

<b><u>MEETING</u></b> <b>PLANNING COMMITTEE</b>
<b><u>DATE AND TIME</u></b> <b>WEDNESDAY 27TH JULY, 2016</b> <b>AT 6.30 PM</b>
<b><u>VENUE</u></b> <b>HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ</b>

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

Item No	Title of Report	Pages
1.	BRAKE SHEAR HOUSE, 164 HIGH STREET, BARNET EN5 5XP	1 - 64

Jan Natynczyk [jan.natynczyk@barnet.gov.uk](mailto:jan.natynczyk@barnet.gov.uk) 020 8359 5129

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**LOCATION:** Brake Shear House, 164 High Road, EN5 5XP

**REFERENCE:** 16/2466/FUL

**Registered:** 14 April 2016

AGENDA ITEM 16

**Expiry:** 26 July 2016

**WARD:** High Barnet

**APPLICANT:** Montagu Evans

**PROPOSAL:** Demolition of existing buildings (Use Class B1(c), Sui Generis, A3 and C3). Erection of new three storey building to provide flexible Use Class B floorspace. Erection of new four storey residential apartment building providing 32 self-contained units and construction of 8 semi-detached houses. Associated car and cycle parking, landscaping and associated works

## RECOMMENDATION

### Approve the application subject to:

#### Recommendation 1

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 of seeking to secure the following:

- (a) Legal Professional Costs Recovery  
Paying the Council's legal and professional costs of preparing the Agreement and any other enabling arrangements.
- (b) Enforceability  
All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.
- (c) Affordable Housing – On Site  
The provision within the development of 5 affordable rented and 3 shared ownership affordable housing units comprising
  - 5 x 2 bedroom, 4 person affordable rented units
  - 2 x 2 bedroom, 4 person shared ownership units
  - 1 x 1 bedroom, 2 person shared ownership unitAn off-site contribution of £120,579.00 is also to be made.
- (d) Affordable Housing – Review Mechanism  
Upon occupation of 80% of the private market housing units, the viability of the development shall be re-appraised and, if deemed viable to do so, a financial contribution shall be paid towards the provision of affordable housing in the Borough.
- (e) Travel Plan  
The applicant shall submit a Travel Plan Statement to the Council for

approval that seeks to reduce reliance on the use of the private car and to ensure the sustainability of the development. The Travel Plan Statement shall include the following obligations to facilitate modal shift in the choice of transport mode available as follows:

- Travel Plan monitoring contribution of £5,000
- Residents Travel Plan Incentive fund contribution of £150 per unit will be required to be selected from the following:
  - Oyster cards with £150 credit uploaded
  - £150 towards membership of a car club with the residual amount as driving credit with the car club
  - £150 bike voucher

(f) Highway Works

The following proposed highway works shall be carried out under S278 of the Highways Act 1980 and to be concluded in S106 Agreement. Junction improvements at Brake Shear House (Main) Access on the public highway that are approved by the Highway Authority.

(g) Traffic Management Order Contribution

A financial contribution of £2,000 towards the amendment of Traffic Management Order to ensure to revoke the right to purchase a residential parking permit for the development site.

(h) Employment and Training

The applicant shall secure the provision of a minimum number of apprenticeships to be agreed with the council including costs of wages and training to be delivered in line with the National Apprenticeship Service Framework. The employment agreement will need to secure the following minimum levels unless justification is provided and agreed with the council as to why they are not possible given the specific circumstances of this site and a reduced number subsequently agreed to by the council:

- 4 places for progression into employment [< 6 months]
- 3 places for progression into employment [> 6 months]
- 6 Apprenticeships
- 10 Work experience placements (+16yrs)
- Job opportunities advertised for the benefit of Barnet residents
- A local labour target of 30%
- Local suppliers within reasonable endeavours
- Forecasting of job opportunities to be provided to the Council at least one month in advance of each phase

(i) Monitoring of the Section 106 Agreement

A contribution of £4,234 index linked towards the monitoring and management of the S106 planning obligations.

(j) Affordable workspace

A minimum of 130 sqm of affordable commercial floor space is to be provided within the scheme of development. This shall be subject to a management agreement relating to the provision of affordable rented commercial accommodation, to be agreed in writing with the Council, and provided and retained within the development thereafter.

**Recommendation 2:**

That upon completion of the agreement specified in Recommendation 1, the Assistant Director – Development Management and Building Control approve the planning application reference 16/2466/FUL under delegated powers and grant planning permission subject to the following conditions and any changes to the wording of the conditions considered necessary by the Assistant Director - Development Management and Building Control:

1. This development must be commenced within three years from the date of this permission.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 00\_001 Revision PL1; 00\_010 Revision PL1; 00\_011 Revision PL1; 00\_012 Revision PL1; 00\_013 Revision PL1; 00\_014 Revision PL1; 00\_015 Revision PL1; 00\_020 Revision PL1; 00\_030 Revision PL1; 12\_010 Revision PL1; 12\_011 Revision PL1; 12\_012 Revision PL1; 12\_013 Revision PL1; 12\_014 Revision PL1; 12\_015 Revision PL1; 12\_020 Revision PL1; 00\_100 Revision PL1; 00\_101 Revision PL2; 00\_102 Revision PL2; 00\_103 Revision PL2; 00\_104 Revision PL2; 00\_105 Revision PL2; 00\_200 Revision PL1; 00\_210 Revision PL1; 00\_211 Revision PL1; 00\_212 Revision PL1; 00\_213 Revision PL1; 00\_214 Revision PL1; 00\_215 Revision PL1; 00\_216 Revision PL1; 00\_220 Revision PL1; 00\_221 Revision PL1; 00\_222 Revision PL1; 00\_230 Revision PL1; 00\_300 Revision PL1; 00\_301 Revision PL2; 00\_302 Revision PL1; 00\_303 Revision PL1; 00\_304 Revision PL1; 70\_100 Revision PL1; 70\_101 Revision PL1; 70\_102 Revision PL1; 70\_103 Revision PL1; 70\_104 Revision PL1; 70\_105 Revision PL1; 70\_106 Revision PL1; 70\_107 Revision PL1; 70\_108 Revision PL1; 70\_109 Revision PL1; 70\_110 Revision PL1; 70\_111 Revision PL1; 70\_112 Revision PL1; 70\_113 Revision PL1; 70\_120 Revision PL1; 70\_121 Revision PL1; 40\_300 Revision PL1; 40\_301 Revision PL1; 40\_302 Revision PL1; 40\_303 Revision PL1; 40\_304 Revision PL1; 40\_305 Revision PL1; MLA\_11 93\_GA.001 P01;

MLA\_11\_93\_GA.002 P01; MLA\_11\_93\_GA.003 P01; MLA\_11\_93\_GA.004 P01; MLA\_11\_93\_GA.005 P02; MLA\_11\_93\_L300 P01; MLA\_11\_93\_PP4\_00 P02; Design and Access Statement 1405\_40\_100\_PL2 (June 2016); Detailed Daylight and Sunlight Report GVA Schatunowski Brooks (April 2016); External Landscape Management Plan (April 2016); Statement of Community Engagement and Consultation (April 2016); Transport Statement Icen Projects (April 2016; Travel Plan Statement Icen Projects (April 2016); Bream pre assessment Revision 2 (April 2016); Acoustic Technical Report (March 2016); Acoustic details; Archaeological Baseline and Impact Assessment; Outline Energy Statement MLM; Planning Statement (April 2016); TRC Historical Aerial Photography; Map 2.0: Flooding Incidents; Phase 1 Environmental Site Assessment (April 2016); Pre-design waste management plan Revision 3 (April 2016); Air Quality Assessment Revision 2 (March 2016).

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 application as assessed in accordance with policies CS1, CS4, CS5, DM01 and DM02 of the Barnet Local Plan and policy 1.1 of the London Plan.

3. Notwithstanding the details shown on the plans otherwise hereby approved the development hereby permitted shall not commence (other than for Demolition, Ground works and Site Preparation Works) unless and until details and appropriately sized samples of the materials to be used for all the external surfaces (external elevations and roofs) of the proposed building at the site shall have been submitted to and approved in writing by the Local Planning Authority. A sample wall will also need to be prepared on site for approval by the Local Planning Authority. The Development shall thereafter be implemented in full accordance with such details and samples as so approved before the Development is first occupied or brought into use.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the development 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.

4. Notwithstanding the details shown in the drawings submitted and otherwise hereby approved the development is not to commence unless and until details of the levels of the proposed buildings, roads and landscaped areas relative to adjoining land and any other changes proposed in the levels of the site associated with the works permitted by this permission shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with such details as so approved before the dwellings otherwise hereby approved are first occupied or brought into use.

Reason:

To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the amenities of the area and neighbouring occupiers and the health of any trees or vegetation in accordance with policies DM01, DM04 and DM17 of the Barnet Local Plan and policies 7.2, 7.3, 7.4, 7.5, 7.6, 7.13 and 7.21 of the London Plan.

5. 4) Notwithstanding the details shown in the drawings submitted and otherwise hereby approved the development is not to commence (other than for Demolition, Ground works and Site Preparation Works) unless and until details of the following features and elements of the scheme have been submitted to the Local Planning Authority and approved in writing:

- Brick bonding and brick and stone detailing (annotated plans at a scale of not less than 1:20).
- External windows, balconies, doors, metal screens and balustrading (annotated plans at a scale of not less than 1:10).
- Depth of window reveals (annotated plans at a scale of not less than 1:20).
- Rainwater goods (annotated plans at a scale of not less than 1:10).
- Privacy screens (annotated plans at a scale of not less than 1:10).
- All means of enclosure proposed for the sites pedestrian and vehicular access points (annotated plans at a scale of not less than 1:10).

The development shall be implemented in full accordance with the approved details prior to the first occupation of the dwellings hereby approved.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the development 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

6. Notwithstanding the details submitted with the application and otherwise hereby approved, before the development hereby permitted is brought into use or occupied the following information shall be submitted to and approved in writing by the Local Planning Authority:

- 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.
- iii. Plans showing satisfactory points of collection for refuse and recycling.

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 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 refuse and recycling facilities are provided at the development in accordance with policies CS5, CS9, CS14, DM01, DM04 and DM17 of the Barnet Local Plan.

7. No construction work in relation to the development hereby approved shall be carried out on the site at any time on Sundays, Bank or Public Holidays, before 8.00am or after 1.00pm on Saturdays, or before 8.00am or after 6.00pm on any other days.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policies DM01 and DM04 of the Barnet Local Plan.

8. All work comprised in the approved scheme of hard and soft landscaping shall be carried out before the end of the first planting and seeding season following the first occupation of any part of the building or completion of the construction of the development, whichever is sooner.

Reason:

To ensure a satisfactory appearance to the development and protect the amenities of the area and neighbouring occupiers in accordance with policy DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.

9. Any trees, hedges and 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, shrubs or other planting of appropriate size and species in the next planting season.

Reason:

To ensure a satisfactory appearance to the development and protect the amenities of the area and neighbouring occupiers in accordance with policy DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.

10. Before the residential dwellings (Use Class C3) hereby permitted are first occupied details of the water efficiency measures to be installed in them to ensure that they achieve a water usage standard of not more than 110 litres per head per day shall be submitted to and approved in writing by the Local Planning Authority. The details provided shall include sufficient particulars to demonstrate how the water usage standard of not more than 110 litres per head per day for the new dwellings would be achieved. The development shall be implemented in full accordance with the details as approved prior to the first occupation of the residential dwellings.

Reason:

To encourage the efficient use of water in accordance with policy CS13 of the Barnet Local Plan and policy 5.15 of the London Plan.

11. The development shall be implemented in accordance with the details identified in the approved Energy Strategy in full prior to the first occupation of the relevant part of development.

Reason:



To ensure that the development is sustainable and in accordance with policies DM01 and DM02 of the Barnet Local Plan and policies 5.2 and 5.3 of the London Plan.

- 12.** Prior to occupation, details of the design, location and extent of the proposed photovoltaic panels to be installed on the roof area of the proposed development shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the development is sustainable and in accordance with policies DM01 and DM02 of the Barnet Local Plan and policies 5.2 and 5.3 of the London Plan.

- 13.** Prior to the first occupation of the development hereby approved a Car Parking Management Plan detailing the following shall be submitted to and approved in writing by the Local Planning Authority:

- i. The location and layout of car parking spaces
- ii. The allocation of car parking spaces;
- iii. The location and layout of cycle parking spaces
- iv. On-site parking controls
- v. The enforcement of unauthorised parking
- vi. The location of disabled parking spaces
- vii. Turning spaces

The approved details shall be implemented in full prior to the first occupation of the development hereby approved and the approved car parking and cycle parking spaces shall not be used for any purpose other than the parking of vehicles in connection with the approved development thereafter.

**Reason:** To ensure that parking is provided and managed in line with the council's standards in the interests of highway and pedestrian safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 14.** No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:
- A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

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

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

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

Reason:

In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2015).

- 16. 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).

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

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

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

**18. a)** Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing. An acoustic barrier shall be erected around the noisiest areas identified in the Acoustic Technical Report (MLM, March 2016).

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

Reason:

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

**19. a)** No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the ^IN; as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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. The recommendations listed in the Acoustic Technical Report (MLM, March 2016) shall be applied.

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

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and 7.15 of the London Plan 2015.

**20.** a) Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

b) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason:

To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and Policy 5.3 of the London Plan 2015.

**21.** Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

## Part 2

d) Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

### Reason:

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

**22.** Prior to the commencement of the development, details of the access and access road(s) shall be submitted to and approved in writing by the Local Planning Authority. Highways Engineering Drawings and detailed Construction Specifications shall be submitted, with a minimum scale of 1:200. The estate road as approved shall be constructed in accordance with the approved details before the site is occupied. For further guidance and contact details please refer to the Development Team, Environment and Operations Directorate.

### Reason:

To ensure the safe form of access to the development and to protect the amenity of the area and to conform to 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.

**23.** The buildings shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

### Reason:

To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety on the public highway and 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.

**24.** The disabled parking space shall be provided and clearly marked with a British Standard disabled symbol where appropriate and permanently retained for the use of disabled persons and their vehicles and for no other purpose.

### Reason:

To ensure and promote easier access for disabled persons to the approved building 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.

**25.** Before the development hereby permitted commences a Car Parking Management Scheme shall be submitted to and agreed in writing by the Local Planning Authority.

Reason:

To ensure that parking is provided and managed in line with the council's standards in the interests of highway and pedestrian safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

**26.** A barrier system must be provided, including a maintenance agreement, and all equipment for the access barrier system must be installed within the site's boundaries and not encroach on the public highway.

Reason:

To control on-site parking in the interest of highway and pedestrian safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

**27.** No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. All works must be carried out in full in accordance with the approved details unless previously agreed in writing by the Local Planning Authority.

Reason:

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

**28.** The approved development shall make provision for cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority. Such spaces shall be permanently retained thereafter.

Reason:

In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

**29.** Prior to the occupation of the development a Waiver of liability and indemnity agreement in relation to the non-adopted roads in each phase within the development must be signed by the developer and be submitted to and approved

in writing by the Local Planning Authority. This is to indemnify the Council against any claims for consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

Reason: To ensure that the access is satisfactory in terms of highway safety development and to protect the amenity of the area and 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.

**30.** Before the development hereby permitted commences details of the Electric Vehicle Charging Points shall be submitted to and agreed in writing by the Local Planning Authority for:

- residential parking with 20% active and 20% passive.
- employment parking 20% active and 10% passive.

Reason: To ensure that the Electric Vehicular Charging provision is in accordance with the London Plan requirements.

**31.** The buildings shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

Reason:

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

**32. a)** No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason:

To ensure that the development provides appropriate drainage infrastructure and to comply with policy CS13 of the Barnet Local Plan and policies 5.13 and 5.14 of the London Plan.

**33.** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), no development which would otherwise fall within Classes A, B, C, D, E, F, G and H in Part 1 of Schedule 2 to that Order

shall be carried out in relation to the dwellinghouses hereby permitted without the prior written permission of the local planning authority.

Reason:

To ensure the development does not prejudice the character of the locality and the enjoyment by existing and/or neighbouring occupiers of their properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

**34.** Prior to the commencement a detailed scheme of hard and soft landscaping to serve the relevant phase shall be submitted to and approved in writing by the Local Planning Authority. The details of landscaping submitted shall include but not be limited to the following:

- the position of any existing trees and hedges to be retained or removed and the crown spread of each retained tree;
- details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
- existing site contours and details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the recommended protective distance referred to in BS5837: 2012.
- details of all tree, hedge, shrub and other planting proposed as part of the scheme and all planting proposed for green and brown roofs, green walls and other soft landscaped structures, including proposed species, plant sizes and planting densities;
- means of planting, staking and tying of trees, including tree guards, and a detailed landscape maintenance schedule for regular pruning, watering and fertiliser use;
- Details and specifications of all play features to be included within the landscaped areas.
- details of all proposed hard landscape works, including proposed materials, samples and details of special techniques to minimise damage to retained trees and details of techniques to be used to provide conditions appropriate for new plantings;
- timing of planting;
- details of all proposed boundary treatments, fencing, gates or other means of enclosure to be erected at the site.

Reason:

To ensure a satisfactory appearance to the development and protect the amenities of the area and future and neighbouring occupiers in accordance with policies DM01 and DM02 of the Barnet Local Plan and policies 3.6 and 7.21 of the London Plan.



- 35.** The flexible use class B floorspace shall be used for this use class only and shall not be amalgamated or subdivided without the prior written agreement of the Local Planning Authority.

Reason:

To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the Use Class specified so that occupation of the premises does not prejudice the amenities of the future and neighbouring residential occupiers or adversely affect highway safety in accordance with policy DM01 of the Barnet Local Plan.

- 36.** Piling or other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority following the submission of a piling method statement. The development shall be carried out in accordance with the approved details.

Reason:

To protect the water environment from contamination as piling has the potential to create new pathways for contamination to reach ground water, in accordance with the provisions of the NPPF and Policy DM04 of the Barnet Local Plan.

## **Informatives**

- 1.** In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
  - 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
  - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
  - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
  - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
  - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
  - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.
  
- 2.** The Air Quality Stage 4 Review and Assessment for the London Borough of Barnet has highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering layout so habitable rooms are sited away from source of poor air quality; 4) Non

residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an Air Quality report; the report should have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network. The report should be written in accordance with the following guidance: 1) Environmental Protection UK Guidance: Development Control: Planning for Air Quality (2010); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(09); 4) London Councils Air Quality and Planning Guidance (2007).

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

3. The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

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

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

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

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

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

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

4. Any details submitted in respect of the Demolition and Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.
5. The applicant is advised that the High Street is a Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Saturday. Careful consideration must also be given to the optimum route(s) for construction traffic.
6. The applicant is also advised that the development is located on a Strategic Road Network (SRN) and is likely to cause disruption. The Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would require TfL's approval before works can commence.
7. For construction works adjacent to the public highways, the applicant must contact the Council on 0208 359 2000 for any necessary Highways Licenses
8. The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
9. The costs of any associated works to the public highway, including reinstatement works, will be borne by the applicant and will require the applicant to enter into a 278 Agreement under the Highways Act 1980. Detailed design will have to be approved by the Highways Authority.

10. The applicant advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

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

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

11. The applicant is advised that the proposed development may involve alterations to the existing on-street waiting and loading restrictions. Alterations to on-street waiting and loading restrictions will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process.
12. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)
13. Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015. The submitted WSI should include a review of the information held by the Barnet Local Studies and Archive Centre and the Hertfordshire Archive and also include a full review of the previous Geotechnical Site Investigation.

## 1. MATERIAL CONSIDERATIONS

### 1.1 Key Relevant Planning Policy

#### Introduction

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is The London Plan and the development plan documents in the Barnet Local Plan. These statutory development plans are the main policy basis for the consideration of this planning application.

Barnet's Local Plan is made up of a suite of documents, including the Core Strategy and Development Management Policies development plan documents. The Core Strategy and Development Management Policies documents were both adopted by the Council in September 2012.

A number of other planning documents, including national planning guidance and supplementary planning guidance and documents are also material to the determination of this application.

More detail on the policy framework relevant to the determination of this development and an appraisal of the proposal against the development plan policies of most relevance to the application is set out in subsequent sections of this report dealing with specific policy and topic areas. This is not repeated here.

Officers have considered the development proposals very carefully against the relevant policy criteria and have concluded that that the development will fulfil them to a satisfactory level, subject to the conditions and planning obligations recommended. The proposed development is therefore considered to comply with the requirements of the development plan.

### The London Plan

The London Plan (2015) is the development plan in terms of strategic planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The London Plan policies (arranged by chapter) most relevant to the determination of this application are:

#### **Context and Strategy:**

1.1 (Delivering the Strategic Vision and Objectives for London)

#### **London's Places:**

2.6 (Outer London: Vision and Strategy); 2.7 (Outer London: Economy); 2.8 (Outer London: Transport); 2.15 (Town Centres); and 2.18 (Green Infrastructure: the Network of Open and Green Spaces)

#### **London's People:**

3.1 (Ensuring Equal Life Chances for All); 3.2 (Improving Health and Addressing Health Inequalities); 3.3 (Increasing Housing Supply); 3.4 (Optimising Housing Potential); 3.5 (Quality and Design of Housing Developments); 3.6 (Children and Young People's Play and Informal Recreation Facilities); 3.8 (Housing Choice); 3.9 (Mixed and Balanced Communities); 3.10 (Definition of Affordable Housing); 3.11 (Affordable Housing Targets); 3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes); 3.13 (Affordable Housing Thresholds);

3.16 (Protection and Enhancement of Social Infrastructure); 3.17 (Health and Social Care Facilities); and 3.18 (Education Facilities)

#### **London's Economy:**

4.1 (Developing London's Economy); 4.2 (Offices); 4.3 (Mixed Use Development and Offices); 4.4 (Managing Industrial Land and Premises); 4.6 (Support for and Enhancement of Arts, Culture Sport and Entertainment Provision); 4.7 (Retail and Town Centre Development); 4.8 (Supporting a Successful and Diverse Retail Sector); 4.10 (Support New and Emerging Economic Sectors); and 4.12 (Improving Opportunities for All)

#### **London's Response to Climate Change:**

5.1 (Climate Change Mitigation); 5.2 (Minimising Carbon Dioxide Emissions); 5.3 (Sustainable Design and Construction); 5.4 (Retrofitting); 5.5 (Decentralised Energy Networks); 5.6 (Decentralised Energy in Development Proposals); 5.7 (Renewable Energy); 5.8 (Innovative Energy Technologies); 5.9 (Overheating and Cooling); 5.10 (Urban Greening); 5.11 (Green Roofs and Development Site Environs); 5.12 (Flood Risk Management); 5.13 (Sustainable Drainage); 5.14 (Water Quality and Wastewater Infrastructure); 5.15 (Water Use and Supplies); 5.17 (Waste Capacity); and 5.21 (Contaminated Land)

#### **London's Transport:**

6.1 (Strategic Approach); 6.2 (Providing Public Transport Capacity and Safeguarding Land for Transport); 6.3 (Assessing Effects of Development on Transport Capacity); 6.4 (Enhancing London's Transport Connectivity); 6.5 (Funding Cross rail and Other Strategically Important Transport Infrastructure); 6.7 (Better Streets and Surface Transport); 6.9 (Cycling); 6.10 (Walking); 6.11 (Smoothing Traffic Flow and Tackling Congestion); 6.12 (Road Network Capacity); and 6.13 (Parking)

#### **London's Living Places and Spaces:**

7.1 (Building London's Neighbourhoods and Communities); 7.2 (Inclusive Environment); 7.3 (Designing Out Crime); 7.4 (Local Character); 7.5 (Public Realm); 7.6 (Architecture); 7.7 (Location of Tall and Large Buildings); 7.8 (Heritage Assets and Archaeology); 7.13 (Safety, Security and Resilience to Emergency); 7.14 (Improving Air Quality); 7.15 (Reducing Noise); 7.18 (Protecting Local Open Space and Addressing Local Deficiency); 7.19 (Biodiversity and Access to Nature); and 7.21 (Trees and Woodlands)

#### **Implementation, Monitoring and Review:**

8.2 (Planning Obligations); and 8.3 (Community Infrastructure Levy)

#### Barnet Local Plan

The development plan documents in the Barnet Local Plan constitute the development plan in terms of local planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The relevant documents comprise the Core Strategy and Development Management Policies documents, which were both adopted in September 2012. The Local Plan development plan policies of most relevance to the determination of this application are:

#### **Core Strategy (Adopted 2012):**

CS NPPF (National Planning Policy Framework – Presumption in favour of sustainable development)

CS1 (Barnet's Place Shaping Strategy – Protection, enhancement and consolidated growth – The three strands approach)

CS3 (Distribution of growth in meeting housing aspirations)

CS4 (Providing quality homes and housing choice in Barnet)

CS5 (Protecting and enhancing Barnet's character to create high quality places)

CS6 Promoting Barnet's Town Centres

CS7 (Enhancing and protecting Barnet's open spaces)

CS8 (Promoting a strong and prosperous Barnet)

CS9 (Providing safe, effective and efficient travel)

CS10 (Enabling inclusive and integrated community facilities and uses)

CS11 (Improving health and well being in Barnet)

CS12 (Making Barnet a safer place)

CS13 (Ensuring the efficient use of natural resources)

CS14 (Dealing with our waste)

CS15 (Delivering the Core Strategy)

### **Development Management Policies (Adopted 2012):**

DM01 (Protecting Barnet's character and amenity)

DM02 (Development standards)

DM03 (Accessibility and inclusive design)

DM04 (Environmental considerations for development)

DM06 (Barnet's Heritage and Conservation)

DM08 (Ensuring a variety of sizes of new homes to meet housing need)

DM10 (Affordable housing contributions)

DM11 (Development principles for Barnet's town centres)

DM13 (Community and education uses)

DM14 (New and existing employment space)

DM15 (Green belt and open spaces)

DM16 (Biodiversity)

DM17 (Travel impact and parking standards)

### Supplementary Planning Guidance and Documents

A number of local and strategic supplementary planning guidance (SPG) and documents (SPD) are material to the determination of the application.

### **Local Supplementary Planning Documents:**

Sustainable Design and Construction (April 2013)

Residential Design Guidance (April 2013)

Planning Obligations (April 2013)

Affordable Housing (February 2007 with updates in August 2010)

### **Strategic Supplementary Planning Documents and Guidance:**

Accessible London: Achieving an Inclusive Environment (April 2004)

Sustainable Design and Construction (May 2006)

Health Issues in Planning (June 2007)

Wheelchair Accessible Housing (September 2007)

Planning for Equality and Diversity in London (October 2007)

All London Green Grid (March 2012)

Land for Industry and Transport (September 2012)  
Shaping Neighbourhoods: Play and Informal Recreation (September 2012)  
Housing (November 2012)

### National Planning Guidance

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published in March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications which are considered to accord with the development plan. In March 2014 the National Planning Practice Guidance was published (online) as a web based resource. This resource provides an additional level of detail and guidance to support the policies set out in the NPPF.

### The Community Infrastructure Levy Regulations 2010

Planning obligations need to meet the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) to be lawful. Officers have concluded that the planning obligations recommended are legitimate and appropriate under these regulations. The applicant has agreed the obligations set out in Recommendation 1.

## **1.2 Relevant Planning History**

Please see Appendix 2 for the relevant planning history.

## **1.3 Public Consultations and Views Expressed**

### Public Consultation

To publicise this application letters were sent to 359 addresses in May 2016. The application was also advertised on site and in the local press at that time. The consultation process carried out for this application is considered to have been entirely appropriate for a development of this nature. The extent of consultation exceeded the requirements of national planning legislation and Barnet's own adopted policy on the consultation to be carried out for schemes of this nature.

### Number of Responses from Residents

16 responses were received from residents. 14 of the responses received were objecting to the proposal and 1 response was in support of the proposal and 1 was neutral.

## **Objections**

1. Effect on traffic, access and parking
2. Scale, appearance and impact on surrounding area and adjoining neighbours
3. Loss of light
4. Overlooking and loss of privacy



5. Noise and disturbance resulting from a use
6. Whether the use would be appropriate for the area
7. Is new employment space appropriate as large office block near the site has been vacant for a number of years and eventually turned into residential uses
8. Increase in number of vehicles entering and leaving the site
9. Impact of intensification of use of site
10. Sense of enclosure caused by new high boundary treatments
11. Loss of local businesses
12. Impact from construction vehicles
13. Development not in keeping with surroundings
14. New entrance crossing a busy footpath
15. There already has been a number of residential developments within the town centre.
16. Existing site is not vacant
17. Existing site provides services and local employment
18. Some businesses will not be able to continue due to the cost of the move
19. Lack of infrastructure to support new development
20. Lack of industrial sites in local area
21. Industrial uses on the site for over 100 years
22. Impact on Bath Place
23. Existing businesses provide work experience placements

### **Officer response to objections**

1. The proposal has been reviewed by the Council's Highways Department at the pre-application and application stages. They consider the impacts of the development in regard to traffic, access and parking to be acceptable. Conditions have been implemented to ensure that no detrimental impacts result from the development of this site.
2. During the pre-application process the proposed block of flats underwent several amendments. In particular the fourth floor of the building was removed. This change was implemented due to the impact that this extra storey would have on the character of the Chipping Barnet Town Centre and the adjoining residential properties.
3. A Daylight and Sunlight Report (GVA Schatunowski Brooks, April 2016) has been submitted with this application. This shows that the proposed development is compliant with BRE guidance in terms of its impacts on neighbouring residential properties at Belgravia Close, Hyde Close and High Street and the Day Centre at Hyde Close complying with Vertical Sky Component (VSC) standards. Within the development all main habitable rooms pass the British Standard 8206 requirements.
4. The appropriate set off distances have been maintained between proposed buildings and neighbouring properties. These meet the standards outlined in the Sustainable Design and Construction SPD (2013).
5. The residential and work uses proposed for this site are not considered to result in detrimental levels of noise
6. There are residential uses to the north, east and south of the site. There have already been work uses established on this site for at least the past 100 years. The adopted Planning Brief supports the implementation of a mixed use development on this site, including residential and flexible B use class

floorspace. Flexible B1 floorspace would allow comparatively higher levels of employment per unit of space. Due to the history of workshop uses on site, this form of work space is also supported by the Brief.

7. Through the Brief Consultation process it has been identified that there is a demand for flexible and affordable work space provision to meet the needs of SMEs and microbusinesses. The conversion of the B1 building to residential would be resisted.
8. This application has been reviewed by LB Barnet's Highways Department. They do not consider that this development and the proposed uses will result in a detrimental number of vehicles entering and leaving the site. The Highways Department have recommended that a series of conditions be added relating to highways matters to ensure the safe and appropriate development of access, internal roads and parking arrangements. These recommended conditions have been included.
9. The proposal is in compliance with the London Plan's policy 3.4 which seeks to optimise the housing output of sites taking into account local context and character. Table 3.2 of the London Plan sets out the appropriate density range for different types of location. The proposed development provides a density level which complies with this standard.
10. Conditions have been implemented restricting occupation of the site until full details relating to the boundary details have been submitted to the local authority to review. The height and materials of the proposed boundaries will be assessed. The reason this condition has been added is to ensure that appropriate boundary treatments are implemented which will not have an adverse effect on neighbouring properties.
11. Although it is acknowledged that some local businesses will vacate the site, it is considered that the redesign of the site will lead to more efficient use of space and hence a comparatively higher number of employees per unit of space.
12. A construction management plan condition has been implemented which will ensure that there will be no detrimental impact resulting from construction vehicles.
13. The design of the proposed scheme, in particular the combination of mews housing with blocks of an appropriate height, mass and scale is considered to have an appropriate impact on the character of Chipping Barnet town centre. The height of the proposed block of flats is not considered uncharacteristic. There is a four storey property (131 High Street) approximately 20 metres from the site. Planning permission was originally granted in 2009 (B/00993/09) but this permission was extended in 2012 (planning reference: B/00742/12). This proposal included retail use on the ground floor and residential uses above. Planning permission was also given for the creation of a fourth floor to be added at 141 High Street (approximately 25 metres from the site under planning reference B/01962/14). There is also a 3/4 storey block of flats (Vantage Point) 275 metres south of the Brake Shear House site (approved in 2004 under planning reference N02946V/04). Directly adjoining the site is Novia House, a 3/4 storey block of flats. With the large number of block of flats within the vicinity of the site and Chipping Barnet Town Centre, many of which also have 4 storeys, the proposed residential block is considered to be acceptable.

14. The entrance location has not been changed, only widened. The safety of this widened access has been assessed by the Highways Department and is considered to be acceptable.
15. Residential uses are considered to be appropriate in a town centre location. Policy CS6: Promoting Barnet's Town Centres supports the introduction of residential uses within town centres as part of a mixed use development.
16. Although the existing site is not vacant, due to the organic development of the site, the layout of the site is not space efficient. The redevelopment of the site will be able to provide new residential and B1 floorspaces, allow more efficient use of space and provide improve the attractiveness of this part of Chipping Barnet. Policy CS6: Promoting Barnet's Town Centres supports more efficient use of land within town centres and the provision of affordable and flexible workspace as part of a mixed use development.
17. Through the occupation of the new employment building, some of the services previously occupied on this site will still be available. Furthermore, the proposed flexible B1 floorspace will support other local SMEs and micro businesses and therefore will support a greater range of services.
18. Affordable workspace accommodation is to be provided. This will hopefully accommodate some of the existing occupiers.
19. Appropriate contributions are being sought through CIL and S106 to ensure the necessary infrastructure improvements are made.
20. Some workshop space will be provided as part of the redevelopment.
21. It has been acknowledged in the planning brief that there has been a long history of industrial uses on this site. This is why the brief supported the retention of some workshop uses on the site as part of the new mixed use scheme.
22. There are no proposed changes to the accessibility or usability of Bath Place.
23. S106 outlines necessary monitory contributions relating to employment and training. In addition the S106 outlines the minimum levels of employment including number of apprenticeships and work experience placements.

### **Statement of Support**

The Barnet Society supports this proposal subject to the developer's delivery of flexible employment space at affordable rents, and to careful design of the vehicle access road and High Street pavement junction.

The developer and architects have listened to our views on their initial proposals and the design meets virtually all our earlier concerns.

We welcome the attention to landscape details and the opening up of a new view of greenery from the High Street, provided that pedestrian and vehicle safety can be assured.

### **Officer's response to Statement of Support**

As requested by the Barnet Society, affordable and flexible workspace is being provided as part of the proposed scheme.

The importance of the implementation of high quality landscaping is recognised and will be pursued in order to ensure the future development has a positive impact on Chipping Barnet. Pedestrian and vehicles safety has been assessed by the Local Authority's Highways Department. They consider the proposed scheme to be acceptable in this regard and appropriate highways conditions have been implemented.

## **Comments**

From Little Oaks Pre-school:

As owners of Little Oaks Pre-School, a well-established Ofsted 'Good' rated pre-school which runs from The Centre on Bath Place, we have a few concerns about the proposed development of Brake Shear House and the immediate area. Little Oaks Pre-School runs from The Centre in Bath Place on weekdays and we also have a toddler group running Mondays and Fridays at The Centre. This means that every weekday during the school term there are dozens of families with young children coming and going from The Centre via Bath Place. First and foremost, we would like guarantees that the safety, security, health and well being of the children, parents and staff using The Centre are provided for in your plans.

What guarantees are there that the traffic on Bath Place will not increase? Parents pushing prams and young children come up and down this route on their way in and out of The Centre and their safety needs to be considered.

How will the inevitable dust/dirt/air and noise pollution of the building works be contained so that they do not pose a risk to the health of those in the immediate area?

The children make use of The Centre's courtyard garden for outdoor play - can you guarantee that the noise of construction will not impinge on their enjoyment of the space?

The three-story building - will this overshadow The Centre's garden? Any impingement of natural light will be detrimental to the children's enjoyment of the garden.

Will there continue to be a space for cars to turn around, further down Bath Place?

Often parents make use of this space when dropping off/picking up their children. Can you guarantee that unrestricted access to Bath Place and to The Centre will be maintained at all times during the construction works?

## **Officer's response to comment**

The Local Authority also recognises that the safety, security, health and well being of the children is of the uttermost importance.

The application has been assessed by the Local Authority's Environmental Health Department and appropriate conditions have been implemented to ensure that there

are no detrimental impacts relating to air or noise pollution on the nursery or any nearby residential properties. Any breaches of these conditions will be investigated by the Environmental Health Department.

A Construction Management Plan will need to be submitted by the applicant prior to commencement. This will include details relating to the securing of the site. The Council will take into consideration the needs of the nursery to keep the access to Bath Place open. The proposal is not seeking to make any changes to Bath Place as part of this application.

## **Consultation Responses from Statutory Consultees and Other Bodies**

### **Highways**

#### **Site & Existing Highway Description.**

The site is located in the Chipping Barnet Town Centre on the eastern side of Barnet High Street. The site is bounded by retail units and residential properties of Belgravia Close to the north. To the east of the site is a care facility and the existing residential properties of Hyde Close. To the south and west of the site are retail units fronting the High Street.

The site currently benefits from three vehicular accesses. There are two vehicular accesses from the eastern side of the High Street, which serve the central and southern side of the site. The third access is from Bath Place to the north of the site. The main site access is approximately 3.7m wide. The secondary access from the High Street is between 140 and 142. The access on Bath Place is very narrow allowing only one vehicle to enter / leave at one time.

The site is located, in proximity to local amenities and bus routes. Several waiting restrictions operate on the highway network surrounding the site; including no waiting or loading Mon-Fri 8am-9.30am and 5pm-6 at the site frontage on the High Street. Charged for parking Mon-Sat 8am-6.30pm Max stay 1hour is opposite on the High Street and further south between 136 and 122 High Street. Permit holders C, CB or Charged for parking Mon-Sat 8am-6.30pm on Salisbury Road, Resident permit holders only C on Union Street.

The application site comprises 3,146 sqm of commercial development and four residential dwellings.

#### **Accessibility by Foot**

The site is within walking distance of the local services and amenities, including a range of local retail outlets, restaurants, banks, takeaways, Sainsbury's convenience store. The Spires Shopping centre on the western side of the High Street is approximately 80m to the south of the site. The shopping centre has over 30 retail units which include a mix of retail units, coffee shops and restaurants. There is also a large Waitrose foodstore within the shopping centre. Education facilities are located within walking distance for schools and further education. The nearest leisure centre is 630m from the site and doctors and dentist are under 500m from the site.

The surrounding area benefits from footways located on both sides of the carriageway that are over 3m on both sides of the road. A signalised pedestrian crossing is approximately 20m to the north of the site and 65m to the south of the site.

### **Accessibility by Cycling**

There are a number defined as “*route signed or marked for use by cyclists on a mixture of quiet or busier roads*”. In addition, NCM 12 runs approximately 2.7 km north east of the site.

### **Accessibility by Public Transport**

Public Transport Accessibility Levels (PTALs) are used to assess the extent and ease of access by public transport. The range of accessibility levels is defined as PTAL 1/2 - low accessibility, PTAL 3/4 medium accessibility and PTAL 5/6 - high Accessibility.

The site is located within a PTAL 3 area, which is a medium accessibility level.

The nearest bus stops are located on the High Street. There are a high number of services and so bus stops are staggered. The northbound bus stops are located in front of the development site with shelter and seating and approximately 260 metres to the south with a flag and bus cage. The southbound bus stops are located approximately 20 metres to the south of the development with a bus flag and bus cage and 140 metres to the south with shelter and seating. The stops are served by routes 234, 326, 383, 384, 389, 714 and 84/84A. These routes provide access to destinations such as Barnet, Brent Cross, Cockfosters, St Albans and Luton.

The nearest underground station to the site is High Barnet, which is approximately 970m to the south of the site. The nearest rail station is New Barnet which is approximately 2.5km.

### **Development Proposal:**

The proposed development will comprise of 8 houses, 32 flats and 789m<sup>2</sup> of Class B1 use. The residential element will provide 8 two storey, three bedroom houses at the northern part of the site adjoining Belgravia Close. At the southern part of the site 20 two bed flats; and 12 one bed flats will be accommodated in the four storey block of flats. Due to the existing level changes on site, a lower ground floor is also accommodated. This has a significantly smaller footprint than the other floors and lies under the western section of the block of flats. This level contains only 3 of the proposed 32 residential units.

The B1 use will provide 542m<sup>2</sup> office space and 247m<sup>2</sup> of light industrial. This is accommodated in the three storey block which adjoins the High Street properties.

A total of 28 parking spaces are proposed for the residential use including 8 spaces

for the 3 bedroom houses and 20 spaces for the flats. 5 spaces will have electric charging points with further ducting for 5 future electric bays. 5 disabled spaces will be provided including 4 allocated to the disabled units. 7 parking spaces will be provided for commercial use with 1 electric charging point and suitable ducting for a further electric bay.

## **Vehicle Access**

Of the three existing accesses it is proposed to use the existing main access on the High Street. This is currently 3.7 metres wide and is proposed to be widened to 5.5 metres and provide a 2m footway on the southern side for pedestrian access. Access will be controlled with a gate and electric transponder set back 14 metres from the High Street so that there will be no highway impact. Modifications to the access will be carried out under a S278 Agreement or S184 Application with the Highway Authority. Swept path movements have been carried out to show that access can be made by emergency services and refuse collection vehicles and there is adequate space to turn at exit in forward gear. The access proposals are adequate to serve the development. A maintenance contract will be required for the entrance barrier and will be conditioned to be provided for acceptance.

## **Refuse Collection:**

Refuse will be collected from the main access point and turn within the site.

An indemnity waiver condition will be included for the protection of Council refuse vehicles accessing the private access roads.

## **Parking**

### Residential Parking Assessment

The Maximum Parking Standards as set out in the Development Management Policies (DMP) of the Barnet Local Plan approved in September 2012 are as follows:

For 4 or more bedroom units	- 2.0 to 1.5 parking spaces per unit
For 2 and 3 bedroom units	- 1.5 to 1.0 parking spaces per unit
For 1 bedroom units	- 1.0 to less than 1 parking space per unit

This equates to parking provision for the proposed residential units ranging between 28 – 54 parking spaces to meet the parking standards set out in the DMP approved September 2012

The proposal includes provision of 28 residential spaces. The parking provision is at the lowest end of the range. Based on the accessibility of the site with a PTAL of 3 the expected demand is 36 spaces. The location has a high demand for on-street parking and it is therefore asked that the rights to purchase a residential parking permit are revoked to mitigate an potential overspill. The provision of 5 spaces with electric charging points and 5 will suitable ducting is in accordance with the London Plan that requires 20% active and 20% passive spaces. Details of actual locations will be conditioned.

The 5 disabled bays will be conditioned so that the disabled symbol is shown.

A Car Park management Condition is included to manage the allocation of spaces.

Parking for Commercial Use

A total of 7 spaces will be provided for the commercial use and is in accordance with the London Plan maximum parking standards of 1 space per 100m<sup>2</sup>. A Car Park management Condition is included to manage the allocation of spaces.

The London Plan states that a minimum of 20% active and 10% active electric charging spaces must be provided for the employment uses. The provision of 1 electric bay and ducting for a further future bay is acceptable. Details of actual locations will be conditioned.

**Cycle Parking Provision**

The proposal includes 68 long stay cycle parking spaces and 1 short stay for residents and 5 long stay cycle parking spaces and 1 short stay for the B1 use.

The London Plan standards recommend for residential developments a cycle parking provision of 1 space per 1 and bedroom units, 2 spaces per 2+ units plus 1 space per 40 units for visitor use. This would equate to a total of 68 residents spaces and 1 visitors spaces. The proposal is therefore in accordance with policy.

The London Plan minimum standards for B1 office use for outer London for long stay space is 1 space per 150 sqm and short stay space for the first 5,000 sqm: 1 space per 500 sqm thereafter: 1 space per 5,000 sqm. For B1 light industrial use the minimum for long stay is 1 space per 250 sqm and short stay 1 space per 1000 sqm. This equates to the minimum provision of 4 long stay and 1 short stay.

Cycle parking spaces proposed meet the required minimum standards set out in the London Plan. Details of locations are to be submitted for approval and will be conditioned.

**Traffic and Highway Implications of the Proposed Development**

**Trip Generation:**

Existing and Forecast Residential Trip Generation:

The existing site was surveyed on Tuesday 14<sup>th</sup> July 2015 to measure traffic movements in the AM Peak (08:00-09:00) and PM Peak (17:00-18:00). The survey identified sit traffic associated with all three accesses. At the time of the survey one of the residential houses The Forge was empty. There are other element on the site that are to remain and data has been separated, a summary of the total traffic flows is shown below.

	AM Peak			PM Peak		
	Arrival	Departure	Total	Arrival	Departure	Total



Existing trips Bath Place access from all sites	10	3	13	2	14	16
Existing trips Bath Place access from units to be demolished	7	3	10	2	10	12
Existing trips from Brake Shear House (Main) access from all sites	10	2	12	4	8	12
Existing trips from Brake Shear House (Main) access from units to be demolished	10	2	12	4	8	12
Existing trips Secondary access from all sites	12	1	13	3	13	16
Existing trips Secondary access from units to be demolished	7	0	7	1	8	9
Existing trips from all sites	32	6	38	9	35	44
Existing trips from units to be demolished	24	5	29	7	26	33

The Transport Statement provides the estimated trip generation from the proposed development based on TRICS database for 'Houses Privately Owned', 'Flats Privately Owned' and 'Office' with similar characteristics to the proposals and is summarised below.

	AM Peak			PM Peak		
	Arrival	Departure	Total	Arrival	Departure	Total

Total Vehicle Trips	5	7	12	5	6	11
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It is proposed development will have a single point of access at the Brake Shear House (Main) access. The traffic flows show that there is similar level of two way trips but a difference in the number arriving and departing. Due to the small number of trips the different in arrival and departure ratio is unlikely to have a significant impact on the highway network.

**Travel Plan:**

The applicant has submitted a Travel Plan Statement (including targets) that meets the criteria in the Transport for London TP guidance (November 2013) that is iTRACE and ATTrBuTE compliant, this covers the residential use and employment use.

Incentives funds for residents of £150 per unit are recommended.

In order to ensure that the objectives of the proposed Travel Plan are met a 'Monitoring Contribution' of £5,000 is required under Section 106. In addition a Travel Plan Champion for the travel plan must be appointed.

**Environmental Health**

Recommends conditions to be implemented relating to noise, air quality and contaminated land. These have been included in the condition list.

**Street Lighting**

If roads within site to remain un-adopted only issue is some of the Manhattan type luminaries will need to have some kind of shield or baffle to restrict light towards neighbouring properties like 14 Hyde Close.

**Conservation**

It is still considered that previous objections to development on this site have not been overcome by this application and therefore by reason of its footprint, height, bulk, materials and mass, the proposed development is detrimental to the character and appearance of Chipping Barnet and will have a negative impact on the Monken Hadley Conservation Area.

This site has been the subject of previous design comments, following a pre-app meeting on the 9<sup>th</sup> February and the approval of the planning brief. However, it is still felt that there are issues with this current application that have not overcome previous concerns.

**National and local policy:** The NPPF requires that when considering development affecting a conservation area, the council needs to ensure that any proposal “preserves or enhances the character and appearance of a conservation area”. Furthermore it is made clear that “It is, however, proper to seek to promote or re-inforce local distinctiveness”.

Paragraph 2.3.7 within the Local Plan (Development Management Policies) states that: “Protecting character helps to maintain Barnet’s heritage. Policy DM01: Protecting Barnet’s Character and Amenity states that development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. In order to protect character Policy DM01: Protecting Barnet’s Character and Amenity requires development to demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused.”

It is still felt that the proposed development is still not reflective of the urban grain and character of Chipping Barnet and that the current design of both the block of flats and the employment building, by reason of footprint, height, bulk and mass is detrimental to the character and appearance of Chipping Barnet and will have a negative impact on the Monken Hadley Conservation Area, which it will border.

#### **Design issues:**

Block of flats: It is still considered that the current proposal creates oversized development not reflective of the local character. Presently, the majority of the site consists of single or two storey buildings with pitched roofs. It is considered that the height and bulk of the flats are not sympathetic to the character of Chipping Barnet. It is suggested that an additional floor is removed from the top of both buildings which will help to reduce the visual impact of the development.

Lower ground floor: Due to the positioning of this level, behind a retaining wall, it is unlikely that the dwelling on this level will receive much in the way of natural sunlight and occupants are likely to be permanently in darkness due to single facing outlook.

It is felt that some of the proposed materials are not reflective of the local vernacular. Noting the applicant’s reasoning, which is that the materials chosen are referencing various historic aspects of the surrounding area, it is considered that their utilization within the design represents a simplistic approach. The NPPF makes it quite clear under paragraph 58 that design should:

*“Respond to local character and history and reflect the identity of local surroundings and materials.”*

Metal cladding is not a characteristic local building material found in Chipping Barnet, and the stated reasoning that it reflects the industrial heritage of the site is not considered to be sufficient reason for its usage. In light that the opportunity for placemaking is an essential part of the design process, it is considered that the current proposals lack essential design elements that differentiate the development

from any other, or that it strongly identifies with the character of Chipping Barnet.

There are also issues with the lack of fenestration along the flank wall of the northern elevation of the flatted development.

Employment building: By virtue of its size, mass and height will consequently have a detrimental impact on the setting of the adjoining Monken Hadley Conservation Area. In light that this building will require the demolition of the two storey building known as The Forge, which might be considered to be an undesignated heritage asset which can be seen on the 1896 OS map, and is set back within its plot, the views from this part of the conservation area, known as Bath Place, provide a significant spacious view of sky over the existing buildings. With the proposed three storey employment building proposed to be built right up to the boundary of the site in this area, these views will disappear.

It is also prudent to point out that due to the proximity of the block being so close to the buildings fronting the high street, it will be a highly visual backland intrusion visible from the high street. It needs to be assessed whether the block size and footprint has increased over and above that indicated in the pre-app proposals.

There is also concern that the proposed block is not a suitable replacement for the commercial and light industrial services which will be lost by the redevelopment of this site. As the block appears more of an office environment rather than the existing light industrial units that can be found on site at the moment, consideration should be given as to whether this is the best use of this part of the site.

It is therefore considered, as previously reasoned, that the height and bulk of the employment block are not sympathetic to the character of Chipping Barnet and are harmful to the character and appearance of the Monken Hadley Conservation Area. It is suggested that, if the block is to remain, a floor is removed from the top of the building which will help to reduce the visual impact of the development.

Mews Houses: Whilst there are no overriding objections to the proposed mews houses, there are again issues with the cladding proposed for the second floor elevation which faces the central thoroughfare, which again is an uncharacteristic material for the locality.

Materials: Issues with these elements have been discussed and more appropriate materials, reflective of the historic character of the area, should be utilized.

Artist's impressions and views into the site: It is considered that the proposal will have a greater visual impact than suggested in the artists' impression. Whilst any change will surely be noticeable, a reduction in height of both aforementioned buildings will minimize this visual impact on views from the high street and from the conservation area.

The reduction in height of the block of flats will have helped reduce the impact of the proposals on the views of resident living in Hyde Close and to the east of the site. However, in views across the valley from King Georges Wood, it is clear that the development would be highly prominent and simply by virtue of its height and bulk,

compared to the existing low rise buildings, would block views through of the rears of buildings on the High Street.

Conclusion: As such, it is considered that in relation to the existing low level development, this is over development of the site (which would in addition cause the loss of services which might not be easily relocated within any new employment space) and therefore by reason of its footprint, height, bulk, materials and mass, the proposed development is uncharacteristic of the area and therefore detrimental to the character and appearance of Chipping Barnet and, furthermore, will have a negative impact on the Monken Hadley Conservation Area (which it will border) and views into the site from the surrounding area.

## **Trees**

The overall concept of the design is appropriate to the local and the users providing trees, soft landscaping and open spaces.

The tree species selected is a mixed of small and larger tree species with year round visual interest. I do not consider *Alnus glutinosa* an appropriate species on such a small built up area.

Their catkins create a vast quantity of mess and grow to 25m high which will drive requests for removal in the long term. I suggest that this species is replaced with a variety of species such as *Davidia involucre*, *Cercidiphyllum japonicum*, *Ceris siliquastrum*, *Tilia, mongolica*, *Corylus columna* or *Cornus Kousa*.

The selection of *Prunus serrula* is good I would advise that the variety 'Tibetica' has better features.

The visual screen of Bamboo *Chusquea culeou* is a good choice. However it is suckering variety and therefore is highly likely to spread into neighbouring properties and damage low mass infrastructure such as the curb lines and tarmac. Either provide a rooting barrier to prevent spread or select a nonsuckering variety of Bamboo.

At the front of the properties on the northern side there are three soft landscaped build outs with 3 trees to be planted in each. These are too many trees in a small space. Better to have one specimen tree in each that can develop to maturity. There must be sufficient tree rooting space for these trees to establish and develop.

There are 3 tree planting sites within the car parking areas. These trees must have sufficient underground rooting spaces below the car parking areas. Large specimen trees could be planted here such as *Metesquoia glyptroboides*, *Acer campestre* or *Betula papyrifera*.

The entrance into the site has a mixed boarder of trees including *Quercus robur* 'Koster' *Betula pendula*, *Prunus serrula* and *Alnus glutinosa*. My opinion on this design is that it lacks coherence. Reducing the species variation and number would address this. There must be sufficient tree rooting space for these trees to

establish and develop.

The shrub and ornamental grass areas are acceptable and will provide year round interest.

### **Urban Design**

**Use of the employment block:** Artisan workshops would be a good example of an appropriate employment use for this site. The artisanal product market is growing stronger in London and the High street is lacking this provision. This could also be geared towards arts studios benefiting from this location and its views to King George's fields.

**Height:** The reduction in height of the building has minimal effect since the top floor is not visible directly from the High Street, which is the main source of footfall in the area.

**Materiality and design:** Approve of incorporation details of the past within the design and particularly on the metal panels. The proposal is to detail these in order to honour the past activities that took place on site.

In addition the different patterns of brick work in contrast with the glass and metal (which looks better when aged) are good. The protruding brick would suit the employment as well. Perhaps a mix of herringbone and protruding brick would be more interesting and could unify the scheme further.

The recessed windows of the apartment building can perhaps be eliminated for more internal space in the apartments.

Back elevation of mews houses would benefit from bigger skylights. It is important to maximise light from above when there are constraints.

The employment building needs a more active façade to front the entrance way to the site.

**Impact on surrounds:** The impact of the development is minimal as perceived from the High street, the level change on the back of the site allows for minimal views from that part as there is a wall present. Therefore this site has the potential to add to the macro views from the fields or other high points in the surrounding area. It is of great importance that the skyline is enhanced rather than simply trying to fit in to the older fabric.

The current selection of materials aids the blending with surrounding structures as brick is widely used in the area. The modern metal cladding reflects the history of the site and is a very good fit.

### **Environmental Agency**

We recommend that developers should: 1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination,

when dealing with land affected by contamination. 2. Refer to the Environment Agency Guiding principles for land contamination for the type of information that is required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health. 3. Refer to the contaminated land pages on GOV.UK for more information.

### **Historic England**

Although the submitted Archaeological Baseline and Impact Assessment (RPS, April 2016) provides some useful information it does not utilise all the resources available to produce a fully informed assessment.

Section 1.4 “Scope of Assessment” does not include the Barnet Local Studies and Archive Centre or the Hertfordshire Archives. Both archives hold useful documents and cartographic sources which should be used to help clarify the archaeological potential prior to the 19th century.

It is noted that within section 4.11 pre-ordnance survey maps have been referenced. The assessment states that on both maps it is difficult to accurately locate the site, however both maps would be useful in showing the site within its wider historic context, particularly in relation to the development main settlements. It is therefore recommended that these are also reproduced within the assessment.

Section 4.22 mentions Site Investigation logs, but that they have not been assessed as part of this stage of archaeological investigation. The Site Investigation logs can be very useful in identifying the depth of made ground and underlying geological deposits across the site and also help to identify potential areas of archaeological survival or areas of truncation as a result of previous development. It is therefore recommended that a review of the Site Investigation logs be carried out and incorporated into the existing Archaeological Baseline and Impact Assessment along with the location plan of the boreholes and trial pits.

The NPPF accords great weight to the conservation of designated heritage assets and also non-designated heritage assets of equivalent interest. Heritage assets of local or regional significance may also be considered worthy of conservation.

If archaeological safeguards do prove necessary, these could involve design measures to preserve remains in situ or where that is not feasible archaeological investigation prior to development.

Conditions provided in event of recommendation for approval.

### **Thames Water**

**Waste Comments:** No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in

accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: *"A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)."*

**Surface Water Drainage:** With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit [thameswater.co.uk/buildover](http://thameswater.co.uk/buildover)

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.



## **Officer Response to Statutory Comments**

The consultation response from the Conservation Team states that the current footprint, height, bulk, materials and mass of the proposed development are detrimental has a negative impact on the Monken Hadley Conservation Area. The Brief did highlight the importance of the relationship between the footprint, height and mass of any new buildings on the site. The Conservation response does not object to the built form of the proposed houses but only to the block of flats and employment building. It is considered though that during the pre-application stage the necessary amendments were made to the buildings. In particular a storey was removed from the top floor and increased set back distances were established on the higher floors. The application site does not fall within the conservation area and does not directly adjoin it. The block of flats in fact lies 40 metres from the boundary of the conservation area and is visually separate from the conservation area boundary.

There are four storey buildings already in close proximity to the Monken Hadley Conservation Area at 131 and 141 High Street. The High Street within the conservation area and directly adjoining it consists of a range of building heights. The proposed buildings will have a very limited impact on the High Street. In regards to the employment building, this directly mirrors in terms of height, footprint and mass the adjoining 166 to 172 High Street.

In regards to the proposed materials being out of character, the Council's urban design officer considered the materials to be reflective of the local area. It is of great importance that the materials used are of high quality and have a positive impact on the character of the Chipping Barnet town centre. Conditions have therefore been imposed requesting samples of materials to be provided prior to commencement. A sample wall will also be constructed on site to ensure that the real effect of proposed materials is considered in the Chipping Barnet setting.

The Conservation response states that the site consists of single and two storey buildings with pitched roofs. The existing site consists of a number of buildings with either flat or mono pitched roofs. In order to reflect the character of Belgravia Close, mews style housing with pitched roofs adjoin these properties. In regard to the roof form of the residential and employment blocks, it should be noted that the adjoining Novia House has a flat roof. Also many of the High Street properties and their rear projections have flat roofs. It is therefore considered that flat roofs of these buildings is acceptable.

In regards to the impact of the development on views through the site, it is considered that the widened entrance will allow increased views through to the site with a beneficial impact on site permeability. This new view will reveal new trees and soft landscaping, which will have a beneficial impact on the character of Chipping Barnet compared to the predominantly hard surfaced, dense built environment of the existing site which featured no trees.

## **2. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL**

## **Site Description and Surroundings**

The application site covers 0.48 hectares in area and lies within the High Barnet ward in the northern part of the borough. The majority of the site falls within Chipping Barnet Town Centre. The site does not lie in a Conservation Area though the northern boundary of the site is close to the Monken Hadley Conservation Area. There are no listed buildings on site.

The site consists of several small buildings, all built within a tight, compact grain consisting of service yards and alleyways between buildings. The service yards are predominantly used for off-street parking for existing users of the site. This urban form developed organically. The buildings on site vary in size and design, though the majority are one or two storeys with the exception of Brake Shear House which has three storeys. The site is not identified as a locally significant employment site.

The site is identified as being within Flood Zone 1 of the Environment Agency's Flood Risk Map.

The site currently features several commercial uses and some residential premises in 'the Forge', Gate House Cottage and Brake Shear House. There is a mix of properties within the B use classes providing a range of employment including vehicle testing and servicing garages, coffee machine repairs, framing and printing shops and theatre props storage. A report submitted by Montagu Evans states that there are approximately 20 businesses. The total existing B use floorspace amounts to 2606 sqm.

The site is adjoined by a nursery which currently uses the Bath Place entrance as an access. This part of Bath Place adjoins the site boundary. ON the northern side of Bath Place away from the application site lies the Monken Hadley Conservation Area.

The site is adjoined by low density two storey residential housing to the north and east; Hyde Close and Belgravia Close. Both these residential areas are predominantly characterised by dwellinghouses, in pairs of semis or short terraces. Hyde Close also has a two storey block of flats which adjoins the north east boundary of the site (No. 12 Hyde Close). This provides residential accommodation for people with physical and learning disabilities.

The land directly adjoining the southern boundary consists of rear yards serving the high street retail units. The southern side backs onto Novia House, a 3/4 storey block of flats which was approved in August 2008. This consists of 16 residential units and has a building footprint of 444sqm.

## **PLANNING BRIEF**

A Brief for this site was adopted on 22<sup>nd</sup> March 2016 by the Policy and Resources Committee. This underwent the appropriate consultation and adoption procedures.

The Brief provides the vision for the future transformation of the Brake Shear House site and identifies there being significant opportunity to deliver a mixed use

development on a complex and constrained site in Chipping Barnet. The Brief explores the current constraints on the site including level changes, limited site permeability, the adjoining High Street and Monken Hadley Conservation Area and the Chipping Barnet Area of Special Archaeological Significance. The Brief goes on to assess the approach to redevelopment including analysis of appropriate land use and urban form.

The Brief is informed by the consultation responses received. During the consultation procedure, it became apparent that a key issue for Councillors, Local Groups and residents was the provision of affordable workspace. The Brief was amended to state *“The Council is keen to promote the provision of affordable workspace on the site, if this isn’t possible, rates will need to be comparable with other similar uses within Chipping Barnet town centre”*.

### **Description of the Proposed Development**

The application seeks to demolish the existing buildings on site. It proposes to construct 40 residential units. This will consist of 32 flats within a four storey block and 8 semi-detached houses.

A plan showing the overall layout of the proposed development has been provided at Appendix 3 of this report.

The development would provide a mix of high quality residential accommodation including family sized units (3 beds) and smaller units (1 and 2 beds). 8 of the 40 units would be affordable housing units comprising a mix of affordable rent and shared ownership (20% of the overall scheme based on units).

The application seeks to deliver 41,854 sq ft of employment space within a three storey block. Of this, 1404 sq ft will be affordable. The ground floor of this block is adaptable with increased ceiling heights and enlarged opening onto the entrance route to allow for workshop uses within this floor.

The application will deliver 35 parking spaces in total including 5 wheelchair spaces and 52 secure cycle parking spaces for the flatted units. There will also be 3 Sheffield stands for visitor use and 6 secure cycle storage spaces for office use.

## **3. PLANNING CONSIDERATIONS**

### **Principle of redeveloping the site**

The principle of redeveloping the site has already been considered in the Planning Brief. This document explores the principles of residential use of the site and the replacement of employment uses.

The application site has not been identified for any specific use in planning policies and forms previously developed land. It is also noted that the areas surrounding the site contain a mixture of uses, including residential and various business occupiers.

The site has good access to public transport (a Public Transport Accessibility Level of 3) and is located within walking distance of a number of bus stops.

In such circumstances there is considered to be nothing to specifically preclude the redevelopment of the site in the broadest sense, subject to the scheme proposed being compliant with the relevant development plan policies. The principle of the various elements of the development proposed, in terms of the specific uses, is considered in more detail below.

#### The loss of the existing uses on the site

The majority of B1 units appear to be occupied, which would suggest that there is a demand for the existing employment space on the site. The applicant has recently undertaken a further review of tenant on site and provided an update that there are currently 11 commercial tenants still on site, 2 of which occupy the space for storage only (i.e. no employees). Two of the 11 tenants have stated their intention to vacate soon (expecting it to be this month). A further six of the original commercial tenants have vacated in the last 6 months.

It is recognised that due to the organic development of uses, the existing layout is not space efficient. There is an opportunity to simplify the layout of the site to allow more efficient use of space. This would comply with CS6: Promoting Barnet's Town Centres which supports the more efficient use of land within town centres. Despite the existing comparatively high level of employment floorspace, according to a Montagu Evans report only 31 people are employed on the site. This level has been disputed by consultees who state that the uses currently on-site result in higher levels of employment off-site.

It is considered that for this level of employment floorspace, a higher number of employees could be accommodated on site. Although all units are occupied, the low number of employees occupied by the existing footprint is not considered to represent efficient use of employment floorspace. It is considered that the redevelopment of the site could address this issue and any development would need to provide enough floorspace to allow for at least the existing levels of employment.

The introduction of new flexible B1 floorspace would be encouraged as this would allow comparatively high levels of employment per unit of space. However, due to the history of workshop and light industrial uses on this site, it would be expected that some workshop provision should also be made to continue the uses on site (use class B1(c)). The affordability of new employment space within the site is an important issue and rates will need to be comparative to other commercial uses within the Chipping Barnet Town Centre.

#### The principle of the proposed uses

##### **C3 Residential use**

Within the existing site there are already 4 residential properties. In addition, there are residential properties adjoining the north, east and south boundaries of the site.

Due to the presence of residential properties on site and in the surrounding area, the principal of residential development is acceptable, subject to compliance with other relevant policies and standards and subject to satisfactorily re-providing B employment space on site. Planning permission has recently been given for new flatted properties within the Chipping Barnet Town Centre (see planning reference B/00742/12 and B/01962/14).

### **Employment space**

Due to the history of employment uses on site and the valuable services these uses provide to the Chipping Barnet Town Centre, the re-provision of these uses as part of a mixed use development is considered to be acceptable. On the basis of the ground floor of the proposed employment building being occupied by B1(c) and the upper floors by B1(a) occupiers, the proposal would create approximately 47 jobs on the Brake Shear House site. This has been calculated using the Homes & Communities Agency Employment Density Guide 3rd Edition, (November 2015) using net internal areas of the proposed scheme.

The proposal is complying with the terms of the Brief by providing 1404 sqft of affordable workspace. The affordable workspace has been modelled at 80% of the open market rent at £7.20 per sqft. The full terms of the affordable workspace management and provision will be determined through the affordable workspace management agreement which has been secured through the S106.

### **Dwelling mix**

Development plan policies require proposals to provide an appropriate range of housing sizes and types, taking account of the housing requirements of different groups. The council's Local Plan documents (Core Strategy and Development Management Policies) identify 3 and 4 bedroom units as the highest priority types of market housing for the borough. Dwellings with 3 bedrooms and 3 or 4 bedrooms are the highest priority sizes of housing for 'social rented' and 'intermediate' affordable housing respectively.

The mix of dwelling types proposed in the building across the site is as follows:

- 12 x one bedroom, 2 person flats (30% of the dwellings)
- 20 x two bedroom, 4 person flats (50% of the dwellings)
- 8 x three bedroom, 5 person houses (20% of the dwellings)

The dwelling mix proposed is considered to include an appropriate range of dwelling sizes and types that would make a useful contribution to meeting the needs of the growing and diverse population of the borough.

### **Affordable Housing provision**

London Plan Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought when negotiating on individual residential schemes, having regard to:

- Current and future requirements for affordable housing at local and regional levels identified in line with Policies 3.8 and 3.10 and 3.11.
- Affordable housing targets adopted in line with Policy 3.11.
- The need to encourage rather than restrain residential development (Policy 3.3).
- The need to promote mixed and balanced communities (Policy 3.9).
- The size and type of affordable housing needed in particular locations.
- The specific circumstances of individual sites.
- The resources available to fund affordable housing and maximise affordable housing output
- The priority accorded to affordable family housing provision

Affordable housing negotiations are required to take account of a sites individual circumstances, including development viability, the resources available from registered providers, the implications of phased development and other scheme requirements. It also makes it clear that affordable housing should normally be provided on site and off site contributions to affordable housing will only be accepted in exceptional circumstances.

This approach is reflected in Local Plan policy DM10 which requires the maximum reasonable amount of affordable housing to be provided on site, subject to viability, having regard to a borough wide target that 40% of housing provision should be affordable. Local Plan policy CS4 identifies that on sites which are suitable for the provision of an element of affordable housing the Council may exceptional accept the provision of off site affordable housing or a commuted payment instead of such provision.

The application seeks to provide within the development of 5 affordable rented and 3 shared ownership affordable housing units comprising 5 x 2 bedroom, 4 person affordable rented units, 2 x 2 bedroom, 4 person shared ownership units and 1 x 1 bedroom, 2 person shared ownership unit. An off-site contribution of £120,579.00 is also proposed.

The applicant has made an alternative affordable housing offer of 8 Shared Ownership units comprising 1 x one bedroom, 2 person and 7 x two bedroom, 4 person. With these units there would also be an off-site contribution of £504,123.

It is considered that the first offer would be the most policy compliant. This is because the proposed split of the affordable housing provision complies with the 60% affordable rent, 40% intermediate pursued by the London Plan and the Policy CS4: *Providing quality homes and housing choice in Barnet* of the Core Strategy (2012). This provision will deliver a mix of housing products in the affordable and market sectors to provide choice for all households and enable Barnet residents to progress on a housing journey that can meet the aspirations of home ownership.

An independent review of the viability of the scheme has confirmed that both the offers outlined above represent the maximum contribution that it is viable for the development to make to the provision of affordable housing in the borough.

For the reasons outlined above, it is considered that the mix of affordable rent and

shared ownership is the most acceptable offer.

### **Density of development**

London Plan policy 3.4 seeks to optimise the housing output of sites taking into account local context and character, the design principles in chapter 7 of the London Plan and public transport capacity. Developments should optimise housing output for different types of location within the relevant density range shown in Table 3.2 (set out below). Development proposals which compromise this policy should be resisted.

Table 3.2 Sustainable residential quality (SRQ) density matrix (habitable rooms and dwellings per hectare)

Setting	Public Transport Accessibility Level (PTAL)		
	0 to 1	2 to 3	4 to 6
<b>Suburban</b>	<b>150-200 hr/ha</b>	<b>150-250 hr/ha</b>	<b>200-350 hr/ha</b>
3.8-4.6 hr/unit	35-55 u/ha	35-65 u/ha	45-90 u/ha
3.1-3.7 hr/unit	40-65 u/ha	40-80 u/ha	55-115 u/ha
2.7-3.0 hr/unit	50-75 u/ha	50-95 u/ha	70-130 u/ha
<b>Urban</b>	<b>150-250 hr/ha</b>	<b>200-450 hr/ha</b>	<b>200-700 hr/ha</b>
3.8-4.6 hr/unit	35-65 u/ha	45-120 u/ha	45-185 u/ha
3.1-3.7 hr/unit	40-80 u/ha	55-145 u/ha	55-225 u/ha
2.7-3.0 hr/unit	50-95 u/ha	70-170 u/ha	70-260 u/ha
<b>Central</b>	<b>150-300 hr/ha</b>	<b>300-650 hr/ha</b>	<b>650-1100 hr/ha</b>
3.8-4.6 hr/unit	35-80 u/ha	65-170 u/ha	140-290 u/ha
3.1-3.7 hr/unit	40-100 u/ha	80-210 u/ha	175-355 u/ha
2.7-3.0 hr/unit	50-110 u/hr	100-240 u/ha	215-405 u/ha

The application site covers an area, which has a Public Transport Accessibility Level (PTAL) of 3. In terms of its 'setting' the site is considered to fall within an area of transition using the features identified in the London Plan. The High Road has some urban characteristics, while surrounding residential roads have strongly suburban characteristics.

Taking these factors into consideration the London Plan density matrix would suggest a range of somewhere between 45 and 120 units per hectare. The scheme proposes 40 residential units. The proposed density is 83 units per hectare. This demonstrates a density compliant within the above range. The proposal falls within the appropriate density range in respect of the number of units and habitable rooms proposed.

The scheme is considered to comply with the objective of this policy and is found to provide an optimum density of development. The proposal puts forward an acceptable design response which complies with the relevant development plan policies, responds acceptably to the local context and character and takes account of the sites location. Further detail on these specific matters is set out in the report below.

Officers consider the density of development proposed to be acceptable and compliant with the objectives of planning policy. The scheme is therefore not found to represent an overdevelopment of the site.

## **Standard of accommodation provided and amenities of future occupiers of the proposed dwellings**

Local Plan policies require high quality design in all new development that creates attractive places which are welcoming, accessible and inviting. Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floor space of new dwellings, outdoor amenity space and play space. Policy DM04 states that buildings should be designed to minimise exposure to air pollutants. The same policy states that proposals to locate noise sensitive development in areas with high levels of noise will not normally be permitted and also that the mitigation of any noise impacts will be expected where appropriate.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new dwellings. These include requirements to provide high quality indoor and outdoor spaces, set minimum internal space standards for different types of unit and seek accommodation which has an appropriate layout and meets the needs of its occupiers over their lifetime.

The council has adopted SPD's (entitled Sustainable Design and Construction and Residential Design Guidance) providing more detailed guidance on a range of matters related to creating new dwellings that have adequate amenities for their future occupiers. The Mayor has also adopted SPG's (entitled Housing and Shaping Neighbourhoods: Play and Informal Recreation) providing detailed guidance on issue related to designing new housing to achieve acceptable amenities for its future occupiers.

### **Dwelling size**

The London Plan and the associated Mayoral SPG document 'Housing' set out minimum gross internal floor areas for different types of dwelling. Policy DM02 of the Barnet Development Management Policies Document identifies that developments will be expected to demonstrate compliance with these standards. The relevant internal areas are set out below for the types of dwelling proposed in this application.

#### **Minimum Space standards for new development**

Dwelling type (bedroom/persons-bed spaces)	Gross Internal Area (m <sup>2</sup> )
1 bedroom 2 person	50
2 bedroom 3 person	61
2 bedroom 4 person	70
3 bedroom 5 person	86
3 bedroom 6 person	95
4 bedroom 7 person	109

All of the units proposed would have a gross internal floor area which meets or exceeded the requirements for a dwelling of that type. The proposal is therefore



considered to be acceptable in this regard.

#### Dwelling layout and daylight, sunlight and overshadowing conditions

The Council's Sustainable Design and Construction SPD seeks to ensure that the design of schemes takes into account the levels of daylight and sunlight that will penetrate into occupied spaces, as measured by Vertical Sky Component (VSC) and the Average Daylight Factor (a more complex measure which takes into account the VSC alongside other factors such as window size and the room use).

Officers find that generally the proposed dwellings are well proportioned, with rooms that are not excessively deep or narrow.

The application has been accompanied by a Daylight and Sunlight report (by GVA Schatunowski Brooks). The results of the study demonstrate that for the proposed residents of the site, BRE requirements for sunlight have been met or exceeded.

Officers consider that the design put forward includes good sized windows and glazed doors to living spaces and find the design to be sound in this respect. Taking this into consideration, officers find good levels of sunlight and daylight would be available to future occupiers of the proposed dwellings.

#### External amenity space provision

The council's Residential Design Guidance SPD 2013 indicates that there should be the following amenity space provision:

Flats:

5sqm per habitable room

Dwelling houses:

55 sqm for a 3 bed house (5 hab rooms)

Based on the proposed number and size of the units proposed, the council's standards (above) indicate that there should be approximately 1100m<sup>2</sup> of amenity space provision in the development, comprising 660sqm for the flatted units and 440sqm for the houses.

Of the eight houses, six exceed the 55sqm amenity space requirement. The other two units have an amenity space area of 51 and 52.4sqm. On balance this is considered to be a close enough area of amenity space. All of the flatted units benefit from private outdoor amenity space in the form of terraces and balconies with areas ranging from 6.6-12.4sqm and a collective area of 309.5 sqm.

The total amount of private amenity space proposed under this scheme is 920.7sqm. Although two of the housing units fell under the amenity space standard, due to the site's close proximity to Hadley Green (0.2 miles) and George V playing fields (0.3 miles) and the constrained nature of the site, the deficiency of 179.3 sqm is on

balance considered acceptable. A total of 611.2sqm of communal amenity space is also provided on site.

Based on the above considerations, the design, quality and size of the proposed amenity space proposed is considered to provide sufficient external amenity space. The proposal is therefore considered to be acceptable in this regard.

London Plan policy 3.6 states that proposals for housing should make provision for play and informal recreation based on the expected child population generated and an assessment of future needs. The proposed scheme includes areas of communal amenity space (centrally within the site) that would be designed specifically to include play. Play and informal recreation areas are incorporated with features including wooden animals dotted areas the site in between seating and grass areas. Conditions recommended include controls to ensure that the spaces concerned would be implemented in a suitable manner. Subject to these controls the scheme is found to be compliant with London Plan policy 3.6 and acceptable in terms of the provision of play space.

#### Dwelling outlook

Development plan policy requires that new dwellings are provided with adequate outlook. The design approach proposed maximizes the outlook of occupiers of the new dwellings, while also taking account of the need to prevent unacceptable levels of overlooking at neighbouring properties. An example of a way in which this is achieved is the careful siting and orientation of windows in the proposed buildings. It is considered that each of the dwellings proposed in this instance has an acceptable outlook.

#### Privacy and overlooking

The distance between directly facing clear glazed windows to habitable rooms in the proposed dwellings would not be less than 21m. The distance from a habitable room window to a directly facing private external amenity area (garden, balcony, terrace or winter garden) within the development would not be less than 10.5m. The only exceptions to this are in circumstances where suitable privacy screening can be provided (and conditions have been recommended to ensure that these are delivered). The proposal would therefore comply with the requirement (as set out in the Barnet Residential Design Guidance SPD) that in new residential development there should be a minimum distance of about 21m between properties with facing windows to habitable rooms and 10.5m to a neighbouring garden.

Subject to the conditions recommended it is considered that the design and layout of the windows, doors and external amenity areas in the proposal are such that the new residential units would all be provided with an adequate level of privacy and not suffer unacceptable overlooking. The proposal is therefore found to be acceptable in this regard.

#### Noise, vibration and air quality

The application has been accompanied by a Sound Insulation Assessment which

has been carried out by Acoustics Plus. The report provides an assessment on potential noise sources and potential noise mitigation measures that could be used in the development in respect of glazing and ventilation.

In terms of potential noise related impacts on future occupiers of the proposed dwellings, the surveys provided in the submission show that proposal would have an acceptable impact. The council's environmental health department have reviewed the submitted information and have stated that the submitted noise report addresses the issues of noise levels within the external and internal amenities for the proposed development and the proposed mitigation measures are acceptable subject to conditions.

In terms of air quality matters, the London Borough of Barnet has been declared an Air Quality Management Area (AQMA). Accordingly, the application has been accompanied by an Air Quality Assessment (by Multidisciplinary Consultancy, dated March 2016) which has assessed the local air quality at existing receptor locations. The report concludes that subject to the suggested mitigation measures specified in the report, the air quality levels would be considered acceptable.

The council's environmental health department have reviewed the submitted documentation and have stated that the proposal is considered to deliver acceptable air quality conditions for future occupiers of the proposed dwellings and would be compliant with planning policies, subject to the inclusion of conditions in the event of approval.

#### Light pollution impacts

In order to ensure that acceptable amenities are provided for future occupiers of the proposed dwellings in terms of possible light pollution and light spill impacts from neighbouring sites officers have recommended that a condition be imposed which requires an assessment of the impact of external light sources be carried out prior to the occupation of the new dwellings. The condition also requires that any mitigation which is needed to deliver acceptable amenities for future occupiers of the proposed dwellings in this respect is installed prior to the occupation of the residential units approved. Officers consider that the condition recommended adequately addresses this potential issue and find the proposal acceptable in this respect.

#### Conclusions on the amenities of future occupiers

For the reasons set out above, the development, as controlled by the conditions and obligations recommended, is found to be compliant with development plan policy as it relates to the provision of suitable amenities for the future occupiers of the dwellings proposed. Officers consider that the submission has taken account of the environment and uses surrounding the site in an appropriate manner and the design approach put forward is deemed to provide the future occupiers of the new dwellings with adequate amenities. The application is therefore found to be acceptable in this respect.

#### **Design, appearance and character matters:**

The National Planning Policy Framework (published in 2012) makes it clear that

good design is indivisible from good planning and a key element in achieving sustainable development. This document states that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It identifies that good design involves integrating development into the natural, built and historic environment and also points out that although visual appearance and the architecture of buildings are important factors, securing high quality design goes beyond aesthetic considerations.

Local Plan policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Policy DM05 of the Local Plan identifies that proposal for the redevelopment or refurbishment of existing tall buildings will be required to make a positive contribution to the townscape.

The London Plan also contains a number of relevant policies on character, design and landscaping. Policy 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment. Policy 7.7 of the London Plan sets out specific principles for tall and large buildings.

The buildings and spaces proposed in the scheme are considered to respond well to their context and have an acceptable relationship with the neighbouring buildings, streets and spaces.

The Planning Brief highlighted the importance of the scale, bulk and mass relationship. The built form of the proposal has been significantly amended during the pre-application process. In particular, a floor has been removed from the block of flats and increased set back distances have been established between the block of flats and the eastern boundary. The Brief also considered the concept of the introduction of lower ground floors to be acceptable on this site.

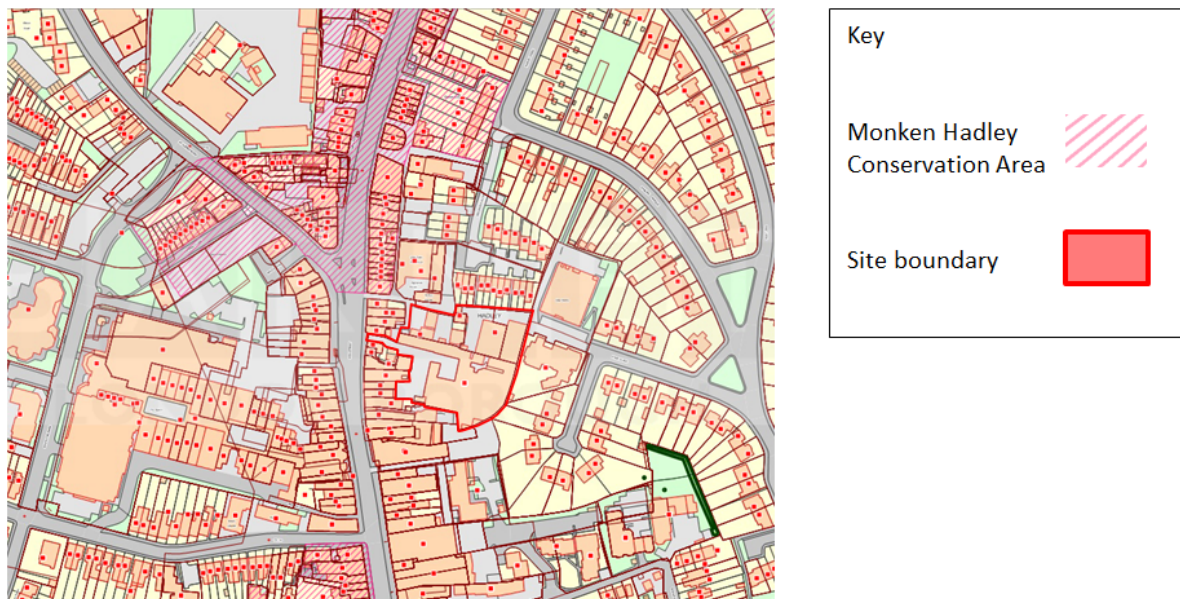
The eight semi-detached properties are sited parallel to the northern boundary and in terms of their size, scale and grain are considered to be reflective of the residential properties of Belgravia Close. During the pre-application process, the plans were amended to increase the set back distance of these housing units from the northern boundary to comply with privacy distances outlined in Barnet Council's Sustainable Design and Construction SPD.

The Employment Building in terms of its scale and mass directly mirrors the high street properties (Nos. 166 to 172 the High Street) which directly adjoin it.

The combination of mews style housing with building blocks is considered to represent an appropriate design approach which is reflective of the broader character of Chipping Barnet.

### Impact on Monken Hadley Conservation Area

The application site does not directly adjoin the site. Instead the northern side of the site is close to the Monken Hadley conservation area. The plan below shows the boundary of the conservation area in relation to the site:



Although the site does not lie within the conservation area, any proposed development will need to have due regard to the character and appearance of this conservation area and must not have a harmful impact on views of the conservation area and its setting.

It is considered that the existing buildings have a negative impact on the setting of this conservation area. The existing buildings, although functional, are visually and materially of poor quality and design. The industrial appearance of the current built form with its large building footprints, metal mono-pitch roofs and excessive amounts of hard surfacing is uncharacteristic of the Monken Hadley conservation area.

The impact of any future development on the conservation area has been a key consideration during the pre-application procedure. Significant changes to the layout, built form and proposed uses have been made due to the potential impact on the conservation area. Changes have included reducing the heights of buildings, increasing separation distances (in particular between the block of flats and the boundary with the conservation area), improvements to internal streetscape and the implementation of mews style housing and larger areas of soft landscaping.

A particular result of amendments is the reduced size of buildings with particular consideration given to the relationship between the footprint, height, bulk and mass

in line with the Brief. The new buildings as currently proposed are considered to be of an acceptable size and have a satisfactory footprint, height, bulk and mass. The proposal provides a mix of flatted properties and mews style housing and therefore complies with terms of the Brief. The layout of proposed buildings has improved permeability through the site and allows views of new trees and soft landscaping from the High Street.

Due regard has been given to the Conservation Officer's comments. It is, however, considered that the proposed scheme overall does not have the detrimental effects that the Conservation Officer suggests (see response to comments on page 39).

It is considered that the current scheme represents a satisfactory design that does not have a detrimental impact on the conservation area. The appearance of the proposed design is in fact far more reflective of the character and appearance of Chipping Barnet Town Centre and the Monken Hadley Conservation area than the industrial-style buildings that are currently on-site. Furthermore, the proposal is considered to enhance and improve the setting of the Conservation Area.

### **Impacts on amenities of neighbouring and surrounding residential occupiers:**

Local Plan policies seek broadly to promote quality environments and protect the amenity of neighbouring residential occupiers and users through requiring a high standard of design in new development. More specifically policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users. Policy DM04 identifies that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses, such as residential dwellings, will not normally be permitted.

Barnet's Adopted Residential Design Guidance SPD (adopted April 2013) provides further guidance on safeguarding the amenities of neighbouring and surrounding residential occupiers and users. This includes identifying that in new residential development there should be a minimum distance of about 21m between properties with facing windows to habitable rooms and a distance of 10.5m to a neighbouring garden, in order to avoid overlooking.

#### Overlooking and loss of privacy

The development proposed does not include clear glazed which directly face existing habitable room windows in neighbouring residential buildings that are set apart a distance of less than 21m. Distances from directly facing clear glazed windows in the units proposed to a neighbouring properties private garden are not less than 10.5m.

The proposal would also retain the majority of the existing boundary wall and has fully considered the impact and preservation of the mature TPO trees that are located on the adjoining western and northern boundaries of the site, which provide further screening between the rear of the proposed dwelling houses and the dwellings to the west of the site within Baxendale.

To ensure new windows are not subsequently introduced in the proposal under permitted development (which would result in the scheme then causing

unacceptable overlooking of neighbouring properties and their gardens) a condition has been recommended which remove permitted development rights to carry out such works.

Subject to the controls in place under the conditions recommended officers conclude that the design and layout of the proposal is such that the development would not result in unacceptable levels of overlooking and loss of privacy at the neighbouring residential properties and would comply with development plan policy and planning guidance in these regards.

#### Daylight and sunlight

As discussed previously, the application has been accompanied by a Daylight and Sunlight report (by GVA Schatunowski Brooks) which has considered the impact of the proposal on neighbouring properties. The results of the study demonstrate that any impact on daylight, sunlight and overshadowing to neighbouring residential properties. This shows that the proposed development is compliant with BRE guidance in terms of its impacts on neighbouring residential properties at Belgravia Close, Hyde Close and High Street and the Day Centre at Hyde Close complying with Vertical Sky Component (VSC) standards. Within the development all main habitable rooms pass the British Standard 8206 requirements.

Officers accept the findings of the assessment submitted and conclude that the application is acceptable in terms of its impact on daylight and sunlight at neighbouring residential properties.

#### Outlook and visual impact

The documents submitted with the application include photomontage images, computer modelling and plans. These show the impact of the proposed development from key locations within the area surrounding the site and the relationship of the proposed buildings with neighbouring properties and spaces. These documents are considered to be sufficient to enable the full assessment of the proposed developments impacts on neighbouring properties in respect of visual impacts, the relationships between buildings and spaces (in terms of whether or not they are overbearing) and impacts on outlook.

In terms of the visual impact of the proposal on the area surrounding the site, the application has been accompanied by both plans and CGI images and Officers are satisfied that this is sufficient to enable the evaluations of schemes visual impacts.

#### Noise and disturbance

The residential dwellings proposed in the development are of a nature that they would not be expected to generate unacceptably high levels of noise and disturbance, to such an extent that they would harm the amenities of the occupiers of neighbouring properties (which include residential uses), in the normal course of their occupation. The conditions recommended are considered sufficient to ensure that any extraction and ventilation plant used, would be located so as to not result in unacceptable levels of noise and disturbance to neighbouring occupiers.

Conditions have been recommended to ensure that the construction of the development does not result in unacceptable levels of noise and disturbance and to minimise the amenity impacts arising from the construction of the development more widely. These include the carrying out of the works within certain hours and in accordance with a Construction Management and Logistics Plan that has been previously agreed with the Local Planning Authority.

#### Air quality

Barnet Local Plan policies seek to ensure that new development is not contributing to poor air quality. The application has been accompanied by an Air Quality Assessment which has assessed the local air quality at existing receptor locations. Officers in the Council's Environmental Health Service have carefully assessed the proposal and concluded that the nature of the scheme is such that it would not be expected to result in any significant adverse impacts on air quality. The proposal is therefore found to be acceptable in this regard.

Conditions have been recommended to ensure that the construction of the development does not result in unacceptable air quality impacts. These include the carrying out of the works in accordance with a Construction Management and Logistics Plan that has been previously agreed with the Local Planning Authority.

#### Light spillage and pollution

Policy DM01 of the Barnet Local Plan requires that proposals for lighting schemes not have a demonstrably harmful impact on residential amenity. In this instance a condition have been recommended to control any external lighting erected at the site as part of the development. Subject to these controls it is considered that the design of the development has taken reasonable steps to prevent unacceptable levels of light spillage and light pollution occurring. The proposal is found to be adequate and compliant with development plan policies in this respect.

#### Conclusions

The proposed development is found to be compliant with the relevant development plan policies as they relate to the protection of the amenities of neighbouring and surrounding residential occupiers and users. Officers consider that the design approach proposed would not result in unacceptable impacts on the amenities of neighbouring and surrounding residential occupiers and users and find the application to be adequate in this respect.

#### Trees and Landscaping:

British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations clearly sets out the requirements for tree retention in proximity to development and will be used as the benchmark for considering development proposals. **Policy DM01** of the Adopted Barnet Development Management Policies



advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

Trees make an important contribution to the character and appearance of the borough. Trees which are healthy and are of high amenity value can be protected by the making of a Tree Preservation Order (TPO) under the Town and Country Planning Act 1990. Tree Preservation Orders can help to protect trees from inappropriate treatment and prevent their removal, as permission must first be sought from the council to carry out most types of tree surgery.

Appropriate protection of TPO trees and those identified for retention will be expected in line with good practice during construction of a development.

The council's tree and landscaping officer has reviewed the proposed landscaping strategy. He has identified that there are no TPOS on site. The Trees Officer considered overall concept of the design is appropriate to the local and the users providing trees, soft landscaping and open spaces. Conditions have been implemented relating to the landscaping design to ensure that high quality soft landscaping is implemented as part of this proposal.

## **Transport, parking and highways matters:**

### Policy context

Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 (Travel impact and parking standards) of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments. Other sections of policies DM17 and CS9 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

Major development proposals with the potential for significant trip generation will be expected to be in locations which are, or will be made, highly accessible by a range

of modes of transport and supported by a Transport Assessment that fully assesses the transport implications of the development across all modes. Schemes are also required to implement and maintain a satisfactory Travel Plan to minimise increases in road traffic and meet mode split targets.

### Parking provision

The car parking standards for residential development, as set out in the Barnet Local Plan, recommend a range of parking provision for new dwellings based on the on-site Public Transport Accessibility Level (PTAL) and the type of unit proposed. For the different types of unit the range of provision is as follows:

Four or more bedroom units - 2.0 to 1.5 parking spaces per unit  
Two and three bedroom units - 1.5 to 1.0 parking spaces per unit  
One bedroom units - 1.0 to less than 1.0 parking space per unit

Using the standards set out in the Barnet Local Plan the residential element of the development generates a maximum car parking provision of between 25 - 42.5 car parking spaces. The Barnet Development Management Policies Document recommends that flexibility is applied when assessing residential parking provision. More specifically paragraph 18.8.2 states that:

“18.8.2 Our approach to parking provision accepts the need for restraint, but intends to apply it with sensitivity to local circumstances. While all non-residential development should comply with the parking standards set out in the London Plan in deciding on residential parking requirements, we will continue to apply the standards set out in the adopted Unitary Development Plan 2006. This provides flexibility to consider the accessibility of individual locations, based on:

- The level of public transport accessibility (PTAL);
- Parking stress including the level of on-street parking control;
- The population density and parking ownership of surrounding areas;
- The location (i.e. is it in a town centre);
- Ease of access by cycling and walking; and
- Other relevant planning or highways considerations, such as to whether the proposal is a conversion of an existing use.”

The application has also been accompanied by a Residential Travel Plan (by Icen Projects). The council’s highways officer has reviewed the submitted information. In this instance, the proposed parking provision of 35 spaces is within the range that planning policies would expect to be provided for the residential element of the scheme. Given the sites circumstances, including its location in an area that has a Public Transport Accessibility Level of 3 and its Town Centre location (and the amenities it offers), the parking provision proposed for the residential element of the scheme is found to be acceptable. Based on the circumstances of the site and the nature of the scheme the level of parking proposed is found to strike the appropriate balance between the need to minimise the impact of parking associated with the development on the surrounding area and the requirement to not undermine the use of more sustainable modes of transport (walking, cycling and public transport).

Conditions have been recommended to ensure that the parking spaces proposed are provided prior to the occupation of the development and allocated and managed in an appropriate way. Conditions and planning obligations requiring the provision of a travel plan and travel incentive funds have been recommended. These will assist in encouraging travel by non-car modes of transport. Subject to the controls in place under the conditions and obligations recommended the provision of a total of 35 car parking spaces for the development proposed is considered to be acceptable and compliant with the objectives of development plan policy.

Development Plan policies require that proposals provide 10% of the car parking spaces in a scheme to a disabled parking space standard. The application proposes to provide 14% of the 35 spaces proposed to a disabled parking space standard. This is considered to be an acceptable approach that is compliant with the requirements of development plan policies.

Development Plan policies require that schemes provide 1 in 5 parking spaces (both active and passive) with electric vehicle charging points (EVCP). The conditions recommended require that not less than 20% of the car parking spaces proposed are provided with active EVCP and that a further 20% of the residential parking spaces proposed would have passive EVCP provision. Subject to these conditions the scheme is found to be acceptable comply with planning policy in this regard.

The development includes dedicated areas for the storage of 52 cycles for the proposed 32 flats and would provide the ability for cycle storage in the proposed 8 dwelling houses. This level of provision is considered to be acceptable and policy compliant and a condition has been recommended to ensure it is carried through into the implementation of the scheme.

### Access and site layout

Currently the access to the site consist of routes through a series of narrow alleyways from the High Street. Of the three existing accesses it is proposed to use the access between Nos 160 and 166 the High Street. This is currently 3.7 metres wide and is proposed to be widened to 5.5 metres through the loss of No. 162 High Street. A 2 metre wide footway will be provided on the southern side for pedestrian access. Access will be controlled with a gate and electric transponder set back 14 metres from the High Street so that there will be no highway impact.

Modifications to the access will be carried out under a S278 Agreement or S184 Application with the Highway Authority. Swept path movements have been carried out to show that access can be made by emergency services and refuse collection vehicles and there is adequate space to turn at exit in forward gear. The access proposals are adequate to serve the development. A maintenance contract will be required for the entrance barrier and will be conditioned to be provided for acceptance. The boundary enclosure for amenity space to the west of the blocks of flats has been amended to allow access to the emergency exist to 158 High Street.

### Refuse and recycling

The application provides details of refuse and recycling stores and has been designed to enable council refuse vehicles to enter the site. A condition has been recommended to ensure that appropriate refuse and recycling facilities are delivered within the development and that a suitable strategy for the collection of refuse and recycling from the site is in operation at the point that the development is brought into use. Subject to such controls the proposal is found to be acceptable in this respect.

### **Archaeology**

The National Planning Policy Framework (Section 12) and the London Plan (2011 Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should be required to submit appropriate desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development. This information should be supplied to inform the planning decision.

The submitted Archaeological Baseline and Impact Assessment (RPS, April 2016) was reviewed by Historic England. Historic England considered that although this report provides some useful information it does not utilise all the resources available to produce a fully informed assessment. The Section 1.4 “Scope of Assessment” does not include the Barnet Local Studies and Archive Centre or the Hertfordshire Archives. Both archives hold useful documents and cartographic sources which should be used to help clarify the archaeological potential prior to the 19th century. I do note that within section 4.11 pre-ordnance survey maps have been referenced. The assessment states that on both maps it is difficult to accurately locate the site, however both maps would be useful in showing the site within its wider historic context, particularly in relation to the development main settlements. It is therefore recommended that these are also reproduced within the assessment.

Section 4.22 mentions Site Investigation logs, but that they have not been assessed as part of this stage of archaeological investigation. The Site Investigation logs can be very useful in identifying the depth of made ground and underlying geological deposits across the site and also help to identify potential areas of archaeological survival or areas of truncation as a result of previous development. It is therefore recommended that a review of the Site Investigation logs be carried out and incorporated into the existing Archaeological Baseline and Impact Assessment along with the location plan of the boreholes and trial pits.

A condition has been recommended by Historic England to secure this additional information. This condition has been included.

### **Barnet Community Infrastructure Levy**

The proposed development is liable for charge under the Barnet Community Infrastructure Levy (CIL) at a rate of £135 per square metre. Because of the nature

of the way in which CIL is calculated it is only possible to estimate the contribution which will finally be made through the Barnet CIL at the time planning applications are determined. Taking account the relief from a CIL charge which the affordable housing element of the scheme could be eligible for the development might be expected to generate a Barnet CIL payment.

As the exact figure that the development would be liable to pay under the Barnet CIL regime can only be estimated at the planning application stage the heads of terms recommended (set out in full at Recommendation 1 towards the beginning of this report) a planning obligation which requires that should the applicant pay less than the predicted sum under the Barnet CIL the difference between what was anticipated to be paid and what is actually paid is provided as financial contribution towards the delivery of affordable housing in the borough.

### **Mayoral Community Infrastructure Levy**

The proposed development is liable for charge under the Mayoral CIL (at a rate of £36.04 per square metre). Because of the nature of the way in which CIL is calculated it is only possible to estimate the contribution which will finally be made through the Mayoral CIL at the time applications are determined. Only additional floor space generated by the development would be potentially liable for charge under Mayoral CIL. Taking account the relief from a CIL charge which the affordable housing element of the scheme could be eligible for the development might be expected to generate a Mayoral CIL payment.

## **4. EQUALITIES AND DIVERSITY ISSUES**

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

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

For the purposes of this obligation the term “protected characteristic” includes:

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

Officers have in considering this application and preparing this report had regard to

the requirements of this Section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under this important legislation.

Conditions recommended for the application would ensure that in several regards the buildings which form part of the development proposed would exceed the minimum requirements of legislation such as Part M of the Building Regulations. Examples of this include all the proposed residential units being constructed to meet the relevant Lifetime Homes standards, not less than 10% of the residential units proposed being constructed to be wheelchair accessible or easily adaptable for residents who are wheelchair users and the inclusion of disabled standard parking spaces (as set out in greater detail in earlier sections of this report).

With the conditions recommended the proposal is found to accord with development plan policies as they relate to the relevant equalities and diversity matters. This has been achieved by providing a high quality inclusive design approach which creates an environment that is accessible to all and would continue to be over the lifetime of the development. The design of the buildings to which the application relates is such that they would be an improvement over the existing buildings on the site, in terms of achieving equality and diversity objectives specifically. The development would therefore have a positive effect in terms of equalities and diversity matters.

It is considered by officers that the submission adequately demonstrates that the design of the development and the approach of the applicant are acceptable with regard to equalities and diversity matters. The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in its Equality Scheme and support the council in meeting its statutory equality responsibilities.

## **5. COMMENTS ON GROUNDS OF OBJECTIONS**

The objections raised are all considered in the appraisal and analysis set out in the relevant parts of the main body of the report.

## **6. CONCLUSION**

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

For the reasons set out in the previous sections of this report it is concluded that the proposed development generally and taken overall accords with the relevant development plan policies and constitutes a sustainable form of development. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to the satisfactory completion of the Section 106 Agreement, APPROVAL subject to conditions is recommended, as set out in the recommendations section at the beginning of this report.

**Appendix 1: Site Plan**



## **Appendix 2: Site History**

**Description:** Change of use to martial arts studio (Class D2)

**Reference Number:** N03686F/03

**Address:** Unit 3B, Brake Shear House 164 High Street Barnet EN5 5XP

**Decision:** Approved subject to conditions

**Decision Date:** 14 July 2003

**Description:** Use of first floor as caretaker's flat

**Reference Number:** N03686C

**Address:** Factory Unit 3 Brake Shear House R/O 164 High Street Barnet Herts

**Decision:** Approved subject to conditions

**Decision Date:** 13 June 1973

**Description:** Use for woodworking, fitting and assembly of hi-fi equipment

**Reference Number:** N03686B

**Address:** Factory Unit 2, Brake Shear House, Rear Of 164 High Street Barnet

**Decision:** Approved subject to conditions

**Decision Date:** 13 June 1973



# Appendix 3: Proposed Site Plan



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