mentioned above, limit the proposal's impact on the setting on the listed of locally listed buildings and the overall harm is considered to be less than substantial.

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

The impact of the proposed development on the residential amenity of existing occupiers and neighbouring properties is one of the most significant issues arising out of the public consultation period. The amenity impacts principally relate to the loss of light and ventilation through existing rooflights, impact on privacy through overlooking, sense of enclosure and overbearing and noise and disturbance that would arise from the construction of the proposal and additional occupiers on the site.

Impact on light levels

Notwithstanding the impact from the loss of the rooflights and provision of sun tunnels which is addressed separately below, the applicant has provided a daylight and sunlight survey to assess the neighbouring residential properties that may be potentially affected by the proposed development. This has been carried out in accordance with the methodology and recommendations of the Building Research Establishment (BRE) report and guidance for daylight and sunlight.

The following buildings have been assessed as part of this survey:

- Blocks 1-9 of Britten Close/ Chandos Way;
- Hampstead Reach;
- Reynolds Close;
- Wellgarth Road; and
- North End Road.

This report does not undertake an assessment as to the loss of existing rooflights and the suitability of the proposed sun tunnels This has been considered separately.

A baseline analysis has been undertaken of the existing development in order to compare the existing situation against the results of the proposed development. The survey states that the existing buildings generally received very good levels of light, with the majority of baseline results in excess of the recommended 20% Vertical Sky Limit (VSL). The report explains that where the results are below this figure, it is a result of the building design which is self-obstructing through return elevations and overhead balconies.

In terms of Blocks 1-9, 799 rooms were considered within the nine blocks for VSC. Of these 676 (84.6%) met the BRE guidelines, with 78 (9.8%) experiencing a minor adverse impact (20-29.9%), 13 (1.6%) experiencing a moderate impact (30-39.9%) and 32 (4%) experiencing major effects (>40%). When assessing the distribution of daylight (NSL), 95.9% of the rooms considered met the BRE guidelines. When seeking to justify the impacts, the report notes that the presence of self-obstructing overhangs and articulation of the building can affect the results. A secondary assessment was undertaken which discounted the overhang effects. When run, the figures for VSC compliance increased to 91.9% and 97.6% for light distribution. The results of this assessment illustrate that there is a general good level of compliance and a number of existing units are impacted by the existing self-obstructing nature of the blocks.

The table below summarises the results for VSC and NSL.

VSC	VSC (self-obstructions removed)	NSL	(NSL (self-obstruction removed)
676 (84.6%) passed	734 (91.9%) passed	766 (95.9%) passed	780 (97.6%) passed
78 (9.8%) minorly impact	51 (6.4%) minorly impact	12 (1.5%) minorly impact	7 (0.9%) minorly impact
13 (1.6%) moderately impact	7 (0.9%) moderately impact	4 (0.5%) moderately impact	3 (0.4%) moderately impact
32 (4%) substantially impacted	7 (0.9%) substantially impacted	15 (1.9%) substantially impacted	9 (1.1%) substantially impacted

The survey undertook an assessment of the sunlight analysis (APSH) which states that 260 (98.5%) of the windows tested meet the relevant BRE guidelines. Only 4 windows did not meet the guidelines.

In terms of the neighbouring properties surrounding the site, the results demonstrate that all tested rooms fully comply with the BRE guidelines in terms of VSC, NSL and APSH.

Having considered the submitted report, Officers are satisfied that sufficient information has been submitted to demonstrate that the existing residential units will continue to receive good levels of light. It has been justified that the existing design of the blocks has an existing impact on daylight/sunlight levels and when discounted, the overall compliance number increases.

Loss of light and ventilation from rooflights and provision of sun tunnels

The upper level flats within each of the blocks benefit from a number of rooflights which serve as either the primary source of light to kitchens, bathrooms and stairwells or as secondary windows to bedrooms or living rooms. To the kitchens and bathrooms, these rooflights also serve as a means of providing ventilation to those rooms. Rooflights also provide light to the communal stairwell. The rooflights vary in size depending on the room they serve, however, those windows which serve kitchens are typically the largest. Officers undertook an accompanied site visit and viewed around 4 or 5 different flats which had a variation of layouts or rooflight arrangement.

With the proposed development seeking to extend upwards, it is proposed to remove all rooflights and replace those which serve a kitchen with a tubular sun tunnel. These would

run through vertical voids in the proposal, allowing for sunlight to penetrate down to the existing flats. The sun tunnels would protrude from the top of the roof slope with glass domes.

The loss of these rooflights has caused considerable concern to the occupiers of the upper level units and the value of these was explained to Officers during the site visit. Not considering the kitchen rooflights, Officers do not consider that the rooflights provide significant amenity to the occupiers of those units. These are small rooflights and whilst it is acknowledged that some level of amenity is provided, it is not considered essential to the use of the flat. These rooflights include stairwells and bathrooms and whilst it is considered a benefit to possess, they do not provide essential natural light. Of the rooflights that were located within living rooms or bedrooms, those rooflights are again small and provide secondary lighting to the rooms. Their removal is not considered to have a significant detrimental impact upon the amenity of these rooms.

It is acknowledged that the kitchen rooflights are sizeable and are an attractive feature within the upper level flats. There is a significant conflict between the resident's use of the kitchens and the policy position relating to whether the rooms should be assessed in terms of amenity value. Barnet's adopted Core Strategy defines a habitable room in its glossary as: "A room within a dwelling, the primary purpose of which is for living, sleeping or dining, including kitchens where the total area is more than 13sqm, or the dining space if it is divided from the working area by a moveable partition." Whilst this is heavily disputed by the residents, this is a consistent approach taken by the Council across all planning applications. None of the individual kitchens measure greater than 13sqm and are therefore discounted from the habitable room definition. However, these kitchen windows are proposed to be replaced by a sun tunnel. The below table summarises the proposed removal and replacement of rooflights.

Summary of Proposed Removal / Replacement of Rooflights

Summary of Proposed Removal / Replacement of Rooflights					
Block	No. Existing Rooflights	No. Habitable Rooms	No. Rooflights Removed	No. Kitchens (<13sqm)	No. Rooflights Replaced
1	22	0	0	4	4
2	32	0	0	8	8
3	No development Proposed				
4	No development Proposed				
5	31	0	0	8	8
6	22	0	0	4	4
7	76	14	14	17	17
8	27	4	4	4	4
9	27	4	4	4	4
TOTAL	237	22	22	49	49

Concerns and doubts have also been expressed regarding the potential success of the sun tunnels in their ability to providing sufficient light through to the rooms. However, taking into account the Council's policy position on the consideration of habitable rooms, rooms of this size are not expected to meet a required standard of light. Therefore, the provision of sunlight through the proposed sun tunnel is considered to be appropriate and the kitchens would experience a level of natural light. Overall, the loss of the rooflights and provision of

sun tunnels is still considered to provide the existing upper level flats with a high level of amenity.

Ventilation

Another issue raised by residents related to how their existing ventilation or extraction equipment would be affected by the proposal. Within the submitted design and access statement, it is stated that there is a strategy in place for maintaining and re-routing existing boiler flues and extractor ducting at roof level, without the need for internal works to existing apartments. A void between the existing roof and the floor of the extension provides sufficient space for services to be redirected and terminated through the proposed new façade. Therefore, the existing residents will continue to benefit from their existing ventilation.

Privacy, overlooking and overbearing

The general arrangement of the proposed units is that the layouts are orientated so that their main outlooks would face towards the rear of the buildings and the edges of the site. The front facing elevations which front onto the internal courtyard areas between the buildings have a glazed gallery to provide access to the proposed units. The gallery areas would be sited behind the front façade of the existing building and by the nature of a providing an access route, are not considered to create significant levels of harm in terms of overlooking opportunities. The provision of rooflights along the roof slope are not considered to create any overlooking opportunities.

In terms of the rear elevations, these would be generally positioned away from the existing blocks. The exception to this is Blocks 6 and 7 which have direct views towards each other. However, these blocks have a separation distance of approximately 30m between them and the proposal would not result in this separation being reduced. Therefore, the opportunities for harmful overlooking are not considered to be evident.

The distances between the neighbouring boundaries along Wellgarth Road, Heathcroft and Reynolds Close are approximately 25-30m, which is far in excess of the 10.5m stipulated in Barnet's Residential Design Guidance SPD (2016). Any window to window distances would exceed the advised 21m separation distance. Therefore, the proposal is not considered to have any harmful effects on the residential amenity of the surrounding properties.

While the proposal would result in an increase in height, the highest parts of the proposal are located to the edges of the site with a large roof slope profile which minimises the visual impact from the inner courtyards. As such, the proposal is not considered to have a significant overbearing nature harmful to the existing residents of Britten Close/ Chandos Way. The height of block nine has been reduced from two storeys to a single-storey extension in order to reduce the overbearing impact on Hampstead Reach. Due to the separation distances between the proposals and neighbouring sites, the proposal is not considered to have significant overbearing impacts.

Noise and disturbance

Concerns have been raised about the potential impacts and disturbances created during the construction of the extensions. However, these considerations are not directly legislated through the Planning System but through Environmental Health legislation. However, a

Construction Method Statement can be secured through a condition setting out measures to mitigate routing of vehicles, dust, noise and waste.

Concerns have been raised that further units will result in an increase in people within the site, resulting in overcrowding and increased noise. As the proposed development would be used for residential purposes, the use is considered to be compatible with the existing site and the levels of noise would be comparable to existing use. The use of balconies would not be expected to generate a level of noise greater than domestic use.

The introduction of new lift shafts has the potential to generate new noise but given that its associated with a residential use and would only be fairly frequently used, the level of noise is not considered to be significant. The proposed lift shafts would be stepped in from the existing stairwell structures and will be constructed of a translucent material. The lift shaft structures are not considered to have a harmful effect on the amenity of existing occupiers.

In terms of the proposed gym, it would be located within the proposed extension of block 7. A number of concerns have been raised about the potential noise impacts from the letters from objections. However, the potential noise levels would be removed or reduced by the design of the independent structure of the proposed extension, which will result in a gap between the existing level of the existing units and the proposed floor.

Provision of adequate accommodation for future occupiers

In terms of the amenity for future occupiers, the LPA would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. The London Plan, Barnet policy DM02 and Barnet's Sustainable Design and Construction SPD sets out the minimum space requirements for residential units.

The scheme comprises of 2 x 1-bed, 5 x 2-bed and 12 x 3-bed units, measuring between 81sqm – 151sqm. Each of the proposed units would exceed the minimal internal space standards. Having reviewed the proposed plans, the units would receive adequate daylight and sunlight level and would benefit from dual aspect outlooks.

In terms of outdoor amenity space, Barnet policy DM02 and the Sustainable Design and Construction SPD (2016) require the provision of 5sqm of amenity space per habitable room. Each of the proposed units would be provided with a private terrace. It is considered that with the provision of private amenity areas and access to the communal gardens, an acceptable level of external amenity would be provided for future occupiers.

Highways, access and parking provision

The existing site consists of 250 car parking spaces located in secure undercroft parking beneath 6 of the blocks and within a number of surface level parking areas. Each property is provided with a parking space, with the remaining 30 spaces available for visitor use. The site has a PTAL rating of 2 and is located within a Controlled Parking Zone (CPZ) which operates from Monday to Friday between 11am and midday.

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

Policy DM17 sets out the parking standards as follows for residential use:

For 1 bedroom units 0.0 to 1.0 space per unit

For 2 and 3 bedroom units 1.0 to 1.5 spaces per unit

The proposal comprises of 2 x 1-bed, 5 x 2-bed and 12 x 3-bed units which equates to a provision of between 17 and 27.5 spaces according to policy DM17. The proposal provides an additional 21 car parking spaces, 12 of which are to be provided by two-tier car stackers. The proposed additional car parking provision includes 2 disabled spaces. The existing provision of 30 visitor spaces will remain unaltered.

The Council's Traffic and Development service has reviewed the proposal and considers that the proposal should provide 25.5 parking spaces based on the site's poor accessibility. Therefore, the proposed 21 spaces will result in a shortfall of approximately 4 spaces.

Within the submitted transport assessment, surveys of the existing on-site car parking and that of on-street parking available within a 5-minute walk of the site were undertaken. Four surveys were undertaken, two on weekday nights, a weekday evening and a Saturday afternoon.

The on-street parking survey recorded the use of all on-street parking bays within a 200m walk of the site. In total, the on-street bays provide space to park 110 cars. The results of the survey found that on average 58 (52%) of the spaces were occupied which illustrates that there is sufficient capacity to park on-street in the vicinity of the site overnight, in the evenings and at weekends.

The results of the on-site survey found that of the available 220 resident spaces, an average of 104 spaces (47.5%) were occupied. In terms of the 30 visitor spaces, the surveys recorded an average of 17 spaces (57.5%) being utilised.

The report states that the existing 220 apartments generate a parking demand of 0.62 cars per unit, whilst car ownership in the wider area is 0.91 vehicle per unit. On this basis, the proposed 19 units could be expected to generate a parking demand of between 12 and 18 vehicles, all of which can be accommodated within the 21 additional car parking spaces provided. The parking surveys demonstrate that there is capacity within existing visitor parking bays to accommodate additional demand for visitor parking.

The Council's Highways Officer having considered a number of factors, including the undertaken parking beat survey and that the site is within walking distance of a town centre, is of the view that the proposed provision of car parking spaces is acceptable.

There will be a total of 50 covered cycle parking spaces proposed at ground floor level. This is in exceedance of the London Plan requirements.

A number of the objections received have raised concerns about the resultant increase in cars and the potential impact on access and highway safety. The submitted transport assessment has undertaken an assessment of the potential trip generation and a capacity assessment on the junction of Chandos Way with Wellgarth Road. The trip generation assessment estimates that 39% of residents' travel to work via the underground, with 36% by car. If the residents of the proposed 19 units travel using the same modes as existing, the proposals could result in an additional 7 people travelling on the underground and 6 car trips during the morning peak hour period, with a similar level of trips in the evening peak hour. The capacity assessment found that the proposal would result in an additional vehicle

heading north on Wellgarth Road and 3 vehicles heading south within the AM peak. Within the PM peak, the proposal could generate 2 vehicles heading south on Wellgarth Road. The assessment shows that the development would not have a material effect on the operation of the junction. The assessment has been modelled considering the neighbouring Hampstead Reach development.

Overall, the Council's Traffic and Development service is satisfied that the proposal accords with highway's requirement. The proposal provides an acceptable level of parking provision for the proposed units, without impacting upon existing residents.

Impact on trees, ecology and landscaping

Trees

There is a group Tree Preservation Order which covers the whole of the site.

The applicant has submitted an Arboricultural Impact Assessment which has been assessed by the Council's Arboricultural Officer. Their comments are that as the footprint of the proposal is to be built on existing structures, there will be no direct impact on the existing trees. However, there will be a risk of impacts associated with the construction process and associated infrastructure including car parking, cycle and refuse stores.

The officer states that the arboricultural report states that two trees T36 Cat B (moderate) and T72 Cat C (low) need to be removed in order to accommodate the additional parking spaces. The report states that all other options have been explored to retain the impacted trees. The officer comments that ideally T36 should be retained but could be justified in terms of planning balance. The loss of T72 is considered to be acceptable if suitably replaced. In terms of this balance, it is considered that the provision of the parking spaces is a necessary requirement as part of the overall proposal, which unfortunately results in the loss of the tree. It is not considered that material weight associated with the proposed loss would be so significant as to warrant refusal of the application.

The Officer also notes that there are several minor incursions into the RPA's of retained trees. However, they are considered to be minor and a detailed method statement would be required to prevent excessive harm. This information could be dealt with by an appropriate condition.

There are potential risks that construction activities such as scaffolding, storage of building materials and construction traffic over soft grass areas could cause harm to trees. However, these potential impacts could be managed with care and consideration.

In conclusion, the Council's Arboricultural Officer states that sufficient information to assess the impact from the proposed development has been provided and the likely impact is considered to have an acceptable impact on existing trees. The loss of one tree is considered to be suitably justified in terms of the requirement to provide the required level of parking provision within the site.

Ecology

The applicant has submitted a Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment. The report states that the site contains habitats of negligible ecological importance, with discrete areas of habitat considered to be of importance within context of

the site. Some of the mature trees and buildings are of potential importance to bats. There is scope to improve the biodiversity of the site.

A preliminary bat roost assessment was undertaken and included examining features such as brickwork, lead flashing and tiles for evidence of use by bats, including the presence of bat droppings and staining from fur-oil or urine. The main blocks were assessed as having low potential to support roosting bats, with the single-storey storage units having negligible impact. There were also three trees which were considered to have potential roosting features but considered to have low potential. The remaining trees were assessed as having negligible potential to support roosting bats.

The report recommends a number of measures in relation to further surveys for bats and fauna and opportunities for ecological enhancements.

Landscaping

The existing level and provision of open space will be largely unaffected by the proposed works. In order to accommodate a number of parking spaces and cycle stores, small areas of shrubs will be removed. This is not considered to be significant in terms of the overall provision of green space throughout the site.

In addition, 140sqm of children's play space will be provided in the form of 'doorstep' provision. This is a play space within sight of the home, where children can play within view of known adults. The London Plan policy 3.6 (Children and young people's play and informal recreation) states that new housing developments should make provision for play and informal recreation. The type of provision will be dependent on the needs arising from the development and existing provision in the area. The applicant has calculated a child yield of 14 children. The London Plan states that between 10-29 children, on-site doorstep play space used be provided for use for under 5s and off-site facilities should be available to ages 5-11 and 12+. There are large areas of open space within close proximity of the site, that could be utilised for ages 5+.

A landscaping condition will be attached to seek details of proposed soft and hard landscaping works.

Accessibility and sustainability

In terms of accessibility, Barnet policy DM03 requires developments to meet the highest standards of accessible and inclusive design. Policy DM02 requires compliance with London Plan policy 3.8 which requires 90% of new housing to meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings' and 10% to meet M4(3) 'wheelchair user dwellings'. The proposal seeks to construct new lifts to all blocks which are proposed to be extended. The lifts will stop at each stair landing between ground floor level and the proposed rooftop extensions. This would ensure compliance with the accessibility requirement. Of the total of new units provided, two (10%) would be wheelchair adaptable. These would be provided within block 7.

Barnet policy DM04 requires all major development to comply with the Major's targets for reduction in carbon dioxide emissions. London Plan policy 5.2 expects that residential developments to be zero carbon with an achievement of at least 35% reduction in regulated carbon dioxide emissions (beyond Part L 2013) on site. The applicant has submitted an energy statement which sets out that the proposal can achieve a 37.89% reduction on site which can be achieved by optimised glazing, lighting, mechanical ventilation and installation

of photovoltaic panels. It is proposed to offset the remaining 62.1% reduction by way of a financial contribution to Barnet's carbon offsetting fund. This contribution amounts to £48,357 (based on a price of carbon set at £60/tonne CO₂, stated within the London Plan).

Flood risk and surface water drainage

The application site is located within Flood Zone 1 (low probability). According to the Environment Agency's data, the site also indicates that the majority of the site is considered to be at a very low risk of surface water flooding with areas of the site being at low and high risk of surface water flooding at parts of the existing access road.

The applicant has submitted a Flood Risk Assessment (FRA) which states that the site does not lie within an area susceptible to groundwater flooding, lies within an area which has low susceptibility to surface water flooding and the risk of flooding from sewers is negligible. The proposal seeks to install permeable paving and underground storage tanks to mitigate surface water drainage.

The FRA has been reviewed by the Council's drainage engineers who following a lengthy period of discussion with the applicant's consultants, are satisfied with the document submitted and have no objections to the FRA. The use of permeable paving and underground storage tanks is considered to be appropriate.

5.4 Response to Public Consultation

Objections relating to the loss of property value, increases to service charges and ground rent, changes/ or impacts on existing covenants are not planning issues and cannot be considered to influence the planning outcome for this application. This is also the case of concerns relating to whether the increase of the number of units would harm the sense of community within the estate.

There are implications in the objections that the loss of existing light through rooflights (albeit to non-habitable rooms or spaces) would be theft or a loss of individual property rights. Property rights do not fall for consideration under the planning system. Neither does the Right to Light which is governed by separate legislation. These are matters of civil law and are not planning issues.

Objections concerning the ability of the building to tolerate the stress of additional rooftop extensions are not material planning considerations. Structural integrity of the buildings would be considered under the building regulations.

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.

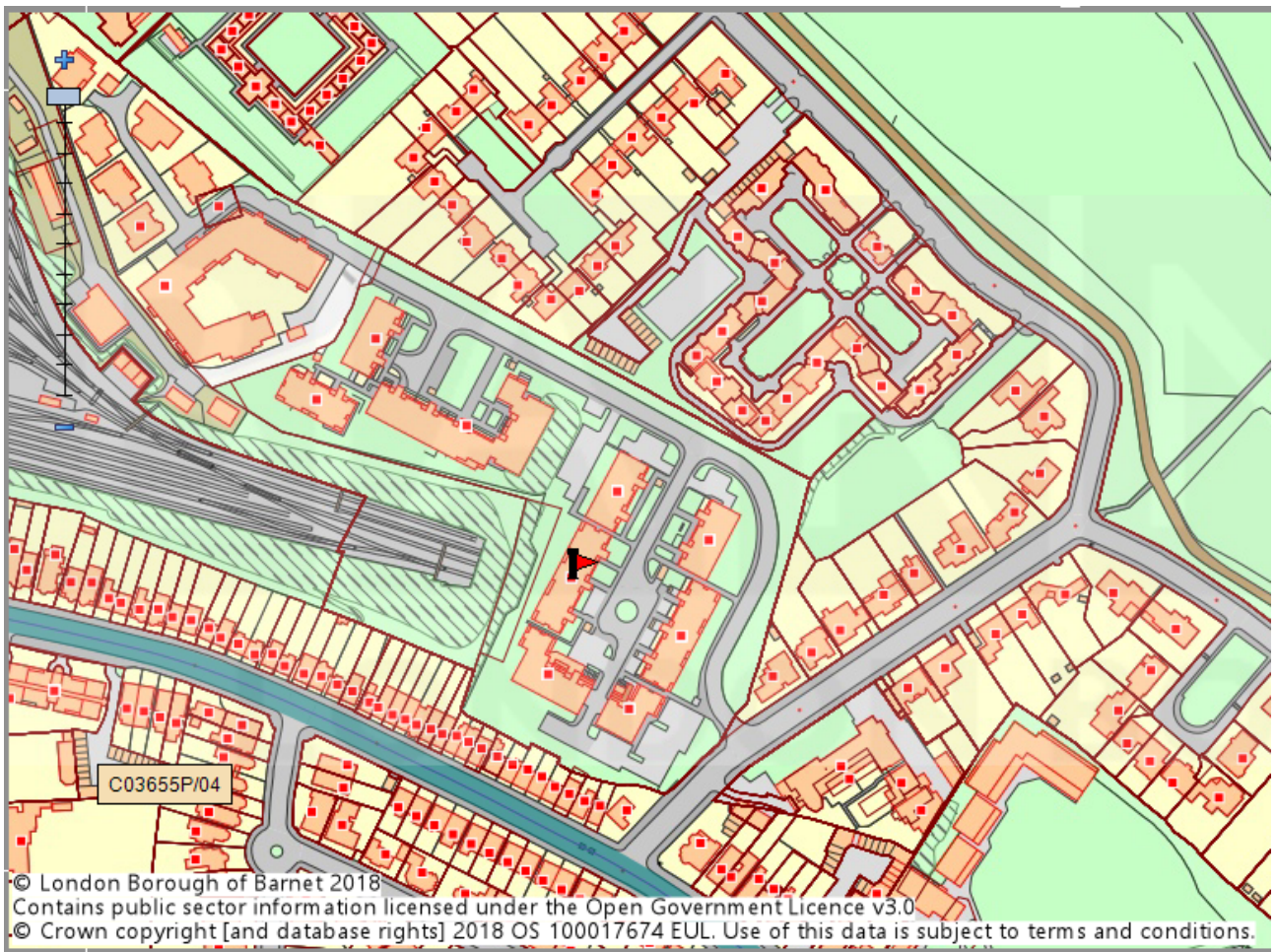
7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality.

In line with the Planning (Listed Building and Conservation Area) Act 1990 special regard is given to preserving the heritage asset. In this instance, it is considered that there is no harm associated with the proposal to the heritage asset and the proposal is therefore acceptable having regard to the provisions of Policy DM06 of the Development Management Policies and Section 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990. As the proposal has been assessed as having a less than substantial harm and in accordance with the NPPF, this harm is considered to be outweighed by the provision of additional housing in an area identified by the Core Strategy as being capable of accommodating higher density. A number of factors have been assessed and the site is considered to be an appropriate location to accommodate this form of development.

The development is not considered to cause demonstrable harm to the amenities of neighbouring occupiers and provides quality accommodation for future occupiers. The proposal is considered to be acceptable on highways grounds.

This application is therefore recommended for approval.



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