

**MEETING**

**PLANNING AND ENVIRONMENT COMMITTEE**

**DATE AND TIME**

**THURSDAY 1 MAY, 2014**

**AT 7.00 PM**

**VENUE**

**HENDON TOWN HALL, THE BURROUGHS, NW4 4BG**

**TO: MEMBERS OF PLANNING AND ENVIRONMENT COMMITTEE (Quorum 3)**

Chairman: Councillor Wendy Prentice  
Vice Chairman: Councillor Maureen Braun

**Councillors**

Jack Cohen	Mark Shooter	Andreas Tambourides
John Marshall	Agnes Slocombe	Jim Tierney
Barry Rawlings	Stephen Sowerby	

**Substitute Members**

Alison Cornelius	Kath McGuirk	Andrew Strongolou
Claire Farrier	Graham Old	Darrel Yawitch
Andreas Ioannidis	Lord Palmer	
Sury Khatri	Brian Schama	

**You are requested to attend the above meeting for which an agenda is attached.**

**Andrew Nathan – Head of Governance**

Governance Services contact: Maria Lugangira 020 8359 2761

Media Relations contact: Sue Cocker 020 8359 7039

**ASSURANCE GROUP**

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes	
2.	Absence of Members	
3.	Disclosable Pecuniary interests and Non Pecuniary interests	
4.	Public Question Time (if any)	
5.	Members Item (if any)	
6.	Report of the Assistant Director of Planning and Development Management;	
	<b>Burnt Oak Ward</b>	
7.	Barnet Burnt Oak Leisure Centre, Watling Avenue, Edgware, Middlesex, HA8 0NP - H/01110/14	1 - 8
	<b>Edgware Ward</b>	
8.	Stonegrove and Spur Road Estates, Edgware, HA8 8BT - H/01379/14	9 - 36
9.	102-124 Station road and car park to rear, Edgware, HA8 7BJ - H/05793/13	37 - 102
	<b>Finchley Church End Ward</b>	
10.	213-227 Great North Way, London, NW4 1PN - F/01148/14	103 - 136
	<b>Mill Hill Ward</b>	
11.	Barnet Cemetery and Memorial Gardens, Milesplit Hill, London, NW7 2RR - H/01134/14	137 - 148
	<b>Totteridge Ward</b>	
12.	Northway House, 1379 High Road, Whetstone, N20 - B/0567/13	149 - 268
	<b>Underhill Ward</b>	
13.	Old Stationers Playing Fields, Barnet Lane, Barnet, Herts, EN5 2DN - B/00513/14	269 - 280
14.	Any item(s) that the Chairman decides are urgent	

## **FACILITIES FOR PEOPLE WITH DISABILITIES**

Hendon Town Hall has access for wheelchair users including lifts and toilets. If you wish to let us know in advance that you will be attending the meeting, please telephone Maria Lugangira 020 8359 2761 [maria.lugangira@barnet.gov.uk](mailto:maria.lugangira@barnet.gov.uk). People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

## **FIRE/EMERGENCY EVACUATION PROCEDURE**

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**LOCATION:** Barnet Burnt Oak Leisure Centre, Watling Avenue, Edgware, Middx, HA8 0NP  
**REFERENCE:** H/01110/14 **Received:** 26 February 2014 **AGENDA ITEM 7**  
**WARD(S):** Burnt Oak **Accepted:** 26 February 2014  
**Expiry:** 23 April 2014

**Final  
Revisions:**

**APPLICANT:** The London Borough of Barnet

**PROPOSAL:** Variation of condition 1 (Hours of Use) of planning permission W/01483M/05 dated 23/03/05 for ('Variation of Condition 10 of planning permission reference W01483D/01 dated 12.09.01 to extend opening hours of the centre only by one hour from 9am to 8am, Monday-Friday.) Variation is to allow the centre to open at 7.30am Monday to Friday.

**RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

1. The building and car-park shall not be open to the public before 07.30 or after 21.00 on Mondays to Fridays and before 09.00 and after 18.00 on Saturdays, Sundays or Public Holidays. The external areas (excluding car park) shall not be open to the public before 09.00 or after 21.00 Mondays to Fridays and before 09.00 or after 18.00 on Saturdays, Sundays or Public holidays.

Reason:

To protect the amenities of adjoining residential occupiers.

**INFORMATIVE(S):**

1. The plans accompanying this application are:- Site location plan dated 26 February 2014.
2. i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

**1. MATERIAL CONSIDERATIONS**

The National Planning Policy Framework 2012

The Mayor's London Plan: July 2011

### Relevant Core Strategy (2012) Policies:

CS NPPF - National Planning Policy Framework - Presumption in Favour of Sustainable Development  
CS5 - Protecting and Enhancing Barnet's character to create high quality places

### Relevant Development Management (2012) Policies:

DM01 Protecting Barnet's character and amenity  
DM02 Development standards  
DM13 Community and education uses  
DM17 Travel impact and parking standards

### Supplementary Planning Documents and Guidance

Sustainable Design and Construction (2013)  
Residential Design Guidance (2013)  
Planning Obligations (2013)

### Mayor's CIL

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £36.04 per sqm on all 'chargeable development' in Barnet.

### Barnet CIL

Barnet's Community Infrastructure Levy was approved at Full Council on 16 April 2013. Adoption of the Barnet CIL Charging Schedule is the 1st May 2013. All planning applications decided on or after that date will be subject to the charge at a rate of £135 per sqm on all 'chargeable development' in Barnet.

### Relevant Planning History:

**Site Address:** Burnt Oak Sports and Youth Centre Watling Avenue Edgware Middlesex HA8  
**Application Number:** W01483J/02  
**Application Type:** Details Application  
**Decision:** Approve  
**Decision Date:** 26/03/2003  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Submission of details of landscaping pursuant to condition 7 of planning permission W01483D/01 granted 12 September 2002.**  
**Case Officer:**

**Site Address:** BURNT OAK SPORTS AND YOUTH CENTRE WATLING AVENUE EDGWARE HA8  
**Application Number:** W01483E/02  
**Application Type:** Details Application  
**Decision:** Finally disposed of  
**Decision Date:** 26/03/2003  
**Appeal Decision:** No Appeal Decision Applies

**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Submission of details of lighting pursuant to Condition 15 of planning permission W01483D/01 granted 12.09.01.**

**Case Officer:**

**Site Address:** Burnt Oak Youth & Sports Centre Watling Avenue Edgware Middx HA8  
**Application Number:** W01483F/02  
**Application Type:** Details Application  
**Decision:** Approve  
**Decision Date:** 12/02/2003  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Submission of details of landscaping pursuant to Condition 7 of Planning Permission W01483D/01 granted 12-09-01.**

**Case Officer:**

**Site Address:** Burnt Oak Sports & Youth Centre Watling Avenue Edgware Middlesex HA8  
**Application Number:** W01483H/02  
**Application Type:** Details Application  
**Decision:** Finally disposed of  
**Decision Date:** 28/03/2003  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Submission of details of floodlighting pursuant to condition 6 of planning permission W01483C/00 granted 15 November 2000.**

**Case Officer:**

**Site Address:** Burnt Oak Sports & Youth Centre Watling Avenue Edgware Middx HA8  
**Application Number:** W01483G/02  
**Application Type:** Details Application  
**Decision:** Approve  
**Decision Date:** 12/02/2003  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Submission of details of materials pursuant to Condition 3 of Planning Permission W01483D/01 granted 12-09-01.**

**Case Officer:**

**Site Address:** CAMDEN PLAYING FIELDS WATLING AVENUE EDGWARE  
**Application Number:** W01483D/01  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 12/09/2001  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Construction of part single, part 2 storey sports and community centre with associated car parking.**

**Case Officer:**

Lesley Feldman

**Site Address:** Burnt Oak Leisure and Youth Centre Watling Avenue Edgware HA8 0NJ  
**Application Number:** W01483L/04  
**Application Type:** Material Minor Amendment/Vary Condition  
**Decision:** Withdrawn  
**Decision Date:** 08/10/2004  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Variation to Condition 10 of planning permission reference W01483D/01, dated 12 September 2001, to change opening hours by one hour from 9am to 8am.**

**Case Officer:**

Lesley Feldman

**Site Address:** Barnet Burnt Oak Leisure Centre Watling Avenue Edgware Middlesex HA8 0NP

**Application Number:** W01483M/05  
**Application Type:** Conditions Application  
**Decision:** Approve with conditions  
**Decision Date:** 30/03/2005  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Variation of Condition 10 of planning permission reference W01483D/01 dated 12.09.01 to extend opening hours of the centre only by one hour from 9am to 8am, Monday to Friday.**  
**Case Officer:** Lesley Feldman

**Site Address:** Former Camden Playing Fields Watling Avenue EDGWARE  
**Application Number:** W01483B  
**Application Type:** Outline Application  
**Decision:** Approve with conditions  
**Decision Date:** 01/02/1999  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Construction of a new sports hall and community centre with ancillary car parking(OUTLINE APPLICATION).**  
**Case Officer:**

**Site Address:** FORMER CAMDEN PLAYING FIELDS WATLING AVENUE EDGWARE  
**Application Number:** W01483C/00  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 15/11/2000  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Installation of all weather pitch with flood lighting.**  
**Case Officer:**

**Site Address:** BURNT OAK YOUTH AND SPORTS CENTRE WATLING AVENUE HA8  
**Application Number:** W01483K/02  
**Application Type:** Details Application  
**Decision:** Approve  
**Decision Date:** 13/12/2002  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Submission of details of refuse storage pursuant to Condition 6 of planning permission W01483D/01 granted 12.9.01.**  
**Case Officer:** Lesley Feldman

#### Consultations and Views Expressed:

Neighbours Consulted: 130  
Replies: 6  
Neighbours Wishing To Speak: 0

Date of site notice: 20 March 2014

#### Summary of objections:

- There is excessive noise from the people using the centre and cars accessing and leaving the site
- There is excessive litter surrounding the site
- There is an overspill of cars that impacts on parking availability in the street
- There is excessive noise from sports pitches
- Object to any extension to the opening times in the morning
- Object to any extension to opening times in the evening



### Internal /Other Consultations:

None

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site features a purpose built sports facility with outside sports pitches and car parking. The site is located in the Watling Estate Conservation Area.

The site currently currently operates between 09:00 to 21:00 Monday to Friday and 09:00 to 17:00 Saturdays, Sundays and Public Holidays.

The site has planning permission to operate the sports centre building between 08:00 - 21:00 Monday to Friday and 09:00 to 18:00 on Saturdays, Sundays and Public Holidays. The external areas (excluding the car park) can operate between 09:00 - 21:00 Monday to Fridays and 09:00 to 18:00 on Saturdays, Sundays and Public Holidays.

### Proposal:

The application proposes the variation of condition 1 (Hours of Use) of planning permission W/01483M/05 dated 23/03/05 which varied the original opening hours by allowing the centre only (not sports pitches) to open one hour earlier ie 8am rather than 9am, Monday-Friday only.) The current proposal is to vary opening hours of the centre only from 08:00 - 21:00 Mon-Fri to 07:30 - 21:00 Mon-Fri.ie an additional half hour on weekday mornings.

### Planning Considerations:

#### Whether the proposed extended opening times are appropriate

The site currently has planning permission to operate the sports centre building between 08:00 - 21:00 Monday to Friday and 09:00 to 18:00 on Saturdays, Sundays and Public Holidays. The external areas (excluding the car park) have planning permission to operate between 09:00 - 21:00 Monday to Fridays and 09:00 to 18:00 on Saturdays, Sundays and Public Holidays.

The proposed hours of operation would result in the building and car park being operated by an additional 30 minutes in the morning during the weekdays (from 08:00 to 07:00). The remaining restrictions on operating hours would not be changed.

With regard to the impact of the extended opening times on the amenity of neighbouring residents, it is considered that there are residential properties in close proximity to the application site and concerns have been raised from residents in relation to noise, particularly from the outdoor sports pitches. However, in this instance it is considered that the proposed extension to opening times would be restricted to the building and car park only. It is also considered that the extended opening time would only be 30 minutes during weekdays for the centre and car park only. As such, it is considered that there would not be an adverse impact on the amenity of neighbours to an extent that would warrant the refusal of the application on these grounds.

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

Concerns have been raised regarding the overspill of car parking from the site. The proposal would not increase the capacity of the sports centre or alter the current parking arrangement and relates solely to the extension of the opening hours for the centre and car park in the morning for 30 minutes. Given the limited extension to the operating hours, the proposal is not considered to exacerbate parking issues in the area.

Concerns have been raised regarding littering around the site. The extended opening hours would be for 30 minutes in the morning and are therefore not considered to exacerbate the current refuse management arrangements.

The remaining concerns raised have been addressed in the considerations above.

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

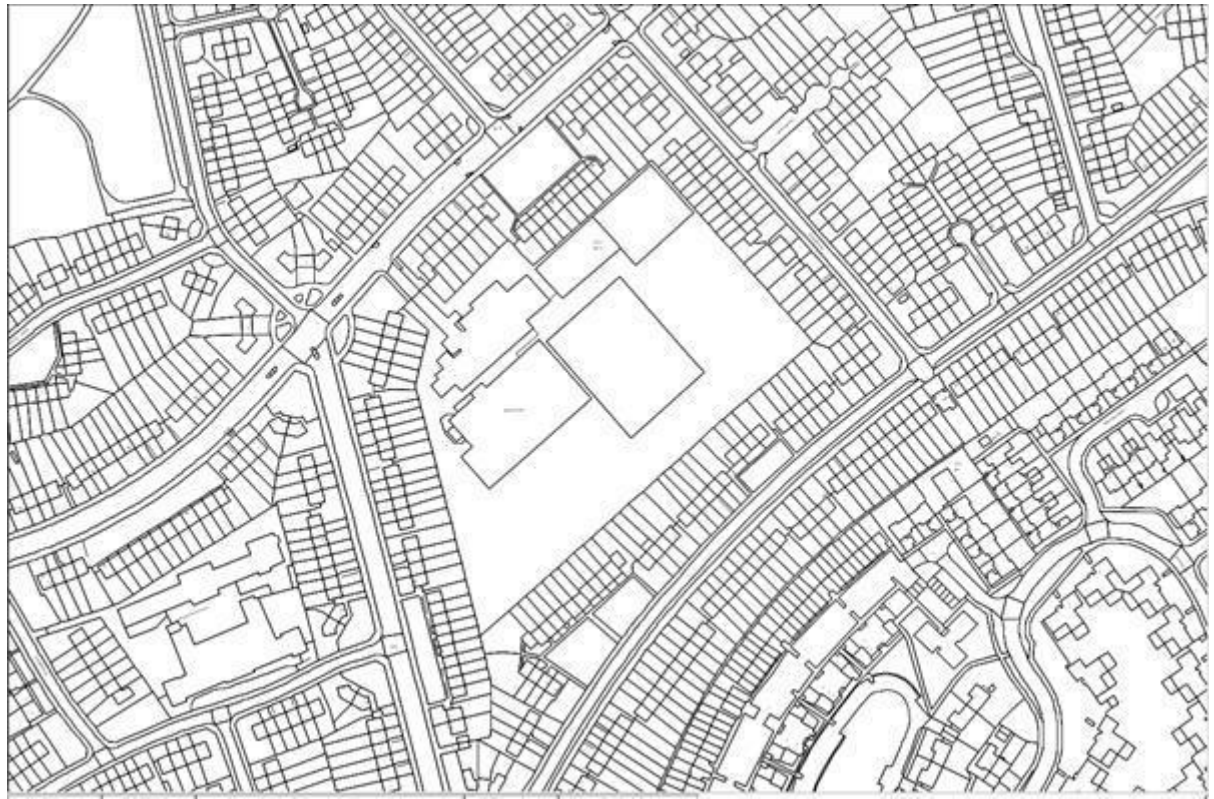
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **5. CONCLUSION**

The proposed opening times would not impact adversely on the amenity of neighbours to an extent that would warrant the refusal of the application on these grounds.

**SITE LOCATION PLAN:**            **Barnet Burnt Oak Leisure Centre, Watling Avenue, Edgware, Middx, HA8 0NP**

**REFERENCE:**                        **H/01110/14**



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**LOCATION:** Stonegrove and Spur Road Estate, Edgware, HA8 8BT

**REFERENCE:** H/01379/14

**Received:** 20 March 2014

**Accepted:** 20 March 2014

**WARD(S):** Edgware

**Expiry:** 19 June 2014

**AGENDA ITEM 8**

**Final Revisions:** 22 April 2014

**APPLICANT:** Barratt Evolution Ltd

**PROPOSAL:** Reserved Matters Application (scale, appearance and landscaping) for combined Community Centre and Church Building within Character Zone 2 pursuant to outline planning permission ref: W13582E/07 dated 06/10/08 as renewed by planning permission ref: H/03635/11 dated 07/12/11.

**RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

1. Approved plans

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

12407 02 01

12407 02 02

12407 02 03

12407 02 04

12407 02 05

12407 02 06

12407 02 07

12407 02 08

12407 02 09

12407 02 10

12407 02 11

12407 02 12

12407 02 101

12407 02 102

12407 02 103

12407 02 104

12407 02 106

Design and Access Statement by Sprunt

Planning Statement by Quod

Transport Statement by Robert West

Sunlight and Daylight Report by BVP

Statement of Community Involvement by HardHat

BREEAM Pre-assessment by EC7

Energy Strategy Overview by Whitecode Design Associates

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

2. Materials

Notwithstanding the plans hereby approved, before the commencement of development hereby permitted, details and samples of all materials to be used for the external surfaces of the buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details as approved.

Reason:

To ensure the delivery of a high quality building, to safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

3. Architectural Details

Before the commencement of development hereby permitted, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- Steel and timber screening posts to stairs and balcony and glass balustrade
- Brown roof system including details of proposed wind catchers;
- Rainscreen cladding and curtain walling system;
- Rainwater goods to and drainage details;
- Roof overhangs including proposed gulam roofing beams; and
- Proposed fencing, gates and bollards;

The development shall be implemented in accordance with the details as approved.

Reason:

To ensure the delivery of high quality buildings and safeguard the visual amenities of the locality.

4. Car Parking Management Plan

Prior to the 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:

- location and layout of car parking spaces;

- vehicular circulation and turning details;
- the allocation of car parking spaces;
- details of bollards and fencing (These must not exceed 1.05m in height);
- on site parking controls;
- electric charging points;
- the enforcement of unauthorised parking; and
- disabled parking spaces.

The car parking spaces shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development. The parking management plan shall be implemented in accordance with the approved details before the buildings hereby permitted are occupied and maintained thereafter.

Reason:

To ensure that parking and associated works are provided in accordance with the council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

5. Cycle Parking

16 secure cycle parking stands shall be provided for staff and visitors within the street in accordance with details to be submitted to and approved by the Local Planning Authority. The cycle stands shall be installed in accordance with the agreed details and shall be thereafter maintained for the life of the development.

Reason:

To ensure the cycle storage is secure and to encourage sustainable forms of travel in accordance with Policies CS9 of the Core Strategy (2012) and DM17 of the Development Management Policies (2012).

6. Security Management Plan

Prior to the occupation the development hereby approved, a Security Management Plan detailing security measures for this phase in accordance with the principles of Secure By Design shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Barnet Borough Police Crime Prevention Design Adviser.

Reason:

To ensure that the development provides a safe and secure environment.

7. Method Statement – Trees

No site works or works on this development shall be commenced before a dimensioned tree protection plan in accordance with Section 5.5 of British Standard BS5837: 2012 *Trees in relation to design, demolition and construction - Recommendations* and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 are

submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with such approval.

Reason:

To safeguard the health of existing trees which represent an important amenity feature in accordance with policies D12 and D13 of the Barnet UDP 2006 and policy 7.21 of the London Plan 2011.

8. Services in Relation to Trees

Prior to commencement of the site drainage and buried services installations, details of the location, extent and depth of all excavations for drainage and other services in relation to trees to be retained shall be submitted and approved by the Local Planning Authority and the development carried out in accordance with such approval.

Reason:

To safeguard the health of existing trees which represent an important amenity feature in accordance with policies D12 and D13 of the Barnet UDP 2006 and policy 7.21 of the London Plan 2011.

9. Landscaping Details

A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

10. Landscaping Implementation

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

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

11. Landscaping Maintenance

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



Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

12. Waiver of Liability and Indemnity Agreement

Prior to the occupation of the development hereby approved, a Waiver of Liability and Indemnity Agreement in relation to the non-adopted roads 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.

13. Details of Traffic Circulation Routes

Prior to the occupation of the building hereby approved, details of traffic circulation routes along the non-adopted roads within the zones along with any associated signage and street furniture, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details approved.

Reason:

To ensure that vehicles can access the development safely 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. Hours of Opening

The use hereby permitted shall not open outside of the following times:

Community Centre 08:00 - 23:00 hours Daily.

Nursery 07:00 -19:00 hours Monday to Friday

Church 08:00 - 23:00 hours Daily.

The premises can be used for up to 12 occasions in any one calendar year outside of the permitted hours in accordance with details to be submitted to discharge condition 16 'Events Management Plan'.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

15. Noise Assessment

Prior to the commencement of the development hereby approved, a report shall be carried out by a competent acoustic consultant that assesses the likely noise impact from any plant and machinery as well as the use of the building on neighbouring residential properties. The report shall clearly outline mitigation measures needed to reduce these noise impacts to acceptable levels and should include the provision of mechanical ventilation. It should 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 contents and recommendations. The approved mitigation measures shall be implemented in their entirety before the occupation of the building and shall thereafter be maintained in accordance with the agreed details.

Reason:

To ensure that the amenities of neighbouring premises are protected from noise from the development.

16. Events Management Plan

Prior to first occupation of the Church and Community Centre hereby permitted an Events Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The EMP shall include, but not be limited to the following:

- Hours of opening for the different facilities within the site;
- Management arrangements for the site and facilities;
- Scale and frequency of events taking place on a weekly, monthly and annual basis and how these events will be managed;
- Parking arrangements and controls for events;
- Code of conduct for users of the site;
- Links with external clubs (existing or new)

A revised Events Management shall be submitted 24 months following the commencement of use, to allow the operation of the premises to be reviewed in light of operational experience.

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.

**INFORMATIVE(S):**

1. The applicant is reminded that the conditions and planning controls in the outline permission W13582E/07 dated 06/10/08 as renewed by planning permission ref: H/03635/11 dated 07/12/11 for the redevelopment of the Stonegrove and Spur Road Estate are still relevant and must be complied with. There are also conditions that require to be discharged prior to the occupation of the development.

2. Where a developer proposes to discharge water to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

## **1. MATERIAL CONSIDERATIONS**

### **1.1 Key Relevant Planning Policy**

#### National Planning Policy Framework

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, such as this proposal, which are considered to accord with the development plan.

#### The Mayor's London Plan: July 2011

The replacement London Plan was adopted on 22nd July 2011 and provides the strategic planning guidance and policies for the capital. It promotes sustainable growth and environmentally responsive development.

Relevant policies:

Policy 3.5 Quality and design of housing developments

Policy 3.18 Education facilities

Policy 5.3 Sustainable design and construction

#### Barnet Core Strategy (Adopted 2012)

The Planning & Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The following policies are relevant:

CS 1 Barnet's Place Shaping Strategy - The Three Strands Approach

CS 10 Enabling Inclusive and Integrated Community Facilities and Uses

**1.2 Relevant Planning History:**

<b>Application Ref.</b>	<b>Address</b>	<b>Description of Development</b>	<b>Decision and Date</b>
<b>W13582E/07</b>	Stonegrove and Spur Road Estates, Edgware, London	Outline planning application for the redevelopment of Stonegrove and Spur Road Estates to include the demolition of the 603 existing residential units, community and school buildings, and the erection of 937 new residential units, new community hall, church and church hall with nursery facility, the provision of associated public and private open space, car parking and cycle parking, new vehicular access off Spur Road, new vehicular access off Stonegrove, and new internal road layout. Of the 937 new residential units, the application includes the submission of full details for Zone 1 of the redevelopment which will involve the erection of 138 residential units (31 houses and 107 flats) of which 86 units will be affordable and 52 will be for private sale, associated hard and soft landscaping incorporating new public open space, and associated car parking and cycle parking. Submission of Environmental Statement.	Approved 6th October 2008 after completion of a S106 agreement
<b>H/02723/09</b>	Zone 6, Stonegrove and Spur Road Estates, Edgware, London	Reserved matters application seeking approval for scale, appearance and landscaping in relation to Character Zone 6 of the redevelopment of Stonegrove and Spur Road Estates comprising 98 residential units pursuant to Condition 3 of outline planning permission reference W13582E/07 dated 06/10/2008.	Approved 19th October 2009

<b>H/04521/09</b>	Zone 5A, Stonegrove and Spur Road Estates, Edgware, London, HA8 8BT	Reserved matters application seeking approval for scale, appearance and landscaping in relation to Character Zone 5A of the redevelopment of Stonegrove and Spur Road Estates comprising 67 residential units for private sale pursuant to Condition 3 of outline planning permission reference W13582E/07 dated 06/10/2008.	Approved 18 <sup>th</sup> February 2010
<b>H/00433/11</b>	Development Phase 2 (comprising part of Character Zones 2 and 4), Stonegrove and Spur Road Estates, Edgware, HA8	Reserved matters application seeking approval for scale, external appearance and landscaping in relation to Development Phase 2 (comprising part of Character Zones 2 and 4) of the redevelopment of Stonegrove and Spur Road Estates, comprising 107 residential units, including 19 houses, pursuant to Condition 3 of outline planning permission reference W13582E/07 dated 06/10/2008.	Approved 16 <sup>th</sup> March 2011
<b>H/03635/11</b>	Stonegrove and Spur Road Estates, Edgware, London	Extension to the time limit for implementing Condition 3 of planning permission W13582E/07 dated 06/10/08 to allow submission of reserved matters to continue development in respect of 'Outline planning application for the redevelopment of Stonegrove and Spur Road Estates to include the demolition of the 603 existing residential units, community and school buildings, and the erection of 937 new residential units, new community hall, church and church hall with nursery facilities, the provision of associated public and private open space, car parking and cycle parking, new vehicular access off Spur Road, new vehicular access off Stonegrove, and new internal road layout. Of the 937 new residential units, the application includes the submission of full details for Zone 1 of the redevelopment which will involve the erection of 138 residential units	Approved 7 <sup>th</sup> December 2011 following deed of variation to the original section 106 agreement

		(31 houses and 107 flats) of which 86 units will be affordable and 52 will be for private sale, associated hard and soft landscaping incorporating new public open space, and associated car parking and cycle parking.'	
<b>H/02475/12</b>	Stonegrove and Spur Road Estates, Edgware, London	Reserved matters application seeking approval for scale, external appearance and landscaping for character zones 2 (part), 4, 5B and 7 of the redevelopment of Stonegrove and Spur Road estate pursuant to condition 2 of planning permission W13582/07 as renewed by H/03635/11 dated 07/12/11.	Approved 23 <sup>rd</sup> October 2012.
<b>H/00233/13</b>	Stonegrove and Spur Road Estates, Edgware, London	Reserved matters application seeking approval for scale, external appearance and landscaping for character zones 3 and 8 of the redevelopment of Stonegrove and Spur Road estate pursuant to condition 2 of planning permission W13582/07 as renewed by H/03635/11 dated 07/12/11.	Approved 22 <sup>nd</sup> April 2013.

### 1.3 Pre-Application Public Consultation

The applicant has submitted a Statement of Community Involvement (SCI) with the application. Barratt Homes appointed HardHat to undertake consultation for the reserved matters proposals for Stonegrove and Spur Road Estate.

Since the outline permission was granted, Barratt has continued to engage with a range of key stakeholders, including residents on the estate through representatives from the Stonegrove and Spur Road Partnership Board, residents from around the estate as well as local Councillors.

Community engagement has been ongoing since the proposed renewal of the outline planning permission in October 2011. The following activities were undertaken in relation to the Church/ Community Building:

- (i) Newsletters, delivered on a quarterly basis, to residents on the estate and the surrounding area;
- (ii) A website was set up containing key details and updated relating to the project with latest community news and copies of newsletters;
- (iii) Various feedback mechanisms provided for to ensure residents and stakeholders can input their views and raise questions;
- (iv) Regular meetings with Community Trust Steering Group since 2011 and Shadow Community Trust since late 2012;

- (v) Formation of Development Group and Associated Meetings with representation from various bodies including the Diocese of London;
- (vi) A Public Exhibition was held on Monday 13<sup>th</sup> January 2014;
- (vii) An Open Partnership Board meeting was held on Monday 13<sup>th</sup> January 2014 presenting proposals to members of the Development Group and wider Community.

#### *Public Exhibition*

A public exhibition was held at St. Peter's Church on Monday 13<sup>th</sup> January 2014 between 1pm – 3pm and 5pm – 7pm.

An A5 invitation was hand-delivered to 1500 households in the vicinity of the site on the weekend of the 4<sup>th</sup> and 5<sup>th</sup> January. A quarter page copy of the invitation was also featured in the Hendon & Finchley Times newspaper on the week preceding the event (10<sup>th</sup> January 2014). The event was further publicised in the December 2013 edition of the newspaper and on the dedicated project website.

The exhibition provided a series of displays illustrating the details of the proposed Church and Community Building and representatives from Barratt Homes, Quod planning consultants, Sprunt architects and Hard Hat Communications were present to answer any questions.

53 people signed in to the exhibition with at least a further 15 people in attendance over the course of the two sessions. The comments can be summarised as follows:

- (viii) Praise for the design of the new facility and treatment of different facades;
- (ix) Concern regarding use of wood on exterior as difficult and expensive to maintain;
- (x) Conflicting opinions regarding whether building should contain religious signage on exterior of the building;
- (xi) Comments from SureStart concerning need for facility to accommodate their needs.

#### Changes made as a result of feedback

- (xii) Revision of materials to include metal sub-bass and frames;
- (xiii) Confirmation of 5 permanent parking spaces rising to 8 during peak times and 16 for special events;
- (xiv) Provision of pram storage internally beneath the main stair and externally adjacent to the entrance;
- (xv) Introduction of bell tower and light well over the chapel incorporating bell from existing St Peters Church
- (xvi) Clarification that informal play area will be designed for a suitable for ball games and other activities
- (xvii) Change from single sex to unisex toilet provision;

- (xviii) Consultation rooms and a changing room introduced following requests from NHS providers and the youth services;
- (xix) Office space provided specifically for youth services;
- (xx) Access to the chapel provided internally and externally
- (xxi) New double doors provided to entrance forecourt to accommodate ceremonial functions i.e. weddings and funerals.

#### **1.4 Public Consultation and views Expressed:**

Consultations and Views Expressed:

Neighbours Consulted: 517

Replies: 0

Neighbours Wishing  
To Speak 0

Internal /external and Other Consultations:

##### Highways

No objections subject to the attachment of appropriate conditions.

##### Environmental Health

No objections subject to the attachment of appropriate conditions.

## **2. PLANNING APPRAISAL**

### Background:

Application W13582E/07 for the redevelopment of Stonegrove and Spur Road Estates was heard at the Planning and Environment Committee on the 3rd March 2008. The application was approved by Members subject to the completion of a Section 106 legal agreement which was subsequently signed on the 6th October 2008.

The planning consent for the regeneration of Stonegrove and Spur Road Estates is a hybrid planning permission comprising of detailed planning permission for Zone 1 and outline consent for the remainder of the development (Zones 2-8). The approved regeneration comprises the following:

- (xxii) Demolition of all existing residential dwellings, community buildings and former Edgware School buildings;
- (xxiii) Construction of 937 residential units of which 520 will be for private sale and 417 will be affordable;
- (xxiv) Construction of a new community hall;
  - Replacement of the existing St Peter's Church, Church Hall and parsonage with a new Church, Church Hall and parsonage. The Church Hall will be suitable for accommodating a playgroup/crèche;
  - High quality public open space provision along with private gardens and communal gardens;



- Provision of a local Energy Centre to serve the development;
- Provision of a maximum of 1000 car parking spaces;
- Pedestrian and cycle routes across the site linking into the pedestrian and cycle network in the surrounding area;
- Means of access and off-site highway works. This includes a new access onto the A5 Stonegrove, retained but altered access points at Kings Drive and Green Lane and new private access junction onto the A410 Spur Road. The application also proposes works to the existing roundabout junctions on Spur Road at the A41 Edgware Road/A410 Spur Road roundabout and Canon's Corner roundabout

Reserved Matters have been approved for all of the principal character zones within the Masterplan. Remaining areas covered by the outline approval include the Church/ Community Centre which is covered by the current application located between Sterling Court and Academy Lane and 14 houses located between Kings Drive and Lacey Drive.

## **2. DESCRIPTION OF THE SITE AND PROPOSED DEVELOPMENT**

### **2.1 Description of Site**

#### Stonegrove and Spur Road Estates

The Stonegrove and Spur Road estates are located between the A5 Edgware Road, A410 Spur Road and the A41 Edgware Way approximately 1.2km from Edgware town centre. The site is within walking distance of Stanmore Underground Station (0.8km to the west) and Edgware Underground Station (1.7km to the south).

The overall regeneration site comprises an area of 11.37 hectares including the Stonegrove and Spur Road housing estates, the former Edgware School land and St. Peter's Church. The original residential accommodation across the two estates comprised 603 one, two and three bed flats and maisonettes in 19 blocks ranging from 4 to 11 storeys in height.

The London Academy which was completed in 2006 under a separate planning consent (ref: W13031/02), is located on the north side of the estate along Spur Road. The Academy replaced Edgware School which has since been demolished.

A petrol filling station, Tesco Express store and MacDonalds restaurant are located to the north west of the site on the Canon's Corner roundabout.

The areas to the south and west are made up of traditional residential streets. The majority of property is 1930s and 1950s detached and semi-detached housing. The Edgware Reform Synagogue is located on Stonegrove (A5) immediately to the south of the site.

#### The Church/ Community Centre Site

The application relates to the provision of the proposed church and community centre. The site for the church and community centre is located between zone 2 to the west and south and zones 5b and 7 to the east and north.

The site is located facing Lacey Drive to the south, residential properties in Sterling Court to the west, residential properties in Academy Lane to the east and the rear curtilage of the London Academy to the north.

### Church and Community Centre Building

In terms of the layout of the building the Church is located on the front of the building facing Lacey Drive, with a main church hall and side chapel, vestry and store provided. A through corridor provides access through the centre of the ground floor accessible by both the church and community centre. The rear of the property at ground floor is taken up with the community centre uses, consisting of a main hall, ancillary café and WC, consulting room, office, store facilities. Direct access is provided from the main hall and café to the outside amenity areas. A lift also provides access to the first floor.

The first floor of the building is limited in useable space to the rear of the building with a 153.54 m<sup>2</sup> nursery facility provided along with ancillary storage office, kitchen, nappy changing and sleeping areas. An enclosed outdoor amenity space is provided at first floor level over the south western side of the development.

## **2.2 Description of Development**

### Development Approved Under the Outline Planning Permission

The approved outline planning consent for the regeneration of Stonegrove and Spur Road Estates (reference W13582E/07 as extended by application H/03635/11) comprises the following:

- Demolition of all existing residential dwellings, community buildings and former Edgware School buildings;
- Construction of 937 residential units of which 520 will be for private sale and 417 will be affordable;
- Construction of a new community hall;
- Replacement of the existing St Peter's Church, Church Hall and parsonage with a new Church, Church Hall and parsonage. The Church Hall will be suitable for accommodating a playgroup/crèche;
- High quality public open space provision along with private gardens and communal gardens;
- Provision of a local Energy Centre to serve the development;
- Provision of a maximum of 1000 car parking spaces;
- Pedestrian and cycle routes across the site linking into the pedestrian and cycle network in the surrounding area;
- Means of access and off-site highway works. This includes a new access onto the A5 Stonegrove, retained but altered access points at Kings Drive and Green Lane and new private access junction onto the A410 Spur Road.

## Remaining Phases

The balance of accommodation to be delivered beyond the current application comprises 14 houses to be constructed between Lacey Drive, Kings Drive and Green Lane. This will be subject to a separate reserved matters application.

## Church and Community Centre Building

In terms of the layout of the building the Church is located on the front of the building facing Lacey Drive, with a main church hall and side chapel, vestry and store provided. A through corridor provides access through the centre of the ground floor accessible by both the church and community centre. The rear of the property at ground floor is taking up with the community centre uses, consisting of a main hall, ancillary café and WC, consulting room, office, store facilities. Direct access is provided from the main hall and café to the outside amenity areas. A lift also provides access to the first floor.

The first floor of the building is limited in useable space to the rear of the building with a 153.54 m<sup>2</sup> nursery facility provided along with ancillary storage office, kitchen, nappy changing and sleeping areas. An enclosed outdoor amenity space is provided at first floor level over the south western side of the development.

### **3. PLANNING APPRAISAL**

#### **3.1 Background to Application**

The outline planning permission includes the provision of a new community centre building positioned around the central public square within the masterplan. Condition 47 of the outline consent specifies a minimum gross external floorspace of 440sqm for the community centre. Schedule E of the section 106 agreement for the development (as amended by deed of variation dated 1<sup>st</sup> April 2009) requires the Developer to “construct the New Community Centre to Occupation Finish Standard so as to make it available for use before the date on which 407 Residential Units are in Occupation.”

St. Peters Church and parsonage occupies an area on the western side of the existing estate. The Church has a lease for the existing buildings which sit on Council land. The outline planning permission includes the provision of a new church building around the central public square within the masterplan. This will enable the existing church building to be demolished and new housing provided on the land it currently occupies. Schedule N of the section 106 agreement requires that “the Developer shall not take any steps in carrying out the Development which requires the Existing Church and Hall to cease its normal use until construction of the New Church and Ancillary Facilities have been completed.”

This application is submitted in accordance with Condition 3 of the renewed outline planning consent for the regeneration of the estate (ref. H/03635/11) which states:

*“Applications for the approval for the reserved matters for which the outline planning permission relates, as shown on plan entitles ‘Hybrid Planning application*

*Boundaries' ref: 10930\_MP\_33 Rev E dated July 2006 shall be made to the local planning authority before the expiration of three years from the date of this permission and shall be in accordance with the approved Design Code of that zone."*

### Community Centre Review

The intention from the outset of the regeneration was for the new community centre within the development to be self sufficient in terms of covering it's running costs. On this basis the design of the centre and it's business model would rely on the centre having lettable space. Family Mosaic, the Housing Association partner responsible for the affordable homes on the development, is legally obliged through the Principal Development Agreement (PDA), to ensure that a Community Trust is set up to oversee the community centre and will be viable for the long term.

Within the outline masterplan for the Stonegrove regeneration the community centre is located opposite the new Church which would also have its own hall. This means that both facilities would be competing for similar business in terms of renting out hall space and facilities. Given the difficult economic climate, Family Mosaic and the Council were concerned about the future viability of the community centre. Rather than proceed with a proposal that was more than likely to run into financial trouble in the near future, Family Mosaic commissioned Micah Gold Consultants at the beginning of 2012 to undertake a feasibility review of the community centre and to investigate the options available.

The objectives of the study were to:

Review the current and future community centre provision in the surrounding area;

- Identify potential uses and occupants of the proposed community Centre at Stonegrove;

(xxv) Review if the masterplan design caters for the needs and aspirations of the local community and potential occupants of the centre; and

(xxvi) Carry out an options appraisal of the available management options

The study was informed by residents and other stakeholders. The findings were published in Micah Gold Feasibility Study dated 12<sup>th</sup> April 2012.

Whilst originally it was envisaged that the community centre and Church would be separate buildings, following the findings of the feasibility review and through lengthy consultation with residents and the Church, a strong desire was expressed for a combined facility that retained separate identities and areas within the combined facility. The findings of the Micah Gold report were presented to the CTSG on the 19<sup>th</sup> April 2012 and at that meeting it was agreed that the two facilities would be provided in a joint building. This was further agreed at the Open Partnership Board meeting on the 30<sup>th</sup> April 2012.

The existing Church will remain in use until the new facilities are occupied at which point the Council will transfer the existing facilities and land to the development partners to enable the final phase of the regeneration to be completed.

### **3.2 Environmental Impact Assessment (EIA) Screening Opinion**

An Environmental Statement, the result of an EIA, was submitted with the outline application in August 2007. An Addendum to the ES was submitted in January 2008 containing supplementary environmental information. The ES and Addendum were subsequently approved with the Outline application.

This Environmental Statement concluded that the positive environmental effects of the proposals would be considerable and that residual adverse effects would, at worst, be of minor significance.

An EIA Screening Request was submitted as part of the previous reserved matters application (H/02475/12) to determine whether a new EIA was required for changes to the masterplan. The screening request collectively screened all of the remaining character zones within the development, including the Church and Community Building which is the subject of this application and as such no further screening is required for the current application.

### **3.3 Compliance with Parameters of the Outline Planning Permission**

The submitted reserved matters application has been prepared in accordance with the development parameters established by the outline planning permission. The parameters of the outline consent are set out in a number of approved drawings and documents as specified in Condition 7. The current reserved matters submission is assessed against the relevant parameters below.

#### Phasing

The proposal is in general accordance with the approved Masterplan phasing plan.

#### Development Heights

The proposed Community Centre and Church building is limited to two storeys in order to ensure that its resultant height is subservient to the surround residential properties. The bell tower and prow extend slightly higher in the south west corner of the building in order to provide a visual marker. However the proposal is in general accordance with the approved parameters which illustrate a two storey building in this location.

#### Tree Protection

The application does not involve the felling of any trees. A Silver Birch tree covered by a Tree Preservation Order is located on the south eastern corner of the application site. This tree is currently surrounded by hardstanding and Sterling Court to the west and is unlikely to be affected by the proposal. Suitable Tree protection conditions are attached to this recommendation regarding protective fencing and foundation method statement.

In addition to this a protected Oak tree along with two smaller retained trees are located on the opposite side of Academy Lane to the east of the application site. Due to this distance involved it is not considered that the proposal would result in any adverse impact upon these trees and as such is in accordance with the approved Masterplan for the redevelopment of the estate.

### Access and Road Layout

The Masterplan layout and access plan (10930-MP-31E) identifies the locations of the points of access into the development from the surrounding existing roads. It also indicates the road layout within the development.

This includes the provision of a central avenue (Lacey Drive) connecting from Stonegrove (A5) in the west via Kings Drive to Green Lane to the east. As well as the provision of non-adopted residential streets within the phases which are designed as 'shared surfaces' to encourage a pedestrian friendly environment.

No roads are proposed as part of the current reserved matters application with the church sited facing Lacey Drive to the south. Limited car parking is provided to the rear of the building accessed via the shared surface area of Academy Lane to the east.

The transport statement explores the possibility of providing a direct pedestrian link through zones 5 & 7 to Spur Road in the north, although this does not form part of the current application and access to the Church and Community Building is limited to pedestrian access from the Stonegrove Estate with access outside the site limited to the afore mentioned approaches from the east and west.

### Use

The Masterplan Uses Plan approved as part of the Outline consent illustrated the land and building uses across the Masterplan. The land the subject of the current application was originally identified as a Public Square with the Community Centre building located at the back of the space. However this was altered by subsequent consents to bring the community building closer to Lacey Drive and the proposal to provide a replacement community, church and nursery facility in this location with amenity spaces provided around the building is in broad accordance with the approved Uses Plan as amended.

The proposed facilities provide sufficient space for the uses proposed within the footprint of a single building. The inclusion of a café is considered acceptable in principle due to the limited ancillary nature of the use which will broaden the range of activities which the community centre can support.

## **3.4 Design and External Appearance**

The elements 'reserved' for future consideration are set out in Condition 2 of the outline planning consent which defines the reserved matters as the following:-

- Scale;

- External appearance; and
- Landscaping

This section considers the reserved matters of scale and external appearance in relation to the proposed Church and Community Centre.

### Scale

The site of the proposed building is located adjacent to the residential properties of Sterling Court to the West which ranges between 4 and 7 storeys in height with a central courtyard separating the blocks. Properties located further to the east across Academy Lane also extend up to 7 storeys.

The design brief for the Church and Community Building aims to provide a significantly lower more domestic scale remaining subservient to the surrounding apartment blocks. The building is predominately two storeys in height with a sloping west to east and south to north brown roof with projecting bell tower and prow. Projecting monodraught wind catchers are also dotted throughout the roof providing natural ventilation to the building. The building is in accordance with the approved parameter plans and is of an appropriate scale in the context of its surroundings.

### Detailed Features

The detailed design and layout of the building follows extensive discussions between the various stakeholders including the Diocese of London and the Local Community Centre. The design allows for four separate elevations providing a distinctive character to each reflecting the differing uses of the building.

#### South Elevation

Fronting Lacey Drive the lower storey is faced with natural stone gambion walls with oak slatted louvres with curtain walling window system behind being provided at first floor level along this frontage. A raised gambion stone projection containing the bell from the existing St Peters Church is provided adjacent to Sterling Court. Other than the bell tower there are no overt symbols advertising the religious use of this part of the building.

#### East Elevation

The east elevation is predominately clad in seamless metal clad rainscreen cladding with inset flush windows and a projecting roof with exposed self coloured natural seal gulam roofing beams. This elevation provides the primary entrance point to the building with a set of double doors providing direct access to the church, another set of doors providing access to the shared corridor and a set of five double doors providing access to the café contained within the community building.

#### West Elevation

The western elevation of the building is low in profile containing a mixture of aluminium louvres at ground floor level and metal cladding. Exposed timber louvers and with flush inset windows are proposed on the north western part of this elevation providing light to the enclosed nursery amenity space with stone gambion walls beyond on the corner of the building.

## North Elevation

The north elevation of the building facing the London Academy school and provides direct access to the nursery at first floor level. A walkway with glass balustrade with oak slatted screen is provided on the south western corner of the development providing level access from Sterling Court. Concrete steps with timber screen posts are also provided providing access to the ground floor amenity area. The rest of the elevation is characterised by a metal rainscreen cladding with aluminium windows. The roof of the building is clearly visible on this elevation due to the slope of the roof including the projecting wind catchers and church bell tower. The roof projects outwards supported on horizontal beams to the rear containing exposed self coloured natural seal gulam roofing beams on the overhang.

## Conclusion for Design and External Appearance

The detailed design and appearance of the proposed building is considered to be high quality and appropriate for the development. The architectural style of the Church and Community strikes an appropriate balance between the two main uses utilising a contemporary style contrasting with but complementary to the surrounding brick built apartment blocks. The materials including details including RAL finish of the proposed cladding system will be secured through condition to ensure quality.

### **3.5 Landscaping**

This section considers the reserved matter of landscaping for the Church and Community Centre Site.

#### Public Square

The application proposes the creation of a public square to the east of the building. This area measures 396 m<sup>2</sup> in area. The space adjoins the grassed landscaped area containing a protected oak tree and two smaller trees outside the flats fronting Academy Lane. The proposal provides for a set of parallel stone paths provide level pathways from the Church/ Community Building to the spaces underneath these trees, with the submitted drawings indicating seating around one of the smaller trees. The rest of the space is given to a shared pedestrian/ vehicular service providing access to the building and the car parking spaces to the rear. It is noted that the area of green space surrounding the trees is located outside the church and community centre application site boundary and is being delivered as part of the approved reserved matters for Academy Lane (zone 5B).

While not included in the application site boundary, an area of public open space is located on the opposite side of Lacey Drive measuring 396 m<sup>2</sup> in area. This area of land was originally intended in the outline approval to be the site of the relocated church which is now proposed as public open space/ pocket park.

The proposal is therefore considered is in accordance with the parameters of the outline planning permission as amended by subsequent approvals.



## Materials

In relation to the detail of the landscaping proposals, the public space surrounding the building is predominately covered in hard surfacing, consisting of block paving, slab paving and bound gravel. Raised planting areas and additional tree planting are proposed throughout the rear of the scheme delineating the rear of the community centre and the transition from the permanent to the peak parking areas and to the recreational/ over spill parking area directly to the rear of the community centre building.

## Play Space Provision

The play strategies for the Stonegrove development were set out in detail within the Rummey Design Space Principles Document approved Outline Consent. These plans subsequently amended under reserved matters application H/02475/12 .

In relation to specific provision in this reserved matters application, the proposal provides for a flexible play area to the rear of the building measuring 1,185 m<sup>2</sup> in area., which is intended to provide for an informal and creative play space which can provide for ball games or other group activities but does not contain any defined or marked sports area. The space is directly accessible from the Community Centre and the Design and Access Statement suggests that table tennis tables and other equipment could be provided on an intermittent basis providing for youth activities. At peak periods the space will also provide overflow car parking capacity for the Church and Community Uses along with the permanent spaces fronting Academy Lane to the East. This is discussed further under 'Access Traffic and Parking'.

The application also includes a small area at first floor level for users of the nursery. Overall the proposal is considered to be in broad accordance with the approved Play Strategy as approved as part of the outline consent and subsequent approvals.

## Conclusion for Landscaping

The proposed landscape layout and design, including play space provision is considered to be acceptable and in accordance with the principles established by outline masterplan. The scheme will provide high quality public amenity space.

### **3.7 Daylight and Sunlight**

Condition 2 of the outline consent requires Design Codes to be submitted for each character zone of the development. More specifically it requires the design code to include an assessment showing that each phase has been designed to accord with the BRE "Site Layout Planning for Sunlight and Daylight: A Guide to Good Practice".

This reserved matters application is supported by an assessment of sunlight and daylight, prepared by Brooke Vincent and Partners (BVP). The sunlight and daylight analysis confirms that adequate levels of light for existing and future neighbouring residential properties. Any amendments to layout proposed by the amended Masterplan have also been assessed under the BVP Sunlight Daylight Assessment to ensure that the overall Masterplan is compliant.

### **3.8 Access, Traffic and Parking**

The site is located in the north-west corner of the borough between the A5 Stonegrove, A410 Spur Road and A41 Edgware Way which are part of the Strategic Road Network. The site is accessible by public transport with bus routes (107 & 142) located within a short walking distance from the site on both the A5 Stonegrove and on the A410 Spur Road. In addition Stanmore and Edgware underground stations are within walking distance of the site.

#### Access

The Masterplan layout and access plan (10930-MP-31E) identifies the locations of the points of access into the development from the surrounding existing roads. It also indicates the road layout within the development.

The layout has been subsequently amended through the various reserved matters applications approved to date, with key changes being the provision of a central avenue (Lacey Drive) connecting from Stonegrove (A5) in the west via Kings Drive to Green Lane to the east. As well as the provision of non-adopted residential streets within the phases which are designed as 'shared surfaces' to encourage a pedestrian friendly environment.

No roads are proposed as part of the current reserved matters application with the church sited facing Lacey Drive to the south. Limited car parking is provided to the rear of the building accessed via the shared surface area of Academy Lane to the west.

The transport statement explores the possibility of providing a direct pedestrian link through zones 5 & 7 to Spur Road in the north, although this does not form part of the current application and access to the Church and Community Building is limited to pedestrian access from the Stonegrove Estate with access outside the site limited to the afore mentioned approaches from the east and west.

In terms of the PTAL (Public Transport Accessibility Level), rating for the site is 1a. PTALs range from 1 to 6, with 6 representing the high level of public accessibility and 1a the lowest level of accessibility.

There are two bus routes operating nearby and these are: Route 107; 142

The nearest underground station is Stanmore which is the last stop of the Jubilee Line, located approximately 1k metres away. This distance is considered just outside of range appropriate for walking.

the site is not located within a CPZ.

#### Traffic Impact

A detailed Transport Assessment (TA) was submitted with the outline planning application for the overall redevelopment of Stonegrove and Spur Road Estates which established vehicular trip rates for the development. The original TA therefore considered the movements from all zones of the development and incorporated the

impact into the assessment of the whole redevelopment including the Community Centre and Church Building. The TA concluded that the adjacent highway network could accommodate all traffic arising from the redevelopment.

A contribution of £135,000 was secured through the Section 106 agreement at the outline application stage towards alterations and improvements to the highway in the vicinity of the site. Following initial investigation and surveys, the Highways Authority is now proposing to introduce a new right turn pocket on Spur Road by the Canons Corner roundabout into the petrol filling station. This would assist in improving safety and the flow of traffic at this location. Localised carriageway widening will be carried out to facilitate the extra pocket. In conjunction with these minor carriageway widening, resurfacing works for Spur Road are planned for the early part of 2013. There are also Section 278 improvements to be undertaken on Spur Road at its junction with Amias Drive, which involves the introduction of a median island.

These improvements, combined with the implementation of the Travel Plan for the development, were considered sufficient at the time to serve to mitigate the adverse impact of the overall development.

#### Application Proposal

The application is accompanied by a transport statement. The statement notes that the existing church which also includes other community facilities such as a Sure Start children's and parent toddler centre and community youth club is located approximately 200m to the east. The church has a regular congregation of approximately 50 people attending on Sunday mornings. A travel survey of existing users show that 38% of users travel by car, 56% walk and 6% use buses. No users are identified as using the underground or cycling.

The relocation of these facilities, 200 meters west is not considered to make a difference in numbers of attendees or changes to the established mode of transport and it is not considered that the re-location will significantly affect the local nature of the existing catchment area or travel behaviour of users. The transport statement anticipates modest changes in the usage of sustainable modes of transport up to 2018 with car usage decreasing to 33%, walking usage increasing to 59% and cycle usage to 2%.

#### Car Parking

The applicant is proposing parking in three areas. The main area has 5 parking spaces proposed to be used during all hours. In order to meet parking demands at peak times, the second area is proposed, containing additional 8 spaces which is accessed by removable bollards located through the fifth car parking space. The proposal further allows for the flexible play/amenity space to be opened up at the rear of the community centre to provide an additional 16 spaces for special events only.

The basic principle of providing flexible car parking is considered acceptable, however further details need to be secured by condition concerning the type and number of events where the overflow parking area will be utilised, how this will be managed and controlled as well as detailed drawings showing anticipated tracking movements and dedicated disabled spaces for each area.

### Cycle Parking

The submitted plans show secure cycle storage for 8 cycles although 16 spaces are proposed in the submitted transport statement. A suitable condition is attached requiring the provision of amended plans showing the provision of 16 spaces.

### Refuse and Recycling

The submitted drawings show the a proposed lockable refuse and recycling store located under the stairs to the north west of the site. The submitted plans further show that bins and recycling will be taken from this facility will to a dedicated collection point on Academy Lane. The plans show bollards in the position of the proposed refuse and recycling collection point, and the door to the main storage area may potentially be obstructed at such times as the overflow parking is operated to its fullest extent. It is also not clear from the submitted plans what the management arrangements are for the transfer of waste for collection or whether the waste and recycling will be collected from Lacey Drive (which will be an adopted through road) to the south or via Academy Lane to the east (which is a non-adopted road with a single entry and exit point). As such it is considered that conditions should be attached requiring the applicant to provide an indemnity waiver and to provide vehicular tracking drawings.

### **3.9 Noise**

The application involves the provision of a community centre, church and nursery facility. All of these uses have the potential to result in significant adverse noise impact both through people coming and going and operation.

It is noted that the existing St Peter's Church which includes a nursery facility is located approximately 200m to the west of the current proposal, however the proposed building will be sited closer to residential properties than the existing church building.

The Council's Environmental Health Officer has recommended conditions regarding the operation of the community facilities and nursery including the requirement for the applicant to prepare a noise impact report and to provide mechanical ventilation to limit sound transmission. Subject to the attachment of appropriate safeguarding conditions and due to the anticipated hours of operation of the various facilities during daylight hours it is not considered that the proposal would result in significant noise nuisance to neighbouring residential properties.

### **3.10 Other Relevant Conditions**

The outline planning permission is subject to a significant number of additional conditions covering details such as drainage, car parking layout, detailed landscaping, archaeology and construction methodology. The applicant has confirmed that the proposal would not raise any significant implications in relation to drainage infrastructure or archaeological assets and any development would be in accordance with the agreed site wide measures in these regards.

## Sustainability

The Sustainability Initiatives and Energy Strategy for the overall site remain as previously approved at the outline stage.

The application is accompanied by a sustainability and energy statement confirming that the proposal will meet BREEAM very good.

The overall development has been designed to minimise its impact on the environment with a particular emphasis on using less energy. The regeneration includes the provision of an Energy Centre which will provide the heating and hot water requirements throughout the development including the Church/ Community Building. The Energy Centre will generate electricity using a Combined Heat and Power (CHP) which is then sold back to the grid. The excess heat from this process provides heating for hot water and space heating for the development.

## **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.

Residents of the Stonegrove and Spur Road estates were involved in the preparation and design of the masterplan from the outset. Resident participation and

engagement has been at the heart of the proposals and has been carried through each phase delivered to date.

This reserved matters application will provide a much needed community space to serve the community.

The new church and community centre will be required to comply with current legislative requirements in respect of equality and diversity related matters, for example access for the disabled under Part M of the Building Regulations and all spaces will be wheelchair accessible in accordance with the Equalities Act 2010.

The proposals are considered to meet the requirements for establishing a high quality inclusive design, providing an environment which is accessible to all and which can be maintained over the lifetime of the development. It is considered by officers that the submission is 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 our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

## 5. CONCLUSION

The reserved matters of detailed design and appearance and landscaping relating to the provision of a church and community building has been assessed and it is considered that the proposals will deliver a high quality, community space that is befitting of this important regeneration project. The contemporary architectural approach is considered to be appropriate whilst the scale and form of the building respects the surrounding residential context. The overall layout and design of the buildings and landscape is considered to create a high quality environment and enhanced public realm.

The plans submitted are considered to be substantially in accordance with the parameters established by the outline consent approved under reference W13582/07 and extended by reference H/03635/11.

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 National Planning Policy Framework, 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. It is concluded that the proposals for the Church and Community Building are substantially within the parameters established by the outline planning consent. The application generally and taken overall accords with the relevant development plan policies. Accordingly, subject to the conditions set out in the recommendations section at the beginning of this report, the application is recommended for **Approval**.



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**LOCATION:** 102-124 Station Road and car park to rear, Edgware, HA8 7BJ

**REFERENCE:** H/05793/13      **Received:** 10/12/2013  
**Accepted:** 10/12/2013

**WARD:** Edgware      **Expiry:** 11/03/2014      **AGENDA ITEM 9**

**APPLICANT:** Erinastar Limited

**PROPOSAL:** Demolition of 120-124 Station Road and outline planning permission (with all matters other than access reserved) for new buildings from 7 to 19 storeys with podium level to provide up to 165 flats (Use Class C3), up to 1,450sqm flexible community floorspace (Use Class D1/D2), 275sqm of retail / restaurant floorspace (Use Class A1/A2/A3), and new shopfront to the Church Way facade of the existing retail unit at 102-106 Station Road. The provision of pedestrian site access from Station Road and Church Way, and vehicular access from Church Way.

## **RECOMMENDATION**

The application being one of strategic importance to London it must be referred to the Mayor of London. As such any resolution by the committee will be subject to no direction to call in or refuse the application being received from the Mayor of London.

It is recommended that subject to no direction being received from the Mayor of London to call in the application or to refuse it for different reasons to those set out here, the Assistant Director for Development Management and Building Control be instructed to **REFUSE** planning application reference H/05793/13 under delegated powers for the following reasons:

1. The proposal would, by reason of its physical relationship to Station Road, lack of proposals to improve the appearance of the street frontage and Premier House, coupled with a lack of a formal undertaking to secure public realm and transport infrastructure, fail to adequately contribute towards the Council's objectives for the regeneration and renewal of Edgware Major Centre. The proposal would therefore be contrary to policy CS6 of the Barnet Local Plan Core Strategy (September 2012), policy 2.15 of the London Plan (July 2011, October 2013 and January 2014) and the Edgware Town Centre Framework (June 2013).
2. The proposed tall buildings would, by reason of design, height, scale and mass coupled with the parameters sought and failure to provide adequate justification or a robust framework for future reserved matters submissions, represent visually prominent and obtrusive features on the skyline and could cause unacceptable harm to the setting of heritage assets and local microclimatic conditions. The proposal would therefore not constitute a sustainable form of development and would be contrary to policies CS NPPF, CS5, DM01, DM05 and DM06 of the Barnet Local Plan Core Strategy and Development Management Policies (September 2012), policies 3.4, 7.4, 7.6 and 7.7 of the London Plan (July 2011, October 2013 and January 2014) and the Barnet Sustainable Design and Construction

and Residential Design Guidance Supplementary Planning Documents (April 2013).

3. The proposal would, by reason of its design, height, scale and mass coupled with the parameters sought and failure to provide a robust framework for future reserved matters submissions, represent a discordant and visually obtrusive form of development that would fail to respect its local context and the pattern of development in Edgware Major Centre, to such an extent that it would be detrimental to the character and appearance of the area. The proposal would therefore not constitute a sustainable form of development and would be contrary to policies CS NPPF, CS5, DM01 and DM05 of the Barnet Local Plan Core Strategy and Development Management Policies (September 2012), policies 3.4, 7.4, 7.6 and 7.7 of the London Plan (July 2011, October 2013 and January 2014) and the Barnet Residential Design Guidance Supplementary Planning Document (April 2013).
4. The proposal would, by reason of its layout, design, height, scale and mass coupled with the parameters sought, represent a cramped form of development that would result in inadequate daylight and sunlight being received at a significant proportion of the proposed flats, to the detriment of the amenities of future occupiers of the development. The application would therefore not constitute a sustainable form of development and is found to be unacceptable and contrary to policies CS NPPF and DM01 of the Barnet Local Plan Core Strategy and Development Management Policies (September 2012), policy 3.5 of the London Plan (July 2011, October 2013 and January 2014) and the Barnet Sustainable Design and Construction and Residential Design Guidance Supplementary Planning Documents (April 2013).
5. The proposal would, by reason of its lack of outdoor amenity space provision and lack of justification for the usability of the proposed roof terraces and rooftop play space, result in a poor standard of accommodation for future occupiers of the development and would fail to make adequate provision for children's play and informal recreation, to the detriment of their amenities. The application would therefore not constitute a sustainable form of development and is found to be unacceptable and contrary to policies CS NPPF, DM01 and DM02 of the Barnet Local Plan Core Strategy and Development Management Policies (September 2012), policy 3.5 and 3.6 of the London Plan (July 2011, October 2013 and January 2014), the Barnet Sustainable Design and Construction and Residential Design Guidance Supplementary Planning Documents (April 2013) and Shaping Neighbourhoods: Play and Informal Recreation Supplementary Planning Guidance (September 2012).

6. The proposal would, by reason of its layout and proximity to the Broadwalk Shopping Centre and Station Road properties, coupled with the parameters sought, represent a cramped form of development that would result in poor outlook from a significant proportion of the proposed flats and a lack of privacy, to the detriment of the amenities of future occupiers of the development. The application would therefore not constitute a sustainable form of development and is found to be unacceptable and contrary to policies CS NPPF and DM01 of the Barnet Local Plan Core Strategy and Development Management Policies (September 2012), policy 3.5 of the London Plan (July 2011, October 2013 and January 2014) and the Barnet Sustainable Design and Construction and Residential Design Guidance Supplementary Planning Documents (April 2013).
7. The proposal, by reason of insufficient car parking provision for the proposed residential and community centre uses, would be likely to lead to increased kerbside parking outside of the Controlled Parking Zone to the detriment of free flow of traffic and highway and pedestrian safety. The application is therefore unacceptable and contrary to policies DM17 and CS9 of the Barnet Local Plan Core Strategy and Development Management Policies (both adopted September 2012).
8. The proposal, by reason of unsatisfactory assessment of trip generation and the Church Way/Station Road junction, would be likely to result in adverse conditions impacting on highway safety. The application is therefore unacceptable and contrary to policies DM17 and CS9 of the Barnet Local Plan Core Strategy and Development Management Policies (both adopted September 2012).
9. The application does not include a formal undertaking to secure a contribution to affordable housing provision to meet the demand for such housing in the area despite the application proposing to make such a contribution. The application is therefore unacceptable and contrary to policies CS NPPF, CS4, CS15 and DM10 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012), policies 3.12 and 3.13 of the London Plan (adopted July 2011 and October 2013), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February 2007 and August 2010) Supplementary Planning Documents and the Mayoral Housing (adopted November 2012) Supplementary Planning Guidance.
10. The application does not include a formal undertaking to secure the delivery of a Travel Plan for the development proposed, to minimise increases in road traffic from the proposal and encourage the use of sustainable modes of transport, and the provision of the funding needed to monitor and review a Travel Plan of this nature. The application is therefore unacceptable and contrary to policies CS NPPF, CS9, CS15 and DM17 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012); policies 6.1 and 6.3 of the London Plan (adopted July 2011 and October 2013); and the Barnet Planning Obligations (adopted April 2013) Supplementary Planning Document.

11. The proposal, by reason of the provision of long sections of blank ground floor frontage along the north east and south east elevations and lack of definition between public and private space, would not provide a safe and secure environment for people to live and work in and would not reduce opportunities for crime and fear of crime. The application would therefore not constitute a sustainable form of development and is found to be unacceptable and contrary to policies CS NPPF, CS12 and DM02 of the Barnet Local Plan Core Strategy and Development Management Policies (September 2012), policy 7.3 of the London Plan (July 2011, October 2013 and January 2014) and the Barnet Sustainable Design and Construction and Residential Design Guidance Supplementary Planning Documents (April 2013).
12. The application does not include a formal undertaking to secure the making of a financial contribution needed to ensure the delivery of the planning obligations which are necessary for the development to be found acceptable:
- Junction improvements along Station Road;
  - Improved public open space around Edgware Station;
  - Improved public realm along Station Road;
  - Improved bus interchange;
  - Pedestrian and cycle environment improvements, including Legible London; and
  - Improvements to local bus stops, including DDA compliance.

The application is therefore unacceptable and contrary to London Plan policies 6.3, 6.9 and 6.10, policies DM17 and CS9 of the Barnet Local Plan Core Strategy and Development Management Policies Document (adopted September 2012), the Barnet Planning Obligations (adopted April 2013) Supplementary Planning Document and the Edgware Town Centre Framework (June 2012).

### **Informatives:**

The informatives that it is recommended be included on the decision notice in respect of this application are set out in **Appendix 2** of this report.

## **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 shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is The London Plan (published July 2011) and the development plan documents in the Barnet Local Plan (adopted September 2012). These statutory development plans are the main policy basis for the consideration of this planning application. A number of other documents, including supplementary planning guidance and national planning guidance, are also material to the determination of the 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.

The officers have considered the development proposals very carefully against the relevant policy criteria and, for the reasons set out in this report, have concluded that that the development would not fulfil them to a satisfactory level, for the reasons set out above and expanded upon in the appraisal. The proposed development is therefore considered not to comply with the requirements of the development plan and is recommended for refusal.

#### The London Plan

The London Plan (adopted July 2011) is the development plan in terms of strategic planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). On 11<sup>th</sup> October 2013, the Mayor published Revised Early Minor Alterations to the London Plan (REMA). From this date, the REMA are operative as formal alterations to the London Plan and accordingly form part of the development plan for Greater London. Subsequently, on 15<sup>th</sup> January 2014, the Mayor published Draft Further Alterations to the London Plan (FALP) for 12 week period of public consultation.

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); and 3.17 (Health and Social Care Facilities)

**London's Economy:**

4.1 (Developing London's Economy); 4.7 (Retail and Town Centre Development); 4.8 (Supporting a Successful and Diverse Retail Sector); 4.9 (Small Shops); 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); 5.6 (Decentralised Energy in Development Proposals); 5.7 (Renewable Energy); 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); 6.5 (Funding Crossrail and Other Strategically Important Transport Infrastructure); 6.7 (Better Streets and Surface Transport); 6.9 (Cycling); 6.10 (Walking); 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 and Design 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); and 7.19 (Biodiversity and Access to Nature)

**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 relevant 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)

DM05 (Tall buildings)

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 and documents are material to the determination of the application.

**Local Supplementary Planning Documents and Guidance:**

Planning Obligations (April 2013)

Sustainable Design and Construction (April 2013)

Affordable Housing (February 2007)

Residential Design Guidance (April 2013)

Edgware Town Centre Framework (June 2013)

**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)  
Shaping Neighbourhoods: Play and Informal Recreation (September 2012)  
Land for Industry and Transport SPG (September 2012)  
Housing (November 2012)  
London Housing Design Guide

#### 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, such as this proposal, which are considered to accord with the development plan.

#### The Community Infrastructure Levy Regulations 2010

Planning obligations need to meet the requirements of regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) to be lawful. Officers have concluded that a number of planning obligations are required and are legitimate and appropriate under these regulations. There is no legal agreement to secure these obligations and this is unacceptable, as discussed in section 3.17 of this report. The proposed development would also be liable for both the Mayoral and Barnet Community Infrastructure Levy (CIL) and this is discussed in sections 3.18 and 3.19 of this report.

### **1.2 Key Relevant Planning History**

The planning history mainly comprises historic applications relating to the various uses that have occupied the Station Road commercial units and Premier House. There is considered to be no application history that is of significant relevance to this proposal, nor are there any large scale committed developments in the vicinity of the site that would have relevance to this proposal.



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

#### Public Consultation

A total of 850 local properties and other bodies were consulted on the application by letter and email in January 2014. The application was also advertised on site and in the local press at that time.

The section below provides a summary of the comments received on the application. Responses are provided in the relevant section of the report, unless specifically addressed below.

#### Number of Responses from Residents and Businesses

**16 responses** to consultation were received, **13 in objection** (including a petition of 61 signatures) and **2 in support with reservations**. None of the objectors have requested to speak at committee. **1 response** supporting the proposal was received.

#### **Comments on Broadwalk Shopping Centre**

Deloitte consultants have submitted objection letters dated 10<sup>th</sup> February 2014 and 15<sup>th</sup> April on behalf of Scottish Widows Investment Partnership Property Trust (SWIPPT), owners of the Broadwalk Shopping Centre which adjoins the site. The letter of the 15<sup>th</sup> April sets out the following comments.

#### *Background to SWIPPT and Investment in Edgware Town Centre*

*SWIPPT purchased The Broadwalk Shopping Centre in May 2012. SWIPPT was attracted to invest in Edgware Town Centre as an existing successful major town centre with a solid foundation of services and facilities, with excellent growth prospects and benefitting from good transport links including an Underground Station and bus interchange. SWIPPTs interests in the site are investor led, over the long term, to manage the centre and improve its prospects.*

*It is well known that the shopping centre and the associated land have been earmarked for future development. Indeed previous schemes have been considered and discussed with the Local Planning Authority over the past 10 years by both The Mall Fund and Bridehall Limited. These development aspirations have been identified and supported by local planning policy in the Edgware Town Centre Framework which was adopted in June 2013 by Members as a material consideration in the determination of planning applications in Edgware Town Centre.*

*The Town Centre Framework identifies land around the Broadwalk Shopping Centre, Forumside area and land around Premier House for potential redevelopment. The car park and land to the rear of the Broadwalk Shopping Centre is considered to be the 'biggest development opportunity within' Edgware, which could potentially accommodate extensions to provide new retail and leisure uses.*

*Since taking ownership of the Shopping Centre SWIPPT has implemented a number of asset management interventions and improvements. These have included the refurbishment of the entire Station Road frontage and main entrance with a modern facade, new signage and the introduction of*

*new tenants, SWIPPT is committed to continued long-term investment into Edgware Town Centre.*

### *The Broadwalk Shopping Centre*

*In addition, SWIPPT has been open about its intentions to pursue a redevelopment of its land ownership centred on the Shopping Centre, in line with the Town Centre Framework. Their plans have been discussed with both the LPA and the Applicants (Erinastar Limited). SWIPPT's advisors have entered into discussions with the Applicants as good neighbours. SWIPPT will work up its initial ideas more fully and undertake public consultation later this year prior to submission of a planning application.*

*With this in mind, the Applicant's supporting documentation does not give full consideration to SWIPPT's future proposals for the extension of the Broadwalk Shopping Centre or its allocation within the Town Centre Framework. Given the scale of potential future investment in Edgware Town Centre and the combined impact of future development projects upon the town centre's infrastructure and highways it is important to consider the cumulative effects of the two schemes as a basis for good planning.*

*The Applicant's Planning Statement (paragraph 5.1.10) considers that the Broadwalk Shopping Centre could be demolished to enable 'Phase 2' of the proposal to be implemented, which includes the creation of a small 'city block' and links to the Underground Station.*

*The Applicant has only considered one option for the future expansion of the proposal onto neighbouring sites, namely demolition. The Broadway Shopping Centre is a £70million commercial scheme which has performed well since ownership (more than 90% let for the duration of the recessionary and recent periods). SWIPPT's rationale on acquisition was for continued investment in the current scheme, building on its core retail offer to strengthen the town centre and therefore demolition is simply not an option.*

*The Applicant's Planning Statement states (paragraph 3.1.5 and 5.1.9) that Erinastar has been involved in ongoing discussions with the owners of the Broadwalk Shopping Centre. We agree that discussions have been held on the basis that SWIPPT's proposals have been focused on an extension and increase of retail and leisure activities. The Applicant states that there are no conflicts with the neighbouring proposals for the Broadwalk Shopping Centre proposals. We do not agree with this Statement. We set out below raise SWIPPT's concerns on technical and design matters for the planning application as currently submitted.*

### *Representations*

*We provide the following comments on behalf of SWIPPT which are twofold:*

- A) the principle of the proposed re-development of Premier House is generally supported; and*
- B) comments on detailed technical matters.*

### **A. Principle of the proposals**

*SWIPPT is generally supportive of the application for the re-development of the existing car park at Premier House to include residential, community facilities and retail. The proposal would provide appropriate town centre uses in Edgware Town Centre to support its vitality and viability and drive footfall to provide activity and customer base throughout the day and evening.*

*However, for the reasons established above, it is strongly recommended that the Local Planning Authority has regard to the reasonable prospect for the future expansion of the Broadwalk Shopping Centre when determining the application (H/05793/13).*

### **B. Technical Considerations**

*Notwithstanding SWIPPT's general support for the principle of the proposal, our client has concerns in regard to design and transport matters as set out below.*

#### Transport

*Edgware is a major town centre and provides for an important role as a North London transport interchange for bus, tube and access to the national road network via the M1. Accordingly the functionality of the infrastructure, particularly movement and access via Station Road is an important consideration for the future success of Edgware Town Centre.*

#### Transport Assessment

*SWIPPT's transport advisor, WSP, has undertaken detailed traffic surveys over the past year and modelled the result. Accordingly, the transport comments are provided from an informed evidence base.*

*General observations on the Transport Assessment include:*

- The derivation of employment trips use traffic data from Premier House and are based on the assumption that the proposed reduction in employee on-site car parking will result in less car travel. This appears to be contrary to other sections of the TA which state that Premier House employees will be able to use Broadwalk Shopping Centre car parking as an alternative, which implies that more employee car parking is required.*
- The Applicant's proposal will result in a 20% reduction in on-site car parking at Premier House.*
- WSP consider this figure is unrealistic given that employment trips are based on existing movements and the office use is understood to be currently underutilised. The TA does not include an assessment of vehicle movements were the offices were to be fully let.*
- The community use trip data has not been analysed. WSP considers that the size of the proposed community use (1,450sqm) is relatively large in comparison to the rest of the proposal; therefore it is a trip generation that should also be assessed.*

### Car Parking

*The TA confirms that the existing Premier House car park has a total of 145 spaces. A maximum of 133 car parking spaces are currently being used (Premier House only being partially occupied (Table 3.7). It is unclear from the TA whether Premier House car parking is only available to employees, or open to other users. As a result of the Applicant's proposed development the amount of car parking at the site will be reduced to 107 spaces, of which only 47 will be for employees of Premier House. Overall, the proposal will significantly reduce car parking provisions at Premier House.*

*The Town Centre Framework requires car parking at Premier House to be maintained at the current quantum. WSP considers that the Applicant is proposing lower levels of car parking than would be required following the redevelopment of the site.*

*The consequence of low parking provision is that future residents and employees of Premier House are more likely to use the Broadwalk Shopping Centre car park. WSP has calculated that even if no new residents of Premier House use the Broadwalk Shopping Centre car park, Premier House employees will result in an 98 additional cars (145 existing spaces minus 47 proposed spaces), which equates to 10% of the car parking spaces within the Broadwalk Shopping Centre.*

*The TA (paragraph 4.24) believes that the Control Parking Zone will deter residents, visitors and employees with no allocated parking spaces at Premier House from owning a car. However, WSP considers this will only dissuade a small number from parking at the Broadwalk Shopping Centre. Any limitations in the car parking provision for the proposed development will need to be mitigated on site.*

*The Applicants have no long term control over the Broadwalk Shopping Centre car park and no reliance can be placed upon mitigation measures outside of their ownership.*

*The Broadwalk Shopping Centre car park is a private car park, owned by SWIPPT, as an integral part of the shopping centre and fulfilling an important town centre role to attract and provide for short term shopper use. The acquisition of the Shopping Centre and its customer base was predicated on shopper usage and any departure from this will have an impact upon its investment value.*

*It is the only town centre car park for public use and contributes to Edgware Town Centre successfully attracting shoppers. SWIPPT actively maximise protection of parking spaces for core shopping use. The priority for SWIPPT, therefore, will be to continue to support town centre retail and leisure uses, through use of tariffs if appropriate to prevent long-term non shopper usage of the available spaces.*

### Road Network

The TA suggests that during peak morning traffic flows there are no significant queues or delays along Station Road, including its junction with the A5 and Edgwarebury Lane. However, WSP has video evidence which demonstrates that the two junctions are highly congested at these times.

WSP believes that the LINSIG model for Church Way included within the TA needs to be reviewed. The LINSIG model excludes the A5 junction interactions and does not appear to have a pedestrian phase in the signal model. The TA (paragraph 3.11) confirms that Church Way crossing is in constant demand and called every cycle, however the results provided for the model do not allow for this to be checked.

The Applicant's traffic flow diagrams, used to assess the future network as a result of the proposed development, assume a reduction in traffic due to the expected reduction in on-site car parking and people switching to sustainable modes. However, if traffic increases WSP expects there to be a greater impact on the Church Way / Station Road junction on the Broadwalk Shopping Centre car park.

The Applicant's proposal and the Broadwalk Shopping Centre will share vehicle access via Church Way which adjoins Station Road. The Applicant's TA does not take into account future proposals to extend the Broadwalk Shopping Centre. SWIPPT recommends that the TA considers the uplift in vehicle movements (visitors, servicing and delivery) that will result from the expansion of the Broadwalk Shopping Centre, as this will have significant implications for highway and junction capacity.

### Servicing

It appears from the TA that service and delivery vehicles to the site will use the same access as residential and employee vehicles via Church Way. This access is already used 24 hours a day by servicing and delivery vehicles associated with the Broadwalk Shopping Centre and by shoppers and commuters.

WSP recommends that a separate vehicle access is provided for service and delivery vehicles to Premier House. WSP considers that the number and scale of vehicles would be too large and this approach is likely to result in congestion on Church Way, especially when taking into account the future expansion of the Broadwalk Shopping Centre. The TA also gives limited assurance that a Delivery and Servicing Plan will be agreed prior to occupation of Premier House.

### Transport Conclusion

The proposal will result in a significant reduction in the number of car parking spaces at Premier House, whilst increasing the number of proposed uses on the site. The Applicant has not proposed any off-site improvements to enhance existing car parking within the town centre or to encourage non car travel modes, other than to restrict on-site car parking. The consequence of this is that future residents and employees of Premier House are likely to use Broadwalk Shopping Centre car park instead. SWIPPT is concerned that the TA has not taken into account the

*implications in terms of parking or network capacity, if Premier House were to be fully let or if proposals to extend the Broadwalk Shopping Centre were implemented. SWIPPT have also identified concerns with the robustness of the TA's transport modelling.*

### Noise

*The Applicant's Design and Access Statement (DAS) shows that residential tower blocks are proposed directly along the south western boundary of the site, which abuts the boundary of the Broadwalk Shopping Centre. SWIPPT has concerns about the quality of residential amenity within the units which will overlook the service ramp and plant rooms on the roof of the existing Broadwalk Shopping Centre.*

*The Applicant's Design and Access Statement (page 14) reiterates that the 'rear of the site is compromised by existing service roads and ramps that currently fall outside our site demise and are serving the rear of shops in Broadwalk Shopping Centre'. The London Plan Review (2014) (paragraph 7.52) highlights the importance of 'reducing noise pollution and protecting good soundscape quality where it exists, contributes to improving quality of life'.*

*Existing servicing and deliveries to the Broadwalk Shopping Centre currently take place along the servicing ramp via Station Road. The frequency of these vehicles movements is likely to significantly increase in the future, following the expansion of the Broadwalk Shopping Centre. Despite the Applicant's Planning Statement (paragraph 5.2) stating that 'the Proposed Development is acceptable with regard to internal noise conditions for future residents', SWIPPT is concerned that a future intensification of its service ramp use or any increase in plant, has not been considered by the Applicant.*

*SWIPPT is concerned that the introduction of a residential use in this location, so close to the service yard of an established, major shopping centre will introduce an uncomfortable relationship and poor amenity for residents. Suitable mitigation measures should be designed in to the residential scheme at the outset to reflect the existing commercial uses and expected expansion and intensification of those uses.*

### Design Considerations

*The London Plan (Table A2.1) identifies Edgware as a 'Major Centre' which are 'typically found in inner and some parts of outer London with a borough-wide catchment. The proposed density of the proposal is considered to be more akin to a Central London proposal, than that which would normally be found in an Outer London Borough. Notwithstanding the appropriateness of accommodating high density residential development within town centres to meet London's housing needs; the design and amenity for future occupiers should not be compromised as a result.*

*In order to overcome issues regarding aspect, noise and residential amenity SWIPPT requests that the proposed design is re-considered in terms of its relationship to the existing Broadwalk Shopping Centre and in*

*conjunction with the intensified Shopping Centre use that is proposed in the future.*

### Retail

*The Applicant's proposal seeks to extend the existing retail frontage along Station Road and create a new active frontage along Church Way (Planning Statement paragraph 3.2.11). SWIPPT supports proposals for new retail ground floor units along Station Road to add to the choice of units for occupiers and add to the viability of Edgware Town Centre.*

### Summary

*In summary, SWIPPT is generally supportive of the principle of the proposed (residential, community and retail) land uses. However it remains concerned about the impact of the density of the proposal on the day to day operations and functions of The Broadwalk Centre (and Edgware Town Centre), together with the quality of the environment created for future residents.*

### **Comments from Garden City & Manns Road Residents Association**

- Existing building causes a blight on the landscape should be refurbished or redeveloped.
- The proposed development is too dense for the site, would have an unacceptable visual impact and would result in a loss of privacy.
- New buildings could create a vortex that would make Station Road unpleasant to be in.
- Buildings would impact on sunlight to neighbouring properties.
- The development would result in unacceptable additional traffic congestion and injudicious parking.
- The development would have an unacceptable impact on local infrastructure.
- Concern that the proposed community facility would not genuinely serve the community.
- Concern over the security of the courtyard space.

### **Comments from Residents**

The comments made by residents are summarised below:

#### Visual impact and design (section 3.2)

- The development would be out of keeping with the local area, which is generally low scale, and the tower would be visible from a wide area.
- The development is excessively dense and constitutes overdevelopment.
- Tall buildings will amplify wind for pedestrians.
- The design would not be of a high standard and would dwarf surrounding buildings, being excessively high and bulky.
- The development should be well landscaped and this should be maintained.
- Premier House should be refurbished as part of the proposals.
- General concern over the quality of the town centre environment.

*Officer response:* It is noted that comments relating to street cleaning are not strictly material to this decision. However, officer's agree that the

town centre environment along Station Road needs enhancement.

#### Amenity (section 3.6)

- The development would overlook and cause loss of light to neighbouring properties.

#### Transport (section 3.9)

- There is inadequate parking proposed and the scheme would put pressure on the CPZ and on other areas.
- Traffic is already gridlocked and this development would worsen the situation.
- Loss of Premier House car park could affect existing businesses  
*Officer response:* It is considered that adequate parking would remain to serve Premier House, with parking provision complying with current London Plan standards.

#### Other

- The access road to the Broadwalk Shopping Centre is not called Church Way. Church Way is actually the pedestrian footpath adjacent to the Railway Hotel  
*Officer response:* Comment noted, but this is not a material planning consideration.
- Impact on property values.  
*Officer response:* This is not a material planning consideration.
- High rise buildings would interfere with TV and radio signal.  
*Officer response:* There is no evidence to suggest that any such impact would be significant.
- Support for new development, provision of A3 floorspace, raising town centre population, enhancing quality of shops, active frontages and evening economy.

### Consultation Responses from Statutory Consultees and Other Bodies

#### **Greater London Authority – Stage 1 Response**

The stage 1 response (dated 19 March 2014) from the GLA finds that the application does not comply with the London Plan. The conclusions section of the GLA stage 1 report on the application makes the following points:

##### *Housing:*

Confirmation from Barnet Council's independent viability consultants that the scheme offers the maximum reasonable amount of affordable housing, further information to be provided in relation to children's play space.

##### *Urban Design:*

The applicant is asked to set out measures to secure the southern edges of the development; consider closing off public access to the podium level courtyard and treat it as a secure and private communal space for use by residents and children within the development. Lift access should be provided to the podium level courtyard from Church Way.



### *Tall buildings:*

A views assessment should be conducted to demonstrate that the proposed tall building does not adversely affect local views and conservation areas. The applicant is urged to engage with English Heritage/local design panel to ensure proposed parameters and design principles for the proposed tall building are robust and will provide a high quality development.

### *Energy:*

Further information should be provided on monthly heat and electricity demand profiles to support the CHP sizing along with the management arrangements and electricity sale strategy for the scheme before the carbon savings can be verified.

### *Transport:*

The applicant is strongly encouraged to further reduce the number of car parking spaces, contribute towards the provision of Legible London and DDA compliant bus stops if required and provide a travel plan. The applicant is required to increase visitor cycle parking to 50, submit the final version of residential and employee travel plan, Construction Logistics Plan (CLP) and Delivery and Servicing Plan to be secured by condition and confirm CIL contributions once the components of the development have been finalised.

### **Transport for London**

It is recommended that parking provision is further reduced and that future occupants are excluded from applying for a parking permit. Electric vehicle charging points should be provided in accordance with London Plan standards, to be secured by condition. Request an audit of local bus stops and if necessary a contribution towards access improvements. Request that contribution is made towards improved pedestrian and cycle environment in the vicinity of the site. Visitor cycle parking spaces should be increased by 4, whilst 50 spaces should be provided for the retained office space, along with changing and shower facilities. Final versions of residential and employee travel plan, Construction Logistics Plan (CLP) and Delivery and Servicing Plan to be secured by condition/legal agreement.

### **Natural England**

The LPA should assess and consider the possible impacts resulting from this proposal when determining the application.

### **English Heritage**

The application should be determined in accordance with national and local policy guidance, and the basis of your specialist conservation advice.

### **London Fire and Emergency Planning Authority**

Access to the cores for fire appliances should be provided in open air and in accordance with the Building Regulations.

### **Metropolitan Police**

Concerns that there would be no clear distinction between the public and private spaces proposed on the podium courtyard, which would result in a risk of crime.

## **Environment Agency**

Did not need to be consulted on this application.

### Internal Consultation responses

**Traffic and Development Team:** The submitted Transport Assessment does not accurately assess the impact on the Church Way/Station Road junction and the proposed level of car parking is insufficient. The proposal would therefore be likely to lead to adverse highway conditions in the locality and increased kerbside parking outside of the Controlled Parking Zone to the detriment of free flow of traffic and highway and pedestrian safety.

**Environmental Health Service:** Conditions recommended to control the impact from surrounding noise sources, air quality and contaminated land on the amenities of future occupiers.

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

### **2.1 Site Description and Surroundings**

The application site comprises ground floor commercial units 102-124 Station Road and the surface car park to the rear. The site also includes Premier House, a 14 storey building comprising a mixture of uses, predominantly office. The surface car park to the rear is accessed from Church Way and has capacity for 145 car parking spaces, primarily for occupants of Premier House, although approximately 40 spaces are leased to off-site users. The site has a total area of 0.57 hectares.

The site is bounded to the north and east by the Broadwalk Shopping Centre and to the south by Church Way, which serves as an access to the Broadwalk car park. To the west is Station Road (A5100), the main commercial street in Edgware town centre, which is mainly made up of 2 and 3 storey buildings, generally with retail and food and drink uses on the ground floor and offices/residential above. Nos.102-124 Station Road are located within the primary shopping frontage. The closest residential properties to the site are flats above commercial properties on the north western side of Station Road.

Edgware Underground Station (Northern Line) and local bus station are located some 200m to the north of the site, giving the site a public transport accessibility level (PTAL) of 6a (on a scale of 1-6, where 1 is poor and 6 is excellent). The site is within Flood Zone 1, with a low annual probability of flooding.

Edgware is designated as one of 35 major centres in the London Plan and the only one in Barnet. A Town Centre Framework (ETCF) was adopted by the Council in June 2013, which provides specific guidance on the implementation of development plan policies in the town centre.

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

Outline planning permission is sought (with all matters other than access reserved) for four new buildings on the rear car park from 7 to 19 storeys to provide up to 165 flats, up to 1,450sqm of flexible community floorspace and 275sqm of retail/restaurant floorspace in a new unit fronting Church Way. The

proposal would also entail the demolition of Nos.120-124 Station Road to provide a pedestrian access to a courtyard area on a first floor podium above the car park. External alterations are also proposed to the retail unit at 102-106 Station Road to provide a new shopfront to the Church Way elevation. A plan showing the indicative proposed layout of the site is provided in **Appendix 1** of this report.

In physical terms the scheme would involve development over the rear car park to provide a podium courtyard at first floor level, accessed via steps from Station Road and Church Way. Above the podium, there would be 4 development plots (labelled A-D) and these would increase in height from south to north, with development plot D comprising a 19 storey tower. The proposal is in outline, with only the access points to be fixed at this stage. Reserved matters submissions would need to comply with the parameter plans (discussed in more detail below).

### *Housing*

The application seeks to fix the housing mix and this is set out in the table below. A total of 38 affordable housing units are proposed on site, equivalent to 23% of the number of units. All the new dwellings would be built to Lifetime Homes standards, 10% being Wheelchair Standard units.

Type	No. of Units	No. of Habrooms	% by Unit Type	% by Habroom
1 Bed	57	171	34	28
2 Bed	90	360	55	58
3 Bed	18	90	11	14
<b>Total</b>	<b>165</b>	<b>621</b>	<b>100</b>	<b>100</b>

### *Community*

1,450sqm of flexible community floorspace (Use Classes D1/D2) is proposed at first floor level and accessed from the proposed podium courtyard. This facility would be run by a management team and could accommodate the following types of uses:

- Multi-function hall for leisure, sport, conferences and cultural events;
- Social activities (lunch clubs, bingo, dance class);
- Flexible meeting rooms for community use/exhibitions;
- Child care (day nursery, crèche or playgroup);
- Doctors surgery or PCT Centre;
- Education and training facilities.

### *Retail*

A new double height 275sqm flexible retail/restaurant (Use Classes A1/A3) unit is proposed fronting Church Way. Also proposed is the demolition of Nos.120-124 Station Road, currently in use as a restaurant and external alterations to provide a new shopfront to the Church Way elevation of Nos.102-106 (currently occupied by Iceland).

### *Access and Parking*

The main vehicle access would be provided via an amended access point from Church Way to the undercroft car park. Pedestrian access to the podium

courtyard space would also be provided from Church Way and Station Road. A total of 107 car parking spaces would be provided, comprising:

- 47 employee spaces including 4 disabled spaces;
- 58 residents spaces including 17 disabled spaces;
- 2 disabled spaces for community centre visitors.

A total of 241 cycle parking spaces are proposed, including 219 ground floor cycle spaces and 22 visitor spaces at podium level for the community use. Refuse storage is provided at ground floor level, accessed from the car park.

### *Energy*

Space is also set aside at ground floor level for the provision of a Combined Heat and Power (CHP) system, which would comprise a 90sqm plant room.

### Application Documents

In addition to site location plans and existing drawings, the application is accompanied by two sets of drawings, one set of parameter plans that set the constraints future reserved matters submissions must comply with and one set of illustrative drawings that show how the scheme could look when fully designed. Details of these plans are set out below:

#### **Parameter Plans**

Proposed Demolition Plan – 138(MP)01 Rev PL1

- Confirms the buildings on site to be demolished as part of the proposal.

Proposed Parameter Plan – 138(MP)02 Rev P1

- Identifies the 4 development plots (A-D) and the podium courtyard space.

Proposed Maximum Plot Height Plan – 138(MP)03 Rev PL1

- Sets the maximum height of each plot envelope, measured in metres AOD (above ordnance datum).

Proposed Plot Dimension Plan – 138(MP)04 Rev PL1

- Sets the parameters for the maximum dimensions of each development plot envelope.

Proposed Ground Floor Access and Circulation Plan – 138(MP)05 Rev PL1

- Sets the ground floor parameters for the main vehicular and pedestrian access points, along with parking allocation, plant rooms, residential cores and refuse stores.

Proposed Podium Access and Circulation Plan – 138(MP)06 Rev PL1

- Sets the podium (first floor) parameters for pedestrian access points and circulation, along with the siting of the residential cores.

#### **Illustrative Plans**

Proposed Ground Floor Plan – 138(GA)01 Rev PL1

Proposed First Floor Plan – 138(GA)02 Rev PL1

Proposed Second Floor Plan – 138(GA)03 Rev PL1

Proposed Third-Fifth Floor Plans – 138(GA)04 Rev PL1

Proposed Sixth Floor Plan – 138(GA)05 Rev PL1

Proposed Seventh Floor Plan – 138(GA)06 Rev PL1

Proposed Eighth Floor Plan – 138(GA)07 Rev PL1

Proposed Ninth Floor Plan – 138(GA)08 Rev PL1

Proposed Tenth Floor Plan – 138(GA)09 Rev PL1

Proposed Eleventh-Fourteenth Floor Plans – 138(GA)10 Rev PL1

Proposed Fifteenth and Sixteenth Floor Plans – 138(GA)11 Rev PL1  
Proposed Seventeenth and Eighteenth Floor Plans – 138(GA)12 Rev PL1  
Proposed West Elevation – 138(GA)20 Rev PL1  
Proposed North and South Elevations – 138(GA)21 Rev PL1  
Proposed East Elevation – 138(GA)22 Rev PL1  
Proposed Section AA – 138(GA)30 Rev PL1  
Proposed Section BB – 138(GA)31 Rev PL1  
Proposed Section CC – 138(GA)32 Rev PL1

To accompany the above drawings, a **Design Code** has been submitted, which seeks to lay out mandatory or advisable rules to govern future detailed design. A **Design and Access Statement** has also been submitted, which explains the rationale behind the design approach adopted.

In addition to the application drawings the supporting documents accompanying the submission include the following:

- Planning Statement
- Transport Assessment, Appendices and Travel Plan
- Statement of Consultation
- Affordable Housing Viability Assessment (Confidential)
- Noise Impact Assessment
- Air Quality Assessment
- Daylight and Sunlight Assessment
- Energy Strategy
- Sustainability Statement
- Foul Sewage and Utilities Assessment

### **3. PLANNING CONSIDERATIONS**

#### **3.1 Principle of the uses proposed and delivery of ETCF objectives**

This outline submission seeks to establish the principle of the uses proposed. The scheme would be residential led, involving the construction of 165 new flats, but would also provide 1,450sqm of floorspace on the first floor for flexible community uses (Use Classes D1/D2) and a new 275sqm ground floor retail/restaurant (Use Classes A1/A2/A3). All these uses are appropriate to a town centre location and are therefore acceptable in principle. The Barnet Local Plan provides more detailed policy guidance on these uses and the ETCF provides specific guidance relating to this site and Edgware Major Centre more widely.

The London Plan (2011) identifies Edgware as a Major Centre. Policy 2.15 requires development proposals to:

- a) Sustain and enhance the vitality and viability of the centre;
- b) Accommodate economic and/or housing growth through intensification and selective expansion in appropriate locations;
- c) Support and enhance the competitiveness, quality and diversity of town centre retail, leisure, arts and cultural, other consumer services and public services;
- d) Be in scale with the centre;
- e) Promote access by public transport, walking and cycling;
- f) Promote safety, security and lifetime neighbourhoods;

- g) Contribute towards an enhanced environment, urban greening, public realm and links to green infrastructure;
- h) Reduce delivery, servicing and road user conflict.

With its excellent public transport accessibility, Edgware is well placed to deliver high density mixed use development that can deliver the above objectives.

Barnet Local Plan policy CS6 seeks to realise development opportunities for Edgware, as well as promoting the distribution of new convenience and comparison retail growth to this town centre. In 2008, the Council produced a Suburban Town Centre Strategy, which identifies opportunities for enhancement of retail, leisure and entertainment uses in Edgware town centre. The ETCF has been prepared in consultation with the community and is a material consideration for planning applications in the area.

#### *Edgware Town Centre Framework*

The ETCF sets out a vision for Edgware town centre to be a 'successful and thriving place with new and expanded shops around the Broadwalk Shopping Centre integrated with Station Road and the surrounding residential suburbs by new streets and connections'. It identifies some key sites within the town centre that can contribute to the objectives of the framework, including the application site, as well as a list of infrastructure that requires funding to deliver. The document sets out a number of specific objectives for the development of the application site:

- Provision of improved commercial units along Station Road and transformation of an important section of the building frontage;
- A new mixed use development involving retail at ground floor facing Station Road, with high quality office or residential uses above;
- A modern conference and community function hall facility, to provide a flexible community facility for Edgware;
- Possible comprehensive scheme with the adjacent Broadwalk Shopping Centre with connection to Station Road;
- Part conversion of Premier House to residential uses and refurbishment of dated exterior;
- Improved frontage to the retail unit on the corner of Station Road and the shopping centre car park.

The proposal would provide for an appropriate mix of town centre uses as discussed and would deliver a flexible community facility. The scheme would deliver some of the above objectives, through the provision of a mixed use development with residential over and a new shopfront to the flank elevation of the Iceland store at 102-106 Station Road. However, the site boundary does not include the commercial units 126-140 Station Road and there are no proposals to make general improvements to these units, or to refurbish Premier House.

The siting of the proposed uses and public realm area behind the primary shopping frontage, coupled with the lack of proposals to improve the environment on Station Road results in a form of development that fails to integrate itself with the town centre and contribute to its regeneration and

renewal. With appropriate land assembly of the frontage units 126-140 Station Road, a more comprehensive scheme could be devised that delivers an improved shopping frontage to the street, improved public realm and a better form of development overall. Without the assembly of this wider site the development potential of the car park site is significantly limited and this gives rise to issues around character and amenity, as discussed in more detail in the below sections. Officers therefore consider that the proposal fails to adequately contribute to the regeneration benefits set out in the ETCF, as underpinned by Barnet Local Plan policy CS6.

In addition to the land use and development principles set out in the ETCF, there is also a list of Elements of Infrastructure. Development sites identified in the document would be required to either deliver or contribute funding towards delivery of these items, as listed below:

- 1) A new street from Station Road into the Broadwalk Shopping Centre site  
It is intended that this would provide a direct and visible connection from the shopping centre car park to the high street. The proposed shopfront to the flank elevation of 102-106 Station Road and the new retail unit fronting Church Way would provide an active frontage along the northern side of this new route and would therefore adequately contribute to this Element of Infrastructure.
- 2) Junction improvements along Station Road  
There are 3 junctions identified for improvement, including the Station Road/Church Way junction. As discussed below in section 3.9 of this report, the assessment of this junction is considered to be unsatisfactory. Furthermore, no contribution has been secured for improvements to this junction.
- 3) A new street through Forumside connecting the Broadwalk Shopping Centre car park site to the A5  
This is not connected to the development of this site.
- 4) Improved public open space around Edgware Station  
The development is likely to have a proportionate impact on footfall around Edgware Station. No contribution has been offered or secured, see section 3.9 of this report.
- 5) Improved public realm along Station Road  
This site has a frontage along Station Road of approximately 100m. The pedestrian environment along this stretch of the street is particularly poor and it would be expected that this scheme would contribute to removal of clutter and improved landscaping. However, the application documents do not include a firm commitment to this, or an indicative public realm improvement scheme. There are also no proposals for comprehensive improvements to the Station Road frontage and there are concerns that the proposals would not take the opportunity to improve the overall quality of the environment along Edgware's main shopping street, or provide new public realm close to existing footfall.

- 6) Improved bus interchange  
The development is likely to have a proportionate impact on footfall and use of the bus interchange. No contribution has been offered or secured, see section 3.9 of this report.
- 7) A new pedestrian/cycle route from Deans Lane to the town centre.  
This is not connected to the development of this site.

Overall therefore, it is considered that the proposal would fail to take the opportunities available to meet the key objectives of the ETCF. In particular, the lack of land assembly with the frontage units along Station Road would restrict the ability of the scheme to provide a comprehensive response to the issues set out in the Framework. Without the assembly of this wider site, the scale of the proposed development would be significantly out of keeping with the surrounding context and would fail to have adequate setting. Furthermore, the inward looking nature of the proposal, coupled with the lack of improvements to the dated facades of the buildings, would not contribute to the improvement of its surroundings. No contributions have been offered or secured for junction improvements, station improvements or bus interchange improvements.

The applicant's Design and Access Statement (DAS) includes a section entitled 'Phase 2 strategy', which aims to show how the properties at 126-140 Station Road could be redeveloped to provide modern shop units, office space and flats. However, this piecemeal form of development could be avoided with proper land assembly, which would also help to address some of the design and amenity concerns that are addressed later in this report. The DAS also recognises that the relationship with the blank frontage of the Broadwalk Shopping Centre is not ideal (pages 22 & 23) and gives an indication of how the ground floor element of the scheme could be altered to address a new street in this area. However, there are no indications that such a scheme would come forward on the Broadwalk site. Furthermore, the proposal to provide active frontages along the ground floor would impact on parking provision and the location of the proposed combined heat and power (CHP) plant.

This further emphasises the need for a comprehensive scheme that encompasses the whole of this town centre block and fully optimises the development potential of this important site, whilst recognising emerging proposals for the adjacent sites identified in the ETCF.

#### *Retail*

The proposal would result in the loss of a double commercial unit (120-124 Station Road), which is currently occupied by a restaurant and has a street frontage of 11.5m. A new flexible (Use Class A1/A2/A3) commercial unit is proposed with a frontage of 16.5m, although this would front Church Way and would therefore not be located within the primary shopping frontage as currently defined.

Barnet Local Plan policy DM11 states that 'a development proposal which reduces the combined proportion of class A1 retail use at ground floor level (including vacant) in the primary frontage below 75% will not be permitted'. At



present, the percentage of A1 use is around 66%, so below what would usually be permitted. However, the double unit to be demolished is occupied by a restaurant (Use Class A3), so there would be no additional loss of class A1 retail in the primary frontage as a result of this proposal and there would therefore be no conflict with Barnet Local Plan policy. Furthermore, the proposed flexible (Use Class A1/A2/A3) commercial unit fronting Church Way would contribute to the creation of a new street linking Station Road with Broadwalk Shopping Centre, which is supported in line with the objectives of the ETCF.

### *Community*

The proposal includes a 1,450sqm flexible community building (Use Classes D1/D2), which could accommodate uses including:

- Multi-function hall for leisure, sport, conferences and cultural events;
- Social activities (lunch clubs, bingo, dance class);
- Flexible meeting rooms for community use/exhibitions;
- Child care (day nursery, crèche or playgroup);
- Doctors surgery or PCT centre;
- Education and training facilities.

Whilst it is questionable whether many of the above activities are appropriate to a community facility, the proposal is submitted in outline and, subject to appropriate controls that could be imposed through planning conditions or legal agreement, officers are satisfied that a flexible community facility for Edgware could be delivered. The principle of a facility of this nature and potential uses is therefore supported.

### *Residential*

The National Planning Policy Framework (NPPF) recognises that residential development can play an important role in ensuring the vitality of centres (para 23). This is re-iterated in Barnet Local Plan policy CS6, which seeks to make efficient use of land in town centres and encourage a mix of compatible uses, including residential. The supporting text to Barnet Local Plan policy CS3 (para 8.1.7) states that 'choices and opportunities for town centre enhancement and infill will be identified through the programme of priority town centre frameworks', such as Edgware.

The ETCF recognises that this site can accommodate residential uses, but the emphasis is firmly on delivery of improved public realm, community facilities and other infrastructure. The principle of residential uses on this site is therefore accepted, provided that this helps to deliver the objectives of the ETCF and that the housing provided would be of high quality and meet other relevant standards. There are concerns over housing quality and this is discussed in more detail in the below appraisal sections, particularly section 3.5.

### Conclusion

In summary, whilst the proposal would deliver some of the ETCF objectives, the scheme would fail to integrate itself with Station Road, would not result in an improved appearance for Premier House and the Station Road frontage and fails to secure the necessary contributions through S.106 as set out above. The proposal would therefore fail to adequately contribute towards the

Council's objectives for the regeneration and renewal of Edgware Major Centre and would be contrary to policy CS6 of the Barnet Local Plan Core Strategy, policy 2.15 of the London Plan and the Edgware Town Centre Framework.

### **3.2 Design and visual impact:**

#### **Tall buildings**

The application proposes a predominantly residential tower of up to 19 storeys as part of development plot D. Development in plots B and C would also be above 7 storeys and would therefore be considered a tall building under Barnet Local Plan policy. Both local (Barnet Local Plan) and strategic policy (the London Plan 2011) seeks to establish the situations in which tall buildings may be considered appropriate.

London Plan policy 7.7 states that tall and large buildings should (criteria C):

- a) Generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport;
- b) Only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building;
- c) Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;
- d) Individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London;
- e) Incorporate the highest standards of architecture and materials, including sustainable design and construction practices;
- f) Have ground floor activities that provide a positive relationship to the surrounding streets;
- g) Contribute to improving the permeability of the site and wider area, where possible;
- h) Incorporate publicly accessible areas on the upper floors, where appropriate;
- i) Make a significant contribution to local regeneration.

Barnet Local Plan policy CS5 identifies Edgware town centre as being appropriate in principle for the provision of a tall building (defined in Barnet as being 8 storeys or more). Proposals for tall buildings are to be considered in accordance with Barnet Local Plan policy DM05 and the Guidance on Tall Buildings Document (2007) produced by CABI and English Heritage.

#### **Outline application procedure**

The CABI and English Heritage Guidance state that 'outline planning applications for tall buildings are appropriate only in exceptional cases where the applicant is seeking to establish the principle of a tall building as an important element within a robust and credible masterplan for an area to be developed over a long period of time' (para 5.1). In this instance, the scheme proposes tall buildings on high ground directly abutting adjacent properties in a visually prominent town centre location. The proposed scheme is a stand alone development for 165 flats and does not form part of an outline

masterplan for a larger development, whereby the scale and design can be assimilated into an overall scheme layout for the regeneration/creation of a neighbourhood.

Accordingly, it is considered that there are no exceptional circumstances that would justify the positive consideration of an outline application for tall buildings on this site contrary to policy. Furthermore, the submitted Parameter Plans and Design Code do not provide a robust framework for ensuring high design quality. The Parameter Plans restrict the footprint of the development plots and maximum building heights within those plots for the proposed buildings, along with the buildings to be demolished. Vehicle and pedestrian access points are also set by the Parameter Plans. Illustrative plans and elevations are also submitted, which give an indication of how the scheme could be developed in line with the Parameter Plans. However, whilst the Parameter Plan limitations would give control over the overall layout, scale and massing of the buildings, there is little to guide the detailed design.

The submitted Design Code would not provide the additional control required to ensure a high quality finished development, instead it simply gives additional detail on floor layout configurations, landscaping, servicing and sustainability, as well as reiterating information from the Design and Access Statement and application drawings. The majority of the individually referenced requirements are reiterated from other guidance documents, such as the London Housing Design Guide or the Lifetime Homes standards and do not therefore set rigorous standards for future reserved matters submissions to adhere to.

The supporting text to Barnet Local Plan policy DM05 recognises the importance of varying heights, proportion, silhouette and facing materials to the impact of a tall building. The criteria for evaluation set out in the CABE Guidance reiterates these important characteristics of architectural quality and also makes it clear that the detailed design of the top and the base of the tall buildings will be particularly important when considering the effect on the skyline and streetscape respectively. The articulation and modulation of the tower is considered to be particularly important and the suite of documents that accompany the application do not provide the specific written or graphic rules to guarantee acceptable proportions and visual relief. There would be insufficient controls in the Design Code to refer to detailing such as window and balcony reveals and recessed storeys, which will be very important to break up the mass of what would be a very large and bulky building compared to those adjacent. The illustrative elevations do not give officers the confidence of a high quality design coming forward.

Overall, the outline application procedure is considered to be inappropriate for this development and a detailed design should be drawn up in consultation with officers and the local community. Accordingly, the proposal is considered to be contrary to London Plan policy 7.7 and Barnet Local Plan policies CS5 and DM05 in this regard.

#### Visual and other impact of the proposed tall buildings

In terms of the impact of tall buildings on this site, Barnet Local Plan policy DM05 sets out five criteria for the assessment of tall buildings. Proposals will

need to demonstrate:

- (i) An active street frontage where appropriate;
- (ii) Successful integration into the existing urban fabric;
- (iii) A regard to topography and no adverse impact on local viewing corridors, local views and the skyline;
- (iv) Not cause harm to heritage assets and their setting;
- (v) That the potential microclimatic effect does not adversely affect existing levels of comfort in the public realm.

Whilst the scheme would not incorporate an active frontage at ground floor level, this is due to the siting to the rear of the Station Road frontage, away from the footfall of the town centre and facing out onto the blank elevations of the Broadwalk Shopping Centre. The submitted Design and Access Statement demonstrates that active frontages could be provided along the north and east ground floor elevations in future, should a scheme come forward for the shopping centre. The proposal seeks to overcome the constrained siting through the provision of a publically accessible podium courtyard at first floor level, accessed from Station Road and Church Way, with active frontages facing onto the space from the proposed community facility and from the existing Premier House. As discussed, the proposal to provide public realm in this 'back of shops' location is not supported. However, the principle of the tall building being sited behind the Station Road frontage to reduce its visual impact is accepted, so it would not necessarily be appropriate for the tower to provide an active frontage itself.

The site is located in an urban context, close to other tall buildings and surrounded on two sides by a shopping centre. The proposal seeks to reduce the impact of the scale of the development by setting the buildings behind Premier House and the main shopping frontage along Station Road. The Tall Buildings Study of London Borough of Barnet (2010) recognises that tall buildings typically relate better to the urban form in these areas, particularly where they are more sensitively located relative to the public realm. Therefore, whilst the proposal as presented would not ensure an acceptable standard of design, the concept of siting the tall buildings behind the Station Road frontage would minimise the impact on the existing urban fabric.

Criteria (iii) requires regard to be had to topography and no adverse impact on local viewing corridors, local views and the skyline. Whilst the scheme would not be sited within any local viewing corridors, consideration still needs to be given to the impact of the proposal on local public views and the skyline of Edgware more generally. The application is not accompanied by a visual impact assessment of any description. The CGI images that are included only show the scheme from the immediate locality and not in any detail due to the outline nature of the submission. Furthermore, as mentioned the outline nature of the proposal means that the scheme has not been fully designed, so the wider visual impact cannot therefore be fully considered. The site is prominently located relative to local topography and the buildings would be highly visible over a wide area, the 19 storey tower in particular. The way the buildings would relate to the adjacent Premier House, in terms of the formation of a cluster, also requires further consideration. A rationale and justification for 19 storeys has not been provided. It is critical that officers fully understand the visual impact of the proposal and, in the absence of a full

scheme design and visual impact assessment, the proposal fails to comply with this criteria.

The closest heritage assets to the site are the Grade II listed St Margaret's Church and Railway Hotel on Station Road (some 50m to the south of the site) and the Watling Estate Conservation Area (some 350m to the south east). Edgware High Street Conservation Area, which also contains a number of listed buildings, is located some 100m to the west of the site, within the London Borough of Harrow. As mentioned, the outline nature of the proposal means that the buildings have not been fully designed, so the wider visual impact cannot therefore be fully considered. Officers cannot therefore be satisfied that the impact of the tall buildings on the setting of local heritage assets would be acceptable and the proposal therefore fails to comply with criteria (iv). Criteria 4.1.2 of the CABE Guidance states that 'tall building proposals must address their effect on the setting of, and views to and from historic buildings, sites and landscapes over a wide area'. The application documents do not include adequate detail in relation to this aspect and the visual impact of the proposal on the setting of heritage assets cannot therefore be fully understood.

Criteria (v) requires tall buildings not to adversely impact on nearby spaces, in terms of microclimatic effects and this is also required by criteria 4.1.9 of the CABE Guidance. Section 2.5 of the Council's Sustainable Design and Construction SPD (2013) refers to the impact of development on wind and thermal conditions. It is important that new tall buildings do not lead to adverse conditions in the nearby public realm. Equally, it is important that high level amenity areas, such as those proposed as part of this scheme, are comfortable for people to use. Tall freestanding buildings can create eddies, channel wind into nearby streets or cause vortexes in adjacent spaces. These effects could also be amplified due to the siting close to Premier House. The Lawson Criteria for Distress and Comfort (set out in the below table) provides a set of principles to follow in terms of acceptable wind conditions for different types of activities.

Hourly average wind speed	Description	Activity
0 – 4 m/s	Long term sitting	Reading a newspaper, eating or drinking
4 – 6 m/s	Standing or short term sitting	Appropriate for bus stops, window shopping and building entrances
6 – 8 m/s	Walking and strolling	General areas of walking and sightseeing
8 – 10 m/s	Business walking	Local areas around tall buildings where people are not likely to linger

The proposed tower and lower buildings would be sited adjacent to the proposed courtyard space and the main shopping street in Edgware would be close by, so the appropriate wind speeds around the buildings should not regularly exceed 4 – 6 m/s. The submitted Sustainability Statement contains a short paragraph asserting that there would be no wind-tunnelling effects as a result of the proposal. However, this statement does not appear to be supported by any evidence in the form of a scientific study and there is no mention of potential eddies or vortexes within the proposed courtyard space.

No assessment has been made of the usability of the roof terraces proposed. Furthermore, it is stated that wind conditions would be considered at detailed design stage and appropriate mitigation measures put in place. However, the documents accompanying this outline application seek to fix the footprint, massing and height of the buildings, so this assessment should be undertaken at the outset in order to confirm that the impact would be acceptable. Thermal conditions must also be considered. In the absence of this information, the proposal would fail to comply with criteria (v).

In summary, the tall buildings as proposed would be unacceptable as they would fail to comply with the criteria set out in Barnet Local Plan policy DM05. The potential visual impact of the proposal would be significant and, in the absence of a detailed design proposal and supporting justification mentioned above, the proposal could unacceptably harm local views and the skyline of Edgware generally, views of the wider landscape, the setting of nearby heritage assets and levels of comfort in the public realm.

#### Scale, bulk and massing of buildings

As mentioned, in addition to the proposed 19 storey tower, the application proposes lower buildings of between 7-10 storeys. These would wrap around the proposed podium courtyard and almost abut the south eastern boundary with the Broadwalk Shopping Centre. The submitted Design and Access Statement (DAS) includes an explanation of the design rationale that has been adopted for the scheme. However, the final design of the scheme does not appear to flow clearly from the design concept set out in the DAS. For example, p.10 looks at 3 options for the massing of the development:

**Groundscraper option:** A single block of 8 storeys above podium across the site. This was ruled out due to the excessive scale adjacent to Church Way, the general lack of conformity with the surrounding scale of development and overshadowing of the courtyard space.

**Tower option:** A 20 storey tower in the north of the site, with 3 storey townhouses. This was felt to be incompatible with the urban setting.

**Stepped option:** Buildings stepping up from 6 storeys fronting Church Way. This was the chosen option as it was felt to be the most appropriate in terms of scale and makes it easy to create a series of south facing roof terraces.

By contrast, the final design approach includes elements of all 3 concepts. The overall scale of the blocks is similar or higher than the groundscraper option, the tower is included and the stepped design approach has also been adopted. Furthermore, the diagram on p.8 of the DAS suggests that views through the development should be incorporated, in order to break up the mass, whereas what is proposed is a solid wall of development. The proposal does not therefore seem to be informed by its own design development and, coupled with the outline nature of the submission, this gives rise to concerns over the design rationale.

Overall, the design approach is considered to be unacceptable. Edgware town centre is generally characterised by low scale (2 and 3 storey) buildings with some taller buildings. The application site and surroundings is typical of this

pattern of development, comprising 2 storey shop units and the single exception in the case of the 14 storey Premier House. The proposed stepped design approach would result in an awkward, digressive form of development that would be at odds with the pattern of existing development in Edgware. This would be contrary to Barnet Local Plan policy DM01, which requires development proposals to be based on an understanding of local characteristics and states that 'proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

The external alterations to the corner unit at 102-106 Station Road would increase the active frontage of this retail shop (currently occupied by Iceland) and would introduce a shop front on the return frontage facing Church Way. This would contribute to the vitality of Edgware town centre generally and would provide an appropriate frontage to the new street that could be created, as envisaged by the Edgware Town Centre Framework (ETCF).

The new A1/A2/A3 unit fronting Church Way would also contribute to these objectives, but there is concern over the scale of this new building, which would be 7 storeys in height. At present, Church Way serves as an access to the Broadwalk Shopping Centre car park and service areas. It is fronted onto by the two storey flat roofed retail unit at 102-106 Station Road, the two storey Emmanuel Centre opposite to the south west and boundary fencing to surface car parks. This part of the site is located adjacent to the Broadwalk Shopping Centre and Forumside sites, which are the other two main sites forming the spatial strategy in the ETCF and it is noted that the character of this area may change in the future if proposals are brought forward for other sites fronting Church Way. However, as set out in the ETCF, development proposals in this area would need to 'be of an appropriate scale to respect the existing buildings along Station Road and the setting of the Grade II listed Railway Hotel'. The proposed 7 storey development fronting Church Way would be significantly higher than surrounding buildings in this area and would be very apparent in public views. This part of the proposal would therefore fail to respect the scale, mass and height of surrounding buildings, contrary to Barnet Local Plan policy DM01.

It is acknowledged that strict repetition of the scale and form of surrounding development would not necessarily be appropriate. This is a priority town centre, where high density enabling residential development may be appropriate in order to deliver the objectives of the ETCF. However, officers are concerned that the scale and form of the development as currently proposed has not been fully assessed or justified, and combined with the outline nature of the submission, which would not give the necessary assurances of a high quality design.

#### Public realm and relationship with Station Road

The ETCF talks about a comprehensive scheme being devised to include the commercial units fronting Station Road. This would transform and renew an important section of the building frontage in the town centre and would enable the scheme to make a better contribution to public realm improvement along Station Road. However, the application site does not incorporate the commercial units 126-140 Station Road and instead proposes its own area of

public realm in the form of a podium courtyard accessed from Station Road following demolition of the restaurant unit at 120-124. This space is also intended to provide communal amenity space for occupants of the residential flats and it would also serve as the main access for the residential cores and community facility.

The benefits of this space to Edgware town centre, in terms of providing a green space for people to gather away from the busy shopping areas, are acknowledged. However, its location at podium level reduces its visibility and legibility from Station Road and officers question how much this space would be used. It would also conflict with its other intention to serve as private amenity space for the proposed residential units, as discussed below in appraisal section 3.5. A more comprehensive scheme should be devised, which incorporates the parade at 126-140 Station Road. This would enable a new piece of public realm to be created at street level and an improved shopping frontage to the benefit of the town centre more widely. As discussed in appraisal section 3.1, improved public realm along Station Road is Item 5 in the Council's list of Elements of Infrastructure (EoI) expected to be delivered through the ETCF. The supporting text to this EoI explains that space between buildings along Station Road is generous and currently underutilised. The ETCF seeks to ensure that the Station Road frontage of this site is transformed and that this should be co-ordinated with improvements to the public space in front of Edgware Underground Station. The lack of a comprehensive scheme for the whole site and adequate dialogue with adjoining landowners, TfL and the Council regarding transport and public realm improvements has resulted in a scheme that fails to address the objectives of the Edgware Town Centre and Barnet Local Plan policy CS6.

The applicant's Design and Access Statement includes a section entitled 'Phase 2 strategy', which aims to show how the properties at 126-140 Station Road could be redeveloped to provide modern shop units, office space and flats. However, this hypothetical design exercise does not appear to optimise the development of the site, rather it seems to be used to reduce the overall density of the development proposed on the application site. This further emphasises the need for a comprehensive scheme that encompasses the whole of this town centre block and fully optimises the development potential of this important site.

### Conclusion

In summary, the proposed tall buildings would be unacceptable in the absence of a detailed design and a lack of justification for the potential impact on local public views, nearby heritage assets and microclimate. The scale and design of the development would also be unacceptable in the context of the existing pattern of development in Edgware more generally. The inward facing nature of the scheme and proposed public realm fails to optimise the potential of this important site and this is also unacceptable.

### **3.3 Dwelling mix**

London Plan policy 3.8 seeks to ensure that 'new developments offer a range of housing choices, in terms of the mix of housing sizes and types'. Barnet Local Plan policy DM08 requires development to provide a mix of dwelling



types and sizes, where appropriate. There is an emphasis on the provision of family sized housing, with 3 and 4 bedroom dwellings a priority across all tenures. It is important to clarify that the definition of 'family housing' in Appendix D of the Core Strategy (as referred to by the GLA in paragraph 26 of the Stage 1 response) defines family housing as '**usually** consisting of two or more bedrooms'. For the avoidance of doubt, the priority dwelling sizes are set out in policy DM08. The proposed housing mix by tenure is set out in the table below:

Tenure	1 bed (unit/%)	2 bed (unit/%)	3 bed (unit/%)	Total
Social	8 (36%)	12 (55%)	2 (9%)	22
Intermediate	5 (31%)	10 (63%)	1 (6%)	16
Market	44 (35%)	68 (54%)	15 (12%)	127
Total	57 (34.5%)	90 (54.5%)	18 (11%)	165

The above figures show that the scheme would not provide any 4 bed units at all and only a small percentage of 3 bed units. The proposal would therefore not provide a significant contribution to the Council's identified shortfall. However, given the high density nature of the scheme and location within a town centre, it is considered that it would not be appropriate to provide a significant proportion of 3 and 4 bed units. The proposed housing mix is therefore considered to be acceptable in this instance, given the nature of the scheme proposed.

### **3.4 Density of development**

London Plan policy 3.4 seeks to optimise the housing potential of sites and references the density matrix contained in Table 3.2 set out below. This provides a guide to appropriate density ranges for particular locations, depending on accessibility and setting.

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 is in a location with a PTAL of 6 and is within a central setting, as defined in the London Plan. The scheme averages 3.8 habitable rooms per unit. Taking these factors into consideration the London Plan density matrix would suggest a range of somewhere between 140 and 290

units per hectare or 650 to 1100 habitable rooms per hectare (see table above). On the basis of a site area of 0.57 hectares, the proposed development, based on the illustrative plans and schedule of accommodation submitted, would have a density of 289 dwellings per hectare and 1089 habitable rooms per hectare, which would be within the 'optimum' density ranges in the London Plan albeit right at the upper end. However, when the site area occupied by retained developments is taken out, the density equates to 522 units per hectare and 1,968 habitable rooms per hectare, which is significantly higher than the upper end of the London Plan range.

Furthermore, a large community facility and undercroft parking area is proposed, which also has an impact on the scale of the development. The key message as set out in the Mayor's Housing SPG (2012) is that the objective is to '**optimise**' housing potential, rather than 'maximise'. In instances such as this, where densities are at the top end of the range or beyond, they should only be considered appropriate where a high quality design is proposed and where the proposed residential accommodation meets other relevant standards. As other sections of this report set out in more detail, there are a number of serious concerns with the design of the development proposed in the application. While this is an outline application, these concerns relate to matters which the local planning authority would have accepted under the parameter plans submitted for approval (if outline consent was granted). In light of this position, officers are unable to conclude that the submission has demonstrated that the density of development proposed is acceptable or compliant with development plan policy.

It should also be noted that there are no maximum parameters for residential floorspace and the application does not seek to fix the dwelling mix. The scheme therefore, when constructed within the maximum parameters sought for approval, could deliver more habitable rooms and residential floorspace than the illustrative mix indicates. This could raise a number of potential issues with regards to standard of accommodation.

### **3.5 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 floorspace 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's adopted supplementary planning documents (SPDs), Sustainable Design and Construction and Residential Design Guidance, and the Mayors adopted supplementary planning guidance, Housing, provide more detailed guidance on a range of matters related to creating new dwellings that have adequate amenities for their future occupiers. These include, in both documents, identifying minimum sizes for private external amenity space (balconies or terraces). The Barnet standards in this regard equate to 3m<sup>2</sup> for 1 person or 2 person dwellings with an extra 1m<sup>2</sup> expected for each additional bed space proposed. The Mayoral standards on this matter are more onerous and equate to 5m<sup>2</sup> for 1 person or 2 person dwellings with an extra 1m<sup>2</sup> expected for each additional bed space proposed.

The Residential Design Guidance SPD identifies that there should be minimum distances of about 21m between properties with facing windows to habitable rooms and 10.5m to a neighbouring garden, in order to avoid overlooking in new developments.

#### Dwelling size

Table 3.3 in the London Plan provides a minimum gross internal floor area for different types of dwelling, as set out in the below table, which shows the areas relevant to the unit types in this proposal as set out in the schedule of accommodation.

Table 3.3 Minimum Space standards for new dwellings (adapted from London Plan)

	Dwelling Type (bedroom/persons- bed spaces)	Gross Internal Area Standard (m <sup>2</sup> )
Flats	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

It should be noted that, as the proposal is submitted in outline, the floor plan layouts are not fixed at this stage and the accommodation schedule is based on the illustrative plans. All the proposed units comply with or exceed these minimum standards and the individual room sizes in all of the units would comply with the standards in the Mayors Housing SPG/London Housing Design Guide. Officers are therefore satisfied that future detailed applications would be capable of complying with these standards within the parameters set by this outline submission.

#### Dwelling outlook

Development plan policy requires that new dwellings are provided with adequate outlook. It is important to maximise the outlook of occupiers of the new dwellings, while also taking account of the need to prevent unacceptable levels of overlooking at neighbouring properties. According to the illustrative plans, the majority of the proposed flats would be dual aspect and would have appropriate fenestration throughout. The single aspect units that would have a northern orientation (16 in total) would face north west and would have an acceptable outlook over the podium courtyard.

The north eastern and south eastern elevations would face out onto the Broadwalk Shopping Centre, which consists of a two commercial storey (13m) blank wall and an access ramp to a rooftop car park. The high floor to ceiling heights of the undercroft parking area and community centre would mean that the lowest level of residential accommodation (second floor) would be just below the height of the shopping centre and would be set some 13m away at its closest point. The south east facing units would face out onto the access ramp to the rooftop car park and rooftop plant, which could result in some noise and disturbance as a result of activity associated with the shopping centre, possibly at unsocial hours. The proposed indicative layout plans show that all the flats facing the Broadwalk are either single aspect, or rely on this aspect for outlook from sensitive rooms, such as bedrooms. Overall, having regard to the proposed layout, it is considered that the occupiers of the lower floor residential flats facing the Broadwalk Shopping Centre would have a poor outlook.

The north western elevations would face out over the podium courtyard space, the rear of Premier House and the back of the shopping parade on Station Road. Overall, the separation distances across this courtyard between buildings and neighbouring uses are considered to be adequate to ensure an acceptable outlook for future occupiers of these units.

#### External amenity space provision

Guidance in Barnet's Residential Design Guidance SPD sets out minimum standards for outdoor amenity space provision in new residential developments. Flats are expected to be provided with 5m<sup>2</sup> of usable outdoor communal or private amenity space per habitable room proposed. Kitchens over 13m<sup>2</sup> are counted as a habitable room and habitable rooms over 20m<sup>2</sup> are counted as two habitable rooms for the purposes of calculating amenity space requirements.

Private amenity space for each flat would be provided in the form of a balcony. However, the private balcony/terrace provision for most units, except those with large roof terraces, would fall below Barnet SPD standards. Outdoor terraces are also proposed on the rooftops of Blocks B, C and D, which would provide supplementary communal amenity space for residents. The table below sets out the number of units in each block that comply with SPD standards on the basis of their private balcony/terrace provision, the amount of communal terrace provision per block and finally the communal terrace provision divided by the number of flats in the each block that have a shortfall of private amenity space.

Block	Units with compliant amenity	Communal terrace provision	Communal terrace / no units
A	2	0 sqm	0 sqm
B	1	55 sqm	3.7 sqm
C	16	75 sqm	5 sqm
D	0	620 sqm	6.5 sqm

As the table shows, only 19 of the 165 flats proposed would be compliant with

Council standards on the basis of their private amenity space provision. The scheme is therefore reliant upon communal amenity space provision to make up for this shortfall, which is not unusual in high density developments. However, Block A would provide no communal amenity space at all, whilst there would be a shortfall of around 6-9sqm per unit for Block B, 8-9sqm per unit for Block C and between 3.5-9.5sqm per unit for Block D. Furthermore, inadequate justification has been provided to demonstrate that these rooftop amenity areas would be genuinely usable, given their height and the possibility of being affected by adverse weather conditions, particularly wind. Therefore, the quantum of usable space could reduce further.

The submitted Design Code sets out a strategy for amenity space provision. This includes 500sqm of space on the podium courtyard, which it is stated could be used for informal gatherings of residents or community centre users. However, this space would also serve as an access to the community centre and could be a noisy and busy thoroughfare depending on events being held. SPD paragraph 8.4 states that 'in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment'. Furthermore, the SPD makes it clear that 'all dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides a reasonable level of privacy'. The podium courtyard proposed would also provide a new area of public realm and would be overlooked by the community centre and by Premier House. Therefore this space would actually serve as public realm and be directly overlooked by adjacent office and community uses. This would not therefore ensure adequate privacy for users of this space and this area cannot be counted towards residential amenity space provision.

In summary, the proposed amenity space provision would fall significantly below the standards set by the SPD, both in terms of quantum and usability. This would lead to poor living conditions for future occupiers of many of the flats, which would be contrary to Barnet Local Plan policy DM02(7) and the Residential Design Guidance and Sustainable Design and Construction SPDs. This would be an unacceptable impact in isolation, but is further compounded by the scheme's inadequate daylight and sunlight.

#### Play space

Barnet Local Plan policy DM02 and London Plan policy 3.6 state that proposals for dwellings should make provision for play and informal recreation based on the expected child population generated and an assessment of future needs. According to the multipliers in the Barnet Planning Obligations SPD, the total child yield of the development would be 31 and the detailed breakdown of this child yield is included in appraisal section 3.16. The Mayor's Supplementary Planning Guidance 'Providing for children and young people's play and informal recreation', sets a benchmark standard of a minimum 10sqm per child, so the requirement for on site provision here would be a minimum of 310sqm. The submitted Design Code allows for a total of 325sqm of play space, with 225sqm to be provided at the podium courtyard level and a further 100sqm provided at the roof level of Block D. However, as mentioned above there are concerns over the usability of the roof terraces and in the absence of a justification concerning the likely microclimatic

conditions in these areas, officers are equally concerned over the usability of this 10<sup>th</sup> floor play space. Furthermore, this space would only be accessible from the Block D core, which would not be satisfactory given that the majority of the child yield would be likely to arise from the social rented Block A.

Accordingly, the proposed play space provision would fall below the standards set by the Mayor's SPD, both in terms of quantum and usability. The development would therefore fail to make adequate provision for children's play space, contrary to Barnet Local Plan policy DM02(9) and London Plan policy 3.6.

#### Privacy and overlooking

Barnet's Residential Design Guidance Supplementary Planning Document (SPD) provides guidance on safeguarding the amenities of residents and the standards set out therein also apply to the impact of existing buildings on the privacy of future occupiers of proposed developments. There should be minimum distances of about 21m between properties with facing windows to habitable rooms and 10.5m to a neighbouring garden, in order to avoid overlooking in new developments.

The scheme has been designed to ensure that the relationship between the new build development and Premier House is acceptable, with a minimum of 21m separation distance maintained. However, the north west facing windows and balconies on Block D would directly face the rear windows of the properties at 130-140 Station Road, being between 7-14m away. This is significantly below the 21m minimum standard and, although these are not residential properties, this would not affect the perception of overlooking that future occupiers of these units would experience. Whilst it is noted that the impact would diminish as the height of the building increases, habitable rooms and balconies for the lower floor units would be unduly affected. This would affect the usability of the balconies and living areas for these units and would have an unacceptable impact on the living conditions of future occupiers.

#### Daylight and sunlight

The submission includes an assessment of the daylight that would be received in the habitable rooms of the dwellings proposed, based on the illustrative layout plans submitted. Using the methodology found in guidance from the Building Research Establishment (BRE) this evaluation found that only 61.2% of the habitable rooms proposed would meet the relevant daylight standards. This is considered to be unsatisfactory, particularly given that the majority of the scheme would project above adjacent buildings and would therefore not be unduly constrained. The justification given is that the BRE guidelines should be applied flexibly and it appears that one of the main reasons for the extent of non-compliance is the provision of recessed balconies. However, this is not considered to be an adequate justification for such low compliance, particularly given that alternative balcony designs could be incorporated. Furthermore, 41 of the units would include two or more habitable rooms that fail the standards and 22 of these units do not meet the standards in any room. In respect of sunlight, whilst 92.1% of the flats would achieve the recommended probable winter sunlight hours, only 113 (68.5%) would achieve the recommended annual probable sunlight hours. Again, this is considered to be unacceptable.

Furthermore, according to the illustrative drawings, many of the habitable rooms proposed would fail to incorporate glazing of up to 20% of floor area, as required by the Sustainable Design and Construction SPD (table 2.4).

In summary and taken in the round, the levels of daylight and sunlight received by the proposed flats would be grossly inadequate. This would lead to poor living conditions for future occupiers of many of the flats, which would be contrary to Barnet Local Plan policy DM01(e) and the Residential Design Guidance and Sustainable Design and Construction SPDs. This would be an unacceptable impact in isolation, but is further compounded by the scheme's inadequate provision of amenity space.

#### Noise and air quality

The submitted Noise Impact Assessment identifies that traffic on the local road network and shopping centre service areas is the main noise source to the site, along with plant and machinery associated with surrounding town centre uses. An indicative scheme of noise insulation for the uses proposed has been included, detailing glazing specifications and mechanical ventilation systems. The Council's Environmental Health Service considers the mitigation measures to be acceptable, subject to conditions requiring details of these noise insulation measures to be approved, in addition to mitigation measures to control the impact of any new plant and machinery installed as part of the development.

In terms of air quality, the submitted Air Quality Assessment concludes that the potential for poor air quality to the proposed flats would be minimised due to the set back away from Station Road. There would be a potential impact on air quality arising from construction activity, but mitigation measures could be secured through a Construction Management Plan. The Council's Environmental Health Service considers the impact to be acceptable and conditions would have been recommended to secure mitigation measures were the proposal otherwise considered acceptable. The proposal is therefore found to be acceptable in respect of the noise and air quality environment that it would provide for the occupiers of the dwellings proposed.

#### Conclusions on the amenities of future occupiers

In summary, the proposal would fail to provide adequate, usable amenity space or children's play space. The level of daylight and sunlight received by a significant proportion of the residential units proposed would also be unsatisfactory. The scheme would provide poor outlook for some of the units and a lack of privacy. The proposal would therefore not provide acceptable living conditions for future occupiers and would be contrary to policies DM01 and DM02 of the Barnet Local Plan in this regard, as well as the Residential Design Guide and Sustainable Design and Construction SPDs. The scheme's failure to provide adequate living standards for future residents highlights concerns in relation to the density of the development as currently proposed

### **3.6 Impacts on amenities of neighbouring and surrounding occupiers and users:**

Local Plan policies seek broadly to promote quality environments and protect the amenity of neighbouring 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 will not normally be permitted.

Barnet's Residential Design Guidance Supplementary Planning Document (SPD) provides further guidance on safeguarding the amenities of neighbouring and surrounding occupiers and users. This includes stating that there should be minimum distances of about 21m between properties with facing windows to habitable rooms and 10.5m to a neighbouring garden, in order to avoid overlooking in new developments.

The nearest residential properties to the application site are located above commercial premises on the north western side of Station Road/Manor Park Crescent and beyond on Garden City.

#### **Overlooking and loss of privacy**

Concerns have been raised by residents of properties on Garden City with regard to overlooking and loss of privacy from the proposed development. At its closest points (Block A and Block D), the buildings would be some 100m from the rear of the closest properties on Garden City (nos.20 and 22). There would also be a minimum separation distance of 60m between the proposed buildings and the front habitable room windows of the flats on Station Road, which face the site. These separation distances comfortably comply with the recommended distances of 21m between habitable rooms and 10.5m between habitable rooms and gardens set out in paragraph 7.3 of the SPD. The proposal would therefore not result in unacceptable overlooking of neighbouring residential properties and neighbouring residents' privacy would not be unduly affected.

#### **Daylight and sunlight**

The application is accompanied by an assessment of the proposals impact on the daylight and sunlight received at neighbouring residential properties. This report finds that the relevant criteria relating to daylight and sunlight would be met at all neighbouring properties. It is therefore reasonable to conclude that there would be no significant adverse effects on the daylight or sunlight received at neighbouring residential properties. For the reasons outlined officers find that the application is acceptable in this regard.

#### **Outlook and visual impact**

The documents submitted with the application include images showing the impact of the proposed development on properties in the area surrounding the site and the drawings show the relationship of the proposed buildings with neighbouring properties and spaces. As discussed, the closest existing residential properties to the application site are located above commercial premises on the north western side of Station Road/Manor Park Crescent and beyond on Garden City. Concerns have been raised by a number of local



residents in relation to the potential overbearing impact of the development when viewed from neighbouring properties.

It is acknowledged that the proposed development would be higher and larger than most surrounding buildings in this area and would be very apparent in public views, as well as from neighbouring residential properties. This is discussed in more detail in section 3.2 of this report where the development was found to have an unacceptable impact on the character and appearance of the area by reason of design, height, scale and massing. However, whilst officers consider the design response to be unacceptable in this instance, the buildings would be set well away from residential properties. The separation distance to flats above commercial properties on Station Road would be around 60m and the buildings would be around 100m from the dwellings on Garden City. It should also be noted that this is a town centre location, where taller and larger buildings such as Premier House are typically located. Therefore, notwithstanding the scale of development proposed and its impact on the character and appearance of the area as discussed in section 3.2 of this report, it is considered that the separation distances would ameliorate the visual impact of the scheme and that no undue amenity impact would result in terms of loss of outlook from neighbouring residential dwellings.

Overall, it is considered that the siting of the proposed buildings well away from neighbouring residential properties is such that they would not result in any significant loss of outlook to residents. The application is therefore considered to be acceptable and compliant with development plan policy in these regards.

#### Noise

The residential dwellings proposed in the development are of a nature that they would be expected not to generate unacceptably high levels of noise and disturbance to the extent that they would harm the amenities of the occupiers of neighbouring properties in the normal course of their occupation. The proposed community centre and retail/restaurant unit would be appropriate to this town centre location, and hours of use and nature of activities could be restricted by condition were this proposal otherwise considered acceptable. The proposed parking area would be in the same location as the existing, but would be covered so would be likely to have less of an impact. The Council's Environmental Health Officer considers that the impact on neighbouring amenity in respect of noise would be acceptable, subject to conditions to control the nature of any plant and machinery installed as part of the development.

In addition to this, conditions would have been recommended to ensure that the construction of the development does not result in unacceptable levels of noise and disturbance. This would include the carrying out of the works within certain hours and in accordance with a Construction Management and Logistics Plan to agreed with the Local Planning Authority. Subject to these mitigation measures the proposal would be acceptable in terms of noise impacts.

### Impacts from lighting associated with the development

Policy DM01 of the Barnet Local Plan requires new lighting schemes to not impact upon amenity. A condition would have been recommended requiring the implementation of the development in accordance with details of the external lighting installed as part of the development, were the proposal otherwise considered acceptable. Subject to this condition the proposal is considered to be acceptable and compliant with the objectives of policy in terms of preventing unacceptable lighting impacts from new development.

### Conclusion

In summary, the proposed development is considered to be acceptable and compliant with the relevant development plan policies as they relate to the protection of the amenities of neighbouring and surrounding occupiers and users.

### **3.7 Affordable housing**

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, 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.
- Resources available to fund affordable housing, to maximise affordable housing output and the investment criteria set by the Mayor.
- The priority to be accorded to provision of affordable family housing in policies 3.8 and 3.11.

It suggests that negotiations on sites should take account of their individual circumstances including development viability, the availability of public subsidy, phasing and other scheme requirements. 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.

To explain and justify this position the applicant has submitted a confidential report which evaluates the economic viability of the proposed development making a contribution to affordable housing provision. The Council has then commissioned the VOA to independently review the viability report provided and examine its findings.

The application proposes a total of 38 affordable units within Blocks A and B, which accounts for 23% of the total number of units proposed. Block A would be affordable rented and would comprise 22 units (58%), whilst Block B would comprise 16 intermediate units (42%). The applicant has submitted a viability assessment, which concludes that there would be a substantial deficit of over

£5.5 million with the proposed level of affordable housing. The VOA, acting on the Council's behalf, are broadly in agreement with this conclusion.

It is explained that the 38 units are offered on an ex-gratia basis, based on the desire to secure a planning consent and the support of the GLA. The applicant hopes that sales values increase over the lifetime of the permission to ensure that the development becomes viable. However, officers consider this to be an indication of a poorly conceived scheme, which fails to take proper consideration of what can be delivered on the site. Furthermore, there is no indication of an offer having been discussed with a registered provider (RP), which should be carried out prior to an application being submitted. The supporting text to London Plan policy 3.12 states that 'developers should engage with a registered provider prior to progressing the scheme and secure from them a commitment to provision'. This is reinforced in the London Housing SPG, which gives more detail on the types of funding streams available. The applicant has not engaged with any RP prior to submission and there is therefore no commitment to deliver the affordable housing units proposed. It is also unclear therefore whether further resources are available and officers consider that a more comprehensive scheme should be developed in partnership with an RP, in order to maximise investment towards the provision of affordable housing.

Were the proposal otherwise considered acceptable, a legal agreement would have been entered into to secure these units as affordable housing. In the absence of a S.106 agreement to ensure that the proposed affordable housing offer is delivered as such, the proposal is considered to be unacceptable and contrary to policies DM10, CS NPPF, CS4 and CS15 of the Barnet Local Plan and policies 3.12 and 3.13 of the London Plan.

### **3.8 Impact on existing trees and proposed planting:**

There are no trees on, or within the vicinity of the site, so there would therefore be no undue impact on trees as a result of the proposal.

Policy DM01 identifies that proposals will be required to include hard and soft landscaping that:

- Is well laid out in terms of access, car parking and landscaping.
- Considers the impact of hardstandings on character.
- Achieves a suitable visual setting for buildings.
- Provides appropriate levels of new habitat including tree and shrub planting.
- Contributes to biodiversity including the retention of existing wildlife habitat and trees.
- Adequately protects existing trees and their root systems.
- Makes a positive contribution to the surrounding area.

The scheme is submitted in outline, so detailed planting plans are not included. However, the Design and Access Statement submitted includes a commitment to planting as part of providing suitable landscaping for the development more widely, particularly on the courtyard space and roof terraces. Given that the site currently has no planting, this would have the

potential to result in a significant improvement in terms of urban greening, which is supported. As mentioned, officers consider that a full planning application should be submitted for the development. This would typically be accompanied by more detailed proposals for planting, including specifications for planter depths on the podium courtyard and roof terraces. However, given the outline nature of the submission, these detailed matters could be considered at reserved matters stage and conditioned accordingly. Matters relating to biodiversity and habitat provision are addressed in section 3.14 of this report in full.

### **3.9 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, seek more environmentally friendly transport networks, ensure 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 require proposals to have regard to 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. Larger schemes are also required to implement and maintain a satisfactory Travel Plan to minimise increases in road traffic and meet mode split targets.

#### Site location and description

The site is located within Edgware Town Centre, 200m from Edgware Underground Station and Bus Station. The site is bound by Station Road to the west, Church Way/ The Broadwalk shopping centre to the north and east, and Broadwalk Approach to the south. The A5 High Street which forms part of the Strategic Road Network (SRN) is located less than 200 metres to the southwest of the site.

The application site currently accommodates a mixed use development comprising B1 office use, A1 retail and A3 restaurant use. 145 informal parking spaces are available to employees at a cost of £60.00 per month.

The Public Transport Accessibility Level (PTAL) is graded from 1 for poor accessibility to 6 for excellent accessibility. For the proposed site the PTAL score is 6a. The site is located within a town centre location, close to local amenities, with good public transport accessibility and within Edgware Controlled Parking Zone (CPZ) which operates as follows:

The CPZ has an inner parking zone which is in operation during Monday to Saturday 8am to 6.30pm. Within the inner zone there is a more extensive parking restriction zone which is in operation during Monday to Sunday from 8am to 9pm. Beyond the inner zone, an outer zone operates as a one hour CPZ during Monday to Friday from 10am to 11am.

Pay by Phone short term parking is also available on Station Road. Additional parking is available in the Edgware Town Centre in the Broadwalk Shopping Centre car park and can be accessed from Church Way. The car park also provides some commuter parking spaces at a daily charge.

Edgware Bus Station is adjacent to the development site and is served by bus routes 32, 79, 107, 113, 142, 186, 204, 221, 240, 251, 288, 292, 303, 305 and 340 with bus stops located within walking distance of the site. The development is located approximately 3 minutes' walk from the Edgware Underground Station.

### Parking

A total of 107 parking spaces are proposed. 58 parking spaces are proposed for the residential use including 17 disabled parking spaces and 47 parking spaces are proposed for the commercial use including 4 disabled parking spaces.

#### *Residential use:*

The assessment of parking provision for a residential development is based on Public Transport Accessibility Level (PTAL) score. For higher PTAL of say 5/6 a parking requirement at the lower end of the council's parking policy range would be considered acceptable.

Barnet's Local Plan Development Management Policies (policy DM17) approved in September 2012 sets out Parking Standards as follows for the residential use:

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 a range of parking provision of 108 to 219 parking spaces for the residential element of the proposed development to meet the Barnet Local Plan parking standards.

The parking provision as proposed does not therefore meet the parking standards as set out in the Barnet Local Plan Development Management Policies Approved in September 2012.

The parking provision of 58 parking spaces for the residential use is significantly below the minimum 108 parking spaces required. This is likely to encourage illegal parking and may result in overspill of parking on roads immediately outside the Controlled Parking Zone.

It is noted that Barnet Local Plan policy DM17 states that residential development may be acceptable with limited or no parking within a CPZ, as future residents could be excluded from applying for a permit. It is also noted that the GLA/TfL have requested that parking levels be reduced further. However, the proposed level of parking is significantly below the range set out in Barnet Local Plan standards and there are concerns that, despite local parking controls, future residents would park outside of the CPZ, which could result in unacceptable overspill parking in these areas. The specific areas where this would be likely to occur would be to the south and west of the town centre, whereby improved pedestrian links to the town centre envisaged by the ETCF could make these suburban peripheral areas more accessible. Furthermore, the CPZ in the neighbouring borough of Harrow is not as extensive, so there could be parking overspill into these areas.

*Non residential uses:*

The following table shows the parking assessment for the non-residential uses proposed on the site and compared against the London Plan Parking Standards as recommended in the Barnet Local Plan Development Management Policies.

<b>Parking Assessment</b>	<b>Proposed GFA (m2)</b>	<b>LP Parking Standards</b>	<b>Parking spaces required</b>	<b>Parking Provided</b>	<b>Meets the Parking Standards</b>
- A1/A2/A3 Use	275	1 parking space for 75m2-50m2	Between 3.5-5.5	None Provided	No
-Existing employment use	7430	1 parking space per 100m2 – 600m2	Between 74.3 – 12.4	47 (inc 4 disabled parking spaces)	Yes
- D1/D2 Community use	1450	To be assessed individually Based on TA Submission		2	Parking provided for disabled use only
<b>Total Parking Proposed</b>				49	No

The parking provision for the non-residential uses falls short of London Plan requirements, as no parking is provided for the A1/A2/A3 use and the parking requirements for the D1/D2 community use cannot be fully assessed until the end community user has been identified. For example, a health centre would require a maximum of 1 space per 50 staff + 1 per 10 visitors. However, the proposed A1/A2/A3 unit would essentially be a replacement of the existing unit at 120-124 Station Road to be demolished, so there would be no requirement to provide parking to serve this use.

The Transport Assessment states that users of the community centre could park in the Broadwalk Shopping Centre. However, as discussed in more detail

below, the Broadwalk Shopping Centre expansion proposals are also likely to have an impact on the available parking within the existing shopping centre car park. There could therefore be further overspill parking outside of the CPZ as a result of the proposed community use.

The proposals would therefore provide inadequate parking for the residential and community uses and would be unacceptable in this regard, contrary to Barnet Local Plan policies DM17 and CS9.

#### Cycle parking

A total of 241 cycle parking spaces are proposed which meets the requirements of the London Plan Parking Standards for cycle parking. However, provision needs to be made for showering and changing facilities for the commercial use to encourage cycling. It is considered that this could be dealt with under planning condition requiring reserved matters submissions to incorporate such facilities. The GLA stage 1 response states that visitor parking should be increased from 30 to 50, to take into account recent amendments to the London Plan. Given the outline nature of the scheme and the modest increase required, it is considered that this could be provided on site and dealt with by condition, were the proposal otherwise considered acceptable.

#### Vehicle, pedestrian access, deliveries and refuse collection

The vehicular access to the site is from Church Way. Church Way is public highway up to the back of the pedestrian refuge at the signalised junction of Church Way and Station Road. Beyond the pedestrian refuge the road is in private ownership. The applicant would need to seek approval from the owners of Church Way for any highway works associated with the proposed development.

Pedestrian access to the site is from Station Road and Church Way. The pedestrian access across the vehicular access into the site on Church Way is sub-standard as there are no dropped kerbs or tactile paving provided for pedestrians and disabled users across the junction. The pedestrian access to the Broadwalk car park is also unsuitable due to its narrow width and lack of dropped kerbs by the barriers.

Furthermore the junction assessment carried out by the consultants has not taken into account the existing pedestrian phase when assessing the signalised junction of Church Way and Station Road.

#### *Delivery arrangements:*

The consultants have confirmed in the TA that full Delivery Service Plan (DSP) will be agreed with London Borough of Barnet prior to occupation. A Construction Logistics Plan (CLP) would have also been required by condition, were the proposal otherwise considered acceptable. All delivery and servicing would be carried out within the ground floor car park. Deliveries for the existing offices will be maintained to the rear of the existing units in the servicing area. This is considered to be acceptable.

*Refuse collection arrangements:*

The consultants have also confirmed that residents of each block would use refuse chutes to dispose of refuse to the ground floor storage rooms which are accessible by the refuse vehicles and are within 10 metres of reach by refuse vehicles.

Trip generation and impact on public highway

*Existing development trips:*

The Transport Assessment (TA) submitted with the planning application indicates trip analysis as follows:

The existing employment trip data survey was carried out by the consultants to inform the typical trips during the AM and PM peaks shown in the table below. The table also shows that drivers associated with Premier House currently park in Premier House and the Broadwalk Shopping Centre car park.

	Premier Place Parking			Broadwalk Parking			Total Car Trips		
	In	Out	Total	In	Out	Total	In	Out	Total
am peak	65	3	68	29	1	30	94	4	98
pm peak	7	45	52	3	20	23	10	65	75
all day	269	243	512	118	107	225	387	350	737

*Proposed residential trips for the new development:*

Residential trip rates were assessed using the industry standard TRAVL database and the following vehicular trips are proposed for the proposed 165 residential units:

Vehicular Trips	AM Peak	PM Peak	All Day Trips
New Residential Trips	20	19	175

*Proposed Premier House employment trips:*

	Premier Place Parking			Broadwalk Parking			Total Car Trips		
	In	Out	Total	In	Out	Total	In	Out	Total
am peak	23	1	25	50	2	52	74	3	77
pm peak	3	16	19	5	35	40	8	51	59
all day	97	88	185	208	188	395	305	275	580

The applicant states in the TA that due to reduction in Premier House employee parking provision, there will be a net reduction in car trips associated with the site. The table below shows the expected future car trips associated with Premier House.



*Expected changes to employment trips due to the proposed development:*

Vehicular Trips	AM Peak	PM Peak	All Day Trips
Existing Employment Trips	98	75	737
Proposed Employment Trips	77	59	580
Change in Employment Trips	-21	-16	-157

*The overall expected trip generation by the proposed new development for residential and employment use is as shown in the table below:*

Vehicular Trips	AM Peak	PM Peak	All Day Trips
New Residential Trips	20	19	175
New Employment Trips	-21	-16	-157
Total New Trips	-1	3	18

The above trip analysis provided in the TA indicates that the trip generation from the proposed development is likely to result in a reduction in the vehicular movements compared to the existing use.

However, it is proposed in the TA that the net reduction in parking provision for Premier House is likely to result in displacement of parking as per table below.

	Existing	Proposed
Premier Place Parking spaces used	133	47
Possible Broadwalk Parking spaces Used	59	103
Total Parking Spaces	192	150

*Impact on public highway:*

The ETCF identifies the Broadwalk Shopping Centre car park as a key development opportunity and supports the potential expansion of the shopping centre. The owners of the Broadwalk Shopping Centre are yet to finalise their plans, but there is no mention of engagement with this neighbouring landowner in the TA. The trip assessment needs to reflect the combined impact of the proposed development of Premier Place and the Broadwalk Shopping Centre proposals to ensure that the signalised junction at Church Way /Station Road is able to cope with the likely additional trips resulting from the proposed intensification.

The Broadwalk Shopping Centre expansion proposals are also likely to have an impact on the available parking within the existing shopping centre car park. Therefore the displacement of parking as proposed in the table above may not be realistic and could result in overspill of parking onto the public highway on the edge of the CPZ.

Although the TA states there would be a reduction in trips related to the proposed development, the overall trip generation is unlikely to reduce as it is proposed that the car parking will be transferred into the shopping centre car park.

The Linsig assessment of the signals at the junction of Station Road and Church Way has not taken into account the pedestrian phase and the impact of likely increase in trips as a result of the Broadwalk Shopping Centre expansion.

In summary, the applicant has not demonstrated that the parking displacement into the Broadwalk Shopping Centre could be satisfactorily accommodated, having regard to existing parking accumulation and future proposals for this site. In addition, the applicant's assessment of the Church Way/Station Road junction is unsatisfactory and does not account for future proposals for the Broadwalk. The ETCF makes it clear that developers are required to 'work together to coordinate their plans and proposals within the overall context of the spatial strategy' (section 4.3). The proposal could therefore result in an increase in injudicious parking outside of the CPZ area, as well conditions prejudicial to highway safety and convenience in relation to potential impact on the Church Way/Station Road junction. The proposals would therefore be contrary to Barnet Local Plan policies DM17 and CS9 in this regard.

#### Travel planning

Under the Transport for London Travel Plan guidance 'Travel Planning for new development in London incorporating deliveries and servicing' a framework Travel Plan would have been expected to be submitted for this development as it comprises of more than one use above the travel plan thresholds. However, residential and employee Travel Plans (TPs) have been included in the submission for the application. The Transport Assessment also states correctly the requirement for the community centre to also have a Travel Plan.

Although the employee Travel Plan states that it covers travel to and from the site by employees, visitors and suppliers, the targets that identify changes to the number of people using different modes of transport only relate to employee travel. The focus of the limited number of measures included in the Employee Travel Plan is also on employees with little mention of visitors.

Survey data from existing employees shows that 61% of staff travel to work by single occupancy car so for approximately 300 staff this equates approximately 180 cars. The proposed target, which is suitably challenging, is to reduce this to the average level from the 2011 census for the local area to a mode split of 48%. Due to the reduction in available parking to 47 spaces available during the day this would mean a significant number of vehicles being parked off site. No data or targets are provided for visitors to the commercial and retail elements of the proposed development.

The Residential Travel Plan submitted correctly states that it covers travel movements of residents, visitors to the residential units and suppliers, meaning deliveries and servicing. Predicted residential trips are based on data from the Transport Assessment taken from TRAVL data from residential developments with some similar attributes, although only 1 of the 3 sites used have similar levels of parking. Predicted car use is low at 23% AM peak, 25% PM peak and 21% all day so with 79% predicted for sustainable modes of travel. This compares with the census data (2011) for resident travel to work

of 48% car driver for the Edgware ward and 39% for Barnet-wide. The data has not been split by type of journeys. The target given for the proportion of single occupancy vehicle trips made by residents and visitors of 20% for 2016 and 2018 is not a large reduction however the predicted baseline of 21% is already low, recognising the potential to influence the residents from the start of them taking up residency.

A limited number of appropriate measures are included within the TP although it is suggested that some may not be found appropriate following the completion of surveys. A more extensive range of measures would be expected to be committed to, including the provision of the Travel Plan Incentive fund at £300 per unit to provide the residents with additional incentive to increase sustainable travel. As written the timing of the appointment of the Travel Plan Champion (TPC) and the introduction of the measures is tied to the completion of baseline surveys at 75% occupation. This would be too late. The TPC must be in place prior to occupation to ensure that the appropriate marketing materials, measures and advice is in place before any units are marketed. This will be essential if the low car use is to be achieved.

In line with the TfL TP thresholds the following Travel Plans would have been required through a S106 agreement, were the proposal otherwise considered acceptable:

- Strategic level Residential Travel Plan
- Strategic level Commercial/ Retail Travel Plan – to cover all existing and new commercial and retail uses for staff and visitors
- Strategic level Community Centre Travel Plan

Should the Community Centre incorporate a Nursery then an additional Nursery Travel Plan would also be required. In order for these plans to be monitored by the Council a Travel Plan monitoring fee of £20,000 would also be obligated. As strategic level travel plans the Residential, Commercial/Retail and Community Centre Travel Plans would need to be ATTrBuTE and TRAVL compliant and therefore TRAVL compliant surveys would need to be incorporated rather than just itrace compliant surveys committed to in the submission Travel Plans. Due to the number of travel plans required a Site-wide Travel Plan Champion who is also the Travel Plan Champion for the Residential TP will be required to be in place prior to occupation to ensure a range of measures are in place as future residents search for new homes. Separate TPCs would also be required for the Commercial/ Retail TP and for the Community TP and if there is a Nursery TP.

Were the application considered acceptable in other regards, specific obligations that would have been included in the S.106 terms/conditions include:

- £300 per residential unit (£49,500 total) Travel Plan Incentive fund.
- Travel Plan monitoring fee of £20,000.
- Exclusion from eligibility for on-street car parking permits within the CPZ for future residents.

- Electric vehicle charging points (EVCP): TfL has recommended that for the employment uses 20% of all spaces must be fitted with EVCP with a further 10% having passive provision. For the residential aspect the requirement is for 20% active provision and 20% passive.
- Cycle storage as per application and shower facilities.

#### Public transport improvements

The ETCF makes it clear that 'developments in Edgware will be required to contribute towards infrastructure projects within the town centre'. Section 4.4 goes on to state that 'planning obligations through S.106 agreements will continue to be used alongside CIL where appropriate to secure the provision of mitigation and compensation for development proposals and their specific associated impacts'. The relevant off-site Elements of Infrastructure (see section 3.3 of the ETCF) that would have required S.106 obligations are set out below:

- Junction improvements along Station Road: As discussed above, the assessment of this junction is considered to be unsatisfactory. Furthermore, no contribution has been secured for improvements to this junction.
- Improved public open space around Edgware Station: The development is likely to have a proportionate impact on footfall around Edgware Station. No contribution has been offered or secured for such improvements.
- Improved bus interchange: The development is likely to have a proportionate impact on footfall and use of the bus interchange. No contribution has been offered or secured for improvements.

Furthermore, TfL and the GLA have requested the following:

- Pedestrian and cycle environment: The applicant should investigate opportunities to deliver improved conditions for pedestrians and cyclists in the vicinity of the site, including the provision of Legible London wayfinding in the town centre. No contribution has been offered or secured for such improvements.
- Bus stops: The applicant should undertake an audit of local bus stops to determine if any improvements are required to make them DDA compliant. No contribution has been offered or secured for such improvements.

The proposal, in the absence of the above obligations, is considered to be unacceptable and contrary to policies DM17 and CS9 of the Barnet Local Plan Core Strategy and Development Management Policies.

#### Conclusion

In summary, the submitted Transport Assessment does not accurately assess the impact on the Church Way/Station Road junction and the proposed level of car parking is insufficient. The proposal would therefore be likely to lead to adverse highway conditions in the locality and increased kerbside parking outside of the Controlled Parking Zone to the detriment of free flow of traffic and highway and pedestrian safety. The lack of a S.106 agreement to secure the above mentioned obligations is also unacceptable. The proposal is

therefore considered to be unacceptable and contrary to policies DM17 and CS9 of the Barnet Local Plan Core Strategy and Development Management Policies.

### **3.10 Creating inclusive environments for all members of the community:**

Barnet Local Plan policy DM03 requires development proposals to meet the highest standards of accessible and inclusive design, whilst policy DM02 sets out specific considerations for development proposals. With regard to residential developments such as this proposal, all units should comply with Lifetime Homes standards with 10% wheelchair home compliance, as per London Plan policy 3.8. The retail/community units, public realm areas, streets and footpaths should also consider inclusive design principles.

The submitted documents explain that the scheme has been designed with accessibility in mind, with the levels of the courtyard public realm area being flat and accessible by lift from Station Road, as well as clear footpaths of adequate width or shared surfaces providing access to all main entrance doors. According to the illustrative plans, core entrances and the community centre entrance would be easily identified and accessed with level thresholds, whilst all block cores have lifts enabling wheelchair access to all of the accommodation. All of the proposed flats would comply with Lifetime Homes standards, with 10% wheelchair homes compliance, thereby satisfying the 10% requirement set out in the London Plan. 17 wheelchair accessible parking spaces are proposed for the flats, along with 4 for the community and retail uses, which would comply with Lifetime Homes standards. It is noted that there are no detailed internal layouts submitted for the retail or community uses, but each of the units would be of an adequate size to enable wheelchair accessible layouts and facilities to be provided.

Subject to these controls and the requirements in place under other legislation officers conclude that the design and layout of the proposal as submitted in illustrative form is such that it is acceptable in terms of creating a development that is accessible, useable, permeable and inclusive for all members of the community.

### **3.11 Contaminated land and water quality issues:**

No information has been submitted in relation to land contamination. However, the Council's Environmental Health Service considers that the land could be contaminated due to the historic railway use. They have recommended conditions requiring an assessment to be carried out and potential mitigation put in place. Subject to the imposition of these conditions, the proposal would be acceptable in this regard. Any impact on water quality could be ameliorated through the imposition of conditions requiring 'fat traps' to be installed in commercial kitchens and petrol/oil interceptors to be installed in car park areas, as recommended by Thames Water.

### **3.12 Safety and security matters:**

Development plan policies require new developments to provide a safe and secure environment for people to live and work in and reduce opportunities for crime and fear of crime. London Plan policy 7.3 states that 'development should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating'. It goes on to set

out a series of principles for development to adhere to, including ensuring clear public/private delineation, natural surveillance, appropriate activity at all times and a sense of ownership over communal spaces. Barnet Local Plan policy DM02 seeks to ensure that Secured by Design is considered in development proposals, in consultation with the Metropolitan Police. Further guidance is provided in *'Safer Places - The Planning System & Crime Prevention'* (2004), which explains the main attributes of safe and sustainable places, including structure, surveillance and ownership.

The proposal incorporates a number of elements that would improve surveillance of public spaces, including the new shop front and new retail unit to the Church Way elevation of 102-106 Station Road. However, the design approach adopted, coupled with the constrained nature of the site, which backs onto dead spaces on two sides, has resulted in a layout that creates narrow spaces that are poorly overlooked. The main areas of concern are located between the proposed buildings and the site boundary with the Broadwalk Shopping Centre, as well as the main vehicle entrance from Church Way.

The proposal would necessitate ground floor undercroft parking, with ventilation grills around the sides of the building. This would result in a long section of blank ground floor frontage close to the south east and north east boundaries of the site with the Broadwalk Shopping Centre. There would therefore be narrow areas of dead space between the proposed development and the shopping centre that would not be adequately overlooked and would provide a secluded area that could potentially be used by persons with criminal intent. The Broadwalk Shopping Centre access and the side road known as Approach Way are not enclosed or gated and fall outside of the applicant's control. Aside from general concerns over increased crime levels in Edgware, this could pose a specific security threat to the proposed community centre and the occupiers of the proposed residential flats above.

The Design and Access Statement includes images of how this blank frontage could be developed in future, should a comprehensive proposal come forward for the redevelopment of the shopping centre. This would comprise ground floor retail frontage to a new shopping street. However, discussions with the Broadwalk Shopping Centre suggest that their development proposals for the Broadwalk site would not involve the demolition of the existing Sainsbury's store or the creation of a new street in this location. Notwithstanding this, the provision of ground floor units would reduce the amount of parking within the scheme, the low levels of which are already a concern, as discussed in section 3.9 above.

There is also a concern that the proposed courtyard public realm area would be difficult to control, which could compromise the privacy and sense of safety and security for users of this space. This is a concern shared by the GLA, who have suggested that this space be provided as private communal amenity and play space only. The Metropolitan Police have similar concerns over this space and consider that there should be a clear distinction between the public and private spaces, perhaps in the form of landscape buffers. However, officers consider that this approach would diminish the quality of the courtyard space for both public and private users. This reinforces officer's view that the

shared space concept is unworkable in the current scheme layout. As discussed above in appraisal section 3.1, the scheme as proposed has an inward looking focus. The appropriate location for new and improved public realm would be along Station Road, potentially as widened pavement area, which would result in an enhanced shopping environment for the town centre and would have adequate natural surveillance due to footfall and activity in the street.

In summary, the scheme would not provide a safe and secure environment for people to live and work in, nor reduce opportunities for crime and fear of crime. The proposal would therefore conflict with London Plan policy 7.3 and Barnet Local Plan policies CS12 and DM02.

London Fire and Emergency Planning Authority have been consulted on the application and raised some concerns over access to the residential cores, which according to the plans submitted would only be accessible through the undercroft car park. In response to this, the applicant has submitted a plan demonstrating that access to the cores could be achieved from Approach Way or from the Broadwalk Shopping Centre. Although these areas are outside of the applicant's control, this would be for emergency access only. The Fire Brigade are satisfied that detailed design proposals could overcome this issue, so this could be resolved at reserved matters stage.

### **3.13 Flooding and water infrastructure matters:**

London Plan policy 5.13 sets out a hierarchy for the management of surface water and Barnet Local Plan policy DM04 reinforces this as the starting point for consideration of surface water drainage matters. Barnet Local Plan policy CS13 states that development should utilise Sustainable Urban Drainage (SUDS) where possible, in order to reduce and manage surface water run-off.

The site lies in Flood Zone 1, with a low annual probability of flooding. At present, the surface water drainage from the car park connects to the Thames Water public surface water sewer. The application proposes to attenuate flows from the site to the existing sewer by mean of a hydrobrake flow control and on-site storage. This is considered to be an appropriate response to the Mayor's hierarchy on this site, which would not be suitable for a full SUDS design.

The applicant has submitted a Foul Sewage and Utilities Assessment, which concludes that connections can be made to existing networks, with some reinforcement works potentially required to electricity and foul sewerage systems. Thames Water have concerns over the ability of local wastewater infrastructure to accommodate the proposed development

Conditions would be recommended to ensure that water use by the development is minimised. Subject to these conditions the development is found to be acceptable in this respect. Overall therefore, the proposal is considered to be acceptable and compliant with planning policies on flooding and water infrastructure matters, subject to conditions.

### **3.14 Energy, climate change, biodiversity and sustainable construction matters:**

London Plan Policy 5.2 requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy

Residential developments are currently required to achieve a 40% reduction in carbon dioxide emissions when compared to the 2010 Building Regulations. Policy 5.3 of the London Plan goes on to set out the sustainable design and construction measures required in developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation.

Barnet Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrates compliance with the Mayor's targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy. Proposals are also expected to comply with the guidance set out in the council's Supplementary Planning Documents (SPD) in respect of the requirements of the Code for Sustainable Homes. The CAAP provides that schemes such as this should achieve Code Level 4 or above against the Code for Sustainable Homes and BREEAM 'Excellent' for non-residential uses.

#### **Carbon dioxide emissions**

The application is accompanied by a Sustainability Statement and Energy Statement, which include an assessment of the options considered under the Mayor's hierarchy. The chosen options include built fabric improvements such as high insulation values and low energy lighting. These improvements would reduce the carbon dioxide emissions of the scheme by 16.8%.

There are no district heating systems in the immediate vicinity of the site, but the scheme would be of a suitable size to incorporate a Combined Heat and Power (CHP) system, to provide both the residential and community with heat. A space has been allocated adjacent to the undercroft parking area to house the necessary plant and ducting could be provided to Station Road for future connection to a district heating system. The CHP system would be gas-fired and it is estimated that this would reduce the carbon dioxide emissions of the development by 22.8%.

A feasibility study has been carried out into available and viable low and zero carbon technologies and photovoltaic (PV) panels are proposed for the roof level. A plan is included with the Energy Statement, showing the location of the PV panels. It is noted that some of panels would be located in areas of roof that are relied upon for amenity space provision, so there could be some conflict here. The applicant should bear this in mind for future submissions. The PV systems are expected to reduce carbon dioxide emissions by 8.1%.



These measures taken together would reduce CO2 emissions for the whole development by more than 40%. This would therefore exceed the requirements of London Plan policy 5.2.

#### Code and BREEAM

The Sustainability Statement sets out the applicant's commitment to achieving level 4 under the Code for Sustainable Homes and BREEAM 'Excellent' for the commercial elements of the scheme. Code for Sustainable Homes and BREEAM pre-assessments have been included, which demonstrate compliance with these standards. Were the proposal otherwise considered acceptable, conditions would have been recommended to ensure that the development meets these requirements as a minimum. Therefore, subject to conditions the proposal is found to be acceptable and policy compliant in respect of reducing carbon dioxide emissions.

#### Biodiversity matters

Barnet Local Plan policy DM16 states that when it is considering development proposals the council will seek the retention, enhancement or creation of biodiversity. Where development would affect a Site of Importance for Nature Conservation (SINC) or a species of importance the council will apply the following hierarchy:

1. Avoid adverse impact to biodiversity interest.
2. Minimise impact and seek mitigation.
3. Only in exceptional cases, where the benefits of the proposal clearly outweigh the biodiversity impacts, seek appropriate compensation.

The application site is not designated as a SINC and is unlikely to contain any habitats that could attract protected species, although some works are proposed to existing buildings, including demolition, so it is possible that bats could be affected. The closest SINC is located some 250m to the east, which is Borough level and comprises land around the railway lines.

The application is not accompanied by a phase 1 habitat survey. Natural England's consultation response states that local planning authorities should be satisfied that there would be no impact on protected species as a result of the proposal and has prepared 'standing advice' to be followed in these circumstances. Having followed Natural England's standing advice in respect of this site, officers conclude that there is no requirement at this stage for habitat surveys to be carried out and the proposal would therefore not unduly affect protected species.

However, the Sustainability Statement suggests that it is appropriate for the development to provide biodiversity enhancements. For large buildings in an urban environment, such improvements would typically consist of habitat creation for bats and birds, as well as high quality landscaping and green roofs. Conditions would have been recommended to ensure that bird boxes are erected and appropriate new planting takes place, were the proposal otherwise considered acceptable.

Subject to these controls and the requirements in place under other legislation the proposal is found to be acceptable and compliant with the objectives of planning policy on biodiversity and nature conservation matters.

### Other aspects of sustainable design and construction

The proposal includes a number of features that have been incorporated to develop in a sustainable way, mitigate and adapt to climate change, conserve resources and minimise pollution. These include elements such as new planting, the provision of appropriate recycling facilities, the inclusion of energy efficiency measures and the installation of facilities for cycle storage. Conditions would have been recommended requiring a Site Waste Management Plan to be submitted and approved, to ensure that materials are sourced sustainably where possible and measures are put in place to minimise waste, as well as specifications for external lighting

To address policies on urban greening specifically the development includes areas of planting and soft landscaping at a ground level, including new areas of communal amenity space and private rear gardens for each of the houses proposed and the details of this would be subject to condition.

The submitted Sustainability Statement demonstrates that average per person water use within the development would be less than 90 litres/day, in line with the requirements of London Plan policy 5.15. This would be achieved through dual flush WCs, flow restricted taps/showers and standard washing machine settings. Water butts would be provided in communal gardens to collect rainwater for irrigation.

In terms of ambient noise and air quality, as mentioned above the Council's Environmental Health Service considers the site to be suitable for residential use subject to the conditions recommended. In summary, the proposal is considered to be fully compliant with Local Plan and London Plan policies on energy and sustainability.

### **3.15 Environmental Impact Assessment Regulations:**

The development for which consent is sought is not considered to be of a description identified in Schedule 1 of the Regulations (Town and Country Planning (Environmental Impact Assessment) Regulations 2011). However, the development is considered to be of a description identified in column 1 of Schedule 2 of the Regulations. The development described in the submission is deemed to fall within the description of 'urban development projects'.

A Screening Opinion has been adopted by the Council confirming that it was not necessary to carry out an Environmental Impact Assessment in respect of this scheme. Therefore an Environmental Impact Assessment is not necessary and an Environmental Statement, in line with the Regulations, is not required to be submitted with the application.

### **3.16 Socio-economic impact:**

#### Education and Health

The expected child yield of the development and breakdown is set out in the below table:

Age Group	Block A	Block B	Block C	Block D	Total
0-4	10.52	0.87	2.17	5.14	18.7

5-10	4.24	0.31	0.62	2.39	7.56
11-15	1.9	0.13	0.31	0.82	3.16
16-18	0.94	0.12	0.31	0.67	2.04
Total	17.6	1.43	3.41	9.02	31.46

The proposed development is expected to generate a total child yield of around 31 children. This additional school age population is not expected to give rise to significant concerns in terms of school capacity. The substantial CIL payment associated with this scheme would in part contribute to the provision of local education facilities and the proposal would therefore have an acceptable impact in this regard. The modest population increase associated with the development would give rise to undue impacts on healthcare provision in the area, which could also be mitigated for through CIL funding.

### **3.17 Planning obligation matters:**

Policy CS15 of the Barnet Local Plan states that where appropriate the Council will use planning obligations to support the delivery of infrastructure, facilities and services to meet the needs generated by development and mitigate the impact of development.

In accordance with development plan policies and the Council's supplementary planning documents the following obligations are typically required to be secured through a legal agreement with the developer. However, owing to officer's recommendation for refusal, a S.106 agreement has not been entered into to secure the required mitigation and the proposal is therefore unacceptable. The required obligations are as follows:

#### Affordable Housing

The provision of the affordable rent/intermediate housing units as proposed, with the Council to have full nomination rights on these units. Review mechanism to reappraise quantum of affordable housing provision, should viability improve prior to implementation of the scheme/submission of reserved matters.

#### Transportation and Public Realm

##### *Junction improvements along Station Road*

There are 3 junctions identified for improvement, including the Station Road/Church Way junction. As discussed below in section 3.9 of this report, the assessment of this junction is considered to be unsatisfactory. This development would be expected to have a proportionate impact on this junction.

##### *Improved public open space around Edgware Station*

The development is likely to have a proportionate impact on footfall around Edgware Station. This development would be expected to have a proportionate impact in this regard.

##### *Improved public realm along Station Road*

This site has a frontage along Station Road of approximately 100m. There are

also no proposals for comprehensive improvements to the Station Road frontage.

#### *Improved bus interchange*

The development is likely to have a proportionate impact on footfall and use of the bus interchange.

#### *Pedestrian and cycle environment*

The applicant should investigate opportunities to deliver improved conditions for pedestrians and cyclists in the vicinity of the site, including the provision of Legible London wayfinding in the town centre.

#### *Bus stops*

The applicant should undertake an audit of local bus stops to determine if any improvements are required to make them DDA compliant. No contribution has been offered or secured for such improvements.

#### *Strategic level Residential/ Commercial/ Community Centre Travel Plan*

To cover all existing and new commercial and retail uses for staff and visitors. Including £300 per residential unit (£49,500 total) Travel Plan Incentive fund and Travel Plan monitoring fee of £20,000. Furthermore, exclusion from eligibility for on-street car parking permits within the CPZ for future residents would need to be secured.

#### Monitoring

A monitoring contribution would be required in line with the Council's Planning Obligations SPD.

### **3.18 Barnet Community Infrastructure Levy**

The proposed development is liable for charge under the Barnet 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 applications are determined. The applicant has stated that the existing floorspace on the site to be demolished has been occupied lawfully for 6 of the last 12 months. As such it is possible that only additional floorspace generated by the development (less the area of undercroft car parking proposed) would be potentially liable for charge under Barnet 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 Barnet CIL charge of **£1,578,690**.

### **3.19 Mayoral Community Infrastructure Levy**

The proposed development is liable for charge under the Mayoral CIL (at a rate of £35 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. The applicant has stated that the existing floorspace on the site to be demolished has been occupied lawfully for 6 of the last 12 months. As such it is possible that only additional floorspace 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 charge of **£557,305**.

#### **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 refuse planning permission for the proposed development would not conflict with the Council’s statutory duty under this legislation, the Council’s Equalities Policy or the commitments set out in Barnet’s Equality Scheme.

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

The objections raised are considered in the above appraisal and analysis.

#### **6. CONCLUSION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine an 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 planning considerations, have been carefully considered and taken into account by officers in their assessment of this application.

For the reasons identified in the reasons for refusal set out at the start of this report and explained in further detail in the planning considerations section of the main body of the report it is found that the proposed development fails to comply with a number of important development plan policies and planning guidance documents. As there are no material planning considerations which

are sufficient to overcome these conflicts with development plan policy and guidance it is considered that there are material planning considerations which justify the refusal of planning permission. The application is therefore recommended for **REFUSAL** for the reasons set out at the start of this report.

## APPENDIX 1: PLANS OF THE PROPOSED DEVELOPMENT

### Site layout and context as proposed



## APPENDIX 2: INFORMATIVES

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF) the Council takes a positive and proactive approach to development proposals, focussed on solutions. To assist applicants in submitting development proposals the Local Planning Authority has produced planning policies and written guidance. A pre-application advice service is also offered.

In this instance the applicant did not seek formal pre-application advice and, regrettably, the submitted proposals do not constitute sustainable development as envisioned by the NPPF and local/regional policy, for the reasons set out above. Accordingly, it is not possible to approve this application and no amendments can be made to the proposals within the course of this application to overcome these reasons. The applicant is advised to engage with Council officers with a view to proactively working towards a revised submission that overcomes the above reasons for refusal and addresses the relevant policy considerations for this site.

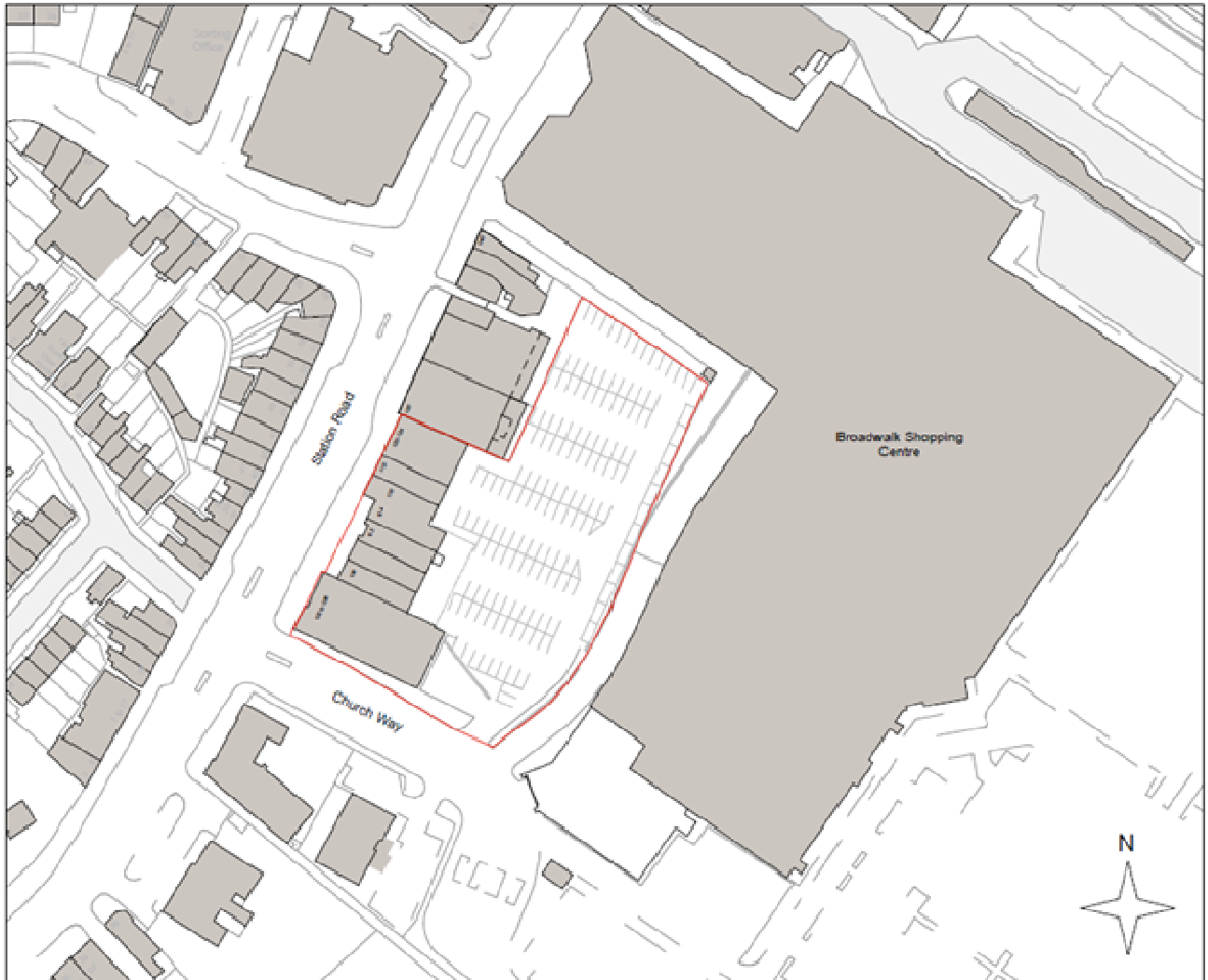
2. The plans and documents accompanying this application are:

138(MP)01 Rev PL1; 138(MP)02 Rev P1; 138(MP)03 Rev PL1;  
138(MP)04 Rev PL1; 138(MP)05 Rev PL1; 138(MP)06 Rev PL1;  
138(GA)01 Rev PL1; 138(GA)02 Rev PL1; 138(GA)03 Rev PL1;  
138(GA)04 Rev PL1; 138(GA)05 Rev PL1; 138(GA)06 Rev PL1;  
138(GA)07 Rev PL1; 138(GA)08 Rev PL1; 138(GA)09 Rev PL1;  
138(GA)10 Rev PL1; 138(GA)11 Rev PL1; 138(GA)12 Rev PL1;  
138(GA)20 Rev PL1; 138(GA)21 Rev PL1; 138(GA)22 Rev PL1;  
138(GA)30 Rev PL1; 138(GA)31 Rev PL1; 138(GA)32 Rev PL1; Design Code; Design and Access Statement; Planning Statement; Transport Assessment, Appendices and Travel Plan; Statement of Consultation; Affordable Housing Viability Assessment (Confidential); Noise Impact Assessment; Air Quality Assessment; Daylight and Sunlight Assessment; Energy Strategy; Sustainability Statement; Foul Sewage and Utilities Assessment.



**SITE LOCATION PLAN: 102-124 Station Road and car park to rear,  
Edgware, HA8 7BJ**

**REFERENCE: H/05793/13**



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## **7 Monitoring of the Agreement**

**£1,496.25**

Contribution towards the Council's costs in monitoring the obligations of the agreement.

### **RECOMMENDATION II:**

That upon completion of the agreement the Assistant Director of Development Management & Building Control approve the planning application reference: F/01148/14 under delegated powers subject to the following conditions: -

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

- Drawings 1676 P 150, 1676 P 151, 1676 P 152, 1676 P 153, 1676 P 154, 1676 P 155, 1676 P 156, 1676 P 157, 1676 P 158, 1676 P 159, 1676 P 160, 1676 P 161, 1676 P 162, 1676 P 163, 1676 P 164, 1676 P 165.
- Design and Access Statement
- Sustainability Statement
- Arboricultural Impact Assessment Report
- Archaeological Desk Based Assessment
- Ecology Report
- Bat Inspection
- Transport Assessment
- Travel Plan
- Energy Statement
- Flood Risk Assessment
- Noise Assessment
- External Building Fabric Report
- Environmental Risk Assessment
- Air Quality Assessment
- Affordable Housing Viability Appraisal
- Planning Statement

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

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

Reason:

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

3. Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

4. Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

5. Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with policies DM01, DM03, DM17 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

6. With the exception of areas marked as terraces or balconies on the approved plans listed in condition 1, the flat roof areas of the buildings extension hereby permitted shall only be used in connection with the repair and maintenance of the buildings and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason:

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

7. Before the building hereby permitted is occupied the proposed windows listed below shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.
- First, second and third floor windows in the side elevation of Core C facing Conifer Court
  - First, second and third floor windows in the side elevation of Core C facing Core B
  - First, second and third floor windows in the side elevation of Core B facing Core A

Reason:

To safeguard the privacy and amenities of occupiers of the site and adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

8. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no installation of any structures or apparatus for purposes relating to telecommunications shall be installed on any part the roof of the building(s) hereby approved, including any structures or development otherwise permitted under Part 24 and Part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any equivalent Order revoking and re-enacting that Order.

Reason:

To ensure that the development does not impact adversely on the townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with policy DM01 and DM18 of the Adopted Barnet Development Management Policies DPD (2012).

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

Reason:

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

10. Before the development hereby permitted is occupied, details of the subdivision of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority, implemented and retained as such on site thereafter.

Reason:

To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Adopted Barnet Development Management Policies DPD (2012).

11. The property shall be used as self-contained units as shown on the hereby approved drawings under Class C3 (a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

12. A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

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

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

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

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

15. Before this development is commenced details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site shall be submitted and approved in writing by the Local Planning Authority and the development carried out in accordance with such approval.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

16. No site works or works on this development shall be commenced before temporary tree protection has been erected around existing tree(s) in accordance with details to be submitted and approved in writing by the Local Planning Authority. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

17. No siteworks or works on this development shall be commenced before a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing piling and basement details and precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations are submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with such approval.

Reason:

To safeguard the health of existing trees which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

18. Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason:

To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

19. The dwelling(s) shall achieve a Code Level 4 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme) and achieve full Lifetime Homes credits. No dwelling shall be occupied until evidence that the Lifetime Homes credits have been achieved and a Final Code Certificate has been issued certifying that Code Level 4 has been achieved and this certificate has been submitted to and approved by the local planning authority.



Reason:

To ensure that the development is sustainable and complies with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).

20. All new residential dwellings within the development hereby approved shall be constructed to meet and achieve the 'Lifetime Homes' standard.

Reason:

To ensure the development meets the needs of its future occupiers and to comply with the requirements of policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and policies 3.8 and 7.2 of the London Plan 2011.

21. Before the development hereby permitted commences details of the location within the development and specification of the 6 units to be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users shall be submitted to and approved in writing by the Local Planning Authority. The specification provided for the 6 units shall demonstrate how the units will be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users. The development shall be implemented in full accordance with the details as approved prior to the occupation of the development.

Reason:

To ensure that the development is accessible for all members of the community and to comply with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and policies 3.8 and 7.2 of the London Plan 2011.

22. Prior to the first occupation of the development a scheme detailing all play equipment to be installed in the communal amenity space on the part of the site identified in drawings listed in condition 1 shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the details as approved prior to the first occupation of the development.

Reason:

To ensure that the development represents high quality design and to accord with policies CS7 of the Core Strategy and DM02 of the Development Management DPD and policy 3.6 of the London Plan 2011.

23. The dwellings hereby approved shall have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters.

Reason:

To encourage the efficient use of water in accordance with policies DM02 of the Development Management DPD (2012) and 5.15 of the London Plan 2011.

24. Before the development hereby permitted is occupied full details of the photovoltaic panels to be installed as part of the scheme shall have been submitted to and approved in writing by the Local Planning Authority. The photovoltaic systems detailed in the information provided shall be fully installed and operational prior to the first occupation of the building and shall thereafter be maintained in accordance with the approved details.

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.

25. Prior to the first occupation of the dwellings hereby approved full plans, details and specifications of all external lighting to be installed as part of the development shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved details prior to the first occupation of the development and thereafter be maintained as such.

Reason:

To ensure that appropriate lighting is provided as part of the development in accordance with policy DM01 of the Barnet Local Plan and 5.3 of the London Plan.

26. Before the development hereby permitted is occupied the parking spaces shown on drawings listed in condition 1 shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason:

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

27. Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the approved parking spaces to be provided with electric vehicle charging facilities. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason:

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

28. No site works or works on this development including demolition or construction work shall commence until a Demolition, Construction and Traffic Management Plan has been submitted to and approved in writing by

the Local Planning Authority. All works must be carried out in full 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.

29. Within 3 months of occupation a local level Residential Travel Plan that meets the requirements of the Transport for London document 'Travel planning for new development in London' and is ATTrBuTE compliant shall be submitted and approved by the Local Planning Authority. This should include the appointment of a Travel Plan Champion. The Travel plan should be reviewed in accordance with Transport for London's 'standardised approach to monitoring'.

Reason:

To encourage the use of sustainable forms of transport to the site 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 development commences, a scheme of proposed noise mitigation measures shall be submitted to and approved by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before any of the units are occupied.

Reason:

To ensure that the amenities of occupiers are not prejudiced by road traffic noise in the immediate surroundings in accordance with policy DM04 of the Adopted Barnet Development Plan 2012.

31. Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before any of the units are occupied.

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 Adopted Barnet Development Management Policies 2012.

32. Part 1

Before development commences other than for investigative work:

- a. A desktop study 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 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

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 policies DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF of the Adopted Barnet Core Strategy DPD (2012) and 5.21 of the London Plan 2011.

33. Before the development hereby permitted is brought into use or occupied details of the:
- i. Enclosures, screened facilities and/or internal areas of the proposed buildings to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable;
  - ii. satisfactory points of collection; and
  - iii. details of the refuse and recycling collection arrangements
- shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and the refuse and recycling facilities provided fully in accordance with the approved details before the development is occupied and the development shall be managed in accordance with the approved details.

Reason:

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

34. The development hereby permitted shall not commence (except site preparation/enabling works) until a drainage strategy detailing all on and off site drainage works to be carried out in respect of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. No foul, surface or ground water shall be discharged from the development hereby approved into the public sewer system until the drainage works referred to in the strategy have been completed 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.

35. The only toilets to be installed in the development hereby approved shall be dual flush (6 to 4 litres) toilets and all taps fitted in the development shall be spray or flow restricted taps.

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.

36. Notwithstanding the approved plans, drawings at 1:20 scale showing details of the window reveal depths shall be submitted and approved in writing by the local planning authority prior to commencement of the development hereby approved (except site preparation/enabling works). The development shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason:

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

#### **INFORMATIVE(S):**

1. i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

ii) In this case, formal pre-application advice was sought prior to submission of the application.

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £70,648 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £156,668 payment under Barnet CIL.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

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

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

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

Relief or Exemption from CIL

If social housing or charitable relief applies to your development or your

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

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

### 1. Charity

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

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

### 2. Residential Annexes or Extension

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

### 3. Self Build

Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk)

Visit:

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

### 3. Highways informatives:

If the development is carried out it will be necessary for any existing redundant vehicular crossover(s) to be reinstated to footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Crossover Team in Environment and Operations Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

The applicant must submit an application under Section 184 of the Highways Act (1980) for the proposed vehicular access which will need to be constructed as a heavy duty kerbed access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.

To receive a copy of our Guidelines for Developers and an application form please contact: David M Smith, Clerk of Works, Traffic & Development Section – Traffic and Development Section, London Borough of Barnet, North London Business Park (NLBP) Building 4, Oakleigh Road South,

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

The applicant is advised that the development is located on or will have an impact on the Strategic Road Network (SRN). 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.

The costs of any associated works to the public highway, including reinstatement works, will be borne by the applicants and may require the applicant to enter into a 278 Agreement under the Highways Act 1980. Detailed design will have to be approved by Environment and Operations Directorate.

4. You are 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 supplementary planning document on Sustainable Design and Construction requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements

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

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: 1) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and measurement of environmental noise; 2) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 3) BS 8223: 1999 - 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) Department of transport : Railway Noise and insulation of dwellings.

5. 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;
- 2) Planning Policy Statement 23 (PPS 23) - England (2004);
- 3) BS10175:2001 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.

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.

6. Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.

7. Wildlife and Countryside Act 1981 Obligations etc: TIN/TPO  
Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.

8. A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

9. 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 lay out – habitable rooms away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint – setting 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) NSCA Guidance: Development Control: Planning for Air Quality and the Planning Policy Statement 23: Planning and Pollution Control; 2) Environment Act 1995 Air Quality Regulations, Planning Policy Statement 23: Planning and Pollution Control, Annex 1: Pollution Control, Air and Water Quality; 3) Local Air Quality Management Technical Guidance LAQM.TG(03); 4) London Councils Air Quality and Planning Guidance, revised version January 2007.

10. Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day as calculated according to the Code for Sustainable Homes.

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework

#### The Mayor's London Plan: July 2011

- Policy 3.3 – Increasing Housing Supply
- Policy 3.4 – Optimising Housing Potential
- Policy 3.5 – Quality and Design of Housing Developments
- Policy 3.8 – Housing Choice
- Policy 3.9 – Mixed and Balanced Communities
- Policy 3.10 – Definition of Affordable Housing
- Policy 3.11 – Affordable Housing Targets
- Policy 3.12 – Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- Policy 3.13 – Affordable Housing Thresholds
- Policy 3.14 – Affordable Housing Thresholds
- Policy 5.2 – Minimising carbon dioxide emissions
- Policy 5.3 – Sustainable design and construction
- Policy 5.14 – Water quality and wastewater infrastructure
- Policy 5.15 – Water use and supplies
- Policy 6.12 – Road network capacity
- Policy 7.1 – Building London's Neighbourhoods and Communities
- Policy 7.2 – An Inclusive Environment
- Policy 7.3 – Designing Out Crime
- Policy 7.4 – Local Character
- Policy 7.6 – Architecture
- Policy 7.14 – Improving air quality

#### Core Strategy Policies 2012

- Policy CS 1 Barnet's Place Shaping Strategy – The Three Strands Approach
- Policy CS 3 Distribution of growth in meeting housing aspirations
- Policy CS 4 Providing quality homes and housing choice in Barnet
- Policy CS 5 Protecting and Enhancing Barnet's character to create high quality places
- Policy CS 7 Enhancing and Protecting Barnet's Open Spaces
- Policy CS 9 Providing safe, effective and efficient travel
- Policy CS 15 Delivering the Core Strategy

#### Development Management Policies 2012

- DM01 Protecting Barnet's character and amenity
- DM02 Development standards
- DM03 Accessibility and inclusive design
- DM04 Environmental considerations for development
- 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
- DM17 Travel impact and parking standards

Local Supplementary Planning Documents (SPDs):

- Barnet SPD: Planning Obligations (Section 106) (September 2006)
- Barnet SPD: Contributions to Health Facilities from Development (July 2009)
- Barnet SPD: Contributions to Education from Development (February 2008, Updated January 2010)
- Barnet SPD: Contributions to Library Services from Development (June 2008)
- Barnet SPD: Sustainable Design and Construction (June 2007)
- Barnet SPD: Affordable Housing (February 2007, Updated 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)
- Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
- Land for Industry and Transport SPG (September 2012)
- Mayor Housing SPD

Relevant Planning History:

**Site Address:** 213 - 223 Great North Way, London, NW4 1PN  
**Application Number:** F/03551/10  
**Application Type:** Full Application  
**Decision:** Migrated Code  
**Decision Date:** 06/05/2011  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Demolition of six dwellings and erection of a three storey building plus rooms in roof space and basement to facilitate a specialist elderly dementia care home (C2 use) for 73 patients. Vehicular access & associated car parking for 15 cars.**  
**Case Officer:** Fabien Gaudin

F/03042/13 - Demolition of existing buildings and erection of 5 blocks (four, 4-storey buildings and one, 3-storey building). Including 66 basement parking spaces with vehicular access and landscaping. - Refused for the following reasons on 17/10/2013 - Currently at Appeal

1. The proposed buildings would, by reason of their design, size, height, bulk, mass, layout and density, result in a cramped form of development and an overdevelopment of the site which would be detrimental to the character and appearance of the surrounding area contrary to policies 3.4, 3.5, 7.4, 7.5 and 7.6 of the London Plan, policy CS1 and CS5 of the Local Plan Core Strategy DPD (Adopted) 2012, policies DM01 of the Local Plan Development Management Policies DPD (Adopted) 2012 and the adopted Barnet Residential Design Guidance Supplementary Planning Document (2013)

2. The proposed development by reason of its density, associated comings and goings and general increase in activity on site would cause harm to the residential amenity of neighbouring occupiers contrary to policies DM01 and DM04 of the Local Plan Development Management Policies DPD (Adopted) 2012 and the adopted Sustainable Design and Construction Supplementary Planning Document (2013).
3. The proposed development does not include a formal undertaking to meet the required costs required towards improvements to the pedestrian environment in the vicinity of the site, the monitoring of the travel plan and therefore would not address the highways impacts of the development, contrary to policy CS9 of the Local Plan Core Strategy DPD (Adopted) 2012 and policy DM17 of the Local Plan Development Management Policies DPD (Adopted) 2012 and the adopted "Planning Obligations" Supplementary Planning Document.
4. The development does not include a formal undertaking to provide a contribution to affordable housing to meet the demand for such housing in the area contrary to policy 3.13 of the London Plan, policies CS4, CS10 and CS11 of the Local Plan Core Strategy DPD (Adopted) 2012 and DM10 of the Local Plan Development Management Policies DPD (Adopted) 2012; and the adopted Supplementary Planning Documents "Affordable Housing" and "Planning Obligations".

#### Consultations and Views Expressed:

Neighbours Consulted: 156      Replies: 5  
 Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Where will cars park? Parking is insufficient
- Dangerous to other highway users and pedestrians
- Proposed development is cramped and overdevelopment
- Density and comings and goings would be detrimental to neighbouring amenity.
- Corner with Ashley Lane and service road is unsafe
- Cars would park near corner which would be unsafe
- Visibility splay to Ashley Lane should be widened
- Visitors parking should be provided.
- Construction, access and parking method statement should be provided.

#### Internal /Other Consultations:

- Traffic and Development - Comments contained within main report
- Environmental Health - No objection subject to conditions
- Trees and Landscape - Comments contained within main report.
- Refuse - No objection. Refuse details would be subject to a condition.
- Metropolitan Police Service - From previous correspondence, the applicants

have indicated an intention to comply with the ACPO scheme 'Secured By Design' (SBD), particularly in relation to Section 2 Physical Security to comply with Code for Sustainable Homes (CfSH). The MPS view this as a positive indicator in relation to this development, and would welcome an application to apply for certification that may serve as evidence of compliance for CfSH.

- London Fire Brigade - No response received at time of writing report.
- Transport for London - TfL are of the view that the proposals are unlikely to have significant impact on the TLRN but consider it to be an overprovision of parking spaces.

Date of Site Notice: 27 March 2014

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site is located on Great North Way. It is bordered to the south by a service road which runs parallel with A1 the Great North Way. Ashley Lane forms the Eastern site boundary and existing residential development forms the northern and western boundaries to the site.

Development along Great North Way is mixed in nature. It consists mainly of blocks of flats of varying designs. The application is accompanied by extensive streetscene elevations that aim to demonstrate this mixed character. Whilst building heights vary, the blocks of flats generally are three to four storey in height.

The character of Ashley Lane is more domestic in nature with smaller two storey (plus roof) houses to the north. The site opposite however (52 Ashley Lane) has recently been redeveloped as a block of flats within a two storey building with additional rooms within a mansard roof.

Trees within the grass verge of Ashley Lane have recently been included in a Tree Preservation Order.

### Proposal:

The proposal seeks planning permission for the demolition of existing buildings and construction of 48 apartment flats (Class C3) arranged in 3no. three storey blocks with additional accommodation within roofspace, basement parking, vehicular access off Ashley Lane and landscaping.

### Planning Considerations:

#### **Site History**

Members will recall that a previous planning application for development on the site was presented to the Planning and Environment Committee on 17/10/2013. The item was recommended for approval by officers but was refused by Members at the meeting. The applicant has revised the scheme in an effort to address the concerns of the Committee.

The following changes have been made:

- Reduction in bulk and massing of the proposed buildings.
- The block to the rear on Ashley Lane has been removed, and the scale of the buildings reduced to three blocks of more equal size.
- The design of the blocks has been altered and is now a more traditional approach with pitched roofs as opposed to flat roofs. The height of the buildings is now three storeys with rooms in the roofspace. The block closest to Ashley Lane would now step down to a two storey element in order to respect the more suburban character of houses on Ashley Lane.
- Reduction in the number of proposed units from 55 to 48.
- Revised dwelling mix of 10 x 1 bed flats, 32 x 2 bed flats, 6 x 3 bed flats

### **Principle of the residential use proposed**

The Government is committed to maximising the re-use of previously developed land and empty properties to minimise the amount of green field land being taken for development. One of the chief objectives of the NPPF is to provide sufficient housing for future needs, ensuring that as many of the new homes as possible are built on previously developed land. The NPPF advocates the adoption of a sequential approach to selecting sites for housing to ensure that green field sites are used only when no appropriate sites exist inside urban areas. The sequential approach identifies previously developed sites within urban areas as being the most suitable for development.

The site is previously developed land and therefore is sequentially preferable for residential development.

Policy CS5 states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'. Policy DM01 requires that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The development standards set out in Policy DM02: Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

Furthermore, the Residential Design Guidance SPD advises that the design and layout of new development should be informed by the local pattern of development. The continuity of building lines, forecourt depths, road layout, space about the building and rear garden areas are all likely to be significant factors when redeveloping sites within existing residential areas.

The principle of demolition is considered acceptable. The properties are not within a conservation area and are not of particular architectural merit to warrant its retention.

London Plan policy 3.4 seeks to optimise the housing potential of sites with reference to the density matrix contained in Table 3.2 which provides a guide to appropriate density ranges for particular locations, depending on accessibility and character. The application site has poor accessibility and benefits from a low PTAL of 1a. It is considered to fall within an urban setting as defined in the London Plan. The London Plan Density Matrix therefore suggests a range of 35 to 95 units per hectare and 150-250 habitable rooms per hectare. Taking the site area of 0.386ha, the proposal for 48 flats would equate to a density of 124 units per hectare (577 habitable room per ha). This is a reduction from the previous scheme.

Whilst it is acknowledged that the proposed density exceeds the London plan table, it is not considered a reason to refuse the application. The London Plan states that a rigorous appreciation of housing density is only the start of planning housing development, not the end and that it is not appropriate to apply Table 3.2 mechanistically. Its density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential – local context, design and transport capacity are particularly important. In this case, it is considered that the proposed density would not be dissimilar to other flatted development along the A1. As detailed below, the scheme fully meets the Council's outdoor amenity standards and the buildings themselves are not considered to be harmful to the character of this part of the Borough which is mixed in nature.

Development plan policies require proposals to provide an appropriate range of dwelling sizes and types, taking account of the housing requirements of different groups. The council's Local Plan documents (Core Strategy and Development Management Policies DPD) identify 3 and 4 bedroom units as the highest priority types of market housing for the borough.

The dwelling mix proposed, including 13% of the total dwellings which would have 3 bedrooms, 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.

None of the dwellings would be provided as affordable housing. However, an independent review of the viability of the scheme (discussed in greater detail below) has confirmed that it is not viable for the scheme to make an on-site contribution towards the provision of affordable housing in the borough. In light of these factors it is considered that, in this instance, the dwelling mix proposed is acceptable and compliant with planning policy in this instance.

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

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 floorspace 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's adopted supplementary planning documents (SPDs), Sustainable Design and Construction and Residential Design Guidance, and the Mayors adopted supplementary planning guidance, Housing, provide more detailed guidance on a range of matters related to creating new dwellings that have adequate amenities for their future occupiers.

The Residential Design Guidance SPD identifies that there should be a minimum distances of about 21m between properties with facing windows to habitable rooms and 10.5m to a neighbouring garden, in order to avoid overlooking in new developments.

### **Dwelling size**

Table 3.3 in the London Plan provides a minimum gross internal floor area for different types of dwelling. All the proposed units comply with or exceed these minimum standards.

### **Dwelling outlook**

Development plan policy requires that new dwellings are provided with adequate outlook. The design approach proposed is considered to maximize the outlook of occupiers of the new dwellings, while also taking account of the need to prevent unacceptable levels of overlooking at neighbouring properties. Most of the proposed flats would be dual aspect and would have appropriate fenestration throughout. There would be adequate setting space around each of the blocks to ensure that outlook from the units would not be unduly constrained by other buildings or trees and the level of outlook provided would therefore be adequate for future occupiers of the development.

### **External amenity space provision**

Barnet Local Plan policy DM02 and London Plan policy 3.6 state that proposals for dwellings should make provision for play and informal recreation based on the expected child population generated and an assessment of future needs.

The requirements for provision of play space in new development are defined by policy 3.6 of the London Plan and the London Mayor's Shaping Neighbourhoods: Play and Informal Recreation Supplementary Planning Guidance. 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. All developments with an estimated child occupancy of ten children or more should seek to make appropriate play provision on site to meet the needs arising from the development. The benchmark standard of the SPG recommends a minimum of 10m<sup>2</sup> of dedicated play space per child as a basis for assessing existing provision within an area. The area for Childs Play identified on the submitted drawings fully meets the requirements of the SPG. Further details are required by planning condition.



Guidance in Barnet's Residential Design Guidance SPD sets out minimum standards for outdoor amenity space provision in new residential developments. Flats are expected to be provided with 5m<sup>2</sup> of usable outdoor communal or private amenity space per habitable room proposed. For both houses and flats kitchens over 13m<sup>2</sup> are counted as a habitable room and habitable rooms over 20m<sup>2</sup> are counted as two habitable rooms for the purposes of calculating amenity space requirements.

The provision of communal garden space would meet the minimum standards in the SPD. Most of the flats would also have private outdoor space, in the form of a balconies / roof terraces or small gardens, to meet the requirements in the Residential Design Guidance.

The proposal is considered to be compliant with the objectives of planning policy on the provision of outdoor amenity space.

### **Privacy and overlooking**

The distance between directly facing windows to habitable rooms in the new dwellings would not be less than 21m. The distance from a habitable room window to a directly facing private garden area within the development would not be less than 10.5m. Subject to the conditions recommended it is considered that the design and layout of the windows, doors and amenity areas in the proposal are such that the new residential units would all be provided with an acceptable level of privacy and not suffer unacceptable overlooking. The proposal is therefore found to be acceptable in this regard.

### **Noise and air quality**

The Council's Environmental Health Service considers the site to be suitable for residential use and has not raised any objection to the scheme. They have however, recommended the inclusion of planning conditions in relation to the protection of future occupiers of the development from air pollution and noise from the A1. The proposal is therefore found to be acceptable in respect of the noise and air quality environment that it would provide for the occupiers of the flats proposed.

### **Conclusions on the amenities of future occupiers**

The scheme is found to be compliant with development plan policy as it relates to the amenities of the future occupiers of the dwellings proposed and the design approach is considered, for the reasons outlined above, to provide future occupiers with acceptable amenities.

### **Design and character matters:**

The National Planning Policy Framework 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.

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.

Development principle 4.3 of the NBTFCF (copied below) seeks to ensure that development in the area reflects the existing predominantly context of the locality as follows:

- ‘Redevelopment should seek to make the most effective and efficient use of land. A design-led approach should be taken to defining appropriate plot ratios and residential densities, having regard to the suburban setting and good public transport accessibility.
- Building heights should be appropriate to the wider suburban context.
- Massing (bulk of buildings) should be reflective of the suburban setting and role of the town centre – over-dominance (visual) by any unit should be avoided.’

The previous concerns of the committee are noted and the scheme has been amended to address these concerns.

The amount of development has been reduced, with the scheme reduced from 5 cores to 3 more evenly spaced cores.

The previous more modern design has been replaced with a more traditional approach with pitched roofs. The large continuous block has been replaced with three smaller blocks in width. It is considered that this would help the development fit with the general pattern of development on Great North Way, particularly the neighbouring development at Lime Court, Conifer Court and Sycamore Court.

The removal of the block to the rear closest to 43 Ashley Lane would help provide a transition between the development on Great North Way and more suburban development on Ashley Lane.

The height of the buildings would be three storeys with additional storey within the roofspace. This would be comparable in height to other developments on Great North Way.

The rear element to core A would be set down a storey to the rear again to help the transition to dwellings on Ashley Lane.

The proposed layout provides two main blocks along the Great North Way which respect the pattern of buildings in this section of the road. The layout of the proposals has been the subject of extensive pre-application discussions and it is considered that the two main blocks, due to their set back from the edge of the pavement and separation would respect the general pattern of development along this side of Great North Way. The scale of the buildings would also be in keeping with the general grain of development here.

Although the amount of hardstanding on site would be limited due to the fact that all parking spaces are provided at basement level, a condition has been recommended requiring samples of the ground surfacing materials to be submitted and approved.

The proposed materials have been re-considered and would now comprise brick and render with uPVC windows.

Such features are considered to be a positive aspect of the scheme and conditions have been recommended to ensure that the materials used at implementation are of a sufficient quality.

Subject to the conditions recommended the proposal is found to be acceptable and compliant with development plan policies as they relate to design and character matters. Landscaping matters are addressed later in the report.

In summary, officers consider that the size, scale, siting and design of the buildings and layout of the scheme proposed are such that they would adequately respect the character of the surrounding area. The scheme would make effective and efficient use of previously developed land. The overall design quality of the development responds to the site context. The proposal is therefore considered to comply with the relevant design policies set out above.

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

Local Plan policies seek broadly to promote quality environments and protect the amenity of neighbouring 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 will not normally be permitted.

Barnet's Residential Design Guidance Supplementary Planning Document provides further guidance on safeguarding the amenities of neighbouring and surrounding occupiers and users. This includes stating that there should be a minimum distances of about 21m between properties with facing windows to habitable rooms and 10.5m to a neighbouring garden, in order to avoid overlooking in new developments.

#### **Overlooking, Privacy and Outlook**

The nearest existing residential properties to the application site are flats within Conifer Court (along Great North Way), 43 Ashley Lane directly and the rear gardens of properties on Ashley close to the north of the site.

Proposed windows on the side elevation of Core A facing 43 Ashley Lane would be over 21m from the facing flank wall of that property. The development overall does not include windows to habitable rooms which directly face existing habitable windows in neighbouring residential buildings that are set apart a distance of less than 21m and distances from directly facing habitable windows in the development proposed to a neighbouring properties garden are not less than 10.5m. These parts of the proposal would therefore comply with planning guidance in these regards. The position of the proposed terraces and balconies would also comply with overlooking standards.

Core C would have a number of secondary windows on the side elevation facing the amenity area of Conifer Court. It is recommended that those windows should be obscure glazed to prevent overlooking. Subject to this condition, it is considered that the impact would be acceptable.

The previous block adjacent to 43 Ashley Lane has been removed, and there is now a gap where there is a basement access ramp to the parking area.

The documents submitted with the application include plans showing the relationship of the proposed buildings with neighbouring properties and spaces. It is considered that the design, size and siting of the development is such that it would not have an unacceptable visual impact or result in any significant loss of outlook at this neighbouring properties and spaces. The application is therefore considered to be acceptable and compliant with development plan policy in these regards.

### **Noise and Health**

The residential dwellings proposed in the development are of a nature that they would be expected not to generate unacceptably high levels of noise and disturbance to the extent that they would harm the amenities of the occupiers of neighbouring properties in the normal course of their occupation. The Council's Environmental Health Officer has no objection on this ground. The use of the new vehicular access point to the basement is also not anticipated to cause undue harm to the residential amenity of neighbouring occupiers. In response to the previously refused proposals the block nearest 43 Ashley Lane has been omitted and the overall number of units reduced.

A condition has been recommended to ensure that the construction of the development does not result in unacceptable levels of noise and disturbance. This includes the carrying out of the works in accordance with a Construction Management that has been previously agreed with the Local Planning Authority. Subject to these conditions the proposal is considered to be acceptable in terms of the noise impacts.

The previous planning application was refused on the grounds that the development would result in a harmful level of noise and disturbance to neighbouring occupiers. Given that the block nearest no.43 Ashley Lane has been removed, this should reduce the amount of activity in terms of pedestrian movements, coming and goings and noise escape occurring close to the boundary. Furthermore, the number of vehicular movements from Ashley Lane would be reduced given the reduction in the number of units. It is not considered that noise and disturbance from the revised scheme would be materially harmful to the amenities of neighbouring occupiers.

## **Impacts from Lighting Associated with the Development**

Policy DM01 of the Barnet Local Plan requires new lighting schemes to not impact upon amenity. A condition has been recommended requiring the implementation of the development in accordance with details of the external lighting installed as part of the development. Subject to this condition the proposal is considered to be acceptable and compliant with the objectives of policy in terms of preventing unacceptable lighting impacts from new development.

## **Conclusion**

The proposed development is considered to be acceptable and compliant with the relevant development plan policies as they relate to the protection of the amenities of neighbouring and surrounding occupiers and users.

## **Affordable Housing**

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, 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.

It suggests that negotiations on sites should take account of their individual circumstances including development viability, the availability of public subsidy and other scheme requirements.

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. To explain and justify this position the applicant has submitted a confidential report which evaluates the economic viability of the proposed development making a contribution to affordable housing provision. The Council has then commissioned Deloitte to independently review the viability report provided and examine its findings.

At the time of writing the report, Deloitte were in the process of evaluating this report. Their comments will be reported in the addendum however it should be noted that they agreed on the previous scheme that; Taking account of the costs associated with bringing the development forward, including the associated planning obligations (set out in further detail below), and the value that the applicant would be likely to generate from the scheme, Deloitte concluded that the previous scheme could not viably provide any affordable housing. Given that the current scheme is for a smaller scheme it is unlikely that the new scheme would be any more likely to be able to provide affordable housing.

In light of these circumstances in this instance the lack of affordable housing provision is considered to be acceptable and compliant with the objectives of planning policies.

If however, economic circumstances change following completion of the development, it is considered that the council should secure a mechanism consisting of the inclusion of a review process to ensure that any additional benefit which may arise from the sale of the flats will be 'clawed back' to provide a contribution to off site affordable housing in the future. This is secured under the proposed terms of the legal agreement.

As set out above however, the conclusions of the viability assessment indicate that the provision of affordable housing would not be viable. It is therefore considered that the proposal would comply with adopted policy in this regard and the NPPF in regard to development viability.

### **Trees and Landscaping:**

Policy DM01 identifies that proposals will be required to include hard and soft landscaping that:

- Is well laid out in terms of access, car parking and landscaping.
- Considers the impact of hardstandings on character.
- Achieves a suitable visual setting for buildings.
- Provides appropriate levels of new habitat including tree and shrub planting.
- Contributes to biodiversity including the retention of existing wildlife habitat and trees.
- Adequately protects existing trees and their root systems.
- Makes a positive contribution to the surrounding area.

The policy also states that trees should be safeguarded and when protected trees are to be felled the council will, where appropriate, require replanting with trees of an appropriate size and species.

The application submission includes an Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Survey. This identifies recently protected trees subject of a Tree Preservation Order along Ashley Lane. The proposals have been designed to ensure that the construction of the building would not result in the removal of any of those trees. The proposed layout and position of habitable room windows in relation to tree canopies has been the subject of extensive discussions and it is considered that the scheme as proposed would not lead to future pressure for treatment.

The proposed changes to the previous scheme result in a building that is not materially closer to the protected trees. The previous scheme was acceptable in terms of its impact on protected trees.

The application has been reviewed by tree officers who raise no objection subject to planning conditions.

Conditions have been recommended to ensure that the trees and wider landscaping implemented as part of the proposal would be of a sufficient quality, including new

trees of a suitable size and species. The conditions recommended also include requirements to ensure that appropriate measures are taken to protect the TPO trees immediately adjacent to the application site. Officers take the view that adequate consideration has been given to trees in this instance.

More generally the indicative landscaping proposed for the site is considered to include an adequate balance of hard and soft surfaces, given the constraints of the scheme. Conditions have been recommended to ensure that the landscaping finally installed is of an appropriate quality and makes a positive contribution to the area.

It is concluded that the scheme provides adequate mitigation for the existing protected trees and other landscaping which would be lost as part of the works proposed and that the development is acceptable and compliant with policy in respect of tree and landscaping matters with the conditions recommended.

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

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, seek more environmentally friendly transport networks, ensure 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.

66 parking spaces are proposed in a basement parking area. 10% of the parking spaces will be designated as disabled parking spaces. The applicant has stated in the TA that a Parking Management Plan (PMP) will be implemented. A new vehicular access to the basement car park is proposed from Ashley Lane. The ramp gradient to the basement car park is proposed as 1:10. Pedestrian access is proposed from both Ashley Lane and Great North Way.

The site is located on the service road running parallel to A1 the Great North Way in the southbound direction.

The applicant has submitted a Transport Statement in support of the scheme. This has been revised for the current scheme.

The pedestrian environment in the vicinity of the development including the existing condition of the existing public footway would need to be improved to facilitate the development. Therefore a contribution of £20,000 towards the improvements to pedestrian environment under S106 agreement is sought.

It is proposed in the Transport Statement that the refuse will be towed to the front of

the entrance of the site on Ashley Lane on the day of collection by private operators. In terms of vehicular trip generation, the industry standard TRAVL database and 2011 census was used to quantify the anticipated number of trips. The analysis showed that the development is anticipated to generate an additional 19 two way vehicular trips in the AM peak and 12 two way trips in the PM peak. Collision data for 36 months up to 31 October 2012 were analysed. No accidents that there were no personal injury accidents recorded at the junction of Ashley Lane and A1 during this period. The only recorded incidents were on the A1 Westbound on the opposite side of the carriageway.

A robust construction management plan needs to be provided and careful consideration must be given to the optimum route(s) for construction traffic. This is the subject of a planning condition.

Cycle storage and electric charging points (20% active and 20% passive) in accordance with TfL cycle parking standards will need to be provided. In addition at least 1 car club space will be expected as well as the Travel Plan incentive fund as shown below.

The proposed 66 secure and covered cycle storage parking spaces are in accordance with the TfL cycle parking standards.

The applicant in the TA has proposed a mini-bus service for the occupants of the development to mitigate concern due to the limited accessibility of the site. The cost of the service would be included within the resident's service charge and that this would assist in ensuring the service existed in perpetuity.

In order to facilitate this development in this location a total contribution of £33,250 is sought under S106 for the following:

- |  |         |
|--|---------|
| • Improvements to Pedestrian environment         | £20,000 |
| • The Travel Plan Incentive Fund to be set aside | £8,250  |
| • Provision of Travel Plan                       | £5,000  |

Since the site is located in close proximity of A1 which is part of TLRN road network and therefore Transport for London has been consulted. They have confirmed that they have no objection to the impact of the proposals on the road network but consider that the provision of 66 parking spaces for 48 units to be an overprovision. According to the Adopted Barnet Development Management Policies, the development could support a maximum provision of 67 parking spaces. Taking into account the low PTAL rating of the site, it is not considered that the amount of parking proposed would constitute an overprovision.

It is therefore considered that the proposals would not harm highway and pedestrian safety.

### **Creating inclusive environments for all members of the community:**

Planning policies make it clear that new developments should be accessible, usable and permeable for all users. Statements should be submitted with proposals explaining how the principles of inclusive design have been integrated into the development for which consent is sought.



Policy requires all the proposed dwellings (houses and flats) to meet the relevant Lifetime Homes standards and also that more than 10% of the dwellings proposed to be designed to meet wheelchair accessible standards or be easily adaptable to meet such requirements. A sufficient number of parking spaces proposed would be provided to a disabled parking space standard.

Conditions have therefore been recommended to ensure that all the proposed dwellings would meet the relevant Lifetime Homes standards and not less than 10 of the dwellings proposed would meet (or be easily adapted to meet) wheelchair accessible standards. Subject to these controls and the requirements in place under other legislation officers conclude that the design and layout of the proposal is such that it is acceptable in terms of creating a development that is accessible, useable, permeable and inclusive for all members of the community.

### **Safety and security matters:**

Development plan policies require new developments to provide a safe and secure environment for people to live and work in and reduce opportunities for crime and fear of crime.

The Metropolitan Police have not raised any objection to the proposal or requested that conditions are placed upon any grant of consent. The design and layout of the development proposed and the degree of natural surveillance is considered to be such that, provided adequate external lighting is provided, it would provide a safe and secure environment. A condition is recommended requiring a lighting scheme to be submitted and approved. The proposal is therefore deemed to be acceptable in respect of providing a safe and secure development with an environment which reduces opportunities for crime and the fear of crime.

### **Flooding and water infrastructure matters:**

The application site does not fall within an area identified as being at risk of flooding. However, a condition has been recommended to ensure that the suitable drainage infrastructure is implemented as part of the development proposed.

Thames Water has responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed upon any grant of consent. The applicant states that there is sufficient capacity in terms of utilities in the vicinity of the site.

Conditions have been recommended to ensure that water use by the development is minimised. Subject to these conditions the development is found to be acceptable in this respect.

### **Energy, climate change, biodiversity and sustainable construction matters:**

London Plan Policy 5.2 requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy

Residential developments are currently required to achieve a 25% reduction in carbon dioxide emissions when compared to the 2010 Building Regulations. Policy 5.3 of the London Plan goes on to set out the sustainable design and construction measures required in developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation.

Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrate compliance with the Mayor's targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy. Proposals are also expected to comply with the guidance set out in the council's Supplementary Planning Documents (SPD) in respect of the requirements of the Code for Sustainable Homes. The council's adopted Sustainable Design and Construction SPD provides that schemes such as this should achieve Code Level 4 or above against the Code for Sustainable Homes.

### **Carbon dioxide emissions**

The application is accompanied by an Energy and Sustainability Statement, which includes an assessment of the options considered under the Mayor's hierarchy. This document sets out the applicant's commitment to achieving level 4 under the Code for Sustainable Homes. As part of reaching this level under the Code for Sustainable Homes the dwellings proposed will need to achieve an improvement of 40% over the Target Emission Rate under the 2010 Building Regulations. Such an improvement is adequate for the scheme to comply with the requirements of policy on reductions in carbon dioxide emissions. A condition has been recommended to ensure that the development achieves Code Level 4 and this level of carbon dioxide reductions as a minimum. Subject to this condition the proposal is found to be acceptable and policy compliant in respect of reducing carbon dioxide emissions. Whilst the energy statement makes reference to the out of date figure of 25%, the applicant has been advised that they would need to meet the revised figure of 40%.

The Energy Statement submitted with the application identifies that the use of photovoltaic panels in the scheme is possible and that these are the preferable renewable energy technology for this scheme. Therefore the conditions recommended include requirements for the details of the photovoltaic panels to be installed to be submitted and agreed with the Local Planning Authority.

### **Biodiversity matters**

Barnet Local Plan policy DM16 states that when it is considering development proposals the council will seek the retention, enhancement or creation of biodiversity. The application site is not designated as a SINC, nor are there any nearby. It has also been cleared of buildings and does not possess any notable wetland habitats.

Notwithstanding this a Phase 1 habitat survey was undertaken. The tree and wider landscaping conditions recommended are considered sufficient to ensure that the scheme makes appropriate contributions to biodiversity generally and that the new planting which takes place provides suitable levels of habitat.

Subject to the controls in place under the conditions recommended and the requirements in place under other legislation the proposal is found to be acceptable and compliant with the objectives of planning policy on biodiversity and nature conservation matters.

### **Planning obligation matters:**

Policy CS15 of the Barnet Local Plan states that where appropriate the Council will use planning obligations to support the delivery of infrastructure, facilities and services to meet the needs generated by development and mitigate the impact of development.

In accordance with development plan policies and the Council's supplementary planning documents the following obligations are required to be secured through a legal agreement with the developer (in addition to the highways contributions listed above). With these obligations secured (alongside the other mitigation provided by the development and secured through the conditions recommended) the proposal is considered to be acceptable in terms of delivering the infrastructure, facilities and services needed to mitigate the impacts it would generate. It is noted that education, healthcare and library provision is covered by the Barnet Community Infrastructure Levy.

### **Monitoring of the Section 106 Agreement**

The delivery of the planning obligation from the negotiations stage to implementation can take considerable time and resources. As the Council is party to a large number of planning obligations, significant resources to project manage and implement schemes funded by planning obligation agreements are required. The Council therefore requires the payment of a percentage of the contributions towards the costs of undertaking the work relating to securing the planning obligations in line with the adopted Supplementary Planning Document for Planning Obligations.

### **Community Infrastructure Levy**

The proposed development is liable for charge under the Mayoral Community Infrastructure Levy (CIL) and the Barnet CIL. This equates to a charge of £70,648 and £156,668 respectively.

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

Generally addressed in main report.

A condition is suggested that a construction management plan is provided.

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

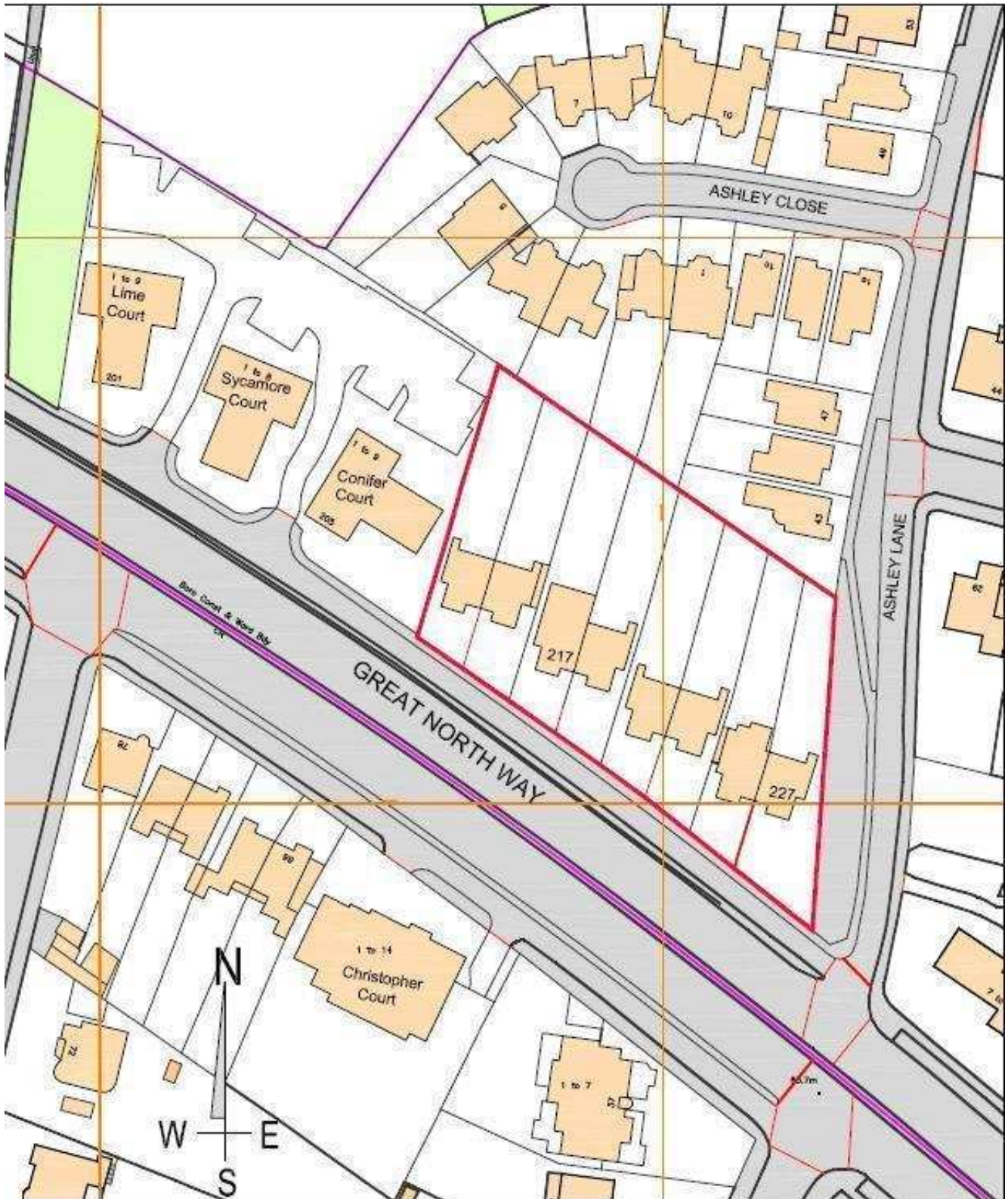
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

## **5. CONCLUSION**

The application is recommended for **APPROVAL**.

**SITE LOCATION PLAN:** 213-227 Great North Way, London, NW4 1PN

**REFERENCE:** F/01148/14



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**LOCATION:** Barnet Cemetery & Memorial Gardens, Milesplit Hill, London, NW7 2RR  
**REFERENCE:** H/01134/14 **Received:** 07 March 2014  
**Accepted:** 19 March 2014  
**WARD(S):** Mill Hill **Expiry:** 18 June 2014 **AGENDA ITEM 11**

**Final Revisions:**

**APPLICANT:** Monument Properties Investment

**PROPOSAL:** Erection of a multi-faith community mausoleum, columbaria and maintenance shed. Formation of access road, car parking and emergency access. Associated hard and soft landscaping.

**RECOMMENDATION:**

**RECOMMENDATION I:**

That the application be referred to the Greater London Authority (Under Article 5 of the Town and Country Planning (Mayor of London) Order 2008).

*and*

**RECOMMENDATION II:**

That after the formal close of the consultation period and subject to no new representations being received that raise new material planning considerations and no direction being received that the application is called in for determination by the Mayor of London, the Assistant Director of Development Management and Building Control is granted delegated authority to determine the planning application reference: H/01134/14.

**1. MATERIAL CONSIDERATIONS**

National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people". The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

## The Mayor's London Plan July 2011:

Policies 7.4, 7.6, 7.23

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

## Relevant Local Plan (2012) Policies

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012.

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5, CS7

Relevant Development Management DPD (2012): Policies DM01, DM06, DM15, DM16, DM17.

## Supplementary Planning Documents and Guidance

The Council adopted a Supplementary Planning Document (SPD) "Sustainable Design and Construction" (2013), following public consultation. This SPD provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

## Community Infrastructure Levy

The Mayor for London has introduced a Community Infrastructure levy. This applied from 1 April 2012 to most developments in London where the application is determined by the Local Planning Authority. Within Barnet the charge is set at £36.04 per sq m of net additional floorspace.

The London Borough of Barnet adopted a CIL charge on 1<sup>st</sup> May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority.

Mayor of London *An audit of London Burial Provision*. GLA 2011

Mill Hill Conservation Area Character Appraisal.

## Relevant Planning History:

### **Site history for current landparcel :**

136991 - Barnet Cemetery & Memorial Gardens, Miles Pit Hill, London, NW7 2RR  
Case Reference: **H/01134/14**

The site has a substantial planning history and the following applications are of particular relevance:

W01487 - Home for 12-15 Children, Gardeners Cottages - Refused - 07/03/1968

W01487A - Headquarters for uniformed youth groups and area for outdoor activities  
- Refused - 16/02/1972

W01487B - Residential Development - Refused - 04/01/1989

W01487C & D - Residential Development - Refused 15/03/1989 - Dismissed at  
Appeal

W00636Q - Fencing - Refused - 16/11/1995

W00636AE/02 - Use as a cemetery - Withdrawn - 09/05/2002

H/03608/13 - Use as a cemetery - Lawful Development Certificate - Lawful -  
21.10.13.

Consultations and Views Expressed:

Neighbours Consulted: 462            Replies: 67 and 1 petition -600  
signatures

Neighbours Wishing To Speak 3

Site Notice dated: 17.4.14

The formal consultation period expires on 8th May.

The objections raised to date may be summarised as follows:

Nature:

Impact on wildlife.

Loss of habitat.

Trees will be cutdown which have a TPO.

Land hasn't been disturbed since the war.

Open space is going to be ill used.

Flora and fauna will disappear.

Green Belt:

Inappropriate to Green belt.

Threat to Green belt.

Traffic and parking:

Additional traffic.

Road isn't wide enough now with cars parking on one side.

Pedestrians are at risk from cars passing and particularly from van wing mirrors.

Cars pulling out will not be able to turn around parked cars without using the  
pavement.

Car park will bring new development opportunities.

Right of Way through existing Cemetery could not cope with heavy construction  
vehicles.

Particularly bad traffic during school run.



## Noise and disturbance

### Appearance of new buildings.

Size and scale will be detrimental to the character of the area.

Concrete jungle.

Not in keeping with Mill Hill.

Overdevelopment.

Set on rising ground it would be visible a long way off.

Modernist building is not in keeping.

This type of building requires lighting and heating for visitors.

Unsightly, ugly and unwelcome.

Eyesore.

Additional burial grounds are not required.

Barnet Council should plan for the next 20 years this is shortsighted as already a lot of development in the area.

Mill Hill CAAC: Object to the proposals on the grounds of impact on the Green Belt, size of the building, lack of need for such a building.

### Internal /Other Consultations:

- Natural England - Any comments received will be reported to the meeting.
- London Wildlife Trust Barnet Group - Objection
- Greater London Authority - Any comments received will be reported to the meeting.
- Environmental Health - No objections
- Environment Agency - Object to the proposal
- Traffic & Development - Any comments received will be reported to the meeting.
- Green Spaces (inc Allotments) - Any comments received will be reported to the meeting.
- Trees and Landscape - Insufficient information submitted.

Date of Site Notice: 17 April 2014

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site is located adjacent to the existing Westminster Cemetery

The application site is located within the designated Greenbelt, Mill Hill Conservation Area, Site of Importance for Nature Conservation and is covered by an Area TPO - 1995.

The site is currently unused and has been for a number of years. Although the site has a lawful use as a Cemetery no burials have been undertaken. At the time of the Certificate of Lawfulness application it was noted that the cemetery use was first granted in 1931 and although applications were made to change the use of the Land these were either refused or of a temporary nature and therefore the Land reverted to its use as a cemetery once the permissions expired.



The site is accessed through the existing Westminster Cemetery which has a main entrance off Milesplit Hill. An emergency access will be opened up further up Milesplit Hill adjacent to Cedartree House and the Mount School. This already serves an electrical substation.

#### Proposal:

The application relates to the erection of a multi-faith community mausoleum, columbaria and maintenance shed. Formation of access road, car parking and emergency access. Associated hard and soft landscaping.

#### Planning Considerations:

The main issues are considered to be:

- Whether the proposals would be an appropriate development within the green belt, and if not, whether there are any very special circumstances, or any other material considerations that would justify the development in Green Belt terms.
- Whether the proposals would have an acceptable impact on the character and appearance of the Conservation Area.
- Whether the proposals would have an acceptable impact on highway and pedestrian safety
- Whether the proposals would have an acceptable impact in biodiversity terms
- Whether the proposals would have an acceptable impact on the amenities of neighbouring occupiers
- Whether the proposal would have an acceptable impact on the Area TPO
- Whether the proposal would have an acceptable impact on local flood risk

Whether the proposals would be an appropriate development within the Green Belt, and if not, whether there are any very special circumstances, or any other material considerations that would justify the development in Green Belt terms.

The impact on the visual amenities of the green belt and the openness of the area is considered to be a key consideration. The way the Green Belt functions is also a consideration in assessing whether the proposal is appropriate within designated Green Belt land.

The use of land for cemetery purposes need not, necessarily, comprise inappropriate development. Cemetery uses are potentially an appropriate use within the green belt.

However, any memorial stones, slabs, plinths or structures may potentially harm the openness of the Green Belt.

The National Planning Policy Framework section 9 sets out the Government's approach to protecting Green Belt land. The Framework advises that local planning authorities should regard the construction of new buildings as inappropriate except in particular circumstances.

Whilst the use of the land as a cemetery has been established as lawful under reference H/03608/13, this did not incorporate any building on the land.

A mausoleum and columbarium is now proposed which will occupy a central position within the site. The background to policy DM15 states that potentially acceptable Green Belt development such as golf courses and cemeteries can have a considerable impact on the local character, appearance, accessibility and nature conservation value of the countryside. In line with Policy DM01: Protecting Barnet's Character and Amenity and Policy DM15: Green Belt and Open Spaces they should demonstrate their harmony with the surrounding countryside and impact on biodiversity.

An assessment of the impact on the openness of the Green Belt is not assessed only in relation to the quantum floor space but also to the scale and bulk of the proposal. The proposal will have a floor area of 1270m<sup>2</sup> and a diameter of approximately 70.3m taking into account the outer columbaria walls, associated pool and footpath. The proposal will have a maximum height of 10m at the centre point.

The overall size, scale, height and bulk of the building is considered to be excessive and would disrupt the openness of the Green Belt and the way it functions as open space. The NPPF states that new buildings may be appropriate for the provision of appropriate facilities for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. It is considered that the scale of the development does not satisfy this policy requirement.

The applicant has submitted a burial space provision and needs in North London assessment as part of the application to demonstrate special circumstances to allow development that would otherwise be considered as inappropriate.

The information contained within the report is derived from An Audit of London Burial Provision. A Report for the Greater London Authority and Planning for Burial Space in London, London Planning Advisory Committee (1997).

The GLA report reveals that the London Borough of Barnet needs to provide an estimated 12,553 new burial spaces in the period 2010/1-2030/1. The new Barnet Cemetery and Memorial gardens will help meet this predicted demand for new graves.

The construction of the columbaria and mausoleum will provide increased capacity for burials and cremated remains more so than traditional burials within the ground. It is however considered that the proposal does not demonstrate the very special circumstances that would justify inappropriate development in the Green Belt. As previously noted the land has a lawful use as a cemetery and it is not considered that the need for additional burial space could not be addressed by traditional burials with modest headstones/slabs that would not result in harm to the Green Belt.

It should also be noted that a hybrid planning permission for the development of a multi-faith cemetery on land adjacent to the Edgwarebury Cemetery, was approved in May 2013. This will help provide additional burial space within the Borough.

Whether the proposals would have an acceptable impact on the character and appearance of the Conservation Area and Green Belt.

The background to policy DM15 states that potentially acceptable Green Belt development such as golf courses and cemeteries can have a considerable impact

on the local character, appearance, accessibility and nature conservation value of the countryside. In line with Policy DM01: Protecting Barnet's Character and Amenity and Policy DM15: Green Belt and Open Spaces they should demonstrate their harmony with the surrounding countryside and impact on biodiversity.

An assessment of the impact on the openness of the Green Belt is not assessed only in relation to the quantum floor space but also to the scale and bulk of the proposal.

Policy DM01 of the Development Management Policies (Adopted) 2012 states that all development should represent high quality design.

Policy DM06 of the Development Management Policies (Adopted) 2012 states that development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

The proposed structure is not considered to preserve or enhance the character of the Mill Hill Conservation Area, the proposal will appear as a visually obtrusive feature at odds with the general locality. The site and wider locality are largely open and this aspect is an important contributory factor in the appearance and character of this part of the Conservation Area.

The scale of the development appears out of context with other buildings within the wider surrounding area, including the locally listed Chapel within the adjacent cemetery, which is of a significantly smaller scale.

*Whether the proposals would have an acceptable impact on the amenities of neighbouring occupiers*

The proposed structure is sited centrally within the site and as such is a sufficient distance from any residential properties to ensure that there is no loss of amenity in terms of loss of light, privacy or overlooking. The structure is set at a sufficient distance to ensure that the outlook from surrounding properties is not prejudiced.

*Whether the proposals would have an acceptable impact in highways terms*

The site will be accessed from the existing cemetery with a new car park proposed to accommodate 43 cars. The car park is proposed to be located on the west side of the site, some distance from the building. The reason for this is unclear. The comments of the highways officer will be reported at the meeting.

*Whether the proposals would have an acceptable impact in biodiversity terms*

The site is located close to a site of significant importance for nature conservation (SINC).

A phase one study has been undertaken of the site, however, the survey was done in December and as such may not be a true reflection of the species that may inhabit the site.

The London Wildlife Trust have been consulted and oppose the application.

An objection from the Badger Group has also been received due to the close proximity of the development to identified badger setts.

It is considered that there has been insufficient information submitted with the application to determine that the proposal will not result in harm to the ecology of the site. Given its designation as a SINC further information would be required to determine whether the proposal would provide adequate mitigation measures to ensure the ecology of the site is not harmfully disturbed.

#### Whether the proposal would have an acceptable impact on the Area TPO

The site is covered by an Area TPO- 1995.

Insufficient information has been provided to fully assess the impact of the proposal on the trees on site. Whilst an impact assessment has been submitted the information detailed in this appears to be more of a tree survey. The application does not provide details on the proposed landscaping and how trees will be retained or how the trees relate to the proposed building. The car park area is shown to be located in the area covered by the TPO.

Details of level changes on site are not shown in relation to retained trees and as such at this stage it can not be determined as to whether the level changes on site will result in harm to the protected trees.

#### The impact on local flood risk

The Environment Agency have been consulted on the application and have the following comments:

The applicant has not demonstrated that the storage volume required to attenuate surface water run-off from the critical 1 in 100 chance in any year storm event, with an appropriate allowance for climate change, can be provided on site. The applicant has also not justified why only the maintenance shed would be connected to sustainable drainage systems (SuDS). The mausoleum should also need to be connected to the proposed SuDS scheme unless it is shown that this is unfeasible. Infiltration tests also need to be submitted in order to show that this drainage technique is a viable option at this site. This is in line with Local Plan policy DM04 (part g).

The applicant must demonstrate through their surface water strategy that the proposed development will not create an increased risk of flooding from surface water. The surface water strategy should be carried out in accordance with the National Planning Policy Framework and Planning Practice Guidance, giving preference to infiltration over discharge to a watercourse, which in turn is preferable to discharge to surface water sewer. The surface water strategy should clearly show that surface water for up to the 1 in 100 chance in any year storm event, including an allowance for climate change, can be safely contained on site. It is acceptable to partially flood the site during this event, ensuring that buildings are not affected by flooding and the site can be safely navigated by users. Where this flooding will be within roads or pathways, the applicants must ensure that safe access and egress is still available.

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

All planning related matters are considered to be covered in the above appraisal.

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

Under section 149 of the equalities act 2010, the Council has a duty to ensure that it behaves as follows:

(1) A public authority must, in the exercise of its functions, have due 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.

(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic:

(b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.

(c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

(a) Tackle prejudice

(b) Promote understanding

(6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(7) The relevant protected characteristics are:

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

(8) A reference to conduct that is prohibited by or under this Act includes a reference to:

(a) a breach of an equality clause or rule;

(b) a breach of a non-discrimination rule.

(9) schedule 18 (exceptions) has effect.”

In considering the application, the Council needs to pay due regard to protected characteristics under the Equalities Act.

The application proposal is for a multi-faith community mausoleum and columbaria. As such it is considered that the benefits of such a facility could serve all sections of the community and that there is no conflict for the Council in consideration of its equality responsibilities.

## **5. CONCLUSION**

Having considered the planning matters relevant to this application, officers consider that the development fails to comply with the NPPF and Barnet’s planning policies as set out below:

- 1 The construction of a mausoleum and columbarium is inappropriate development within the Green Belt, as it fails to preserve the openness of the Green Belt. No very special circumstances have been demonstrated that would justify the development. The development would therefore have an unacceptable impact on the aims and purposes of the Green Belt as set out in Policy DM15 of Barnet's Local Plan Development Management Policies (Adopted 2012), and paragraphs 89 and 90 of the National Planning Policy Framework (Published 2012).
- 2 Insufficient information has been submitted to demonstrate that the proposal would not impact adversely on health of the trees within the Area TPO and insufficient information has been submitted in relation to the ecology of the site to identify the potential harm to protected species and habitats and any suitable appropriate mitigation. The proposal would therefore fail to comply with Policies DM01 and DM16 of the council's Development Management Policies DPD 2012.

- 3 In the absence of an acceptable flood risk assessment (FRA) the proposal fails to demonstrate that the storage volume required to attenuate surface water run-off from the critical 1 in 100 chance in any year storm event, with an appropriate allowance for climate change, can be provided on site . This is contrary to the NPPF, Policy CS13 of the Core Strategy (2012) and Policy DM04 of the Development Management Policies DPD (2012).
  
- 4 The development, by reason of the size, siting, scale and design of the building, would fail to preserve or enhance the character of this part of the Mill Hill Conservation Area, contrary to Policies DM01 and DM06 of the Development Management Policies DPD (2012).

**SITE LOCATION PLAN:**  
Hill, London, NW7 2RR

**Barnet Cemetery & Memorial Gardens, Milesplit**

**REFERENCE:**

**H/01134/14**



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**LOCATION:** Northway House, 1379 High Road, Whetstone, N20

**REFERENCE:** B/05674/13 **Received:** 22/11/2013

**Accepted:** 02/12/2013

**WARD:** Totteridge **Expiry:** 03/03/2014

AGENDA ITEM 12

**APPLICANT:** Redrow Homes Ltd - London Division

**PROPOSAL:** The extension, refurbishment, alteration and change of use of Northway House to provide for a residential led mixed use development comprising a total of 145 new dwellings (Use Class C3), 1978.5 square metres (NIA) of flexible Use Class B1a (office) floorspace, 324 square meters (NIA) of "open" Use Class D1 floorspace (education and community uses), together with ancillary reception floorspace and associated landscaping, car parking and access.

**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 9 Intermediate (Shared Ownership) affordable housing units comprising:
  - 4 x one bedroom two person flats
  - 3 x two bedroom four person flat
  - 2 x three bedroom five person flats
- (d) Affordable Housing – Review Mechanism  
If the development is not substantially implemented within 12 months of the date when the period under which the application is potentially challengeable under judicial review proceedings has passed (or 12 months after the date on which any judicial review is resolved) subject to a subsequent re-appraisal of the viability of the development a financial contribution towards the provision of affordable housing within the London Borough of Barnet limited to a maximum of the equivalent value of 35% of the units proposed.
- (e) Identification of Adjoining Occupiers  
The applicant will ensure that the marketing materials given to each purchaser or potential purchaser of a dwelling in the scheme hereby

approved (which will include anyone taking an interest by way of a lease) will contain information about the location of the businesses at 1 to 4 Downland Close Whetstone and 1411 High Road, Whetstone and the lease of each dwelling in the scheme hereby approved will contain information about the location of the same businesses.

(f) Formation of Suitable Site Access

That the applicant shall submit an Access Works Plan and have this document approved in writing by the Local Planning Authority before the development hereby permitted is first occupied or brought into use. The Access Works Plan shall provide full details of the works proposed to the High Road and any relevant adjoining land to facilitate the formation of the two vehicular access points proposed as part of the development hereby granted consent. This shall include (but not be limited to) details of:

- The design of the two proposed access points.
- All means of enclosure proposed for the access points.
- The measures to be put in place to ensure that the southern access point is used solely for emergency vehicle access.
- Alterations to street lighting columns.
- Alterations to signage.
- Any other changes to street furniture proposed.
- Any alterations to waiting restrictions and road markings.
- Any changes to the adjacent bus stop and bus stop cage.

The works shown in the approved Access Works Plan shall be completed in their entirety before the development is first occupied or brought into use.

(g) Modification of Waiting Restrictions

A contribution of up to **£3,500** towards modifications to waiting restrictions at the entrance to the proposed new emergency access.

(h) Travel Plan

A requirement that the applicant shall enter into Travel Plans that seek to reduce reliance on the use of the private car, promote sustainable means of transport and include the appointment of an appropriately qualified Travel Plan Champion. The following Travel Plans of this nature shall be entered into:

- A Strategic Level Residential Travel Plan that is ATTrBuTE and TRAVL compliant and that will have a lifespan of 5 years after first occupation of the final unit.
- A Local Level Commercial Travel Plan that is ATTtrBuTE and itrace compliant and that will have a lifespan of at least 5 years.

In addition to these plans, should the non-residential part of the development incorporate a nursery or education use then a Nursery or Education Travel Plan (that meets the appropriate Transport for London criteria) shall be entered into and this shall have a lifespan of at least 5 years.

(i) Travel Plan Incentives

The Strategic Level Residential Travel Plan (required under item (f) above) shall include financial incentives to a total value of **£43,500**

(equivalent to £300 per unit) such that upon the first occupation of each new residential unit, regardless of tenure, the occupier shall be given a voucher to a minimum value of £300 per dwelling. The voucher provided shall allow the occupier to purchase two of the following Travel Plan incentives up to a limit of £150 per incentive:

- Subsidised membership of and credit for a Car Club.
- Credit on an Oyster Card travel pass.
- A bike voucher.

(j) Travel Plan Monitoring

A contribution of **£10,000** index linked towards the monitoring of the Travel Plans for the development.

(k) Employment and Training

The delivery of not less than four apprenticeships connected with the construction and operational phases of the development for residents of Barnet. Of the four apprenticeships, two must be at not less than a Level 2 or 3 (as defined in the National Apprenticeship Service Framework or any subsequent scheme which replaces this) and two must be at not less than a Level 4 (as defined in the National Apprenticeship Service Framework any subsequent scheme which replaces this) or an appropriate equivalent graduate scheme.

(l) Monitoring of the Section 106 Agreement

A contribution of **£5280** index linked towards the monitoring and management of the S106 planning obligations.

**RECOMMENDATION 2:**

That upon completion of the agreement specified in Recommendation 1, the Assistant Director – Strategic Planning and Regeneration approve the planning application reference B/05674/13 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 - Strategic Planning and Regeneration:

**COMMENCEMENT**

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.

**PLANS OF THE DEVELOPEMNT**

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

1360\_0100L; 1360\_0104E; 1360\_0109P; 1360\_0110R;  
1360\_0111Q; 1360\_0112V; 1360\_0113X; 1360\_114S; 1360\_115S;  
1360\_116P; 1360\_0117P; 1360\_0118L; 1360\_0119J; 1360\_0200BB;  
1360\_0201Y; 1360\_0202R; 1360\_0203K; 1360\_0250M

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.

**MATERIALS**

3. Notwithstanding the details shown on the plans otherwise hereby approved the development hereby permitted shall not commence (other than for Groundworks and Site Preparation Works) unless and until details and appropriately sized samples of the materials to be used for all the external surfaces of the proposed building at the site 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 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.

**SITE LEVELS**

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, footpaths and other 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 and non-residential uses 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.

**MEASURES TO ENSURE PRIVACY**

5. Notwithstanding the details shown in the plans submitted and otherwise hereby approved the building hereby granted consent shall not be occupied or brought into use unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify all the windows and other openings in the proposed building that are to be permanently glazed with obscured glass and fixed shut or provided

with only a fanlight opening and the manner and design in which these windows and openings are to be implemented. Before the building hereby approved is occupied or brought into use the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason:

To safeguard the privacy and amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwellings in accordance with policies DM01 and DM02 of the Barnet Local Plan.

6. Notwithstanding the details shown in the plans submitted and otherwise hereby approved the building hereby granted consent shall not be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the size, design, materials and location of all privacy screens and panels to be fixed to the proposed building. Before the building hereby approved is occupied the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason:

To safeguard the privacy and amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwellings in accordance with policies DM01 and DM02 of the Barnet Local Plan.

7. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), the insertion of windows, rooflights and external doors in the building hereby approved, other than those shown in the approved plans, shall not be undertaken without the prior receipt of express specific planning permission in writing from the Local Planning Authority.

Reason:

To safeguard the privacy and amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwellings in accordance with policies DM01 and DM02 of the Barnet Local Plan.

## **REFUSE AND RECYCLING**

8. 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.

## **ACCESSIBILITY**

9. Before the development hereby permitted commences (other than for Groundworks and Site Preparation Works) details setting out how each of the 145 new residential dwellings (use class C3) within the development will be constructed to meet and achieve the relevant criteria of the 'Lifetime Homes' standard (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme) shall be submitted to and approved in writing by the Local Planning Authority. The details provided shall include sufficient information to fully demonstrate how each of the new dwellings will be constructed to achieve the 'Lifetime Homes' standard. The development shall be implemented in full accordance with the details as approved prior to the occupation of the development.

Reason:

To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8 and 7.2 of the London Plan and policy DM02 of the Barnet Local Plan.

10. Before the development hereby permitted commences (other than for Groundworks and Site Preparation Works) details of the location within the development and specification of the 15 dwellings (Use Class C3) to be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users shall be submitted to and approved in writing by the Local Planning Authority. The specification provided for the 15 dwellings shall include sufficient particulars to demonstrate how they will be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users. The development shall be implemented in full accordance with the details as approved prior to the occupation of the development.

Reason:

To ensure that the development is accessible for all members of the community and to comply with policies 3.8 and 7.2 of the London Plan and policy DM02 of the Barnet Local Plan.

11. Before the development hereby permitted is commenced (other than for Groundworks and Site Preparation Works) a scheme detailing the provisions to be made to deliver inclusive access for all members of the community into and around the communal parts of the development (residential and non-residential elements) and the non-residential (Use Class B1 and D1 only) parts of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the scheme approved under this condition prior to the first occupation of the development.

Reason:

To ensure that the development is accessible for all members of the community and to comply with policies 3.8 and 7.2 of the London Plan and policy DM02 of the Barnet Local Plan.

### **NO TELECOMUNICATIONS EQUIPMENT**

12. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) the following operations shall not be undertaken without the receipt of prior specific express planning permission in writing from the Local Planning Authority on the buildings hereby approved:

- The installation of any structures or apparatus for purposes relating to telecommunications on any part the roof of the buildings hereby approved, including any structures or development otherwise permitted under Part 24 and Part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any equivalent Order revoking and re-enacting that Order.

Reason:

To ensure that the development does not impact adversely on the townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with policies CS5 and DM01 Barnet Local Plan.

### **CONTAMINATED LAND**

13. Part 1

Before development commences other than for investigative work:

- a) A desktop study shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and any 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 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

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 policies DM04 of the Adopted Barnet Development Management Policies Document (2012), CSNPPF of the Adopted Barnet Core Strategy (2012) and 5.21 of the London Plan.

## **BIODIVERSITY**

14. Prior to the commencement of the development (other than for Groundworks and Site Preparation Works) details comprising a scheme of measures to enhance and promote biodiversity at the site as redeveloped shall be submitted the Local Planning Authority and approved in writing. The scheme submitted shall include (but not be limited to) details of biodiversity enhancement measures related specifically to bats, birds and the implementation and management of the soft landscaped areas on the site. The approved scheme of measures shall be implemented in full in accordance with the approved details before the first occupation of the development.

### Reason:

To ensure that the development represents high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policies 5.11 and 7.19 of the London Plan.



15. Prior to the commencement of the development or the carrying out of any site clearance works, details comprising a scheme of measures to be put in place to ensure that the clearance of the site and construction of the development hereby approved is compliant with development plan policy and legislation on the protection of breeding birds, common toads and reptiles shall be submitted the Local Planning Authority and approved in writing. The site clearance works and construction of the approved development shall be carried out in full accordance with the scheme of measures approved under this condition.

Reason:

To ensure that the development meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policy 7.19 of the London Plan.

## **SUSTAINABILITY**

16. The 48 new build residential dwellings (use class C3) in the main western extension element of the proposed development hereby permitted shall all be constructed to achieve not less than a standard of 'Code Level 4' in accordance with the Code for Sustainable Homes (or the equivalent standard in such measure of sustainability for house design which may replaces that scheme). None of the 48 new build dwellings in the main western extension element of the proposed development shall be occupied until formal certification from a suitably qualified party has been issued confirming that not less than a Code Level 4 has been achieved (using this methodology) for these properties and this certification has been submitted to 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.

17. The 97 new residential dwellings (use class C3) proposed in the mainly retained and converted element of the development hereby permitted shall all be constructed to achieve not less than a standard of 'Excellent' when assessed against the Building Research Establishment Environmental Assessment Method (BREEAM) Domestic Refurbishment 2012 scheme (or the equivalent standard in such measure of sustainability for house design which may replaces that scheme). None of the 97 new dwellings in the mainly retained and converted element of proposed development shall be occupied until formal certification from a suitably qualified party has been issued confirming that not less than a standard of 'Excellent' has been achieved (using this methodology) for these properties and this certification has been submitted to 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.

18. The non-residential units (use classes B1 and D1) within the development hereby permitted shall all be constructed to achieve not less than a standard of 'Excellent' when assessed against a suitable and up to date (not prior to 2011) scheme under the Building Research Establishment Environmental

Assessment Method (BREEAM). No non-residential unit within the development shall be occupied until formal certification from a suitably qualified party has been issued confirming that not less than a standard of 'Excellent' has been achieved (under the relevant BREEAM methodology) for the unit concerned and this certification has been submitted to 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.

19. Prior to the commencement of the development (other than for Groundworks and Site Preparation Works) hereby approved an Energy Strategy detailing in full the measures that the scheme will incorporate to comply with the objectives of development plan policies on climate change mitigation and reducing carbon dioxide emissions shall have been submitted to and approved in writing by the Local Planning Authority. The Energy Strategy submitted under this condition shall include measures to demonstrate how the:

- New build element of the development (which includes 48 new dwellings) would achieve an improvement of not less than 40% in carbon dioxide emissions when compared to a building constructed to comply with the 2010 Building Regulations.
- Development as a whole would achieve an improvement of 28.6% in carbon dioxide emissions when compared to a building constructed to comply with the 2010 Building Regulations.

All the measures identified in the approved Energy Strategy shall be implemented in full prior to the first occupation of the 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.

## **WATER AND DRAINAGE**

20. The development hereby permitted shall not commence (other than for Groundworks and Site Preparation Works) unless and until a Water Infrastructure and Drainage Strategy detailing all on and off site water infrastructure and 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. The information provided in the Water Infrastructure and Drainage Strategy submitted shall include (but not be limited to) full plans, specifications and other relevant details (including impacts on surface water run off and discharge rates from the site) of the proposed:

- 1390m<sup>2</sup> of green roof.
- Swales
- Filter drains

No foul, surface or ground water shall be discharged from the development hereby approved into the public sewer system until the water infrastructure and drainage works and Sustainable Urban Drainage System features

identified in the approved Water Infrastructure and Drainage Strategy 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.

21. The residential dwellings (Use Class C3) and non-residential uses (Use Classes B1a and D1) hereby approved shall have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters.

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.

22. The only toilets to be installed in the development hereby approved shall be dual flush (6 to 4 litres) toilets and all taps fitted in the development shall be spray or flow restricted taps.

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.

23. 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 105 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 105 litres per head per day shall 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.

## **NOISE AND AIR QUALITY MANAGEMENT AND MITIGATION**

24. 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.

25. Prior to the commencement of the development hereby permitted (other than for Groundworks and Site Preparation Works) a Scheme of Air Pollution Mitigation Measures to be provided in the development to protect the amenities of future and neighbouring occupiers shall have been submitted

to the Local Planning Authority and approved in writing. The approved Scheme of Air Pollution Mitigation Measures shall be implemented in its entirety before the first occupation of the development.

Reason:

To ensure that the amenities of future and neighbouring occupiers are protected in accordance with policy DM04 of the Barnet Local Plan and policies 5.3 and 7.14 of the London Plan.

26. Prior to the commencement of the development (other than for Groundworks and Site Preparation Works) a full scheme of the measures to be incorporated in the development to mitigate the impact of noise from road traffic on the A1000 (High Road) and Downland Close, the activities of the commercial units neighbouring the site and any other relevant sources of noise on the future occupiers of the new dwellings in the development shall be submitted to the Local Planning Authority and approved in writing. The scheme of measures submitted shall ensure that the levels of noise as measured within habitable rooms of the new dwellings hereby approved shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am and the submission made shall include sufficient details and information to adequately demonstrate how these standards would be met. The development shall be implemented in full accordance with the approved scheme of noise mitigation measures in its entirety before the first occupation of the development.

Reason:

To ensure that the amenities of the occupiers of the development are not prejudiced by noise and to accord with policies DM04 of the Barnet Local Plan and 7.15 of the London Plan.

27. Notwithstanding the details shown in the plans submitted and otherwise hereby approved, prior to the first occupation of the development hereby permitted details of all acoustic walls, fencing and other barriers to be erected on the site shall have been submitted to the Local Planning Authority and approved in writing. Prior to the first occupation of the development the acoustic walls, fencing and other barriers shown in the approved details shall be erected and installed in their entirety and be maintained as such in perpetuity thereafter.

Reason:

To ensure that the amenities of the occupiers of the development are not prejudiced by noise and to accord with policies DM04 of the Barnet Local Plan and 7.15 of the London Plan.

28. Prior to the commencement of the development (other than for Groundworks and Site Preparation Works) a Scheme of Sound Insulation Measures shall be submitted to and approved in writing by the Local Planning Authority. The Scheme of Sound Insulation Measures submitted shall set out how the development would be constructed so as to provide sufficient air borne and structure borne sound insulation against internally generated noise and vibration. The sound insulation used in this respect shall ensure that the levels of noise generated from the B1(a) and D1 uses hereby approved as measured within habitable rooms of the new dwellings

in the development shall be no higher than 35dB (A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am. The development shall be constructed in full accordance with the approved Scheme of Sound Insulation Measures prior to its first occupation.

Reason:

To ensure that the amenities of the occupiers of the development are not prejudiced by noise and vibration and to accord with policies DM04 of the Barnet Local Plan and 7.15 of the London Plan.

29. Before the development hereby permitted commences (other than for Groundworks and Site Preparation Works), a report shall be carried out by a competent acoustic consultant, submitted to the Local Planning Authority and approved in writing which clearly sets out and assesses the likely noise impacts from all the ventilation and extraction plant to be installed as part of the development and the mitigation measures proposed to be used to reduce the noise impacts arising from the ventilation and extraction plant to be installed to acceptable levels. The report submitted 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 contents and recommendations. The mitigation measures proposed to reduce the noise impacts arising from the ventilation and extraction plant set out in the report approved under this condition shall be implemented in their entirety before the development is occupied.

Reason:

To ensure that the amenities of neighbouring properties are protected from noise from the development in accordance with policies DM04 of the Barnet Local Plan and 7.15 of the London Plan.

30. Before the development hereby permitted commences (other than for Groundworks and Site Preparation Works) on site details of all extraction and ventilation equipment to be installed in the development shall be submitted to and approved in writing by the Local Planning Authority. Extraction and ventilation equipment shall be installed at the site in full accordance with the details approved under this condition before the first occupation of the site.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Barnet Local Plan and 7.15 of the London Plan.

31. The level of noise emitted from the plant installed as part of the development 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 Barnet Local Plan and 7.15 of the London Plan.

32. The Class D1 (community and education) uses hereby approved shall not be open to customers or staff before 6:30am or after 8pm from Monday to Friday, or before 8am or after 8pm on Saturdays and not at all on Sundays, Bank Holidays and Public Holidays.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and the new dwellings in the development hereby approved in accordance with policies DM04 of the Barnet Local Plan and 7.15 of the London Plan.

### **REMOVAL OF PERMITTED DEVELOPMENT RIGHTS TO EXTEND**

33. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking and re-enacting that Order) the building hereby permitted shall not be extended in any manner whatsoever without the prior receipt of express specific planning permission in writing from the Local Planning Authority.

Reason:

To ensure that the development does not prejudice the character of the locality, the amenities of future occupiers of the dwellings proposed and the enjoyment by neighbouring occupiers of their properties in accordance with policies CS5, DM01 and DM02 of the Barnet Local Plan.

### **DETAILS OF ARCHITECTURAL FEATURES**

34. Notwithstanding the details shown in the drawings submitted and otherwise hereby approved the development is not to commence (other than for Groundworks and Site Preparation Works) unless and until details (necessary details specified in brackets) 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, winter gardens, doors, metal screens and balustrading (annotated plans at a scale of not less than 1:10).
  - The curtain wall glazing system (annotated plans at a scale of not less than 1:20).
  - Depth of window reveals (annotated plans at a scale of not less than 1:20).
  - Glazed staircase (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).
  - Any means to be used for enclosing the basement car parking areas (annotated plans at a scale of not less than 1:20).
  - 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.

## **TRANSPORT**

35. Before the development hereby permitted is occupied the 167 car parking spaces shown on plan numbers 1360\_0110R, 1360\_0111Q, 1360\_0112V and 1360\_0113X shall be provided in the development and shall not be used for any purpose other than the parking and turning of vehicles in connection with the development hereby approved.

Reason:

To ensure that satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with policies CS9 and DM17 of the Barnet Local Plan.

36. Before the development hereby permitted is occupied a Car Parking Management Plan detailing the allocation of car parking spaces, all on site parking controls and charges and enforcement measures to be put in place to deal with any unauthorised parking shall be submitted to and approved in writing by the Local Planning Authority. The development shall be managed in accordance with the approved Car Parking Management Plan from the first occupation of the building and in perpetuity thereafter.

Reason:

To ensure that parking is provided and managed at the development in the interests of highway and pedestrian safety and the free flow of traffic in the area and in accordance with policies CS9 and DM17 of the Barnet Local Plan.

37. Prior to the commencement of the development hereby approved a Construction Management and Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this Plan. This Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
  - ii. site preparation and construction stages of the development;
  - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
  - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent

- the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
  - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
  - vii. noise mitigation measures for all plant and processors;
  - viii. details of contractors compound and car parking arrangements;
  - ix. Details of interim car parking management arrangements for the duration of construction;
  - x. Details setting out how the High Road (A1000) will not be used for any loading and unloading associated with the implementation of the development;
  - xi. Details of a community liaison contact for the duration of all works associated with the development.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

38. Before the first occupation of any of the new dwellings (Use Class C3) hereby permitted a strategic level residential Travel Plan prepared in accordance with all relevant technical and good practice guidance, which is ATTrBuTE and TRAVL compliant and that includes the appointing of a Travel Plan Champion shall be submitted to and approved in writing by the Local Planning Authority. The development shall be occupied and managed in accordance with the approved Travel Plan and the Travel Plan shall be reviewed in accordance with Transport for London's 'Standardised Approach to Monitoring'. The Travel Plan approved shall be implemented and enforceable in accordance with the agreement completed under section 106 of the Town and Country Planning Act 1990 (as amended) which accompanies this application.

Reason:

To encourage the use of sustainable forms of transport to the site and minimise transport impacts of the development in accordance with policies DM17 and CS9 of the Barnet Local Plan.

39. Before the first occupation of the office space (Use Class B1a) hereby permitted a local level Commercial Travel Plan prepared in accordance with all relevant technical and good practice guidance and that is ATTtrBuTE and itrace or Behaviour Change Management System (BCMS) compliant shall be submitted to and approved in writing by the Local Planning Authority. The development shall be occupied and managed in accordance with the Travel Plan approved under this condition. The Travel Plan approved shall be implemented and enforceable in accordance with the agreement



completed under section 106 of the Town and Country Planning Act 1990 (as amended) which accompanies this application.

Reason:

To encourage the use of sustainable forms of transport to the site and minimise transport impacts of the development in accordance with policies DM17 and CS9 of the Barnet Local Plan.

40. Should the community and education floorspace (Use Class D1) hereby approved be occupied by a nursery or other education use then a Nursery or Education Travel Plan prepared in accordance with all relevant technical and good practice guidance shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of this use. The development shall be occupied and managed in accordance with the Travel Plan approved under this condition and the Travel Plan approved shall be implemented and enforceable in accordance with the agreement completed under section 106 of the Town and Country Planning Act 1990 (as amended) which accompanies this application.

Reason:

To encourage the use of sustainable forms of transport to the site and minimise transport impacts of the development in accordance with policies DM17 and CS9 of the Barnet Local Plan.

41. Before the first occupation of the development hereby approved details showing suitable parking and storage facilities for not less than 259 bicycles within the development shall be submitted to the Local Planning Authority and approved in writing. The details submitted under this condition shall provide suitable parking and storage for not less than:
- 26 bicycles associated with the non-residential (Use Classes B1 and D1) floorspace proposed.
  - 233 cycles associated with the residential (Use Class C3) dwellings proposed.

The development shall be implemented in full accordance with the details as approved before the development is occupied or brought into use and shall be permanently retained as such thereafter.

Reason:

In the interests of promoting cycling as a mode of transport in accordance with Policies CS9 and DM17 of the Barnet Local Plan and Policy 6.13 of the London Plan.

42. Before the development hereby permitted is occupied or brought into use not less than the following numbers of disabled standard parking spaces shall be provided at the site in accordance with details that have previously been submitted to the Local Planning Authority and approved in writing:
- 16 disabled standard parking spaces for the residential dwellings (Use Class C3) hereby approved.
  - 1 disabled standard parking space for the non-residential floorspace (Use Classes B1 and D1) hereby approved.

Reason:

To ensure that satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety, the free flow of traffic and the creation of an environment which is accessible to all members of the community in accordance with policies CS9 and DM17 of the Barnet Local Plan

43. Before the development hereby permitted is occupied or brought into use full details of the Electric Vehicle Charging facilities to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing. The details submitted under this condition shall include provision for not less than:
- 31 of the car parking spaces proposed for the residential dwellings (Use Class C3) to be provided with active Electric Vehicle Charging facilities.
  - 3 of the car parking spaces proposed for the non-residential floorspace (Use Classes B1 and D1) to be provided with active Electric Vehicle Charging facilities.
  - 31 of the car parking spaces proposed for the residential dwellings (Use Class C3) to be provided with passive Electric Vehicle Charging facilities.
  - 1 of the car parking spaces proposed for the non-residential floorspace (Use Classes B1 and D1) to be provided with passive Electric Vehicle Charging facilities.

The development shall be implemented in full accordance with the approved details prior to the development being occupied or brought into use and thereafter be maintained as such.

Reason:

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

44. Notwithstanding the details shown in the plans submitted and otherwise hereby approved, prior to the commencement of the development (other than for Groundworks and Site Preparation Works), full details of the roads and pedestrian access arrangements within the development shall be submitted to and approved in writing by the Local Planning Authority. The details provided under this condition shall include highways engineering drawings and detailed construction specifications, including longitudinal section plans, with all plans submitted being at a scale of not less than 1:200. The development shall be implemented in full accordance with the details approved under this condition prior to the first occupation of the development.

Reason:

To ensure the formation of safe access to the development, protect the amenities of the area and to comply with policies CS9 and DM17 of the Barnet Local Plan.

45. Before the development hereby permitted is occupied or brought into use a full Delivery and Servicing Plan shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be serviced and

managed in accordance with the approved Servicing and Delivery Plan in perpetuity.

Reason:

In the interest of highway safety, the amenities of the area and the sustainable occupation of the development in accordance with policies CS9 and DM17 the Barnet Local Plan.

### **NON-RESIDENTIAL USES PROPOSED**

46. The 1978.5m<sup>2</sup> of floorspace hereby approved for purposes falling within Use Class B1a shall only be occupied for uses falling within Use Class B1a Office and shall not be used for any other purpose, including any other purpose within Use Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification.

Reason:

To ensure the development is implemented in accordance with the permission sought and in the interests of the re-provision of employment generating floorspace in accordance with policy DM 14 of the Barnet Local Plan.

47. The 324m<sup>2</sup> of floorspace hereby approved for purposes falling within Class D1 shall be occupied for education and community purposes only and shall not be used for any other purpose, including any other purpose within Use Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification.

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 in accordance with policy DM01 of the Barnet Local Plan.

### **LIGHTING**

48. Prior to the first occupation of the development hereby approved full plans, details and specifications of all external lighting to be installed as part of the development shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved details prior to the first occupation of the development and be maintained as such thereafter.

Reason:

To ensure that appropriate lighting is provided as part of the development in accordance with policy DM01 of the Barnet Local Plan and policy 7.13 and 5.3 of the London Plan.

49. Prior to the first occupation of the development hereby approved, an External Lighting Assessment shall be submitted to and approved in writing by the Local Planning Authority. The External Lighting Assessment submitted shall detail the existing average night time luminance and light spread levels across the application site at night, identify the levels of light pollution received at the windows to residential properties within proposed development and, where appropriate, identify the measures to be used to mitigate the impacts of light pollution on the future occupiers proposed dwellings. Any light pollution mitigation identified in the External Lighting Assessment shall be implemented in full prior to the first occupation of the new dwellings in the development.

Reason:

To ensure the development provides adequate amenities of the future occupiers of the proposed dwellings and to accord with policy DM01 of the Barnet Local Plan.

## **LANDSCAPING**

50. Notwithstanding the details shown on the plans submitted and otherwise hereby approved prior to the commencement of the development (other than for Groundworks and Site Preparation Works) full details, including annotated scaled plans, of all proposed boundary treatments, walls, fencing, gates or other means of enclosure to be erected at the site shall have been submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved details prior to the first occupation of the dwellings hereby approved and be permanently retained as such thereafter.

Reason:

To ensure that the development protects the amenities of the occupiers of neighbouring and future properties, provides a safe and secure environment and to protect the character and visual amenities of the site and wider area in accordance with policies CS5 and DM01 and DM02 of the Barnet Local Plan and policies 1.1, 7.3, 7.4, 7.5 and 7.6 of the London Plan.

51. Prior to the commencement of the development a detailed scheme of hard and soft landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The detailed scheme of landscaping submitted shall include but not be limited to the following:
- The position of any existing trees to be retained and removed.
  - New tree, hedge and shrub planting proposed including species, plant sizes and planting densities, as well as planting for the areas of green roof proposed, including herbaceous / climbers / grasses / ground cover plants.
  - Means of planting, staking and tying of trees, including tree guards as well as a detailed landscape maintenance schedule for regular pruning, watering and fertiliser.
  - Existing contours and any proposed alterations such as earth mounding.
  - Areas of hard landscape works including proposed materials samples.

- Details of all techniques to be used to provide conditions appropriate for new plantings.
- The timing of planting.

Reason:

To safeguard the health of existing trees which represent an amenity feature and to ensure a satisfactory appearance of and contribution to biodiversity from the development in accordance with policies DM01, DM02 and DM16 of the Barnet Local Plan and policies 3.6, 7.19 and 7.21 of the London Plan.

52. All work comprised in the approved scheme of hard and soft landscaping (submitted under condition 51) 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.

53. Any trees, hedges, shrubs or areas of green roof to be planted as part of the approved landscaping scheme (submitted under condition 51) 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.

54. No site works or other works associated with this development shall be commenced before a Method Statement detailing the precautions to be taken to minimise damage to retained trees within and trees adjacent the site, in accordance with British Standard BS5837: 2012 *Trees in relation to design, demolition and construction - Recommendations*, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the Method Statement approved under this condition.

Reason:

To safeguard the health of existing trees which represent an amenity feature in accordance with policy DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.

55. No site works or other works associated with this development shall be commenced before temporary tree protection measures to safeguard retained trees within the application site and trees adjacent the site have been put in place in accordance with details that have been previously submitted to and approved in writing by the Local Planning Authority. The tree protection measures approved under this condition shall remain in place until the development hereby consented has been completed.

Reason:

To safeguard the health of existing trees which represent an amenity feature in accordance with policy DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.

56. Details submitted pursuant to Conditions 4 and 51 to 55 (inclusive) imposed by this Planning Permission shall be submitted at the same time.

Reason:

To enable the proper consideration of matters relating to site levels, protective fencing and landscaping 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.

57. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, prior to the first occupation of the development a scheme detailing all play equipment to be installed in the communal amenity spaces provided on the site shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the details as approved prior to the first occupation of the development.

Reason:

To ensure that the development represents high quality design and to accord with policies DM01 and DM02 of the Barnet Local Plan and policy 3.6 of the London Plan.

**INFORMATIVES:**

The informatives that it is recommended be included on the decision notice in respect of this application are set out in **Appendix 3** of this report.

**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.

Since the adoption of the London Plan in July 2011 the Mayor has adopted (in October 2013) 'Revised Early Minor Alterations' to this document. These make a number of changes to policies and other text in the 2011 London Plan. A key objective of these changes is to ensure that the London Plan is

consistent with the National Planning Policy Framework. They also seek to update the position on affordable housing (to reflect changes to national policy) and make changes to cycle parking standards. The changes to the London Plan as adopted under the 'Revised Early Minor Alterations' have been used as the basis for the assessment of this application. In January 2013 the Mayor published Draft Further Alterations to the London Plan for consultation. The consultation on these changes was open for comment until 10<sup>th</sup> April 2014. Where relevant and appropriate account has been taken of the policies in this draft document.

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 (2011 and 2013) 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 Crossrail 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 relevant 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)  
DM05 (Tall Buildings)  
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)

Draft Town Centres (January 2013)

Draft Shaping Neighbourhoods: Character and Context (February 2013)

Draft Sustainable Design and Construction (July 2013)

### 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 Key Relevant Planning History**

A full summary of the key planning history of relevance to the site is set out in **Appendix 1** of this report.

In terms of the application site itself, four submissions were made under the prior notification process in 2013. These sought to convert various parts of the site to a residential use (Barnet reference numbers B/02148/13, B/03158/13, B/03322/13 and B/03490/13) and were all found not to constitute permitted development. A screening opinion (B/03173/13) and a residential led mixed use scheme (B/00421/13), seeking consent for 191 new dwellings, were also submitted for the site in 2013. Through the screening opinion it was established that a proposal of the nature sought under that submission would not constitute development requiring the preparation of an Environmental Statement. The residential led mixed use scheme at the site (proposing 191 new dwellings) remains under consideration and has not yet received a decision.

More historical submissions at the application site include an application (Barnet reference B/02301/10) seeking planning permission to change the use of the third floor of the building from Class B1 to Class D1 (education), which was granted consent in 2010, and a proposal, granted consent in 2007, to change the use of the ground floor into a café (Barnet reference N00189AK/06).

There are a number of planning applications at properties surrounding the application site which are relevant to the consideration of the current proposal. These include applications at the adjacent commercial premises, one of which was recently granted consent at appeal (Barnet reference B/00845/13).

In the wider area surrounding the application site, outline planning permission was granted in 2012 for the redevelopment of land located off the High Road and Chandos Avenue and the Brethren Meeting Hall and Well Grove School. The permission concerned gave outline consent for 70 new dwellings and a building for purposes falling within Use Class D1. This is therefore a relevant committed development in the Whetstone area. A further committed scheme, at 1230 High Road, Whetstone, for mixed use (residential and office) purposes is currently being implemented. A planning application for the 360 new dwellings and a new community hall at the land between Sweets Way and Oakleigh Road North was refused planning permission in January 2014. At the time of this report being written a planning application for a mixed use scheme is currently under consideration for the former BP Garage site (1412 to 1420 High Road) in Whetstone.

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

#### Public Consultation

To publicise this application letters and emails were sent to 1012 addresses in December 2013. The application was also advertised on site and in the local press at that time. Following revisions to the design of the scheme and the submission of additional information further rounds of consultation (including letters, emails and site and press notices) were carried out in February and March 2014. 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

**15** responses objecting to the proposal were received from residents. **None** of these objectors have requested to speak at committee. **No** responses supporting the proposal were received from residents.

#### Comments from Residents

The comments made in objection to the application by residents are summarised under the headings below.

#### **Highways, Parking and Transport:**

- Proposal would add unacceptably to the existing traffic and congestion in the area.
- Quantity of parking proposed is inadequate and should be increased.
- Surrounding road network is not suitable for the additional vehicles the development would generate.
- Proposal would exacerbate existing parking problems on the roads surrounding the site and cause a loss of parking for existing residents to the detriment of their amenities.
- Development would add unacceptably to the vehicles and traffic in the area and exacerbate the existing access and congestion problems in this location.
- Junctions in the area would be significantly adversely affected by the development.

- Proposal would be detrimental to highway and pedestrian safety.
- When assessing transport impacts account needs to be taken of other developments in the surrounding area.
- Proposal would make it even harder for them to gain access to and from their property.
- Development would impact adversely on the ability of emergency services to access their homes and use the surrounding road network.
- Congestion the development would cause would compromise the timing of public transport services.
- Construction of the development would result in unacceptable traffic, highways and congestion impacts.
- Traffic lights should be installed in this section of the High Road.

**Design and Character:**

- Scale, size, height and detailed design of the proposed buildings are harmful to the character of the area.
- Proposed building is too large and tall for the site and has an inadequate setting.
- Proposal would unacceptably increase the bulk and height of the existing building, make it more prominent and obtrusive.
- Proposal includes a bulky, obtrusive, unattractive and prominent rear extension.
- Proposal is not sympathetic with its context and has an unacceptable relationship with neighbouring buildings, spaces and streets.
- The materials and style of building proposed are of a generic nature and they would not enhance the area or be sympathetic with local architecture.
- Proposal is out of keeping with and would have a detrimental impact on the character and appearance of the area.
- Proposal would result in the loss of the open aspect of the neighbourhood and provides inadequate green space for the proposed dwellings.
- Building is out of keeping with its surroundings, including the green belt and surrounding suburban landscape.
- Proposal is overly dense, represents an overdevelopment of the site and is contrary to development plan policies on this matter.
- Proposal would not comply with planning policies on design and character matters, including those in the National Planning Policy Framework, London Plan and Barnet Local Plan.
- Proposal would impact adversely on their safety.
- Trees, including trees which have been covered by a Preservation Order have been cut down in preparation for the development.

**Amenities of neighbouring occupiers:**

- Development would cause a significant and unacceptable overlooking and loss of privacy.
- Proposal would lead to constant and unacceptable noise and disturbance.
- Development would be overbearing and sited too close to their property.
- Development would have an unacceptable visual impact and cause loss of outlook.

- Development would cause unacceptable losses of daylight and sunlight.
- Proposal would cause light pollution.
- Proposal would not protect the amenities of neighbouring occupiers.
- Proposal would have adverse environmental impacts and increase air pollution in the area to the detriment of health and safety.
- Proposal would impact upon their parking facilities to the detriment of resident's amenities.
- Construction works the development would result in would have an unacceptable impact on their amenities.

**Other objections raised:**

- Proposal is not compliant with planning policies and should be refused.
- Proposal would result in an unacceptable loss of office space that is detrimental to local employment provision and contrary to development plan policies on this matter.
- The uses proposed are not appropriate for the area.
- Proposal would be detrimental to existing and future residents.
- Proposal would be detrimental to local amenity and the local community.
- The development would set a precedent for other developments coming forward in the area.
- That account needs to be taken of the other approved and proposed developments taking place in the surrounding area.
- Their previous objections have not been addressed by the amendments to the scheme.
- Additional residents and vehicles in the borough arising from the development would impact adversely on local services, facilities, amenities and infrastructure, such as roads, schools and health related facilities.
- Tests of the viability of the scheme should be based on a realistic current valuation and viability should not be used to justify overdevelopment.
- Development raises concerns about flooding into St Margaret's Avenue and Manus Way.
- The change of use of the building would bring a high level of social housing to the area thus causing Whetstone to decline.
- Proposal could make Whetstone become an unsafe place to live.
- Proposal would reduce the value of surrounding properties.

*Full responses to the material planning considerations raised are provided in the main body of the committee report. In summary, subject to the controls and mitigation provided by the conditions and planning obligations recommended, the proposal is found to be acceptable and compliant with the relevant development plan policies in all the relevant regards.*

**Comments from Businesses**

A number of local businesses have responded to the consultation and provided comments on the application. The businesses which have responded to the consultation and the nature of their comments (whether they object or support the proposal) are as follows:

**Michael Gerson Investments Limited** (2 Downland Close): Object to the application and **request to speak at committee.**

**Video Equipment Rentals** (3-4 Downland Close): Object to the application and **request to speak at committee.**

**A1 Dairies Limited** (1 Downland Close): Object to the application.

**A1 Self Storage Limited (2 Downland Close):** Object to the application and **request to speak at committee.**

These businesses have provided extensive comments on the application and the development proposed. Given this position the comments from these respondents are summarised in full and responded to directly below in **section 3.7** of this report. Where relevant other sections of the committee report also provide responses to the comments made. This includes **section 3.4** which looks specifically at how the scheme would provide acceptable amenities for the future occupiers of the proposed dwellings (taking account of the sites environment and the impacts of neighbouring businesses).

#### Comments from Elected Representatives

##### **The Rt. Hon. Mrs Theresa Villiers MP:**

Requested that the representations made by Mr Gerson, objecting to the proposal (summarised below), be carefully considered and taken into account before a decision on the application is made.

Has stated that the re-submitted plans have not in any way addressed these objections and that she remains concerned about the proposed change from commercial to residential use; the impact that the proposal would have on surrounding businesses and the area in general; the impact of the business on the future occupiers of Northway House (given its proximity); overdevelopment; loss of employment space; highway safety; privacy; security; and parking. Has also noted that it would appear that if the proposed extension to Northway House is allowed the solar heating scheme recently approved at A1 Self Storage would be ineffective during the winter months.

*Full responses to the points raised are provided in the main body of the committee report. In summary, subject to the controls and mitigation provided by the conditions and planning obligations recommended, the proposal is found to be acceptable and compliant with the relevant development plan policies in all the relevant regards.*

#### Comments from Local Associations and Societies

##### **Totteridge Residents Association:**

Have expressed concerns that:

- With the significant increase in population this and other local development would cause services, such as doctors and transport, could become overstretched.
- The number of parking spaces proposed for the residential and business uses sought is inadequate and that the maximum permissible number of spaces should be provided for the residential element to avoid local roads

being overwhelmed by parking (they do not wish to see Controlled Parking Zones introduced due to the provision of inadequate parking in developments).

- 200 cycle parking spaces have been provided but only a fraction of these are likely to be used in reality.

*Full responses to the points raised are provided in the main body of the committee report. In summary, subject to the controls and mitigation provided by the conditions and planning obligations recommended, the proposal is found to be acceptable and compliant with the relevant development plan policies in all the relevant regards.*

**Brook Farm Allotments and Horticultural Association:**

Have objected to the application. In summary the concerns raised comprise that the:

- Proposed changes to the building profile will add to its bulk and impact on cultivation at nearby allotment gardens.
- Additional traffic generated will overwhelm the High Road at peak traffic flow, where traffic jams are already a regular occurrence.
- Scheme does not appear to make provision for additional services, such as GP services, schools and hospital facilities. Schools are already overcrowded and additional population on the scale projected will make matters worse.

*The submission documents contain an assessment of the potential overshadowing impacts of the proposed development. This confirms that the proposed redevelopment of the site would not result in any additional overshadowing of the Brook Farm Allotments. Officers accept the findings of this report and consider the proposal to be acceptable in this respect. Full responses to the other points raised are provided in the main body of the committee report. In summary, subject to the controls and mitigation provided by the conditions and planning obligations recommended, the proposal is found to be acceptable and compliant with the relevant development plan policies in all the relevant regards.*

Consultation Responses from Statutory Consultees and Other Bodies

**Transport for London (TfL):**

Responded to the initial consultation (in January 2014) and made a number of comments on the application. These can be summarised as follows:

- The site is located adjacent the A1000 High Road, which is part of the Strategic Road Network and has a very good PTAL of 5.
- 158 car parking spaces are proposed to serve 145 residential units. This equates to a provision of 1.08 spaces per unit. London Plan policy 6.13 'Parking' states that developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit. On this basis the proposals have a significant overprovision in the number of spaces and these should be reduced.
- 13 spaces are proposed to cater for the Class B1/D1 uses proposed. This equates to one space per 157sqm of floorspace. The London Plan does not include relevant standards for D1 uses. For B1 uses in Outer London there is a range of 1 space per 100-600sqm of floorspace. Having consideration to the site's PTAL they would expect more stringent

standards to be used, equating to 4-5 spaces. The B1/D1 parking should therefore be reduced.

- It is welcomed that Electrical Vehicle Charging Points and Blue Badge parking are proposed in conformity with London Plan standards.
- Cycle parking is proposed in accordance with London Plan policy 6.9 'Cycling' and this is welcomed.
- Should two or more buses be using the adjacent bus stop than the emergency vehicle access would be blocked. On this basis it is recommended that the access arrangements are amended.
- It is accepted that the scale and nature of this development are such that it would not have a negative impact on the either the highway or public transport network.
- A Pedestrian environment review system audit has been provided. Within this it is identified that the local bus stops do not benefit from raised kerbs to assist in the boarding and decanting of mobility impaired passengers. It is therefore requested that a contribution of £10000 per bus stop is secured within the Section 106 agreement towards the provision of raised kerbs for the two nearest bus stops.
- The submitted travel plans have been assessed using the ATTrBuTE toolkit and passed the assessment. To ensure conformity with London Plan Policy 6.3, the travel plans are expected to be secured, monitored, reviewed, and enforced through the Section 106 Agreement.
- They expected that a framework Delivery and Servicing Plan and Construction Logistic Plan would have been included in the Transport Assessment provided. This was not the case and they will need to be submitted to the Borough to be in line with London Plan Policy 6.14. These plans will need to be subject to planning conditions.

Following revisions to the scheme and the submission of additional information TfL have subsequently confirmed that:

- The kerbs adjacent bus stops meet the minimum height requirements (they are therefore already adequate for mobility impaired passengers).
- The proposed emergency access arrangements are acceptable.

*Full responses to the remaining points raised by TfL are provided in the main body of the committee report. Section 3.10 of the report is particularly relevant in this respect.*

**Highways Agency:**

Have responded to the consultation and confirmed that they have no objections to the proposal.

**Metropolitan Police Service:**

Have responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed upon any grant of consent.

**London Fire and Emergency Planning Authority:**

Have responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed upon any grant of consent.

**Environment Agency:**

Have responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed on any consent granted. The



Environment Agency have made comments on the inclusion of water efficiency and flood risk management infrastructure in the proposed development. These are set out and responded to in further detail in the relevant parts of the committee report.

**Natural England:**

Have responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed upon any grant of consent. Natural England have identified that the application may provide opportunities for biodiversity and landscape enhancements at the site. Conditions seeking enhancements at the site in these regards have been included in those recommended.

**English Heritage Archaeology:**

Have responded and conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. Find that the application site is not within an Archaeological Priority Area and is likely to have been extensively disturbed by modern development. As such they consider that no further archaeological assessment or conditions are necessary.

**Thames Water:**

Thames Water have responded to the consultation and not raised any objections to the proposal. Thames Water have made a number of comments in respect of public sewers in the area and surface water drainage matters. Informatives on these points have been included in those recommended. Thames Water has also specifically stated that with regard to sewage infrastructure capacity they would not have any objection to the proposal.

**National Grid:**

Have responded and identified that National Grid apparatus is located within the vicinity of the site. An informative setting this out has been included in those recommended.

Internal Consultation responses

**Traffic and Development Team:**

The Traffic and Development Team response is set out in greater detail in the relevant sections of the report below. In summary they have confirmed that, subject to the imposition of the conditions and planning obligations recommended, they have no objections to the development and find the proposal to be acceptable in respect of traffic, parking and highways related matters.

**Environmental Health Service:**

The Environmental Health Service response is set out in greater detail in the relevant sections of the report below. In summary they have confirmed that, subject to the imposition of suitable conditions in respect of air quality, contaminated land and noise matters, they raise no objection to the development and find the proposal to be acceptable.

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

### 2.1 Site Description and Surroundings

The application site comprises a broadly rectangular area of previously developed land measuring approximately 0.654 hectares in size situated on the western side of Whetstone High Road. The site slopes down significantly from east to west. Downland Close is situated (running east to west) to the north of the site and the A1000 (Whetstone High Road) is situated to the east of the site (running north to south). The areas to the west and north of the site (accessed from Downland Close) contain a range of business uses. The land to the south of the site (St. Margaret's Avenue) comprises two storey pitched roof semi-detached dwellings.

The main existing building on the site is predominantly 12 storeys in height. There are also lower ground floor levels and a further structure providing some additional floorspace space on the 12<sup>th</sup> floor of the building. A three level structure providing parking is situated on the western part of the site. The eastern part of the site, containing the main building, is located within the defined boundary of Whetstone Town Centre. The western part of the site, including the car park, is located outside of the town centre boundary.

The applicant has confirmed that the site is currently fully vacant. However, Northway House presently contains a mixture of lawful uses. These include a café, studio and exhibition space, storage space, office space, light industrial space, laboratories and educational uses. As such if the building were to be taken as a whole it would be considered to have a *sui generis* classification under the Use Class Order. The existing uses within the building are discussed in further detail in subsequent sections of this report.

Vehicular access for the site currently takes place from a single point on the High Road. Pedestrian access to the site also takes place from the High Road. The site has a Public Transport Accessibility Level (PTAL) ranging between 3 (west of the site) and 5 (east of the site fronting onto the High Road).

The application site presently contains a mixture of hard and soft landscaped areas. The Arboricultural Survey submitted with the application assesses the impacts of the scheme on 13 individual trees and 2 groups of trees (which each contain approximately 40 trees) that are situated either in or adjacent the site. None of the trees in the application site itself are covered by a Tree Preservation Order. An area of land to the south of the site, which directly adjoins the site boundary, contains trees covered by a Tree Preservation Order (reference number TRE/BA/84).

The area surrounding the application site varies significantly in its character. To the south of the site the commercial and mixed-use High Road rapidly changes (westwards), into St Margaret's Avenue, to become of a traditional residential suburban character containing predominantly two storey semi-detached houses. Parts of the southern boundary of the site adjoin the gardens of properties in these residential roads. The areas to the north and west of the site contain a number of business uses. These include premises for A1 Self Storage (north of the site), 1411 High Road (to the north of site, where uses include the storing of shipping containers) and Video Equipment Rentals (to the west of the site).

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

Detailed planning permission is sought for extensions, various external alterations and the change of use of Northway House to provide 145 new self contained residential flats (Use Class C3), 1978.5m<sup>2</sup> of office floorspace (Use Class B1a) and 324m<sup>2</sup> of floorspace for community and educational purposes (falling within Use Class D1). A plan showing the overall layout of the proposed development has been provided at **Appendix 2** of this report.

The site as proposed is laid out with the main part of the existing Northway House building, which is broadly 'T' shaped in plan form (with the top of the 'T' on the eastern part of the site), retained. Key changes to the main retained block include the:

- Demolition of the existing projecting stair core on the northern side of the building.
- Extension of the ground floor of the building eastwards (towards the High Road).
- Rebuilding of the existing glazed stair core on the western end of the building (the bottom of the 'T') and the enclosing of this within a solid extension up to a first floor level.
- Enlargement of the 12<sup>th</sup> (top) floor of the building.
- Introduction of balconies, winter gardens and decked access structures across the building facades. This includes infilling the existing recessed area in the north-east corner of the building with winter gardens.
- The northward extension of the part of the building which is oriented at a right angle to the High Road (effectively increasing the width of the lower part of the 'T').

The facades of the retained building (including the doors and fenestration) would be comprehensively changed under the proposals. This part of the building would contain a total of 97 residential flats and the new non-residential floorspace proposed (described further below). Following the alterations proposed in the submission the retained part of the building would not exceed the maximum height of the existing building.

The largest extension to the retained building would be erected on the western part of the site and include the area that presently contains the multi-storey car park structure (which would be demolished). Viewed in plan form the extension would be broadly 'U' shaped, with the tops of the 'U' oriented southwards. There would also be two full podium floors beneath the 'U' shaped element of the structure. This extension would be up to six storeys in height (including the podium levels). However, the height of structure varies significantly from west (highest) to east (lowest), partly as a response to the steeply sloping nature of the site. This part of the building would contain a total of 48 residential flats.

The three main protrusions from the extensions broadly 'U' shaped plan form would be a projection to the north (which would contain an access point to an area of parking and cycle storage on its lowest two levels and be part of the residential accommodation proposed on levels above this); a projection to the west (which would contain parking on its lowest level and the amenity space

for a number of flats on the floor above this); and a projection to the east (which would contain parking on its lowest two levels and a refuse store and entrance lobby above this).

The two podium floors which form part of the main western extension would be predominantly used to provide car parking and cycle storage. However, they would also contain (in their western element) the lower level of four duplex flats. The area enclosed on three sides by the 'U' shaped extension (the top of the podium level and level -01 on the submitted plans) provides a communal open amenity space (described further below) and access to the building core entrances in this part of the development. This area would be directly accessible to pedestrians (and emergency vehicles) from the High Road through a double storey break in the built form on the eastern side of the extension. Direct access from the area of communal space on top of the podium to a separate area of communal amenity space at a lower level on the southern part of the site (described further below) would be possible through proposed stairs which project from the southern façade of the podium.

Each new dwelling within the proposed development would have its own area of private amenity space in the form of a terrace, winter garden or balcony. The development also includes the provision of three main areas of communal open space for the occupiers of the proposed dwellings. One of these spaces would be situated on the most southern part of the land, adjacent the site boundary. The usable amenity space in this area would cover approximately 617m<sup>2</sup>. A second area of communal open space would be located on a podium that is enclosed on three sides by the western 'U' shaped extension to the retained building. The usable part of this space would have an approximate area of 200m<sup>2</sup>. The third area of communal amenity space would be a communal roof terrace located on the western end of the retained part of the Northway House building. This space would cover an area of approximately 130m<sup>2</sup> in size. The areas of amenity space proposed would include hard and soft landscaped elements and contain features such as seating. The areas of open space on the southern part of the site and within the main western extension to the retained building would be designed specifically to include zones containing play features.

The non-residential elements of the development (covering Use Classes B1a and D1) would be provided in 6 units located across parts of 4 floors of the scheme. This includes the majority of the ground and first floor levels of the retained part of the building (closest to the High Road). The remaining non-residential accommodation would be situated in parts of two lower floors within the building. One of the non-residential units would provide the Class D1 space proposed and the remaining 5 would provide the office space.

At a ground floor level the High Road frontage of the proposed building, which would project forward of the existing ground floor building line as a result of an extension, has been designed to produce an area of active frontage. This would be achieved through the provision of substantial glazed areas and a direct pedestrian access to the office unit which would occupy the area of the ground floor facing the street. Further activity would also be generated by the routes provided at this point to the accesses for both the other non-residential units proposed (along the northern elevation of this element) and (on the southern elevation of this element) the residential dwellings located in this part of the building (on the second floor upwards).

The main point of vehicular ingress and egress for the proposed development would be provided from a single location at the northern end of the sites High Road frontage (eastern side of the site). This point provides access to a route which runs along much of the northern boundary of the site. A second vehicular access point would also be provided at the southern end of the sites High Road frontage. However, this would be solely for the use of emergency vehicles. Several points of pedestrian access would be provided along the length of the sites High Road frontage.

The development includes the provision of a total of 167 off street car parking spaces. 154 of these would be provided for the residential element of the proposal. The remaining 13 spaces would be provided for the non-residential uses proposed. 17 of the car parking spaces created would be provided to a disabled parking space standard. The development includes dedicated areas for the storage of 259 cycles. This comprises facilities for the storage of 26 cycles associated with the non-residential element of the scheme and facilities for the storage of 233 cycles associated with the residential part of the scheme. Enclosed spaces for the storage of refuse and recycling facilities would be located at various points throughout the ground floor and lower levels of the building.

In terms of its detailed architectural design, both the retained and the extended parts of the building seek to use a distinctively contemporary approach. The final materials used would be controlled through the conditions recommended (should the application be granted consent). However, they would include the extensive use of glazing, composite and metal cladding systems, particularly on the retained building. The main extension to the retained building (on the western part of the site) would predominately use a combination of brick, reconstituted stone, glazing and metal cladding systems.

The mix of dwelling types proposed in the development is as follows:

- 45 x one bedroom two person flats (approximately 31% of the dwellings)
- 11 x two bedroom three person flats (approximately 8% of the dwellings)
- 53 x two bedroom four person flats (approximately 37% of the dwellings)
- 23 x three bedroom five person flats (approximately 16% of the dwellings)
- 12 x three bedroom six person flats (approximately 8% of the dwellings)
- 1 x four bedroom seven person flat (less than 1% of the dwellings)

All of the dwellings proposed would meet or exceed the minimum internal floor space standards for that type of residential unit (specified in Table 3.3 of the London Plan) and achieve the relevant Lifetime Homes Standards. 15 of the units proposed would meet wheelchair accessible standards or be easily adaptable to achieve wheelchair accessible standards. All of the dwellings in the new build element of the development would achieve Code for Sustainable Homes Level 4. The new dwellings proposed in the mainly converted element of the building and the non-residential uses sought (Class

B1a and D1 uses) would all achieve a rating of 'Excellent' under the Building Research Establishment Environmental Assessment Method (BREEAM).

The scheme would provide a total of 9 affordable housing units on site. This equates to approximately 6.2% of the total dwellings proposed. The affordable housing units would all be provided as Intermediate (Shared Ownership) units comprising 4 x one bedroom two person flats, 3 x two bedroom four person flat and 2 x three bedroom five person flats.

The areas surrounding the proposed buildings would contain a mixture of hard and soft landscaping features. The development would involve the removal of 7 existing trees from the site. None of the trees to be removed are covered by a Tree Preservation Order. The landscaping scheme proposed would include the planting of substantial number of new trees. The site would be bounded by a range of different types of means of enclosure. As subsequent sections of this report describe in further detail this would include the use of features to provide acoustic mitigation.

In addition to the application drawings, application forms and certificates the submission made includes the following documents:

- Design and Access Statement by RMA Architects
- Planning Statement by Barton Willmore
- Transport Assessment (Incorporating Travel Plan) by WSP
- Transport Assessment Addendum by WSP
- Environmental Noise and Vibration Survey Report by Clark Saunders Associates
- Air Quality Assessment by WSP
- Townscape and Visual Impact Assessment by Barton Willmore
- Townscape and Visual Impact Assessment Addendum Statement by Barton Willmore
- Verifiable Photomontage Images, Methodology and Supporting Evidence by Design Hive
- Verifiable Photomontage Images, Methodology and Supporting Evidence Addendum Statement by Design Hive
- Arboricultural Survey by Midland Forestry
- Energy Strategy By WSP
- Sustainability Statement by WSP
- Code for Sustainable Homes Pre-Assessment by WSP
- BREEAM Pre-Assessment (Residential) by WSP
- BREEAM Pre-Assessment (Non-Residential) by WSP
- Socio-Economic Assessment (Including Open Space Proximity Assessment and Employment Impact) by Barton Willmore
- Socio-Economic Assessment (Including Open Space Proximity Assessment and Employment Impact) Addendum Statement by Barton Willmore
- Market and Viability Report by Dron and Wright
- Market and Viability Report Addendum Statement by Dron and Wright
- Flood Risk Assessment including SUDS information by WSP
- Utility Feasibility Report by Atkins
- Daylight, Sunlight and Overshadowing Assessment by Anstey Horne

- Potential Overshadowing Study by Anstey Horne
- Internal Daylight and Sunlight Assessment by Anstey Horne
- Site Waste Management Plan by WSP
- Phase 1 Habitat Survey and Ecology Update by Thompson Ecology
- Daytime External Inspection for Bats Survey by Thompson Ecology
- Refurbishment and Demolition Asbestos Report by WSP
- Phase 1 Geo-Environmental Assessment by WSP
- Statement of Community Involvement by London Communications Agency
- Assessment of Viability and Affordable Housing Provision and subsequent associated correspondence by BNP Paribas

Pre-application advice was sought from the Council on the redevelopment of the application site.

### **3. PLANNING CONSIDERATIONS**

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

For areas such as the application site, which comprise high quality suburbs not identified as locations to which growth will be focused, policies CS1 and CS3 of the Barnet Core Strategy expect new developments to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure. As is set out in other sections of this report in greater detail the proposal is considered to be compliant with the objectives of these policies.

The application site has not been identified for any specific use in planning policies, is previously developed and is situated partially within Whetstone Town Centre (and therefore in easy access of the amenities it offers). 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 ranging between 3 and 5) and is located within walking distance of a number of bus stops and Totteridge and Whetstone Underground Station.

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.

#### **Employment uses**

The application proposes to reduce the level of floorspace at the site falling within Use Class B1 from 7887.3 down to 1978.5m<sup>2</sup>. Policy CS8 of the Barnet Core Strategy states that the Council will support businesses by safeguarding existing employment sites that meet the needs of modern businesses (in accordance with Policy DM14 New and Existing Employment Space); encourage development that improves the quality of existing employment provision; and seek a range of unit sizes and types in new employment provision to support small and medium sized enterprises.

Policy DM14 (in the Barnet Development Management Policies) identifies that in locations such as this the loss of B1 uses will only be permitted where it can be demonstrated that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of effective marketing has been undertaken. Where this can be demonstrated the priority will be for a mixture of small business units with residential use. The policy also states that office space specifically should be retained in town centres and edge of centre locations. Loss of office space will only be permitted in these locations where it can be demonstrated that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of active marketing has been undertaken. Where this can be demonstrated the proposal will be expected to provide appropriate mixed use re-development which delivers some re-provision of employment, residential and community use. The policy identifies that proposals to redevelop existing employment space which reduce the levels of employment use and impact negatively on the local economy will be resisted and that, where it is appropriate, loss of employment space will be expected to provide mitigation in the form of contributions to employment training. Proposals for new office space should follow a sequential approach which considers town centre sites before edge of centre sites.

The submission made includes a Market and Viability Report and a subsequent Addendum Report (MVR). These reports identify that the level of occupation of the building has declined significantly since 2008 despite an ongoing active marketing campaign, which has included the use of on-site signage, a website and commercial agents, and the offering of flexible short term lease arrangements (alongside more traditional longer term leases). Taken as a whole the occupation of the building (the majority of which is in a B1 Use) declined from approximately 73% in June 2008 down to 4.66% in February 2014 (197m<sup>2</sup> of which was not in a B1 use and relates to the existing café on the site). The applicant has confirmed that since April 2014 the site has been fully vacant.

The MVR finds that Northway House is in a poor condition and suffers from a significant number of limitations. Examples of this include observations that the roof and central heating system of the building are coming to the end of their useful life and that the site lacks disabled WC facilities and has poor energy performance credentials. Taken as a whole the report advances the building is coming to the end of its economic life and that a substantial investment would be required to enable its longer term occupation. It estimates that the cost of remedying the concerns it identifies and bringing the building up to a condition and specification commensurate with what would be expected in the current office market (a figure of £8 million is suggested) would exceed the rental income which such a refurbishment could generate. It is therefore suggested that retaining the building in a B1 use is financially unviable.

Further relevant observations in the MVR include that there is currently a substantial level of vacant office space within the borough and that (excluding Northway House) this space would be sufficient to meet the current levels of office space demand for approximately the next 4.5 years assuming no new supply comes to the market. It is suggested that the poor condition and



specification of Northway House make the B1 space it provides less attractive in comparison to alternative options for potential occupiers and that in such circumstances businesses will not find it difficult to find suitable accommodation.

It is noted that objections have been received about the loss of employment uses from the site and the information supplied in the submission on this issue. Officers conclude that the submission has adequately demonstrated that the site is no longer suitable and viable for its existing or alternative business use and that an appropriate period of effective and active marketing has been undertaken. The proposed development is considered to include a suitable and policy compliant mix of new uses, including new office floorspace, residential dwellings and a unit for community uses (see other sections of this report for further details). Officers consider that the re-provision of approximately 25% of the existing Class B1 space in the building is a very important part of the case for supporting the development proposed.

The new Class B1 space would be located within the boundary of Whetstone Town Centre on the most accessible part of the site. It would also be of a higher standard (for example it would achieve BREEAM 'excellent' and be accessible to all members of the community) than the existing B1 space in Northway House, flexibly designed so that it can accommodate a range of sizes of business (including small and medium sized enterprises) and located within a wider building that has been substantially refurbished. The new Class B1 space would all be provided as office space (Class B1a). It is noted that a proportion of the existing Class B1 space at the site (the application form submitted puts this at approximately 18% of the total Class B1 space) is used for other purposes falling within Class B1, such as laboratories. This is considered significant because such uses typically employ lower densities of staff (so they employ fewer staff for a given area of space) than office space.

To ensure that the scheme delivers the benefits envisaged in these regard conditions have been recommended which require that the new Class B1 floorspace proposed is provided solely as office space, achieves a BREEAM standard of 'excellent' and is designed to be accessible to all members of the community.

In accordance with development plan policies which seek contributions to employment and training from schemes the proposal would also deliver four apprenticeships connected with the construction and operational phases of the development for residents of Barnet. Of the four apprenticeships delivered two would be at not less than a Level 2 or 3 (as defined in the National Apprenticeship Service Framework or any subsequent scheme which replaces this) and two would be at either not less than a Level 4 or an appropriate equivalent graduate scheme. Alongside the other planning benefits which the application would deliver this obligation is considered to assist in mitigating the loss of employment generating floor space the development would result in.

For the reasons set out above the reduction in the existing Class B1 floorspace sought as part of the application and the new Class B1 space proposed are both considered to be acceptable and compliant with development plan policies in principle, subject to the conditions and planning obligations recommended.

### Community and education uses

The application proposes to reduce the level of floorspace at the site falling within Use Class D1 (Non-residential institution) from 699m<sup>2</sup> down to 324m<sup>2</sup>. Policy CS10 of the Barnet Core Strategy states broadly that the council will work with our partners to ensure that community facilities are provided for Barnet's communities. More specifically the council will support the enhancement and inclusive design of community facilities, ensuring their efficient use and the provision of multi-purposes community hubs that can provide a range of services to the community at a single accessible location. Developments that increase the demand for community facilities and services will be expected to make contributions to new and accessible facilities or improve existing facilities, particularly within town centres.

Policy DM13 (of the Barnet Development Management Policies) identifies that the loss of community or educational use will only be acceptable in exceptional circumstances where new community or education use of at least equivalent quality or quantity are provided on site or at a suitable alternative location or there is no demand for continued community or education use and the site has been marketed effectively for such use. The policy states that new community or education uses should be located where they are accessible by public transport, walking and cycling, preferably in town centres. New community or educational uses should also ensure that there is no significant impact on the free flow of traffic and road safety and will be expected to protect the amenity of residential properties.

The application documents confirm that the previous occupier of the existing space for education use on the third floor of Northway House, Buckingham College, vacated the site in July 2013. The space has not been occupied since this date. The submission also identifies that prior to their exit from the site Buckingham College were only occupying 190m<sup>2</sup> of the Class D1 space available on the third floor of the building.

Officers acknowledge that the planning permission granted for the existing educational use at the site (under application reference B/02301/10) contains a condition which states that 'The premises shall be used for Non-Residential Education and no other purpose, including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987'. Under the existing consent the use of this facility is therefore presently limited solely to educational uses (and would not be available to other uses of a community nature).

It is also recognised that the educational space currently provided on the site has a number of limitations, both in respect of the space itself and the associated facilities on the wider site (to which the education space is linked). Examples of this include the absence of air conditioning and observations that the common part staircases and lifts in the building are not fully compliant with current equalities legislation (on providing access for all members of the community) and that the central heating system within Northway House is coming to the end of its useful life.

Unlike the current educational space in the building the new Use Class D1 space proposed in this application would be available for the full range of

community and education purposes permissible under class D1. It would also be constructed to comply with current requirements on matters such as accessibility for all members of the community, achieve a standard of BREEAM 'Excellent' and be located within a building that had been substantially refurbished and upgraded more widely (for example in terms of its heating system).

The new Class D1 space itself would be situated in a location with good accessibility by public transport, walking and cycling within the defined town centre of Whetstone. As subsequent sections of this report explain in further detail, subject to the conditions recommended, the new Class D1 space would also not have a significant impact on the free flow of traffic and road safety or be detrimental to the amenities of neighbouring residential properties.

In circumstances such as this, where an existing occupier would not be prejudiced (as the space is currently vacant), it is considered that the reduction in educational floorspace proposed is adequately justified by the provision of new Class D1 floorspace that would be of a significantly better quality and available for a wider range of community and education uses. To ensure that the scheme delivers the benefits envisaged in this regard conditions have been recommended which require that the new Use Class D1 floorspace proposed is available for community and educational uses (and not used for other purposes within Class D1) and designed to be accessible to all members of the community.

For the reasons set out above the reduction in the existing Class D1 floor space sought as part of the application and the new Class D1 space proposed are both considered to be acceptable and compliant with development plan policies in principle, subject to the conditions recommended.

#### High street uses ('A' Use Classes)

The application proposes the removal of the existing mixed use Class A3 (Restaurants and Café) and A5 (Hot Food Takeaway) floorspace at the site. This is situated in a ground floor unit which fronts on to the High Road and covers an area of approximately 197m<sup>2</sup>. As proposed the site would include new office (Use Class B1) floorspace fronting onto the High Road (instead of the Use Class A3 and A5 unit), albeit in an altered building. It is acknowledged that the site is located within the designated secondary retail frontage of Whetstone Town Centre and that the supporting text to policy DM11 identifies that 'Retail units will be required where the employment site is part of the existing retail frontage or where it could be extended to increase retail frontage'. However development plan policy does not specifically prohibit or limit the change of use of Class A3 and A5 floorspace to Class B1 office space in principle. As explained in further detail in previous sections of this report, the provision of new B1 office space in town centre locations, such as this, is broadly supported in principle by development plan policy.

In this specific case officers conclude that the employment generating benefits of the new office space and the other positive impacts that such uses have on town centres (such as generating daytime activity) outweigh any harm caused by the loss of the existing Class A3 and A5 uses at the site. It is noted that prior to the introduction of the Class A3 and A5 space (through the implementation of the planning permission with Barnet reference

N00189AK/06) at the site this area was part of the wider office use at Northway House. The proposal is therefore something akin to a reversion to the previous situation at the site. It is also recognised that the site is located at the very northern edge of the secondary retail frontage in the town centre and that there are several other facilities in the town centre which provide the same kinds of specific services as those last delivered in the space which would be lost (a café).

Planning policies do seek to have active frontages in the ground floor locations within town centres and it is considered that the design approach proposed in the scheme provides a suitable response in this regard.

### Residential uses

The application site has not been designated in planning policies for any specific use. As other sections of this report have set out, Barnet Local Plan policies broadly support, and in some cases expect, the inclusion of residential uses as part of proposals for mixed use schemes in locations such as this, subject to a specific scheme also meeting any other relevant particular elements of development plan policy. For example Policy DM14 identifies that in town centre and edge of centre locations proposals to redevelop office space will be expected to provide an appropriate mixed use development which includes some re-provision of employment use, residential and community use (subject to the proposal having already met other planning policy requirements). The London Plan also identifies a general need to increase housing supply in London. For example policy 3.3 states that 'The Mayor recognises the pressing need for more homes in London in order to promote opportunity and provide a real choice for all Londoners'. In this context it is considered that the site being redeveloped to include an element of residential use is acceptable in principle, subject to the specific proposal which comes forward being compliant with the other relevant aspects of planning policy (these are addressed elsewhere in this report).

It is acknowledged that a number of objections to the proposal have been made on the grounds that the introduction of residential uses at the site would have a detrimental impact upon their businesses in a variety of regards (further detail on this is provided in section 1.3 of this report). Objections to the introduction of residential uses at the site have also been received from other parties, including neighbouring residents. Officers do not consider that any of the matters raised by objectors to the scheme (either existing residents or businesses) identify issues which would justify the Council resisting the principle of the site being redeveloped to include residential uses, subject to the other requirements of planning policies having been met. The more specific concerns raised by objectors are responded to fully in the relevant sections of this report.

### Conclusions on the principle of the uses proposed

In light of the various considerations outlined above, the principle of re-developing the site to provide a mixed use scheme of the nature proposed is deemed to be acceptable and compliant with development plan policy, subject to the specific scheme put forward complying with the requirements of other planning policies.

Objections have been received that the application relates partly to land outside the ownership and control of the applicant. While these concerns are noted the A Certificate of Ownership on the application form submitted has been signed by the applicant's Agent (Barton Willmore). By doing this they have confirmed that on the day 21 days before the date of this application nobody expect the applicant was the owner of any part of the land or building to which the application relates (in this context 'owner' is a person with a freehold interest or a leasehold interest with at least 7 years left to run). A covering letter which accompanies the application specifically identifies that the site boundary has now been revised (as part of the plans consulted on in March 2014) to exclude certain areas of land that were previously part of the application site. The applicant has confirmed that they are satisfied that the land which falls within the current red line boundary falls under their ownership and that the correct Certificate of Ownership has been completed as part of the application. It is not for the Local Planning Authority to mediate and seek to resolve potential boundary and land ownership disputes. As such, the submission of further information on this matter as part of the application is not warranted. In the circumstances of this proposal it is considered that the submission made is sufficiently clear on the matter of site ownership for the purposes of registering and considering the planning application. It is not appropriate or necessary for the Local Planning Authority to interrogate the position adopted by the applicant on this matter any further.

A request has been made that the development should be referred to the Mayor of London. While this comment is noted development of the nature proposed is not referable to the Mayor of London as it does not exceed the relevant thresholds.

### **3.2 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:

- 45 x one bedroom two person flats (approximately 31% of the dwellings)
- 11 x two bedroom three person flats (approximately 8% of the dwellings)
- 53 x two bedroom four person flats (approximately 37% of the dwellings)
- 23 x three bedroom five person flats (approximately 16% of the dwellings)
- 12 x three bedroom six person flats (approximately 8% of the dwellings).
- 1 x four bedroom seven person flat (less than 1% of the dwellings)

Of these dwellings 9 would be delivered as on-site affordable housing units. The on-site affordable housing units would be provided as 9 Intermediate

(Shared Ownership) units comprising 4 x one bedroom two person flats, 3 x two bedroom four person flat and 2 x three bedroom five person flats.

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. The Housing Development Partnership Team has confirmed that there is likely to be a significant demand for the type of affordable units proposed and an independent review of the viability of the scheme (discussed in greater detail below) has confirmed that this is the maximum contribution that it is viable for the development to make to the provision of affordable housing in the borough.

In light of these factors it is considered that, in this instance, the dwelling mix proposed is acceptable and compliant with planning policy.

### **3.3 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) ranging between 3 (west of the site) and 5 (east of the site fronting onto the High Road). 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, Such as St. Margaret's Avenue, have strongly suburban characteristics.

Taking these factors into consideration the London Plan density matrix would suggest a range of somewhere between 35 and 260 units per hectare or 150 to 700 habitable rooms per hectare (see table above). Using the approach in

the London Plan the 145 dwellings proposed include 427 habitable rooms. As the site has an area of 0.654 hectares this equates to a density of approximately 216 units per hectare and 653 habitable rooms per hectare. The proposal therefore 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 not found to represent an overdevelopment of the site.

### **3.4 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 floorspace 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> )
Flats	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 flats 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 submission documents include an assessment of the daylight and sunlight that would be received in the habitable rooms of the dwellings proposed. It also includes an assessment of the extent to which the amenity spaces proposed as part of the development would be overshadowed. These assessments were carried out by Anstey Horne Ltd. using the methodologies found in the latest guidance (published in 2011) from the Building Research Establishment (BRE) for assessing such matters.

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).

The submission advances that the design principles which have underpinned the new build element of the scheme on the west of the site are driven by a desire for apartments to benefit from the best aspect. The scheme seeks to achieve this by ensuring that the new courtyard area is south facing and that larger apartments are dual aspect wherever possible. Those apartments without a southerly view have an easterly or westerly aspect and none of the new build homes have a single fully northerly aspect. As a result of the scheme re-using and refurbishing the existing tower of Northway House (an approach which achieves a number of sustainability benefits) the design of this element of the development needs to address particular challenges. These include the fact that as the building was constructed as a purpose built office block (without residential standards for internal daylight and sunlight penetration in mind) the space within the building is constrained in certain respects.

Officers find that generally the proposed dwellings are well proportioned, with rooms that are not excessively deep or narrow. There are some more difficult corner dwellings and dwellings which accommodate existing structures (in the refurbished element) that have influenced the layout proposed. However, all the dwellings proposed are considered to have an adequate plan form and layout. Due to the orientation and form of the retained building the scheme does include north facing single aspect dwellings. However, these units have been designed to include features that counterbalance the impacts of this on



the amenities of future occupiers. This includes each single aspect north facing dwelling having a larger area of private amenity space than is required under planning guidance and the inclusion of a winter garden within this space. In this way the design proposed is considered to provide adequate amenities for the future occupiers of the single aspect north facing dwellings proposed. The inclusion of single aspect north facing dwellings in the scheme is therefore considered to be acceptable in this instance.

Looking at the scheme more widely, the design put forward provides the significant majority of bedrooms and other living spaces in the scheme with full height windows and doors. Officers acknowledge that on parts of the scheme there is a need to enclose areas of private amenity space with winter gardens to create an environment that benefits from acceptable noise conditions (this is discussed in further detail below). There are also parts of the site where winter gardens are not needed on noise grounds and they have been proposed for the amenities they offer future occupiers (and to create a coherent overall design response). The use of such design features inevitably reduces the amount of daylight which is able to penetrate the room behind the winter garden, however, this adverse impact needs to be balanced against the benefit for future occupiers of having a feature such as a winter garden.

In terms of daylight levels, the Internal Sunlight and Daylight Report submitted finds that of the 428 rooms tested 400 (93%) would have an Average Daylight Factor (ADF) in excess of the recommendations set out in BRE guidance for a room of that type. In each case the rooms which do not meet the relevant ADF figure are affected by balconies or winter gardens provided for the properties on the next floor of the building. As with daylight the sunlight available to future occupiers of the proposed dwellings is also affected by the inclusion of balconies and winter gardens in the scheme.

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, in the round, officers find the levels of sunlight and daylight available to future occupiers of the proposed dwellings to be adequate in this instance. Having weighed the findings of the sunlight and daylight assessment submitted against the benefits provided to future occupiers through the inclusion of good sized private amenity spaces (and winter gardens in many instances) it is considered that the development has struck a reasonable balance for the circumstances of the site and that, taken as a whole, the design put forward provides adequate amenities for the occupiers of each of the proposed dwellings (with the conditions recommended). It is not considered that a reason for refusal on the grounds of inadequate daylight and sunlight for future occupiers of the proposed development would be justified in this instance. Notwithstanding that officers have found that this aspect of the scheme is adequate in its own right, the case for coming to this view is supported further by the wider planning benefits of the proposed development.

As the recently consented (under application reference B/00845/13) scheme at the neighbouring property (A1 Self Storage) is now a committed scheme the applicant's assessment of the daylight and sunlight conditions for future occupiers evaluates the impact of that proposal on the development proposed in this application. The results of this evaluation show that the construction of

the consented scheme on the A1 Self Storage site would lead to 2 additional rooms in the proposed development failing to reach the BRE recommended ADF figure for a room of that nature (the overall compliance rate for the scheme as a whole would remain at 93%). For sunlight, the adjacent windows on Downland Close are north facing and the results show that there would be no change in the number of windows throughout the development as a whole that would achieve the relevant BRE guidance figures for annual and winter sun as a result of the scheme consented at A1 Self Storage being implemented. It is acknowledged that a further two windows failing to reach the relevant ADF figure is not a positive aspect of the circumstances of this proposal. However, these findings (which officers accept) are considered to show that the level of change would be relatively minor in nature. The findings do not lead officers to reach a different conclusion about the acceptability of the scheme in respect of the daylight and sunlight conditions for future occupiers to that set out in the previous paragraph.

To respond to the concerns of the occupiers of the commercial units to the south-west of the site, in respect of the potential overshadowing impacts of their buildings on the amenities of the future occupiers of the proposed development, the submission documents assess the impacts of the neighbouring building on the sunlight levels received at the windows in the scheme that face south-west. The results show that of the 56 windows that face south-west, 45 would achieve the BRE sunlight criteria for both annual and winter sun. Of the 11 windows that do not, 2 of these serve rooms that contain other windows that would satisfy the BRE sunlight criteria. The remaining 9 windows are all affected by balconies which form part of the scheme proposed. Of these windows, 8 would satisfy the BRE criterion for winter sun. The fact that these windows would receive the recommended levels for winter annual probable sunlight hours (APSH) is due to the fact that in winter the sun is at a lower angle in the sky, which negates the shadowing effect of the balconies. As previous sections of this report have set out, officers accept that in this instance the benefits of providing good levels of private amenity space and the benefits of the scheme more widely outweigh the proposals limited non-compliance with certain standards on sunlight (and daylight) provision.

In terms of the external amenity spaces proposed on the south-west side of the development, the submission shows that over 50% of the residential amenity areas on the lowest parts of the development would be able to receive two hours of direct sunlight on the 21<sup>st</sup> March (the date recommended by the BRE for testing). On this basis the submission advances that the results are fully compliant with the recommended BRE guidance on overshadowing. Officers accept these findings and consider the proposal to be acceptable in this respect.

#### External amenity space provision

All of the flats proposed would have access to their own private amenity space in the form of a balcony, winter garden or terrace (or a combination of these features). In each case this amenity space would be of sufficient size to meet or exceed the requirements of Mayoral guidance on the provision of private external amenity areas (5m<sup>2</sup> for 2 person dwellings with an extra 1m<sup>2</sup> for each additional bed space) for the size of flat proposed.

Using the Barnet standard of providing 5m<sup>2</sup> of usable external amenity space per habitable room (including kitchens over 13m<sup>2</sup> and with rooms over 20m<sup>2</sup> counting as two rooms) for flats, the development would be required to provide approximately an extra 885m<sup>2</sup> of usable external amenity space, in addition to the private balcony, terrace and winter garden amenity space proposed (which collectively, cover approximately 2364m<sup>2</sup> in total) to comply with guidance set out in the Barnet Sustainable Design and Construction SPD. The scheme seeks to meet this requirement through the creation of three communal amenity areas within the application site. These three spaces would cover an area of approximately 947m<sup>2</sup> in total and include areas of lawn, trees, hedges and other forms of soft landscaping, hard landscaping, communal roof terrace, seating and play features (the precise details of which are to be agreed under the conditions recommended). The design, quality and size of these three areas is considered to be such that they would provide sufficient external amenity space to exceed the requirements of Barnet guidance for the flats proposed. 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. Using the approach to play space provision requirements in Mayoral guidance the scheme proposed would be expected to provide approximately 185m<sup>2</sup> of play space. The proposed scheme includes two areas of communal amenity space that would be designed specifically to include play features (the areas on the southern part of the site and within the podium level formed as part of the main western extension to the retained building). These would cover a combined area of approximately 230m<sup>2</sup> in size and the 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 an 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 only exceptions to this are secondary windows to habitable rooms and conditions have been recommended to ensure that these are installed with obscured glass and are fixed shut (or have only a fanlight opening). 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. As with the window to window distance 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.

It is noted that concerns have been raised about the possible impacts of CCTV equipment at neighbouring sites on the amenities of the future occupiers of the proposed dwellings. While these concerns are noted, it is not considered that this equipment would result in impacts on the amenities of future occupiers of the dwellings that would justify a refusal of planning permission in this instance. This type of equipment is an increasingly common feature in a whole range of situations in the built environment. It is also considered that the future occupiers of the proposed dwellings who would be most likely to receive any impacts of this sort would be likely to be aware of the presence of such equipment (through visiting the site) prior to commencing their occupation at the site. It would then be for them to decide if they wanted to pursue this.

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 submission documents include an assessment of the impacts of the noise and vibration environment in the area on the amenities of the future occupiers of the proposed dwellings. This was carried out by Clark Saunders Associates. The submission documents also include an assessment of the impacts of the air quality conditions in the area on the occupiers of the proposed dwellings. This was carried out by WSP Environmental Ltd.

It is recognised that a number of parties have objected to the application on the grounds that the proposal would prejudice their ability to continue to operate their businesses (see section 1.3 of this report for further details) due to the conflicts that they believe would inevitably arise with the development proposed. These include noise, vibration and air quality impacts from their businesses on the residential dwellings proposed. However, the design and layout of the buildings and spaces proposed on the site has been heavily influenced by the need to create an acceptable noise, vibration and air quality environment for future occupiers of the proposed dwellings.

In terms of potential noise related impacts on future occupiers of the proposed dwellings, the surveys provided in the submission show that the prevailing environmental noise climate at the site is determined by two main sources, road traffic on the High Road and vehicular traffic accessing and egressing businesses to the north and west of the site along Downland Close. Noise breakout from industrial activity to the north and west of the site did not result in significant impacts during the survey periods. It has been confirmed that the noise surveys carried out were completed in accordance with the relevant guidance and officers accept this position.

The noise surveys found that typical external night time maximum noise events at the site ranged between an  $L_{Amax}$  of 64 to 84dB at the three survey positions used. It should be noted that as part of the assessment an increase of 3dB in the daytime  $L_{Aeq,16hour}$  noise levels sampled during the site surveys at the monitoring positions closest to the neighbouring industrial and warehousing uses was factored into calculations. This was done in order to ensure account was taken of the potential for intensification of activity, particularly in respect of neighbouring businesses. It should also be noted that the survey positions used were selected in order to establish the worst case representation of noise that would be expected to be experienced by future occupants of the proposed development. It is acknowledged that the occasional night-time traffic movements by heavy good vehicles accessing and egressing the industrial and warehouse units along Downland Close has been taken into account as part of the noise assessment carried out (and the mitigation subsequently proposed).

The survey results obtained allowed the minimum sound reduction requirements of the external building fabric of the development to be established in terms of their noise mitigating performance specification (in order to meet the relevant internal noise conditions). These measures would include the use of sound insulation within all non-glazed elements of the building (such as masonry walls and cladding) and the use of thermally sealed double glazing. Conditions have been recommended to ensure that the development implemented includes sufficient noise mitigation in the building fabric to achieve the relevant internal noise conditions (35dB(A) or less in habitable rooms between 7am and 11pm and 30dB(A) in bedrooms between 11pm and 7am).

Officers note that in order to achieve the required internal noise conditions windows in many of the dwellings proposed would need to remain closed (occupants could still choose to open windows during quiet times or accept the higher levels of noise should they wish to do so). In light of this an allowance has been made for an alternative means of background ventilation for these dwellings so that windows do not need to be opened to provide adequate ventilation. Conditions have been recommended to ensure that where necessary suitable alternative means of ventilation are delivered as part of the scheme implemented.

In terms of the various communal and private external amenity areas proposed in the scheme, reference has been made to the guidance set out as part of the World Health Organisation's (WHO) 'Guidelines for Community Noise 1999' when designing these spaces. By virtue of the additional distance from the High Road and the screening provided by the existing Northway House and the proposed extension to it, the communal amenity and play space areas proposed on the western and southern parts of the application site would reasonably be expected to experience noise levels that fall within those identified in the WHO guidelines for external amenity spaces (55dB). The scheme is therefore considered to be acceptable in this respect. The noise levels experienced in these areas would also be expected to be broadly commensurate with the noise levels currently experienced in parts of the rear gardens of residential properties to the south of the site in St. Margaret's Avenue.

The application proposes the installation of a boundary acoustic screen at ground floor level along part of the northern and western site boundaries in order to protect the occupants of the apartments at lower levels in the scheme (in particular levels -02 and -01 on the plans, but there would also be a degree of mitigation for other floors) from the potential noise impacts associated with the activities of businesses neighbouring the site. The submission envisages that the acoustic screen implemented would be approximately 2m in height. However, the conditions recommended would control the final design of this feature and ensure that it achieved the required levels of noise mitigation (and was appropriate in other relevant regards).

The noise levels experienced on all of the private amenity spaces fronting directly onto the High Road and the south facing flank façade immediately adjacent this (on the retained part of Northway House), together with the private amenity spaces of ground and first floor dwellings fronting directly on to Downland Close have been designed to include enclosed 'winter gardens'. In these locations such features are needed in order to achieve the WHO noise level for an external amenity space (55dB). Acoustically attenuated glass screens that have been positioned closest to the source of noise have also been included on some of the projecting balconies and roof terraces fronting Downland Close. As with the winter gardens, such features comprise what is needed in these locations to meet the WHO noise level for an external amenity space. The conditions recommended would ensure that these features are delivered and that they achieve suitable noise mitigation (and that they are acceptable in other relevant regards).

The remaining balconies and terraces in the scheme would be expected to achieve the required WHO levels for a seated occupant and would therefore not need to be subject to noise mitigation to the same level, although some more minor measures would be included, for example to minimise potential acoustic reflections (the conditions recommended would ensure these are delivered). Officers note that winter gardens have been included in other parts of the scheme, where they are not needed on acoustic mitigation grounds. These have been used for aesthetic reasons and for the general benefits that such features provide for future occupiers. This approach is considered to be acceptable by officers.

Subject to the conditions recommended the development is found to be acceptable and compliant with the requirements of development plan policies and other relevant planning guidance in respect of providing a suitable noise environment for the future occupiers of proposed dwellings. These include the Barnet Core Strategy (in particular policy CS13), Barnet Development Management Policies document (in particular policy DM04), the London Plan (in particular policy 7.15) and the guidance contained in paragraph 123 of the NPPF, the Barnet Sustainable Design and Construction SPD, the WHO document 'Guidelines for Community Noise 1999' and British Standard BS8233:1999. The proposals establish a suitable living environment and mitigate the potential adverse impacts of noise on health and quality of life.

While officers are satisfied that the proposal has assessed noise impacts in an appropriate manner and that the controls set out above would ensure that the scheme delivered included adequate noise mitigation, it should also be recognised that the planning obligations recommended include requirements

that would ensure the potential purchasers of the proposed dwellings would be made aware of the businesses that surround the site. This is considered to go a significant way towards ensuring that the potential purchasers of dwellings in the scheme are aware of the noise environment surrounding the site. It would then be their choice whether or not to pursue purchasing a property within the scheme.

Turning to vibration levels, the values recorded as part of vibration exposure assessment reported as part of the Environmental Noise and Vibration Survey Report submitted demonstrate that vibration levels at the site are comfortably below the range of Vibration Dose Values corresponding to 'low probability of adverse comment'. The proposal is therefore found to be acceptable in this respect.

In terms of air quality matters, the London Borough of Barnet has been declared an Air Quality Management Area (AQMA). Accordingly, an air quality assessment is included in the application documentation. This assessment includes a prediction of pollutant concentrations within the site as proposed, to indicate the likely level of exposure for future occupants. The results of the assessment indicate that the objectives for hourly mean NO<sub>2</sub> and annual mean and 24 hourly mean PM10 would be met at all locations within the site. However, for annual mean NO<sub>2</sub> the modelling carried out indicated that whilst the objective would be met at some locations within the site, it would be exceeded along the eastern, northern and southern facades of the retained (albeit altered) part of Northway House at both ground floor and first floor levels. However, as residential uses are not proposed at these locations in the scheme air quality mitigation would not be required. It is also noted that the noise mitigation (acoustic ventilators) used (and ensured through the conditions recommended) in the scheme would enable dwellings within the lower part of the proposal to be ventilated without opening their windows. Although this is not absolutely necessary to achieve adequate air quality conditions in these units it is a desirable benefit of the system that would be installed. For these reasons the proposal is considered to deliver acceptable air quality conditions for future occupiers of the proposed dwellings and to be compliant with planning policies in this respect.

#### 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 (particularly the neighbouring businesses) 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 (this is also discussed in subsequent sections of this report) 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.

While officers are satisfied that the proposal has assessed the impacts of the scheme in an appropriate manner and that the controls used would ensure that the scheme delivered mitigation in respect of the amenities of future occupiers, it should also be recognised that the planning obligations recommended include requirements that would ensure the potential purchasers of the proposed dwellings would be made aware of the businesses that surround the site. This is considered to be a significant way towards ensuring that the potential purchasers of dwellings in the scheme are aware of the environment surrounding the site. It would then be their choice whether or not to pursue purchasing a property within the scheme.

### **3.5 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 proposals 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 adequately to their context and have an acceptable relationship with the neighbouring buildings, streets and spaces, including the properties in St Margaret's Avenue, Downland Close and the High Road. They are also of a suitable design quality in their own right. This position has been achieved in a number of ways. In very broad terms the layout proposed results in the parts of the site adjacent to the High Road, within the town centre boundary, having the tallest parts of the development on it (in the mainly refurbished element of the building). This would also be the part of the site which contained a mixed use element (Containing uses within classes B1, D1 and C3). Such an approach is considered to be an appropriate response to the sites constraints in principle.

At the High Road the height of the proposed building comprises 13 above ground storeys (to the west of a small single storey element). The top floor of this part of the scheme (the 12<sup>th</sup> floor) would be of a greater size than it is at present. However, the development would not be any greater in height than the maximum height of the existing building and the enlargement of the accommodation on the top floor is not considered to result in any unacceptable adverse impacts. Under the retained (albeit altered) part of the building on this part of the site the scheme includes two additional floors of accommodation below the street level of the High Road. These become above ground floors as you move westwards (away from the High Road) due to the slope of the site.

The approach to the ground floor of the retained building is considered to create a better designed frontage than the existing situation at the site. The design also creates a suitable level of activity for a town centre location such as this. This is achieved by extending the ground floor of the building towards the High Road and through the inclusion of features such entrances to the residential and non-residential elements of the scheme and the use of extensive glazed areas.

The facades of the retained building would be comprehensively altered under the proposals. This would include the introduction of balconies, winter gardens and decked access structures across the building (including infilling the recessed area in the north-east corner of the building with winter gardens); demolition of the existing projecting stair core on the northern side of the building; and the rebuilding of the existing glazed stair core on the western end of the building. In terms of its more detailed architectural design the retained part of the building seeks to use a distinctively contemporary approach. The final materials used would be controlled through the conditions recommended (should the application be granted consent). However, they would include the extensive use of glazing, composite and metal cladding systems. Officers consider this to be an appropriate design response in this context and find that the proposal would enhance the appearance of the retained part of building (compared to the existing situation) in a way which takes suitable account of the character of the wider area.

The main extension to the retained building would be erected on the western part of the site and include the area that presently contains the multi-storey car park structure (which would be demolished). Viewed in plan form the extension would be broadly 'U' shaped, with the tops of the 'U' oriented

southwards. There would also be two full podium floors beneath the 'U' shaped element of the structure. The podium floors would be predominantly used to provide car parking and cycle storage. They would also contain (in their western element) the lower level of four duplex flats. Above the podium floors this part of the building would contain new residential dwellings. The area enclosed on three sides by the 'U' shaped extension (the top of the podium level and level -01 on the submitted plans) provides a communal open amenity space.

The main western extension to the building would be up to six storeys in height (at its western most end). However, the height of structure varies significantly from west (highest) to east (lowest), partly to respond to the slope of the site. At the point where it joins the existing building the proposal is three above ground storeys in height (at this point it is enclosing the glazed stair core on the western end of the retained building with a solid extension). The main extension to the building also varies significantly in height from north to south. Adjacent to Downland Close (to the north) the building would be up to six storeys in height. The building then steps down southwards to respond to the suburban residential elements of the sites context, including the houses in St Margaret's Avenue (to the south of the site). The south-east element of the extension would reduce down to two above ground storeys at its lowest point. The south-western element of the extension would reduce down to three storeys in height at its lowest point.

As with the retained part of Northway House the main extension to the building seek to use a distinctly contemporary design approach. The final materials used would be controlled through the conditions recommended (should the application be granted consent). However, they would predominately comprise the use of a combination of brick, reconstituted stone, glazing and metal cladding systems. Elements such as windows, winter gardens, terraces, stone detailing and brick features (for example hit and miss brickwork) are used to introduce variety into the mainly brick elevations. Officers consider this to be a suitable design approach for this part of the site and find that the development would respond successfully to the character of the wider area. Conditions have been recommended to ensure that the detailed design of the building is implemented in an appropriate way on both the retained part of Northway House and the main extension to the building.

The approach proposed is considered to deliver an acceptable design response that would adequately reduce the size, scale, bulk and mass of buildings proposed away from the High Road and St Margaret's Avenue. The design creates a scheme that has an acceptable relationship with both the parts of the site that are of a suburban residential character (to the south) and those which are characterised by commercial uses (to the west and north of the site). The design, size and siting of the proposed alterations to the building on the site are considered to be such that they would not result in detrimental impacts on the character and visual amenity of the adjacent areas of Green Belt. The impacts of the proposal on the amenities of neighbouring occupiers (both residential and non-residential) are assessed separately in sections 3.6 and 3.7 of this report.

The scheme is found to include spaces and landscaped areas that provide a suitable setting for the proposed building and which assist the development in achieving an acceptable relationship with the surrounding properties (landscaping matters specifically are addressed in section 3.9). A significant proportion of the parking proposed is delivered in the lower levels of the building. This aspect of the design approach is welcomed as it reduces the impact of the parking on the design of the rest of the site. Vehicular and pedestrian routes into and within the site are described fully in section 2.2 of this report. These aspects of the scheme are considered to be of a sufficient quality and the proposal is found to provide an acceptable overall approach to the design and layout of the development at the site.

Subject to the conditions recommended the proposal is found to be acceptable and compliant with development plan policies as they relate to design, appearance and character matters.

### **3.6 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.

It is noted that objections have been received from a number of parties expressing concerns that the proposed development would be detrimental to the amenities of neighbouring and surrounding residential occupiers and users in a variety of ways. These include loss of light, visual impact and loss of outlook, increased noise, disturbance and pollution (including air and light pollution), overlooking and loss of privacy, overbearing relationships and impacts arising from the construction of the development. The concerns raised in respect of the transport (including parking) impacts of the development are assessed and responded to in section 3.10 of this report. The concerns raised over the schemes impacts on the security of neighbouring residential properties are assessed and responded to in section 3.13 of this report.

#### **Overlooking and loss of privacy**

The development proposed does not include clear glazed windows (in either the residential or non-residential elements) 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 development proposed (residential or non-residential) to a neighbouring properties private garden are not less than 10.5m.

It is recognised that a small number of the dwellings proposed have windows and private amenity areas (such as balconies or terraces) which could potentially result in a degree of overlooking of neighbouring properties in St Margaret's Avenue if no mitigation were provided. The application proposes to address this through the use of obscured glazing (which is fixed shut or provided with only a fanlight opening) and privacy screens in the locations concerned. Given the importance of this issue conditions have been recommended to require the obscured glazing and privacy screens to be implemented in full accordance with details that have previously been approved by the Local Planning Authority and maintained as such thereafter. With such conditions the development would comply with the specific privacy distances set out in the Barnet Residential Design Guidance SPD. This potential issue is therefore considered to be fully addressed by the controls recommended.

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 conditions have 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

The application is accompanied by an assessment (prepared by Anstey Horne Chartered Surveyors) of the proposals impact on the neighbouring residential properties by reference to the methodologies found in the Building Research Establishment (BRE) publication '*Site Layout Planning for Daylight and Sunlight, a Guide to Good Practice*'.

This report concludes that the recommendations relating to daylight and sunlight in the BRE guidance would be met. 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 verifiable 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 (including the gardens of neighbouring dwellings). The submission also includes a Townscape and Visual Impact Assessment (and an addendum to this). These documents are considered to be sufficient to enable the full assessment of the proposed developments impacts on neighbouring properties (including their gardens) 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 potential impacts on outlook, the key sensitive viewpoints are those from the rear windows and gardens of the properties at 51 to 65 St Margaret's Avenue. These properties currently look out towards the existing Northway House, the multi-storey car park to its rear (west) and commercial units which are accessed from Downland Close. The updated Design and Access Statement (March 2014) includes diagrams and 3D computer images of the proposed development, including view from the rear of the properties in St Margaret's Avenue.

In the event that the proposed development is constructed the views from rear windows and gardens of properties 51 to 65 St Margaret's Avenue will comprise the retained part of Northway House (which would be re-clad and altered in ways described in previous sections of this report) and a more major extension to the building to the west. The extension has been designed with a 'c-shaped' configuration partly to enable the new residential amenity space proposed to be located closest to the existing residential gardens in St Margaret's Avenue. This configuration would mean that the distance between the new building and the closest parts of the rear elevations of 51 to 65 St Margaret's Avenue would be over 34m apart at their closest point (in the majority of cases distances would be greater). Distances from the gardens of the houses to the buildings on the neighbouring site would be shorter, being approximately 4m their closest point. The closest neighbouring commercial building to the proposed development presents a largely blank gable wall to the application site.

By virtue of the distance between the proposed development and the rear elevations of the properties at 51 to 65 St Margaret's Avenue, the design of the proposed development, which increases in height with greater distance from the properties in St Margaret's Avenue, and the gradient of the land, which slopes up from the site to the houses in St Margaret's Avenue, officers consider that quality of outlook from these properties would not suffer any significant adverse impacts. The development is found to be acceptable and compliant with development plan policies in this respect.

In terms of the visual impact of the proposal on the area surrounding the site, the submission made contains a Townscape and Visual Impact Assessment (and a subsequent Addendum to this) which includes an assessment of the visual impact of the development from 28 different viewpoints. Officers are satisfied that alongside the other information provided in the submission this assessment is sufficient to enable the evaluations of schemes visual impacts.

In terms of its current visual impacts, the land to which the application relates presently contains an existing tall building, Northway House, which can already be viewed in short, medium and long distance views around the site. This building currently has a very tired appearance and officers consider that, subject to the controls in place under the conditions recommended, visually the building would be enhanced by the changes proposed to the elevations of the retained element (which include a comprehensive re-cladding and the introduction of balconies). It is also noted that as the site already contains a tall building (in the sense intended by the London Plan and policy DM05 of the

Barnet Local Plan) which is proposed for retention (it is not proposed to demolish the majority of the main Northway House building) it is not necessary to consider if the site is appropriate in principle for a tall building in terms of compliance with planning policies.

The proposal is designed to be read as two distinct pieces of architecture. The tall (mainly retained) building fronting onto the High Road is intended to be read as a glass dominated structure, while the main western extension to the building is to be read as a predominantly brick built structure with a more lightweight upper element. Subject to the controls in place on the detailed design under the conditions recommended officers find this approach to be acceptable.

In terms of townscape and visual impact, Officers recognise that the removal of the stairwell extension to the northeast will create a more rectangular shape to the building. This and the infilling of parts of the retained structure proposed would, alongside the contemporary façade proposed (further detail is provided in previous sections of this report), create a more successful overall design approach that the current building without resulting in any significant adverse townscape or visual impacts from long, medium and short distance views.

As a result of the slope of the application site much of the main extension to the existing building (the brick dominated structure) would be concealed in many short medium and long terms views by existing neighbouring buildings. This has the effect of minimising the visual impacts of the proposal from many points. The south facing elevation of the main brick extension to the retained building would be visible in a number of views from St Margaret's Avenue.

The Townscape and Visual Impact Assessment (and Addendum) prepared by the Applicant conclude that scale and massing of the proposal responds sensitively to the site's context and topography and assimilates with both the existing landscape and surrounding built form. Subject to the controls imposed under the conditions recommended officers accept these findings.

In terms of the visual impact of the proposal on properties in close proximity to the site, the development would result in nearby residential properties, including 55, 57, 59, 61, 63 and 65 St. Margaret's Avenue, having views of the main extension to the building (which is up to six storeys in height). The Townscape and Visual Impact Assessment (and the Addendum to this) suggests that in a worst case scenario the proposal would be expected to result in adverse visual impacts effects of moderate significance on these properties. However, it also notes that this is not likely to be the case each of the six properties (although it is accepted that these were considered in the round). Moderate adverse effects would in fact only occur in a scenario where properties have an open, direct and uninterrupted view of the proposed development. In reality the properties concerned experience a range of views from a view partially filtered through vegetation to a more curtailed view screened by vegetation. Where views are screened by intervening vegetation in rear gardens this reduces the expected visual effect to being of a minor adverse nature. The assessment provided finds that it is unlikely that any property experiences direct, open and uninterrupted views of the proposed development. The properties in St Margaret's Avenue are therefore more likely to experience effects of minor adverse significance.

The Townscape and Visual Impact Assessment Addendum concludes that the proposal affects a limited number of residential properties and finds that on balance the development would respond positively to its context and respects the views from adjacent residential receptors. In addition to the existing visual screening and physical separation between the adjacent residential properties (on St Margaret's Avenue) and site boundary the development is found to be sensitively designed so that the built form steps (up) away from the properties. It also notes that the use of a podium courtyard oriented southwards also assists in limiting the proximity and extent of built form from visible views.

Officers accept these findings and conclude that, on balance, the visual impacts of the proposal are acceptable, the scheme would not be overbearing and the development would be compliant with the objectives of development plan policies in these regards, subject to the controls in place through the conditions recommended. These include controls that require the use of suitable planting and boundary treatments (to assist with screening the site) and those that would ensure the detailed design of the proposed building is implemented in an appropriate manner.

#### 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, including that associated with the Combined Heat and Power system proposed, would be located so as to no result in unacceptable levels of noise and disturbance to neighbouring occupiers.

Given the scale, location and nature (use class B1 office and community and education uses within use class D1) of the uses proposed it is also considered that the non-residential element of the development would not be likely to result in levels of noise and disturbance to such an extent that they would harm the amenities of the occupiers of neighbouring properties. However, to ensure that the part of the development proposed falling within Use Class D1 does not result in unacceptable levels of noise and disturbance at neighbouring residential properties conditions controlling its hours of occupation have been included in those recommended. Subject to these controls the proposal is found to be acceptable in this regard.

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. It is noted that the part of the application site which is situated alongside the High Road is a location within the borough where European Union Standards for air quality in respect of Nitrogen Dioxide levels are exceeded (other parts of the borough also exceed the relevant standard for finer particulate matter (PM<sub>10</sub>) but this is not the case here). This is typical of several major roads in the borough and also many other major roads in London more widely.

The application is accompanied by an Air Quality Assessment which has been prepared by WSP. This report concludes that the operational phase of the proposal would have negligible to neutral impacts on Nitrogen Dioxide levels compared to a scenario in which the development did not take place (this is also the case for PM<sub>10</sub>). 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 (including Nitrogen Dioxide levels) during its operational phase. 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. Officers find that the design of the development proposed is such that it would keep the number of windows and other openings (that could cause light pollution) which would be in close proximity to neighbouring properties to a minimum. In addition to this conditions 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.

It is noted that objections have been raised that the proposed development would adversely impact on the value of neighbouring property. While these concerns are noted they are not considered to constitute a material planning consideration in this instance. As such a refusal of planning permission on this basis would not be justified.



### **3.7 Impacts on neighbouring and surrounding businesses:**

Development plan policies seek generally to promote quality environments and protect the amenity of neighbouring occupiers and users, including businesses and other non-residential uses, through requiring a high standard of design in new development which is based on an understanding of the local characteristics. Development plan policies broadly seek to support businesses and environments which are suitable for all scales of enterprise. More specifically the Barnet Local Plan identifies that businesses will be supported through the safeguarding of existing employment sites that meet the needs of modern business and encouraging development that improves the quality of existing employment provision.

Local Plan policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users. Proposals should also create safe and secure environments and reduce opportunities for crime and fear of crime.

In terms of noise and disturbance specifically, paragraph 123 of the NPPF states that planning policies and decisions should aim to:

- “● avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established”

Barnet Local Plan policies recognise that levels of noise and air pollution have a major bearing on the health and wellbeing of residents and that the design of the built environment has an important role in managing the degree to which people are exposed to pollution. In respect of noise it is fully accepted that persistent and intermittent noises, such as those made by industrial activities, transport and congregations of people can undermine quality of life. Policy DM04 identifies that proposals to locate noise sensitive development in areas with high levels of noise will not normally be permitted and that the mitigation of any noise impacts, through design layout and insulation, will be expected where appropriate. The same policy identifies that where there is a localised source of air pollution buildings should be designed and sited to reduce exposure to air pollutants. Although it is mainly aimed at the consideration of new lighting schemes, the supporting text to policy DM01 recognise that lighting and light pollution can affect amenity by creating light spillage and increasing glare. Local Plan policies also seek to ensure that development does not cause harm to the water environment, water quality and drainage systems.

Policy CS15 of the Barnet Core Strategy identifies that the Council will work with relevant providers and developers to ensure that necessary infrastructure

is secured and delivered in time to support Barnet's consolidated growth and development and provide the facilities needed for the borough's communities.

Objections to the application have been received from a number of neighbouring businesses. The concerns identified by neighbouring businesses are acknowledged and have been taken into full account in the assessment of this application and the recommendation made by officers to grant consent for the development proposed (subject to conditions and the completion of a Section 106 Agreement in accordance with the Heads of Terms at the start of this report).

Given the particularly extensive objections raised by businesses on the development proposed the comments from these respondents are summarised in full and responded to (*response in italics*) directly below for clarity. In several cases the issues raised are explored in further detail in the relevant parts of this report. In summary, subject to the controls in place under the conditions and planning obligations recommended, the development is considered to be acceptable and compliant with the objectives of all relevant planning policies.

**Michael Gerson Investments Limited, 2 Downland Close:**

In summary the objections raised comprise that the:

Comment: Proposed development is contrary to planning policies, guidance and established practices. Approval of the application would send a message that there is no place for B8 and B2 land uses in Whetstone.

Response: *As with all planning applications, it is necessary to strike a balance between the competing needs for employment and residential uses. The London Plan has identified a severe shortfall of housing in London, which is anticipated to get worse in the coming years. The proposal makes a useful contribution to new housing provision and the applicant has provided an appropriately justified case for the development sought (as set out in the various sections of this report in more detail). The proposal is found by officers to be acceptable and compliant with planning policies in all relevant regards. It is therefore not considered that there is a justifiable basis on which to refuse the planning permission.*

Comment: Revisions made to the scheme do not address the concerns they have raised about the development proposed.

Response: *Officers consider that the scheme proposed provides an appropriate response to the sites constraints and find the application to be acceptable and compliant with the relevant development plan policies.*

Comment: Proposal is a threat to the continuation of the growing employment generating businesses on their sites and further investment in and intensification of these uses. As such the proposal is incompatible with the existing adjacent users, design principles and planning policies and guidance.

Response: *No evidence has been provided to demonstrate that the development proposed would prejudice the continuation, redevelopment or expansion of neighbouring businesses. The scheme has been carefully*

*designed to take account of neighbouring businesses and includes appropriate assessments and extensive measures to mitigate potential issues, such as noise, vibration, highway safety and air quality impacts, in an appropriate manner. In the event that future proposals were to come forward for consideration at neighbouring commercial sites an assessment of the conditions which existed at that time would need to be undertaken and appropriate mitigation, to suitably control any additional impacts (such as noise and disturbance), applied.*

*In respect of the current application (presently under consideration) to redevelop Unit 4 at Downland Close (application B/01422/13) specifically, it is noted that paragraph 6.16 of the Planning Statement submitted with the application identifies that “to ensure that noise levels remain at acceptable levels, in the event that planning permission is approved, additional sound insulation would be introduced into Unit 4”.*

Comment: Proposal would prejudice the amenities enjoyed by the occupiers of the neighbouring sites (1-4 Downland Close and 1411 High Road) which include unrestricted operating hours, lack of proximity to residential neighbours, site vehicle handling capacity with maximum load weights, large power and gas supplies, high floor loadings, high clearance heights and security with well lit and well surveyed boundaries.

Existing businesses at their sites have unrestricted access at all times and can operate in a very intensive manner, which includes significant traffic movements (including very large vehicles), vehicles which can generate significant noise and light pollution, a range of noisy commercial activities, air pollution (from commercial vehicle exhaust), bright illumination (including floodlights), visual intrusion, pest control measures and high intensity CCTV surveillance. Such activities are not compatible with the proposed development and the scheme would threaten their ability to continue to operate in this way. The proposal would be contrary to planning policies in this regard and includes no suitable mitigation for these impacts.

Response: *The new residential dwellings proposed are considered to have been provided with a design and mitigation that would ensure that their future occupiers have an appropriate level of amenity and living conditions (as set out in various parts of this report in greater detail). The conditions imposed require various measures, in accordance with the requirements of the Barnet Local Plan and the NPPF, to ensure that the activities occurring at the neighbouring commercial sites can take place without creating unacceptable living conditions for the future occupants of the more sensitive residential dwellings proposed. As other sections of this report set out no evidence has been provided to demonstrate that the development proposed would prejudice the continuation, redevelopment or expansion of neighbouring businesses. The scheme has been carefully designed to take account of neighbouring businesses and includes appropriate assessments and extensive measures to mitigate potential issues. By creating a living environment that meets with reasonable expectations for future residents, the submission ensures both types of use could co-exist alongside one another without prejudicing the ongoing use of commercial uses near the site.*

Comment: Nuisances to neighbouring residential occupiers which arise from housing being permitted in close proximity to a noise source carry no weight with magistrates when action is being taken under the Environmental Protection Act 1990 and a business is being penalized.

Response: *Officers are satisfied that the mitigation measures employed as part of the proposed development fully recognise and address the noise conditions that currently exist at the site. This mitigation also takes account of the potential for future growth of the businesses at neighbouring sites and the associated noise impacts. With such mitigation the scheme is found to create an acceptable living environment for future occupiers and is found to be adequate in this respect.*

Comment: Existing uses at their sites create the noise, smells, vibration and other environmental impacts that would be expected from 'B' Class uses. Northway House has acted as a buffer between the houses in St Margret's Avenue and the uses to the north and west of the applicant's site, but the current proposal would compromise this and introduce residential uses much closer to their site. The loss of the existing uses at the site and the buffer they provide with neighbouring properties is unsustainable.

Response: *The new residential dwellings proposed are considered to have been provided with a design and mitigation that would ensure that their future occupiers have an appropriate level of amenity and living conditions (as set out in various parts of this report in greater detail). The application is therefore found to be acceptable in this respect. Officers also note that the development proposed would be expected to create a greater buffer between properties in St Margaret's Avenue and the businesses neighbouring the application site than currently exists at present (without resulting in any unacceptable impacts on either in its own right). It is therefore not considered that the scheme would result in any demonstrable harm or conflict with planning policy in this respect.*

Comment: Proposal creates a situation where residential users are overlooking and in direct view of their secure site. This causes a loss of privacy and security and prejudices their ability to operate sensitive and high value shipments.

Response: *The neighbouring businesses already experienced a significant degree of overlooking from the application site (when it was in use), due to the design of the existing building (Northway House). Officers consider that the design of the proposed development is such that it would not increase the level of overlooking and loss of privacy at neighbouring properties to such an extent that any additional demonstrable harm would result. It is therefore not considered that a refusal of planning permission on this basis would be justified.*

Comment: Proposing housing in such close proximity to commercial uses creates alienation and conflict which encourage trespass, vandalism and theft. The design of the proposal is contrary Secure by Design initiative and the scheme would create tensions between residents in the new development and workers on their site.

*Response: The Design and Access Statement submitted shows how the scheme has been designed in accordance with Secure by Design principles. The proposal has been examined by the Metropolitan Police Service who have not raised any objections to the proposal or requested that conditions are placed on any grant of consent. Officers consider the design of the proposal to be acceptable and compliant with planning policies on security, crime and design principles more widely.*

*Comment: Local Planning Authority should ensure that the measures are implemented within the scheme that guarantee that they and their tenants have unfettered rights to continue to access their commercial properties all day and all year around and have sufficient scope to enable growth and diversified commercial activities, including those that generate noise and visual disturbance outside of normal working hours.*

*Response: The measures and guarantee's sought are considered to go beyond what can reasonably be required under planning legislation and planning policy. The scheme is considered to take appropriate account of neighbouring uses and is found to have a suitable design and include adequate mitigation in this respect. It is noted that the measures secured through the conditions recommended include appropriate screening and assume a reasonable level of growth in activity (and the associated noise and disturbance) at neighbouring sites. Any changes at neighbouring sites which require planning permission would need to be assessed on their individual merits, taking account of any relevant material planning considerations at the time they are assessed. They cannot be prejudged as part of the assessment of this application.*

*Comment: Proposal would constitute poor design, provides a poor standard of accommodation and amenities for a high proportion of the new dwellings and proposes residential uses too close to the existing commercial (Class B2 and B8) uses in Downland Close. This is contrary to planning policies.*

*Response: Officers consider that the application proposes an acceptable design response that would provide adequate amenities for the future occupiers of all the proposed dwellings and have a suitable relationship with neighbouring properties. The scheme is found to be compliant with development plan policies in all relevant regards.*

*Comment: Proposed noise mitigation is inadequate and inconsistently applied.*

*Response: The noise mitigation measures included in the scheme (and secured through the conditions recommended) have been specifically targeted to ensure that each unit is provided with acceptable levels of amenity and adequate living conditions. This has been established through an assessment of the conditions at the site and by suitably qualified experts. Environmental Health officers are satisfied that the noise mitigation measures secured by the conditions recommended are adequate.*

*Comment: Inadequate information has been supplied on the acoustic buffer proposed and this is shown to be on land outside the applicant's ownership. The screening and buffering proposed is inadequate and the scheme does*

not address impacts that will arise if windows to the proposed residential properties are opened.

*Response: The submission made proposes a size and location for the acoustic buffer which forms part of the scheme. However, the conditions recommended would ensure that the acoustic buffer, other noise mitigation and screening (including new landscaping and planting) which forms part of the scheme would be delivered within the application site in an appropriate manner that provides sufficient levels of mitigation (in a number of regards including noise, visual impact and privacy). The application is supported by an Environmental Noise and Vibration Survey Report. This demonstrates that the screening and buffering would, alongside the other mitigation proposed, deliver suitable levels of noise of noise attenuation. In terms of windows specifically, there is no reason why they could not be opened for personal preference or for purge ventilation purposes. However, in order to ensure the provision of acceptable living conditions for future residents of the development ventilation systems which enable residents to keep windows closed, should they wish to do so, would be installed where necessary.*

Comment: Proposal lacks community rooms, exercise areas, leisure facilities, rooms designated for relatives or friends to stay when visiting and visitor parking bays and spaces.

*Response: The proposal is considered to deliver suitable and policy compliant facilities for visitors and future occupiers. This includes the delivery of sufficient parking and communal facilities.*

Comment: Application fails to improve the existing junction arrangements, provides no facility for residents to cross the road (so they can remain within the town centre) and would be detrimental highway safety, including pedestrians and cyclists.

*Response: The proposed access arrangements have been carefully considered by the applicant and scrutinised by TfL and the Council's Highways Team who consider the proposals to be acceptable. This matter is discussed in further detail in section 3.10 of this report. A Crossing Assessment is contained in the Transport Assessment submitted. This identifies that the site has a 'green' classification meaning that the site has good access to local crossing points that are also suitable for disabled pedestrians due to the inclusion of features such as tactile paving.*

Comment: Scheme would adversely affect the operation of roads in the area and increase conflicting movements, contrary to planning policies on these matters.

*Response: The Transport Assessment considers in detail the volume of additional traffic that would be generated by the proposed development. Both TfL and the Council's Highways Team accept that the relatively modest increase in traffic the proposal would generate can be accommodated within the existing highway network with no material effect on capacity.*

Comment: Access into and within the site is poorly designed and includes inadequate parking and delivery facilities. The scheme would increase the hazardous parking conditions which already occur in the area.

*Response: The design of the access into and within the site and the parking and delivery facilities proposed have been carefully assessed and are found to be acceptable and compliant with the objectives of planning policies. These matters are discussed in further detail in section 3.10 of this report.*

Comment: Proposal provides inadequate disabled access arrangements.

*Response: The submission demonstrates that sufficient care has been taken in the design of the proposal and that the scheme ensures the provision of acceptable facilities for disabled persons. Conditions have been recommended to ensure the scheme is delivered in an appropriate manner in this respect. This matter is discussed in further detail separate sections of the committee report.*

Comment: Proposal would result in the loss of jobs and employment space. The existing space at the site has been inadequately marketed and has been allowed to fall into disrepair. The Market and Viability Assessment submitted with the application does not demonstrate that the proposal is compliant with planning policies on the loss of employment and non-residential uses and should be viewed with scepticism by the Local Planning Authority who have visited the site and found it to be occupied.

*Response: These matters are addressed in section 3.1 of the committee report. In summary the application site is currently vacant and the changes proposed at the site are found to be acceptable and compliant with the objectives of planning policies on employment and non-residential uses.*

Comment: Socio-Economic Assessment provided contains incorrect data and is not sufficiently robust to determine the application.

*Response: An addendum to the original Socio-Economic Assessment was submitted in February 2014. Officers are satisfied that sufficient information is available to enable a full and robust assessment of the application.*

Comment: Proposal represents overdevelopment, seeks a density of development not appropriate for this (suburban) location and is contrary to planning policies on these matters. Scale, height, bulk and mass of the proposal represent an overdevelopment and the proposal does not respect the sites constraints or the suburban character of the surrounding area.

*Response: The density of the development is examined in section 3.3 of this report. This concludes that the proposal is acceptable and compliant with planning policies on this matter. The various elements of the design of the development more widely are assessed several sections of this report. These all find the proposal to be adequate and compliant with the objectives of planning policies.*

Comment: Barnet House is a more suitable site for conversion to a residential use.

*Response: The Local Planning Authority is required to consider the planning merits of the proposal before it.*

Comment: The proposal is contrary to policies on the sequential test.

Response: *Officers consider that the proposal is compliant with planning policies on the sequential testing of new development. This matter is discussed in further detail in section 3.1 of this report.*

Comment: A recent application (with Barnet reference B/00845/13) with similar circumstances was refused on design and character grounds by the Council and the same opinion should hold true for the proposed development.

Response: *Planning applications are required to be considered on the basis of their individual planning merits. Section 3.5 of this report assesses the proposal from a character and design perspective and finds the proposal to be acceptable and compliant with planning policies in this respect.*

Comment: Extension to A1 Self Storage granted consent under application reference B/00845/13 (at appeal) is a commitment that needs to be considered.

Response: *The application identified has been fully considered as a committed scheme and taken into careful account in the assessment of this proposal in all relevant regards. This includes the impacts of the A1 Storage scheme on the current proposal and the impact of the current proposal on the consented A1 Storage scheme. Specific issues are discussed in full in the relevant sections of this report.*

Comment: The information in the submission in respect of vibration, sound, noise, fire safety, sewerage, planting, traffic accident data, affordable housing, employment data and gas supply contains deficiencies, omissions, distortions and inaccuracies. A new environmental study should be sought because of the changes at the site and the time that has elapsed since the previous report was prepared.

Response: *Officers consider that the current submission, which includes various revised information, addendum statements and clarifications, is sufficient to enable a full and robust assessment of the proposal.*

Comment: Drawings submitted are misrepresentative of reality and the ownership of land and more detailed plans should be provided.

Response: *The A Certificate of Ownership on the application form submitted has been signed by the applicant's Agent (Barton Willmore). By doing this they have confirmed that on the day 21 days before the date of this application nobody expect the applicant was the owner of any part of the land or building to which the application relates (in this context 'owner' is a person with a freehold interest or a leasehold interest with at least 7 years left to run). A covering letter which accompanies the application specifically identifies that the site boundary has been revised (as part of the plans consulted on in March 2014) to exclude certain areas of land that were previously part of the application site. In the circumstances of this proposal it is considered that the submission made is sufficiently clear on the matter of site ownership for the purposes of registering and considering the planning application and that it is*



*not for the Local Planning Authority to dispute the position adopted by the applicant on this matter.*

Comment: Submission documents show proposed development occurring beyond the application site boundary.

Response: *The application drawings have been amended (the amended drawings formed part of the consultation carried out in March 2014) to address this issue.*

Comment: Submission claims that there are 100 existing cycle spaces at the site and this is untrue and inconsistent with previous statements on this matter.

Response: *This comment is noted. However, officers do not consider that it has a significant bearing on the assessment of the current application.*

Comment: Development proposes inadequate new planting and will result in the loss of trees, including trees outside the site.

Response: *These matters are addressed in full in section 3.9 of this report. Subject to the conditions recommended the proposal is found to be acceptable in these respects.*

Comment: Application should be referred to the Mayor of London.

Response: *Development of the nature proposed is not referable to the Mayor of London. The development does not exceed the criteria set out in the Town and Country Planning (Mayor of London) Orders and as such does not trigger the requirement to be referred to the Mayor of London.*

#### **A1 Dairies Limited, 1 Downland Close:**

In summary the concerns raised comprise that the:

Comment: Planning application drawings are misrepresentative of the ownership of the land which forms the application site and the buildability of the proposed development. Applicant's plans advance that they own land which they do not and show development occurring in land which is not within their control or ownership. As such they consider that the incorrect ownership certificate has been completed and therefore the application is invalid.

Response: *These points are responded to in earlier sections of the report.*

Comment: Proposed development would undermine the road they use to access their site and this would interfere with the business on their land.

Response: *The possible structural and engineering implications of the proposal for adjoining land (including the road) are considered to be adequately addressed by the requirements of other legislation in this instance. As other sections of this report set out in greater detail the development proposed is considered to include suitable access arrangements subject to the conditions and planning obligations recommended.*

Comment: Extent of the applicant's ownership has implications for the position and effectiveness of the acoustic wall proposed in the application documents.

Response: *The precise location of the acoustic screen will be agreed pursuant to the conditions recommended. Officers are satisfied that adequate space exists within the application site (as defined in the submission drawings) to accommodate a suitable acoustic screen without a need to incur onto the adjoining land.*

Comment: Information in the Environmental Noise and Vibration Survey Report is lacking in detail and accuracy. They would question the findings of the report and suggest that the acoustic wall proposed could increase noise to the proposed dwellings rather than reduce it.

Response: *The Environmental Noise and Vibration Survey Report submitted provides a sufficiently robust assessment of the conditions that currently exist and would be experienced on the site following the implementation of the development. The acoustic wall, the full details of which will be agreed under the conditions recommended, would be designed to ensure it provided a suitable level of mitigation for the proposed dwellings.*

Comment: Plans submitted propose parking spaces on land which is located outside the application site identified in the submission.

Response: *This point is responded to in earlier sections of the report.*

Comment: The scheme represents an overly dense development.

Response: *This point is responded to in the relevant sections of this report.*

Comment: Information submitted to the Local Planning authority is inadequate to enable the proper assessment of the application in terms of parking; on site manoeuvring and parking space; on site pedestrian and traffic safety; the proximity of vegetation to residential properties; and the effectiveness of the visual and acoustic screening.

Response: *As the various relevant sections of this report identify the information submitted is considered to be sufficient to enable a full and robust assessment of the proposal. In all regards the application is found to be acceptable and compliant with the objectives of planning policies.*

Comment: Local Planning Authority need to take full account of their business and its nature, as the right to carry on an activity which results in noise which would cause an actionable nuisance (say to a nearby residential occupier in the new development) is capable of being an easement and it therefore vital that the proposed development does not seek to interfere with their land or business and takes full account of their rights.

Response: *As the various relevant sections of this report identify the submission assesses and proposal takes care to ensure adequate amenities are provided for future occupiers of the new dwellings. Full account has been taken of the conditions created by the neighbouring commercial uses. The proposed development is contained entirely within the confines of the*

*application site boundary and will not incur onto or prejudice the ability to access neighbouring land.*

Comment: Information in the Utility Feasibility Report submitted contains inaccuracies.

Response: *The latest information submitted is considered to be sufficient to enable a full and robust assessment of the relevant planning considerations.*

Comment: National Grid have attempted to reduce the electrical and gas supply capacity of their site. They consider that the National Grid should maintain the supply capacity which they originally provided and which is appropriate to their buildings (and note that they have not provided any evidence that they are not obliged to do so) and advance that this is important as industrial tenants are attracted by the electrical and gas supply available at the site. Council should independently verify that the gas supply capacity in Whetstone is sufficient to supply this development whilst maintaining the full supply capacity at their properties and others in the area, as the attempts by National Grid to reduce their gas supply capacity may be connected to the proposed development.

Response: *National Grid have commented on the application and they have not raised objections on capacity (or other) grounds. National Grid are the recognised statutory undertaker appointed to deal with these matters and it is not considered that any further assessment is required to enable the determination of this application.*

Comment: Proposal may result in increased infrastructure being needed to support the development and the full cost of this should be borne by the applicant and not levied on them, their tenants or the wider community in Whetstone.

Response: *The contributions the development would make through the planning obligations recommended and the Barnet and Mayoral CIL systems are sufficient to mitigate the impact of the proposal on local infrastructure as far as is relevant to the assessment of this planning application.*

Comment: Parking bays for the development should be located not less than 6 feet from the carriageway with Downland Close and that the Council should protect their site boundary and right of way.

Response: *The parking bays proposed are considered to have an acceptable and policy compliant design and are located within the application site boundary.*

Comment: Their previous comments on the application remain fully valid and should continue to be taken into consideration when a decision is made on the application.

Response: *The previous comments by A1 Dairies have been taken into full account in the assessment of this application and the recommendation made by officers.*

**Video Equipment Rentals (VER), 3-4 Downland Close:**

In summary the concerns raised (on their behalf by Contour Planning) comprise that:

Comment: Proposal would detrimentally affect the operation of their business which moved to the site because of its location away from residential properties and flexibility for expansion which could generate significant additional employment.

Response: *Planning policies encourage developments to make effective use of previously developed land, such as the application site. The scheme proposed is considered to take appropriate account of neighbouring uses and is found to have a suitable design that includes adequate mitigation for the conditions created by adjacent businesses. It is noted that the existing residential properties in St Margaret's Avenue are located approximately 40m from 4 Downland Close and it is understood that no noise complaints having been raised by existing local residents in respect of this to date. The presence of residential properties in the vicinity of the existing businesses does not rule out the alteration and expansion of such businesses in principle. Instead, in the event that proposals for neighbouring sites were to be considered, these would need to be judged on their own individual merits. These cannot be fully anticipated as part of this planning application, but they are likely to include suitable mitigation measures that accord with any relevant recognised standards. It is also noted that the measures secured through the conditions recommended assume a reasonable level of growth in activity (and the associated noise and disturbance) at neighbouring sites.*

Comment: Proximity and design of the proposed development to VER's property and other businesses in this area (including A1 Self Storage) raises concerns about overlooking of their commercial premises (the proposed facades are within 20m of their industrial/commercial buildings) and the submitted noise and vibration assessment is inadequate, does not provide sufficient detail or adequate mitigation to protect the future position and viability of these important local businesses.

Response: *Matters relating to overlooking of neighbouring non-residential properties and the robustness of the Environmental Noise and Vibration Report submitted are addressed in other sections of this report.*

Comment: Noise generated by VER carrying out its operations, which includes testing full concert/festival sound systems (which it expects to increase), and the decision to locate residential properties within 18m of Unit 4 on Downland Close (which they occupy) would be very likely to result in complaints from the future occupiers of these dwellings about noise levels.

Response: *Noise surveys have been conducted in accordance with recognised industry standards to account for the ambient noise conditions found at the site. This included a testing position located immediately adjacent to 4 Downland Close. Having considered these survey results, mitigation measures, including the use of winter gardens on some of the westward facing balconies and acoustic screens along the western site boundary have been recommended to ensure noise conditions for the proposed dwellings and the associated external amenity spaces are at acceptable levels. As*

*referred to above, in the event the current application at 4 Downland Close is approved, it will be necessary for suitable noise insulation to be installed (as proposed by the applicant).*

Comment: Allowing of residential properties so close to their commercial site, which currently has unrestricted 24 hour operations including the testing of PA systems, increases the potential for noise complaints and potentially litigation against VER for noise nuisance.

Response: *It is considered that the development proposed, as controlled by the mitigation secured, takes adequate account of the potential for businesses neighbouring the site to impact on the amenities of neighbouring occupiers, including noise. Noise surveys have been conducted in accordance with recognised industry standards to account for the ambient noise conditions found at the site. This included a testing position located immediately adjacent to 4 Downland Close. Having considered these survey results, mitigation measures, including the use of winter gardens on some of the westward facing balconies and acoustic screens along the western site boundary have been recommended to ensure noise conditions for the proposed dwellings and the associated external amenity spaces are at acceptable levels.*

Comment: Latest noise surveys ignore potential night time noise disturbance generated in Downland Close since no night time HGV movements were observed on Downland Close during the site visit. Night time activities regularly take place in Downland Close and the noise survey should reflect this and take account of the noise disturbance which could occur (given the close proximity of the proposed residential properties to an active commercial site).

Response: *The Environmental Noise and Vibration Survey Report is considered to provide a sufficiently robust assessment of the noise conditions at the site. This acknowledges that there is traffic, which includes HGVs accessing and egressing from adjacent sites via Downland Close throughout the daytime period. These are relatively limited in number when compared to HGV movements on High Road, and may provide a small contribution to the noise climate on Downland Close, which is otherwise determined by traffic noise on High Road. Whilst no night-time HGV movements were observed along Downland Close throughout the duration of the two survey periods, the report acknowledges there are occasional night-time HGV movements on Downland Close. It is noted that night-time HGV movements may occur on Downland Close, although these are not considered to be typical or sufficiently frequent to be considered in the assessment of internal maximum noise level as described in BS8233:1999 and World Health Organisation (WHO) Guidelines. Currently, they do not occur more than several times in any hour at night (BS8233:1999) nor are there more than 10-15 events per night (WHO 1999). As such, there is no evidence to demonstrate that HGV movements occur with such regularity and frequency so to be reasonably expected to cause material harm to the future occupants of the proposed residential units.*

Comment: Proposal makes no assessment of the external activities taking place at commercial units in Downland Close (the letter refers to noise surveys the objectors consultant has undertaken but these have not been

supplied to the Council at the time of writing), does not take account of the nature of the use being carried out by VER, relies on the premise that windows will be closed at all time as part of its mitigation and is based on insufficient survey information.

*Response: Two separate noise surveys were conducted in November 2012 and June 2013 to account for the prevailing noise conditions experienced at the application site. These surveys would have detected any activities taking place at the commercial units along Downland Close and it is these which have informed the approach subsequently adopted.*

Comment: Noise assessment which accompanies the application does not contain sufficient information to make an informed decision about potential impacts on both future residents and the operation and future expansion of VER and the wider industrial estate.

*Response: This point is responded to in previous sections of this report.*

Comment: Businesses on Downland Close should have been contacted in respect of when noise surveys were carried out.

*Response: There is no requirement for the applicant to have contacted businesses on Downland Close before the noise surveys took place. The surveys were conducted by a suitably qualified expert in line with recognised practice and industry standards. They are therefore considered to be sufficient to enable the assessment of the application.*

Comment: VER currently have no residential dwellings in such close proximity to them. The commercial units operate throughout the night and day and the flexibility of operations is very important for the businesses. This would be seriously jeopardised by the proposal.

*Response: This point is responded to in previous sections of this report. It is also noted that there are residential properties on St Margaret's Avenue that are approximately 40m from 4 Downland Close. These properties do not benefit from the kind of mitigation measures proposed for the dwellings which form part of this application and have not experienced noise conditions that have lead to noise complaints being lodged with the Council to date.*

Comment: Proposal will prevent any future expansion of their business and may restrict the operation of the business to less than current levels. This includes the expansion of their business, proposed in a current planning application (Barnet reference B/01422/13), to enable the testing of equipment in a full stage set up prior to dispatch to clients.

*Response: This point is responded to in previous sections of this report. Of particular note is the intent referred to in the current planning application for 4 Downland Close for noise insulation to be incorporated as part of the enlargement of the neighbouring building. However, further details of this have not been included within the application (B/01422/13).*

Comment: Loss of employment space on an established commercial site, which is of a size and type capable of meeting a local need, would have an

adverse impact on office floorspace in Whetstone Town Centre and employment land supply in the wider borough. The proposal would be contrary to development plan policies and national planning guidance on the protection of employment land and education facilities. The loss of employment use at Northway House would have a significant impact on the local community and economy and the scale of employment floorspace proposed is inadequate and the applicant has approached the issue of the loss of employment at the site inappropriately. The marketing evidence supplied by the applicant is inadequate to address planning policies, inconsistent and does not reflect the Council and VER's observations. It is suggested that the type of space provided in the site are desirable for small and medium sized businesses.

*Response: These points are responded to in the relevant sections of this report.*

Comment: Development of residential accommodation to the rear of Northway House would remove the possibility of providing future employment generating uses in a location which is entirely appropriate for such accommodation.

*Response: The principle of redeveloping the rear of the site to provide new residential accommodation is considered to be entirely acceptable, subject to the more detailed aspects of the proposal being compliant with the relevant planning policies (these are addressed throughout this report).*

Comment: Proposal represents an overdevelopment of the site and would significantly exceed the appropriate density identified in the London Plan for locations such as this. The schemes scale, height, bulk and mass represent an overdevelopment of the site.

*Response: The density of the development is examined in section 3.3 of this report. This concludes that the proposal is acceptable and compliant with planning policies on this matter. The various elements of the design of the development more widely are assessed several sections of this report. These all find the proposal to be adequate and compliant with the objectives of planning policies.*

Comment: Position of dwellings so close to an established and well used commercial site has little regard to the living conditions for the future residents of these properties, who would be affected by the noise and light impacts associated with being in such close proximity to an active employment site.

*Response: This point is responded to in other sections of this report.*

Comment: Scheme proposes inadequate screening and the provision of improved buffers and screens and setting the proposed buildings back further from the adjacent businesses would help to reduce the impact of commercial operations at adjoining sites on the residential properties proposed.

*Response: This point is responded to in previous sections of this report.*

Comment: Submission does not address the concerns they raised about overshadowing that would take place from existing commercial properties on residents living on the western part of the application site. It is also noted that unit 4 is proposed for enlargement (under an application which is presently under consideration) and that this should be considered as part of this assessment.

Response: *The concerns that the commercial building to the west of the site would cause overshadowing impacts on the future occupiers of the proposed development are noted. The submission documents (letter from Anstey Horne dated 14th March 2014) find that of the 56 windows that face south west, 45 would achieve the BRE sunlight criteria for both annual and winter sun. Of the windows that do not, 2 of these serve rooms that contain other windows that would satisfy the BRE sunlight criteria. The remaining 9 windows are all impacted on by balconies above. Of these windows, 8 would satisfy the BRE criterion for winter sun. The fact that these windows would receive the recommended levels for winter Annual Probable Sunlight Hours is due to the fact that in winter the sun is at a lower angle in the sky, which negates the shadowing effect of the balconies above these windows.*

*Looking at the lowest level (level -2) of the scheme, all of the habitable rooms proposed contain at least one window that would meet the recommended BRE criteria for both annual and winter sunlight. The fact that the lowest level of the development achieves the BRE target supports the view that it is the presence of the balconies, as opposed to the surrounding warehouse buildings, that is having an effect on sunlight availability to the south west windows. As Anstey Horne's Internal Daylight & Sunlight Assessment (March 2014) explains, that although balconies inevitably reduce levels of sunlight to windows positioned below them, they also provide valuable private amenity space for residents (and solar shading where required). Residents also have the option of stepping out on the balconies to maximise sunlight potential should they wish to do so.*

*Anstey Horne's Internal Daylight & Sunlight Assessment, has had regard to the effect of the additional massing that would be created as part of the extant planning permission (Barnet reference B/00845/13) granted for the neighbouring site at A1 Self Storage. These results conclude that in the event the enlargement to this neighbouring building were to go ahead, acceptable levels of sunlight and daylight would continue to be received by the windows that face onto the site.*

*It is noted that 4 Downland Close is also currently subject to a planning application (Barnet reference B/01422/13) to enlarge a building. This application is yet to be determined. This reduces the weight that may be given to it as part of the determination of this application, as there is no guarantee that proposals will be granted consent. Notwithstanding this, it is considered that the orientation and separation distance between the proposed development and 4 Downland Close is sufficient to allow sunlight and daylight to continue to penetrate into the amenity spaces serving the proposed development and the westerly facing windows, should the planning application for 4 Downland Close be granted consent in due course. The enlargement of the neighbouring building proposed in application reference B/01422/13 would not be expected to result in a permanent shadow being*



*cast across the development proposed in the current proposal for Northway House throughout the day.*

*Anstey Horne have undertaken a Potential Overshadowing Study (dated March 2014) for the new private gardens that would serve dwellings on the south-west elevation of the building as proposed (at level -2). The results of this study show that all the gardens would achieve the BRE target for available sunlight hours. The corresponding balconies above the gardens would also receive good levels of sunlight.*

*The submission is considered to demonstrate that both the internal parts of the proposed dwellings on the south-west side of the development and their associated private external amenity areas would have an adequate expectation of sunlight. The proximity of the proposed development to the neighbouring warehouse buildings would not cause it to suffer a significant detrimental effect on the sunlight amenities of future occupiers (even where neighbouring buildings are extended under extant permissions).*

**A1 Self Storage Limited, 2 Downland Close:**

In summary the concerns raised comprise that the:

Comment: Proposal is contrary to planning practice as it places housing directly adjacent to land in a B8 and B2 Use Class which operates at all times of the night and day and involves HGV movements. Proposal has no regard to the amenity of existing surrounding land users and fails to protect employers from disastrous long term repercussions.

Response: *These points are responded to in previous sections of this report*

Comment: Proposal is a risk to their ongoing business and the vehicle handling capacity of the site (which attracts customers to their facility).

Response: *No detailed evidence has been provided to demonstrate that the proposed development would have the repercussions advanced. As other sections of this report set out the design proposed takes adequate account of adjacent uses and, subject to the conditions and obligations recommended, it is considered that the development would provide acceptable living conditions for future occupants without prejudicing the operations or amenities of neighbouring businesses.*

Comment: Proposal threatens the continuation of their employment use (which may include 24 hour 7 days a week unattended access for customers) and its wider economic benefits. As such the development is contrary to development plan policy on promoting business activity; maximising job creation; protecting employment land; the potential incompatibility of new development with existing industrial and commercial activities; and anticipated growth in the distribution (warehousing), business service and small business sectors.

Response: *These points are responded to in previous sections of this report.*

Comment: Proposal will make them less attractive to customers who value the current privacy and seclusion of their site.

Response: *The neighbouring businesses already experienced a significant degree of overlooking from the application site (when it was in use), due to the design of the existing building (Northway House). Officers consider that the design of the proposed development is such that it would not increase the level of overlooking and loss of privacy at neighbouring properties to such an extent that any additional demonstrable harm would result. It is therefore not considered that a refusal of planning permission on this basis would be justified.*

Comment: Proposal would be detrimental to the local and small businesses and residents which they provide facilities for.

Response: *These points are responded to in previous sections of this report.*

Comment: Proposal will encourage trespass, vandalism and theft and is contrary to planning policy and guidance on designing safe and secure environments. The development would foster feelings of alienation and fear.

Response: *These points are responded to in previous sections of this report.*

Comment: Proposal will reduce the security of their staff as they will be more easily observed (from the development).

Response: *Natural surveillance is recognised by Secure by Design principles as a means to help reduce instances of crime. More widely these points are responded to in previous sections of this report.*

Comment: Proposal would increase the risks arising from potential terrorism, as terrorists have been known to use and raid self storage facilities.

Response: *The Metropolitan Police Service has been consulted on the application and they have not raised any objections or requested that conditions are imposed in relation to these issues. In the circumstances of this case it is not considered that a refusal of planning permission on terrorism related grounds would be justified.*

Comment: Proposal has no regard to the impact of their business on the amenities of the occupiers of the proposed dwellings. This includes impacts on privacy and the right to quiet enjoyment which will arise from traffic, artificial lights (including flood lights and flashing beacons), CCTV cameras, noise (from vehicle movements, alarms, sirens, reversing beepers and the activities associated with the facilities at the site) and vibration associated with the operation of their business. This is especially the case in summer when residents will want to open their windows.

Response: *As the relevant sections of the committee report set out in more detail the new residential dwellings proposed are considered to have been provided with a design and mitigation that would ensure that their future occupiers have an appropriate level of amenity and living conditions (as set out in various parts of this report in greater detail). The conditions imposed require various measures, in accordance with the requirements of the Barnet Local Plan and the NPPF, to ensure that the activities occurring at the*

*neighbouring commercial sites can take place without creating unacceptable living conditions for the future occupants of the more sensitive residential dwellings proposed. As other sections of this report set out no evidence has been provided to demonstrate that the development proposed would prejudice the continuation, redevelopment or expansion of neighbouring businesses. The scheme has been carefully designed to take account of neighbouring businesses and includes appropriate assessments and extensive measures to mitigate potential issues. By creating a living environment that meets with reasonable expectations for future residents, the submission ensures both types of use could co-exist alongside one another without prejudicing the ongoing use of commercial uses near the site.*

Comment: Proposal would be contrary to policies which seek to keep noise sensitive uses away from existing noise creating uses. The sound and vibration study submitted deals with time periods far too short to be representative of the traffic on Downland Close which can be sporadic in nature.

Response: *Planning policies do prohibit residential development in the vicinity of noise creating development in principle. Provided appropriate mitigation is delivered, as would be the case in this instance, such uses can co-exist alongside one another. The noise assessment submitted with the application was conducted in accordance with the relevant standards (ISO 1996-2:2007 Description, measurement and assessment of environmental noise Part 2-Determination of environmental noise levels) and has been found to provide a sufficient basis for the determination of this application by Environmental Health Officers.*

Comment: Scheme does not take account of the biological and ultrasonic pest control methods they use and the distress they can cause to residential pets.

Response: *The presence of pest control measures which may cause distress to pets is not a matter which is controlled by the planning system and such measures could be introduced on a site for a variety of reasons without any reference to the planning system. It is not considered that the possible impacts of such measures on the future occupiers of the proposed dwellings or their pets would constitute justifiable grounds for the refusal of planning permission in the circumstances of this case. It is also noted that through the planning obligations recommended reasonable steps have been put in place to ensure the future occupiers of the proposed dwellings are aware of the nature of the uses in place at neighbouring sites prior to them purchasing a dwelling.*

Comment: The proposal includes no or inadequate screening and buffering.

Response: *These points are responded to in previous sections of this report.*

Comment: Submission documents present inaccurate information and do not enable an adequate assessment of the proposal.

Response: *Since the original submission was made the applicant has changed a number of the application documents to correct inaccuracies. Officers consider that the current submission contains sufficient information to enable the full assessment of the proposal put forward.*

Comment: Area contains a lack of affordable office space and the submission believes that no serious attempt was made to retain the building for office and employment space, the buildings infrastructure was neglected and the building was not placed on the open market.

Response: *These points are partially responded to in previous sections of this report. The proposal is considered to be compliant with development plan policies on office space (loss of the existing and the new space proposed) and is found to be acceptable in this respect.*

Comment: Proposal needs to be considered in the context of the planning consent that they have received at their site (Barnet planning reference B/00845/13) for alterations (including enlargement) to the warehousing facilities.

Response: *It is considered that the submission takes appropriate account of the proposals potential for impacts on the recent consent received at the neighbouring site (under Barnet planning reference B/00845/13). The current application (for the Northway House site) is not found to result in any impacts in this respect that would justify a refusal of planning permission. It is also considered that the recent consent at the neighbouring site would not impact unduly on the development proposed under this application.*

Comment: Proposal would impact unacceptably on the passive thermosyphonic air heaters proposed as part of the consent they have recently received (under the above reference), as it would deprive the installation of solar radiant energy for the coldest parts of the year rendering it useless and increasing carbon emissions (rather than reducing them). Consider that the proposal is contrary to local, strategic and national planning policies and guidance as a result. State that the assessment of these impacts in the submission documents is fundamentally flawed and assumes that their scheme proposes photovoltaic panels (which it does not). The comments made also find that the proposal would directly impact on their amenity and directly increase their costs as a result of these impacts.

Response: *In response to the concerns raised by A1 Self Storage at 2 Downland Close the applicants advisors (Anstey Home) have prepared an Overshadowing Assessment on behalf of the applicant detailing the extent of any shadow that may be cast on the buildings at this site by the proposed development. The analysis conducted utilised the scaled drawings submitted with the application as well as having regard to the drawings that accompanied the applications at the neighbouring sites. A1 Self Storage at 2 Downland Close has recently benefitted from planning permission (Barnet reference B/00845/13), allowed at appeal, to enlarge and alter the self-storage warehouse building. As part of the planning permission, Thermosyphonic Air Heaters were proposed to be installed on the south facing flank wall of the enlarged warehouse building.*

*Officers note that there is no technical basis within the BRE Guidelines to evaluate the overshadowing impact of new development on Thermosyphonic Air Heaters or any other thermodynamic systems. Furthermore, whilst the Council's planning policies seek to protect the amenities of the occupiers of*

*neighbouring buildings in general and encourage sustainable renewable energy generation, there is no development plan policy basis on which to expressly require the protection of thermodynamic systems or other renewable energy technology systems.*

*The applicant has chosen to assess the potential overshadowing impact from the mid-point of the Thermosyphonic Air Heaters. Whilst it is true to say that the lower section of a number of the air heaters are likely to experience more overshadowing than is suggested by the Overshadowing Assessment, it is also true to say that the sections of the air heaters (the top elements) will be impacted on to a lesser extent. It is, however, fully recognised that the proportion a Thermosyphonic Air Heaters overshadowed does not directly correlate with the effect on the efficiency of the air heater. Given the lack of any particular recognised guidelines to inform such overshadowing assessments, taking the mid-point would seem to be a reasonable basis on which to conduct any assessment.*

*Sun path diagrams contained in the Overshadowing Assessment examine the existing conditions at the Northway House site and show the extent of any overshadowing to the Thermosyphonic Air Heaters (approved under application B/00845/13) to be attached to the enlarged 2 Downland Close. It is noted that when taken from the mid-point of the Thermosyphonic Air Heaters there would be an almost completely unobstructed view of the sky. The only existing obstruction of any sort is the existing building at Northway House, which obstructs sun in the early part of the day for about half of the year. The new block as proposed would cause some additional loss of potential sunlight but this would be confined to the period of approximately a single month covering December and January, where the sun is lowest in the sky, and only for a very limited period (circa 1 hour) at the beginning of the day for panels W1 and W2 and at the beginning and end of the day for panels W3 and W4 (approved under application B/00845/13). This would equate to approximately 30 hours of overshadowing throughout the whole of the year and therefore represents a very limited impact on these panels. In addition, it is noted that the months of December and January also generally experience very little in the way of sunshine hours, which would mean the Thermosyphonic Air Heaters are unlikely to function at a particular efficient level during these months in any event.*

*Whilst the amount and duration of overshadowing may be marginally greater in the lower half of the affected Thermosyphonic Air Heaters than that suggested by the Overshadowing Assessment prepared by Anstey Horne, the magnitude of the impact is still likely to be relatively limited. The Thermosyphonic Air Heaters will therefore still have reasonable access to potential sunlight for the majority the day throughout the year, even during the winter months.*

*Notwithstanding the above analysis of the proposals impacts on the amount of sunlight received by Thermosyphonic Air Heaters approved at the neighbouring site, when the potential adverse impacts of the scheme in this respect are weighed against the significant planning benefits associated with the proposed development, in terms of housing supply, expected employment generation and aesthetic enhancement, it is not considered that the severity of the harm caused is sufficient to warrant a refusal of planning permission.*

Comment: Proposal would benefit the applicant financially but be detrimental to them, an established local business and small business catalyst.

Response: *For the reasons set out in various parts of this report it is not considered that the development proposed under this application would result in any material harm to or impacts on neighbouring businesses that would justify a refusal of planning permission.*

Comment: Proposal they have obtained consent for has followed the highest standards of sustainable development in its design, while the applicant's proposal has ignored planning policy on sustainability including housing density, Secured by Design and separation between planning user classes (which they consider to be a fundamental reason for planning legislation).

Response: *These points are responded to in more detail in the relevant parts of this report. In summary the application is found to be acceptable in all relevant regards and to represent a sustainable form of development. Some specific elements of the developments sustainability credentials are discussed in further detail in section 3.15 of this report.*

Comment: Proposal represents an overly dense form of development.

Response: *This point is responded to in previous sections of this report.*

Comment: Proposal should undergo substantial alteration creating vertical and physical separation between users types if it is to be even considered in this location (as proposed it should be refused), as without any buffer the scheme will cause the B2 and B8 land to become marginalised or untenable.

Response: *This matter is largely responded to in previous sections of this report. The development proposed is found to not result in any impacts on neighbouring businesses that would justify a refusal of planning permission. As such alterations of the nature identified have not been sought.*

Comment: Their previous comments on the application remain fully valid and should continue to be taken into consideration when a decision is made on the application.

Response: *The previous comments by A1 Self Storage have been taken into full account in the assessment of this application and the recommendation made by officers.*

### **3.8 Affordable Housing**

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 proposal would provide a total of 9 affordable housing units on site with the following mix of dwellings types:

9 Intermediate (Shared Ownership) units in total comprising:

- 4 x one bedroom two person flats
- 3 x two bedroom four person flat
- 2 x three bedroom five person flats

This provision equates to approximately 6.2% of the total dwellings proposed and 5.8% of the total habitable rooms proposed in the development.

To explain and justify this level of contribution Redrow Homes have submitted a confidential report which evaluates the economic viability of the proposed development making a contribution to affordable housing provision. The Council then commissioned Deloitte Real Estate to independently review this report and examine its findings.

Taking account of the costs associated with bringing the development forward, including the associated planning obligations and likely CIL payments, and the value that the applicant would be likely to generate from the scheme, Deloitte Real Estate conclude that proposed contribution represents the maximum reasonable amount of affordable housing that it is financially viable for the development to provide. Therefore in this instance the proposed contribution to affordable housing is considered to be acceptable and compliant with the objectives of planning policies. As set out in section 3.2 of this report the mix of affordable dwellings proposed is considered to be acceptable.

As set out in the heads of terms towards the start of this report (at Recommendation 1), officers recommend that a subsequent re-appraisal of the viability of the development is carried out if the development is not substantially implemented within 12 months of the date when the period under which the application is potentially challengeable under judicial review proceedings has passed (or 12 months after the date on which any Judicial review is resolved). This would ensure that should circumstances change and the scheme became more economically viable a correspondingly appropriate financial contribution to the provision of affordable housing within the borough would be made to the Council. This would be up to a maximum of the equivalent value of 35% of the units proposed (reduced from 40% due to the on-site contribution to affordable housing agreed) and such a payment would be in addition to the on-site affordable housing obligation set out above.

### **3.9 Trees and Landscaping:**

Policy DM01 identifies that proposals will be required to include hard and soft landscaping that:

- Is well laid out in terms of access, car parking and landscaping.
- Considers the impact of hardstandings on character.
- Achieves a suitable visual setting for buildings.
- Provides appropriate levels of new habitat including tree and shrub planting.
- Contributes to biodiversity including the retention of existing wildlife habitat and trees.
- Adequately protects existing trees and their root systems.
- Makes a positive contribution to the surrounding area.

The policy also states that trees should be safeguarded and when protected trees are to be felled the council will, where appropriate, require replanting with trees of an appropriate size and species.

The application is accompanied by a Tree Survey and Arboricultural Impact Assessment (prepared by Midland Forestry Ltd), which identifies and evaluates the impacts of the proposal on existing trees within and around the site. This report sets out that the development would result in the loss of 7 existing trees from the site. Of the trees which would be lost 4 are category C trees and 3 are category B trees (using the chart on tree quality assessment found in the BS5837:2012). None of the trees proposed for removal (and none of the trees within the application site) are covered by a Tree Preservation Order (TPO). A further 6 individual trees and 2 groups of trees, which form part of the area assessed under the report, would be retained.

The scheme includes the planting of substantial numbers of new trees to mitigate the trees which would be lost through the proposed works and also as part of providing suitable landscaping for the development more widely. While the specific number of new trees to be planted as part of the proposal has not been identified in the submission documents it is clear from the application drawings that there is significant scope for new planting within the site as proposed. For example there is undoubtedly the potential to plant well in excess of twice the number of trees which would be lost through the development proposed.



It is accepted that the removal of 7 trees from the application site is unfortunate. However, officers consider that the new trees which would be planted as part of the landscaping works associated with the proposed development provide adequate mitigation for the trees which would be lost in this instance. Conditions have been recommended to ensure that the trees and wider landscaping implemented as part of the development would be of a sufficient quality, including the planting of new trees of a suitable size and species. Conditions also have been recommended to ensure that all appropriate measures are taken to protect the trees proposed for retention within and adjacent the site. Officers take the view that appropriate consideration has been given to trees in the development of the scheme.

More generally the landscaping proposed for the site is considered to include an adequate balance of hard and soft surfaces (including new areas of lawn and shrub planting) and provides an appropriate setting for the buildings proposed. Conditions have been recommended to ensure that the landscaping finally installed is of an appropriate design and quality and makes a positive contribution to the area, including assisting in the creation of a safe and secure environment. Matters relating to access, parking biodiversity and habitat provision are addressed in other sections of this report in full. However, in each of these regards the landscaping proposed is found to be acceptable.

It is concluded that the development provides more than adequate mitigation for the trees which would be lost as part of the works proposed and that the scheme is acceptable and compliant with development plan policy in respect of tree and landscaping matters.

### **3.10 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 a sites 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 100.5 to 195.5 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 proposed parking provision of 154 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 ranging between 3 (the western part of the site) and 5 (the eastern part of the site) and which is either in or on the edge of Whetstone Town Centre (and the amenities it offers), the parking provision proposed for the residential element of the scheme is found to be acceptable in this instance. 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).

Barnet Local Plan policies (in the Development Management Policies Document) identify (at paragraph 18.8.2) that ‘all non-residential development should comply with the parking standards set out in the London Plan’. The parking standards at Table 6.2 of the London Plan recommend a provision of up to 1 car parking space per 100 to 600m<sup>2</sup> of Class B1 office use proposed.

The London Plan does not identify specific standards for uses within Class D1. Instead parking provision for such uses is to be assessed individually.

Taking into consideration the circumstances of the site, including its location within walking distance of Whetstone Underground Station and several bus routes and proximity to the amenities provided by Whetstone Town Centre (the site is partially within and partially on the edge of the town centre), and the nature of the uses proposed the provision of 13 parking spaces is considered to be acceptable for the non-residential elements of the development. While the level of parking for the non-residential uses proposed is towards the higher end of what planning policies might expect, it is considered that this is justified in this instance by the nature of the D1 uses sought (and the parking demand they may be expected to generate). The level of parking is considered 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 appropriate Travel Plans 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 167 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 17 of the 167 spaces proposed to a disabled parking space standard, including 1 of the 13 car parking spaces proposed for the non-residential element. 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 31 (20%) of the car parking spaces proposed for the residential element of the scheme are provided with active EVCP and that a further 20% of the residential parking spaces proposed would have passive EVCP provision. The conditions recommended also require that not less than 3 (20%) of the car parking spaces proposed for the non-residential element of the development are provided with active EVCP and that a further 10% (in accordance with the standards identified on Table 2 of the London Plan) of the non-residential 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 259 cycles. This comprises facilities for the storage of 26 cycles associated with the non-residential element of the scheme and facilities for the storage of 233 cycles associated with the residential part of the scheme. 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.

It is noted that a number of objections have been received that the development has inadequate parking and would result in an unacceptable adverse impacts on the road network surrounding the site and the amenities of neighbouring occupiers. However, for the reasons outlined, it is considered that the proposed development, as could be controlled through the conditions and planning obligations recommended, is acceptable and compliant with development plan policies in respect of parking matters.

It is also recognised that TfL have stated that the level of car parking in the scheme should be reduced for both the residential and non-residential elements. However, for the reason set out above it is considered that the levels of parking proposed are appropriate in this instance.

#### Access and site layout

The main point of vehicular ingress and egress for the proposed development would be provided from a single location at the northern end of the sites High Road frontage (eastern side of the site). This point currently contains an existing access which would be reduced in width from approximately 10m to approximately 6m under the works proposed. Officers consider that the reduction in the width of the existing vehicular access proposed would be beneficial to pedestrian movement on the High Road, while still providing suitable vehicular access arrangements for the proposed development. A second vehicular access point would also be provided at the southern end of the sites High Road frontage. However, this would be solely for the use of emergency vehicles.

The vehicular access proposed at the southern end of the sites High Road frontage for the use of emergency vehicles would be located partly within an existing bus stop cage. In order to facilitate the provision of suitable access for emergency vehicles at this point and still provide adequate arrangements for buses users, including disable people, a design has been proposed that includes the use of 'chamfered' kerb (instead of a dropped kerb). The London Fire and Emergency Planning Authority have confirmed that they find the access arrangements proposed to be acceptable. The arrangement is also considered to be acceptable by TfL (including in terms of its potential impact on the operation of the bus stop). Given that this access is solely for the use of emergency vehicles and will only be in operation on very rare occasions the Council's Traffic and Development Team do not raise any objections to the approach proposed.

In order to deliver the new emergency vehicular access at the sites southern end and maintain this as a clear potential route a range of works to the public realm will be needed. This is likely to include the introduction of the chamfered kerb, other new hard landscaping on the public highway, the relocation of at least one lamp column (but potentially more), alterations to road markings and changes to waiting restrictions. Given its importance to the safe operation of the scheme and the nature of the works involved a planning obligation has been recommended which would ensure that the access and the associated changes to the public realm are provided in an appropriate manner prior to the

development being occupied. This includes the measures to be used to ensure that the access is used solely by emergency vehicles. It is also recommended that a financial contribution of up to £3,500 is sought (through a separate obligation). This sum would specifically fund modifications to waiting restrictions at the entrance to the proposed new emergency access (further sums may need to be paid under the requirements of other legislation to deliver other changes associated with these works).

Within the site access to the multi-level car parking areas provided as part of the development would be achieved through a ramped road (running east west) along the northern part of the site (accessed from the main northern point on the High Road). Details of the gradient of this structure have been provided and these are considered to be acceptable for the use of cars accessing the parking facilities proposed. However, conditions have been recommended to ensure that this aspect of the development is implemented in an appropriate manner. In addition to the on-site car parking facilities the main (northern) access point would serve an area that would be used to provide a delivery and servicing area for the development and also act as a refuse collection point. The application seeks the provision of all 167 of the parking spaces proposed on communal parts of the site. Conditions have been recommended to ensure that the parking facilities implemented would be acceptable in the relevant regards.

Several points of pedestrian access would be provided along the length of the sites High Road frontage. These include a point at the southern end of the site specifically for the residential dwellings proposed (which would also provide cycle access) and a dedicated walkway at the sites northern access point (alongside the access route to the car park) which would provide a route to the non-residential floorspace proposed.

A condition has been included in those 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.

Council Highway Officers conclude that the layout and access arrangements of the development proposed do not present any defects that would raise a highway safety concern. The proposal is found to be acceptable and compliant with development plan policies in this respect.

It is noted that comments have been received which put forward potential measures to mitigate the transport and highways impacts of the development (including traffic lights). It is not considered that such measures are necessary for the development proposed to be acceptable and they do not form part of the proposal under consideration.

#### Trip generation

To establish the trip generation associated with the existing uses on the site traffic and pedestrian surveys were carried out in October 2012 (before the site became vacant). The survey carried out showed a total of 23 car driver trips in the AM Peak and 30 car driver trips in the PM Peak. The peak hour

trips survey observations are summarised in Table 6.3 below, which is taken from the Transport Assessment submitted with the application.

Table 6.3 Existing Multi-Modal Trips

Mode of travel	AM Peak			PM Peak		
	Inbound	Outbound	Total	Inbound	Outbound	Total
Car Driver	16	7	23	7	23	30
Car Passenger	0	0	0	0	0	0
Motorcycle	0	0	0	0	0	0
Bicycle	0	0	0	0	0	0
Taxi	0	0	0	0	0	0
Walk	2	0	2	3	10	14
LUL	2	0	2	3	9	11
Train	1	0	1	1	3	4
Bus	3	0	3	5	13	18
<b>Total Person</b>	<b>23</b>	<b>8</b>	<b>31</b>	<b>19</b>	<b>58</b>	<b>77</b>

*\*Note: Numbers Rounded*

For the residential element of the proposed development the expected trip generation (for car driver, car passenger, motorcycle, bike, walk and public transport) have been calculated using a combination of TRAVL database trip rates and Census 2001 Method of Travel to Work data. Trip generation associated with the non-residential uses proposed (Classes B1 and D1) have been calculated using a first principles approach and, as the Class B1 use is expected to have a more intensive person trip generation during peak hours, the Class D1 space has been included within the Class B1 trip generation.

Estimates for the Class B1 space (which include the Class D1 space) are based on assumptions of 1 employee per 30m<sup>2</sup> of floorspace, that 85% of occupiers will be on site on any given day and that 55 % of employees will arrive and 10% depart in the AM Peak Hour (with reverse arrival and departure profiles in the PM Peak Hour). The total person trips for the proposed development have then been assigned to modes of transport based on Census 2001 Journey Method Travel to Work Daytime Population for Totteridge ward. However, as vehicle trips to the site will be limited by the on site car parking provision the car mode trip figures have been adjusted accordingly. The methods used are considered to be adequate approaches to calculating and assigning trip generation for a proposal of this nature.

Since the submission of the original (dated November 2013) Transport Assessment there have been small changes (an increase in floorspace) to the commercial element of the development proposed. These changes are predicted to negligibly increase (by three) the two way total person trips in both the AM and PM peak periods. Officers consider that such changes would not result in a significant additional impact on the public highways and find the original trip generation analysis (in the November 2013 Transport Assessment) to provide a sufficiently robust assessment of the current proposal. However, updated assessments have been carried out by officers where this is considered appropriate.

Using the methods outlined above the predicted total trip generation for the proposed development by mode (reflecting the latest scheme) in the AM and PM peaks (08.00AM to 9.00AM and 17:00PM to 18:00PM) are as set out in the table below:

Total Future Trip Generation from the Proposed Development

Mode of travel	AM Peak	PM Peak
	Total	Total
Car Driver	39	37
Car Passenger	12	9
Motor Cycle	2	5
Pedal Cycle	3	1
Taxi	1	1
Walk	13	15
Underground	32	43
Rail	4	6
Bus	16	19
Total Person	122	135

Note: Numbers rounded

A summary of the expected net changes in trip generation for the site by mode (reflecting the latest scheme) in the AM and PM peaks (08.00AM to 9.00AM and 17:00PM to 18:00PM) following the implementation of the proposed development (compared to the situation surveyed in October 2012) are set out in the table below:

Net Change in Trip Generation Following the Proposed Development

Mode of travel	AM Peak	PM Peak
	Total	Total
Car Driver	16	7
Car Passenger	12	9
Motor Cycle	2	5
Pedal Cycle	3	1
Taxi	1	1
Walk	10	1
Underground	30	32
Rail	3	2
Bus	13	1
Total Person	90	59

Note: Numbers rounded

In terms of vehicular trips the assessment carried out forecasts that for the whole development there would be an increase of 16 vehicle trips in the AM Peak and an additional 7 vehicle trips in the PM Peak following the proposed development. This equates on average to one extra vehicular movement every 4 minutes and about one every 9 minutes in the AM and PM Peak hours respectively. Officers find that the predicted vehicle trip generation

associated with the proposed development would not be expected to have a significant detrimental impact on the highway network. Transport for London have also concluded that the scale and nature of the proposal is such that it would not be expected to have a negative impact on the highway network. It is concluded that the development would not be expected to result in any significant detrimental impacts on the local highway network. This conclusion is also reached when the traffic impacts of relevant committed developments in the surrounding area are taken into consideration. As such the proposal is considered to be acceptable and compliant with the objectives of policies in this respect.

The vehicle movements, although more constant throughout the day are predicted to be lower in numbers outside of peak hours than they are at peak hours. As such predicted vehicle movements outside peak hours are not expected to have a detrimental impact on the public highway network either.

A Stage 1 Road Safety Audit was submitted to assess the impact of the access into the development. The findings of the road safety audit identified a minor risk at the existing vehicular access on the High Road due to restricted visibility in the presence of an on street bus stop adjacent to the access. It is noted that the last 3 years accident history identify two slight Personal Injuries Accidents (PIA). However, the causes for both accidents were related to driver conditions and not to vision affected (stationary or parked vehicles). Taking into consideration that this is an existing access, which will be reduced in width under the proposal, where there will be a small number of additional trips resulting from the development (maximum 16 additional two way vehicle trips at the AM Peak hour), the nature of bus movements in the area and the accident history at this junction it is considered that the use of this vehicle access as proposed is acceptable. It is concluded that the proposed development would not be detrimental to highway safety and that the scheme is acceptable and compliant with the objectives of development plan policies in this respect subject to the conditions and planning obligations recommended.

In terms of movements on foot the proposed development is expected to generate a total of 13 two way pedestrian trips in the AM peak hour and 15 in the PM peak hour. A further 52 and 68 movements on foot are forecast to be assigned to public transport in the AM and PM peaks respectively. As two way trips arriving at and departing from the site (as proposed) on foot this equates to a total of 65 movements in the AM Peak and 83 in the PM Peak. This represents an increase of 56 trips on foot in the AM Peak and 33 in the PM Peak. It is anticipated that the main desire lines for pedestrians would be towards Chandos Avenue (for Oakleigh Park Railway Station), towards Totteridge Lane (for Totteridge and Whetstone Underground station) and towards bus stops and facilities to the north and south of the site.

A Pedestrian Environment Review System (PERS) assessment has been submitted as part of the application. This includes assessment of a total of five links, one crossing, two Public Transport Waiting Areas, one interchange space and one route. The findings of the PERS assessment were positive, with all items being classified as 'green' (positive overall). The audit did identify that the local bus stops do not benefit from raised kerbs to assist in the boarding and decanting of the mobility impaired. However, following the



submission of further information on this matter TfL confirmed that the existing kerb heights adjacent bus stops meet the minimum requirements. As such planning obligations to deliver enhancements to local bus facilities have not been sought in this instance.

Officers conclude that the proposal is acceptable and compliant with development plan policies in terms of its impacts on pedestrians and the pedestrian environment created, subject to the conditions and planning obligations recommended.

The submission estimates the impact of the proposal on public transport facilities, including the bus, London Underground and rail networks. In each case the proposal is found to have imperceptible or minimal impacts on the public transport network. Officers accept these findings and conclude that the impact of the proposal is acceptable in this respect. Transport for London have also found that the development would not have a negative impact on the public transport network.

#### Transport management plans

A Framework Travel Plan has been included in the documentation submitted with the application. However, conditions and obligations are recommended to ensure that an acceptable and policy compliant strategic level Residential Travel Plan is provided for the residential element of the development prior to its occupation. The Residential Travel Plan provided will be required to include the appointing of a Travel Plan Champion and the use of (financial) Travel Plan incentives for the first occupier of each residential unit. The Travel Plan incentives would comprise a voucher to a minimum value of £300 per dwelling to encourage the use of more sustainable modes of transport (this requirement is included in the obligations recommended). The voucher provided would allow the occupier concerned to purchase two of the following Travel Plan incentives up to a limit of £150 per incentive:

- Subsidised membership of and credit for a Car Club.
- Credit on an Oyster Card travel pass.
- A bike voucher.

As the commercial (Use Class B1) uses proposed exceed the relevant criteria a local level Commercial Travel Plan is required in conjunction with the development. Conditions and obligations are therefore recommended to ensure that an acceptable and policy compliant Commercial Travel Plan is provided prior to the occupation of this element of the scheme.

The Traffic and Development Team have advised that should the community or education uses proposed (Use Class D1) be occupied by a nursery or other similar educational use then a Nursery or Education Travel Plan that meets the appropriate criteria would be needed in connection with the development. As with the other Travel Plans conditions and obligations have therefore been recommended to ensure that an acceptable and policy compliant Travel Plan is provided prior to the occupation of the scheme for nursery or educational uses.

In order to ensure that the objectives of the Travel Plans are being met a monitoring contribution of £10,000 is included in the planning obligations recommended.

To mitigate any adverse impacts from construction traffic on the road network surrounding the site a Construction Management and Logistics Plan would need to be prepared and implemented in respect of the proposal. A condition to this effect has therefore been recommended. A condition has also been recommended to ensure that an appropriate Servicing and Delivery Plan is provided for the non-residential uses proposed. This will minimise the impacts of the servicing and delivery activities associated with these uses.

#### Parking, highways and transport conclusions

The Council's Traffic and Development Team have assessed the proposal and consider it to be acceptable in all relevant regards. For the reasons outlined above the scheme is found to be acceptable and compliant with the objectives of development plan policy in relation to parking, highways and transport matters subject to the imposition of the conditions and planning obligations recommended.

#### **3.11 Creating inclusive environments for all members of the community:**

Planning policies make it clear that new developments should be accessible, usable and permeable for all users. Statements should be submitted with proposals explaining how the principles of inclusive design have been integrated into the development for which consent is sought.

The documents submitted with the application identify a number of ways in which the design of the proposal has been influenced by the desire to make it accessible for all members of the community. The Design and Access Statement provided sets out that the proposed dwellings would all meet the relevant Lifetime Homes standards and that level access will be provided to the main entrance of each block. At least 10% of the dwellings proposed (15 in total) would be designed to meet wheelchair accessible standards or be easily adaptable to meet such requirements and 10% (17 in total) of the parking spaces proposed would be provided to a disabled parking space standard.

Conditions have been recommended to ensure that all the proposed dwellings would meet the relevant Lifetime Homes standards, not less than 10% of the dwellings proposed would meet or be easily adapted to meet wheelchair accessible standards, the site would be developed at appropriate levels and 10% of the parking spaces proposed are provided to a disabled parking space standard. As the uses within significant parts of the development would not technically be subject to the requirements of Part M (access) of the Building Regulations a condition has also been recommended to ensure that the development as a whole achieves an appropriate minimum standard in terms of creating an environment that is accessible to all.

Subject to the controls in place under the conditions recommended officers conclude that the design and layout of the proposal is such that it is acceptable and compliant with development plan policy in terms of creating a development that is accessible, useable, permeable and inclusive for all members of the community.

#### **3.12 Contaminated land and water quality issues:**

The Council's Environmental Health Service has confirmed that any potential concerns they may have regarding contaminated land issues are adequately

addressed through the conditions recommended in this respect. The Environment Agency has not raised any objection to the proposal or requested that any conditions be imposed on a grant of consent in terms of contaminated land or water quality matters.

Having evaluated the information submitted, it is considered that, subject to the conditions recommended, the proposal is acceptable and compliant with development plan policy in respect of contaminated land and water quality matters.

### **3.13 Safety and security matters:**

Development plan policies require new developments to provide a safe and secure environment for people to live and work in and reduce opportunities for crime and fear of crime.

The London Fire and Emergency Planning Authority and Metropolitan Police Service have not raised any objection to the proposal or requested that conditions are placed upon any grant of consent. A condition has been recommended to ensure that the development provides suitable access for emergency vehicles.

It is recognised that responses to the consultation have been received from residents suggesting that the proposal would have an adverse impact on their safety and security. Conditions have been recommended to ensure that appropriate means of enclosure and landscaping are implemented as part of the development. Subject to these controls officers consider that the proposal has gone as far as it reasonably could be expected to in terms of providing a safe and secure development for future occupiers and neighbouring properties. It is also noted that the Metropolitan Police have not identified any concerns in this regard.

The design and layout of the development proposed is considered to be such that, as controlled through the conditions recommended it would provide a safe and secure environment. The proposal is deemed to be acceptable in respect of providing a safe and secure development with an environment which reduces opportunities for crime and the fear of crime.

### **3.14 Flooding and water infrastructure matters:**

The application site does not fall within an area identified as being at risk of flooding (Flood Zone 1). The Environment Agency has responded to the consultation and has not raised any objection to the proposal or requested any conditions be placed on a grant of consent in respect of flood risk matters. The Environment Agency has commended the inclusion of green and brown roofs, swales and filter drains in the proposal (as described in the Flood Risk Assessment (November 2013) by WSP submitted with the application). Conditions have therefore been included in those recommended to ensure that these items and other appropriate drainage infrastructure and systems are implemented as part of the development.

Thames Water have responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed upon any grant of consent. Thames Water has made a number of points in respect of waste water and water infrastructure matters and these have been included

as informatives. It is acknowledged that objections have been received in respect of the potential impact of the proposal on sewage infrastructure capacity in the area. While these concerns are noted Thames Water has specifically advised that with regard to sewage infrastructure capacity they would not have any objection to this application. Conditions have been recommended in respect of the water and drainage infrastructure to be installed as part of the development and, subject to the imposition of these, the proposal is found to be acceptable in this regard.

The Environment Agency has identified it as positive that the part of the development (new build residential element) which has been committed to be delivered at Code for Sustainable Homes Level 4 should include the water efficiency measures needed to achieve a maximum water usage of 105 litres/head/day. They find that this will go a long way to relieving pressure on the water supplies in this area. The Environment Agency has also suggested that the inclusion of water efficiency measures should be considered for the commercial parts of the scheme. To address the objectives of development plan policy on water efficiency conditions have been recommended to ensure that water efficiency measures seeking to achieve a usage of not more than 105 litres per head per day are implemented as part of the residential element of the proposal. Other conditions have been recommended to ensure that the development more widely (including the non-residential elements) includes suitable water efficiency measures, such as low flow taps and dual flush toilets, and minimises water usage. Subject to these conditions the development is found to be acceptable in this respect. Both businesses potentially supplying water to the development (Affinity Water Company and Thames Water) have been consulted on the application and neither has raised any objections to the development in relation to water supply matters or on any other grounds.

The proposal is considered to be acceptable and compliant with planning policies on flooding and water infrastructure matters, subject to the conditions recommended.

### **3.15 Energy, climate change and sustainable construction matters:**

London Plan Policy 5.2 requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy

Residential and non-domestic developments should currently achieve a 40% reduction in carbon dioxide emissions when compared to a building constructed to comply with the 2010 Building Regulations. Policy 5.3 of the London Plan goes on to set out the sustainable design and construction measures required in new developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation.

Policy 5.4 (Retrofitting) identifies that the impact of existing areas should be reduced through policies and programmes that bring existing buildings up to the Mayor's standards on sustainable design and construction. For existing building stock particular emphasis is placed on reducing carbon dioxide emissions, improving the efficiency of resource use (such as water) and minimise the generation of pollution and waste.

Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrate compliance with the Mayor's targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy.

Where proposals include the construction of new homes this element of the scheme is expected to comply with the guidance set out in the council's SPD in respect of the level of the 'Code for Sustainable Homes' that is achieved. The council's adopted Sustainable Design and Construction SPD requires that newly constructed homes in developments of the nature proposed commit to a Code Level 4 or above against the Code for Sustainable Homes. Where proposals relate to either the conversion of existing buildings or include a non-residential element (both of which occur in this application) schemes are expected to achieve a standard of 'Very Good' under the Building Research Establishment Environmental Assessment Method (BREEAM).

#### Carbon dioxide emissions

The application is accompanied by an Energy Strategy (dated February 2014). This confirms that the new build element of the scheme (blocks B to E containing 48 new dwellings) would achieve a reduction of just over 40% in terms of carbon dioxide emissions relative to a building constructed to comply with the minimum requirements of the 2010 Building Regulations. Such an improvement is sufficient for this element of the scheme to comply with the requirements of policy on the reduction of carbon dioxide emission in its own right. A condition has been recommended to ensure that this part of the development achieves the level of carbon dioxide reductions identified in the Energy Strategy as a minimum at implementation.

Taking the development as a whole (the new build and conversion elements) the Energy Strategy identifies that the proposal would achieve a reduction of 28.6% in terms of carbon dioxide emissions relative to a building constructed to comply with the minimum requirements of the 2010 Building Regulations. It is acknowledged that this falls short of the reductions sought under the London Plan. However, it is also recognised that a significant element of the scheme relates substantively to a conversion of an existing building on the site. This approach results in both constraints and benefits in terms of the objectives of reducing carbon dioxide emissions and achieving a sustainable development more widely. Officers consider that the substantial level of carbon dioxide reductions that the Energy Strategy submitted identifies the scheme would achieve (as a whole) and the broader sustainability features included in the scheme (as set out in various parts of this report) justify the approach taken in this particular instance. The sustainability of the development more widely is demonstrated by the non-residential and

residential conversion elements of the scheme both achieving BREEAM 'Excellent' when they are only required to achieve 'Very Good' under Barnet's Sustainable Design and Construction SPD (see report below for further details on this matter). A condition has been recommended to ensure that the development as a whole achieves the level of carbon dioxide reductions identified in the Energy Strategy as a minimum. Subject to this condition (and conditions ensuring the delivery of other sustainability objectives) the proposal as a whole is found to be adequate in respect of reducing carbon dioxide emissions.

The submission indicates that the use of on site renewable energy generation technologies is not proposed as part of the development. It is accepted that the introduction of the potentially viable on-site renewable technologies would limit the use of features, such as green roofs, which have been proposed as part of this scheme and will be positive sustainability features in their own right. Given the sustainability benefits arising from the use of green roofs and the levels of carbon dioxide reductions the scheme is committed to achieving (relative to a building Regulations compliant scheme) the absence of on site renewable technologies in the proposal is found to be acceptable in this particular instance.

#### Other aspects of sustainable design and construction

A Sustainability Statement, prepared by WSP, has been submitted with the application. This identifies a number of sustainable design features that the proposal would incorporate to develop in a sustainable way, mitigate and adapt to climate change, conserve resources and minimise pollution. These include elements such as measures to reduce water consumption, the provision of appropriate recycling facilities, the inclusion of energy efficiency measures, the construction of 10% of the new dwellings as wheelchair accessible units and the installation of facilities for cyclists.

The submission includes a preliminary Code for Sustainable Homes assessment for the new build (entirely residential) element of the scheme. This makes it clear that the proposal could meet Code for Sustainable Homes Level 4. It is considered that the details provided in the submission are acceptable in this regard and that this aspect of the application would result in a development which reaches an appropriate standard in respect of sustainable design and construction matters.

The submission also includes preliminary BREEAM assessments for the non-residential and residential conversion elements of the scheme. These show how both these parts of the development could achieve a BREEAM level of 'Excellent'. It is considered that the details provided in the submission are acceptable in this regard. These elements of the application would result in a development which exceeds the minimum requirements (BREEAM 'Very Good') of Barnet's Sustainable Design and Construction SPD on this matter. The non-residential and residential conversion portions of the scheme are found to be of an appropriate standard in respect of sustainable design and construction matters.

To ensure that the commitment to reaching Code Level 4 (new build residential), BREEAM 'Excellent' (non-residential and residential conversion) and certain other key elements of developing sustainably are carried through

to implementation conditions on these aspects of the proposal have been recommended. Such an approach allows a degree of flexibility as to the precise sustainable design and construction measures that are incorporated in the development, while ensuring that, taken in the round, the scheme achieves an appropriate level of sustainability.

To address policies on urban greening specifically the development includes areas of planting and soft landscaping at a ground level and areas of green roof covering 1390m<sup>2</sup> in total (confirmed in the Flood Risk Assessment submitted). Conditions have been recommended to ensure that suitable landscaping and the green roofs are delivered at the implementation stage of the development (landscaping is addressed in greater detail in section 3.8 of this report). Subject to these conditions the proposal is found to be acceptable in this regard.

### **3.16 Biodiversity matters**

The application is accompanied by a Desk Study and Extended Phase 1 Habitat Survey (dated November 2013) prepared by Thomson Ecology Limited (TE). This report presents its findings on the ecology of the site and makes a number of recommendations on what is needed for the development to comply with biodiversity legislation and policy.

The TE report recommends that measures should be taken in respect of the protection of breeding birds, common toad and reptiles. A condition has been included in those recommended which requires a scheme of measures (that have previously been agreed with the Local Planning Authority) to be in place that ensures the implementation of the proposal is compliant with policies and legislation on the protection of breeding birds, common toads and reptiles. Subject to the imposition of this condition the proposal is found to be acceptable in this regard.

The TE report identifies that no bats were recorded within 1km of the study area by the desk study carried out. The TE report also confirms that following a survey of the buildings and trees on the site by a suitably qualified specialist it has been found that the site has a negligible potential to support roosting bats. Officers accept these findings.

The TE report identifies a number of biodiversity enhancements that the scheme could deliver. These include the installation of bat and bird boxes, the landscaping of the site with suitable species and the management of the soft landscaped areas to promote biodiversity objectives. Officers find these to be suitable biodiversity enhancements for a proposal of this nature in principle and a condition has been recommended to ensure that they are appropriately delivered as part of the schemes implementation.

Natural England has responded to the consultation on the application and has not raised any objections to the proposal. Natural England have recommended that the Council secure biodiversity enhancements for the site if it is minded to grant consent for the proposal. As noted above conditions securing appropriate biodiversity enhancements have been included in those recommended.

The tree and wider landscaping matters are addressed more fully in earlier sections of this report. However, the conditions recommended are considered sufficient to ensure that these aspects of the scheme make appropriate contributions to biodiversity protection and enhancement.

Subject to the controls in place under the conditions recommended and the requirements in place under other legislation the proposal is found to be acceptable and compliant with development plan policy on biodiversity and nature conservation matters.

### **3.17 Environmental Impact Assessment Regulations:**

The development for which consent is sought is not considered to be of a description identified in Schedule 1 of the Regulations (Town and Country Planning (Environmental Impact Assessment) Regulations 2011). However, the development is considered to be of a description identified in column 1 of Schedule 2 of the Regulations. The development described in the submission is deemed to fall within the description of 'urban development projects'. The site identified in the plans accompanying the application is not considered to be in or partly in a sensitive area as defined in Regulation 2. As a development falling within the description of an urban development project, the relevant threshold and criteria in column 2 of Schedule 2 of the Regulations is that the area of development exceeds 0.5 hectares. The area of development identified in the information submitted exceeds this threshold. The proposal is therefore Schedule 2 development.

The characteristics, location and the impacts of the development proposed are described in significant detail in other sections of this report and so are not repeated here. Having considered the characteristics of the development, the location of the development and the characteristics of the potential impacts of the proposal (the criteria set out in Schedule 3 of the Regulations) it is concluded that in each of these respects and taken in totality the proposal would not be likely to give rise to significant effects on the environment in the sense intended by the Regulations. It is considered that the proposal is not a major development which is of more than local importance, is not a proposal situated in (or partially within) a particularly environmentally sensitive or vulnerable location and is not a development with unusually complex or potentially hazardous environmental effects. This is considered to support the conclusion that the proposal would not be likely to give rise to significant effects on the environment in the sense intended by the Regulations.

Taking account of the criteria set out in Schedule 3 of the Regulations and all other relevant factors it is considered that the development described in the information accompanying the application would not be likely to have significant effects on the environment, in the sense intended by the Regulations. Therefore an Environmental Impact Assessment is not necessary and an Environmental Statement, in line with the Regulations, is not required to be submitted with the application.

### **3.18 Planning obligation matters:**

Policy CS15 of the Barnet Local Plan states that where appropriate the Council will use planning obligations to support the delivery of infrastructure, facilities and services to meet the needs generated by development and mitigate the impact of development.



In accordance with development plan policies the following obligations are required to be secured through a legal agreement with the developer. It is considered that the package of planning obligations and conditions recommended would, when considered alongside the financial contributions that the development would be required to make under the Barnet CIL, mitigate the potential adverse impacts of the development and ensure the provision of the funding needed for the delivery of the infrastructure that is necessary to support the scheme.

#### Affordable Housing

In accordance with policy 3.12 of the London Plan and policies CS4, CS15 and DM10 of the Barnet Local Plan Officers recommend that a Section 106 Agreement be used to secure the following number and mix of affordable housing unit types and sizes at the application site:

9 Intermediate (Shared Ownership) units in total comprising:

- 4 x one bedroom two person flats
- 3 x two bedroom four person flat
- 2 x three bedroom five person flats

As set out in the heads of terms towards the start of this report (at Recommendation 1), officers recommend that a subsequent re-appraisal of the viability of the development is carried out if the development is not substantially implemented within 12 months of the date when the period under which the application is potentially challengeable under judicial review proceedings has passed (or 12 months after the date on which any Judicial review is resolved). This would ensure that should circumstances change and the scheme became more economically viable a correspondingly appropriate financial contribution to the provision of affordable housing within the borough would be made to the Council. This would be up to a maximum of the equivalent value of 35% of the units proposed (reduced from 40% due to the on-site contribution to affordable housing agreed) and such a payment would be in addition to the on-site affordable housing obligation set out above.

Affordable housing matters are discussed in greater detail in section 3.8 of this report.

#### Employment and Training

In accordance with development plan policies which seek contributions to employment and training from schemes the proposal would deliver four apprenticeships connected with the construction and operational phases of the development for residents of Barnet. Of the four apprenticeships delivered two would be at not less than a Level 2 or 3 (as defined in the National Apprenticeship Service Framework or any subsequent scheme which replaces this) and two would be at either not less than a Level 4 or an appropriate equivalent graduate scheme. Alongside the other planning benefits which the application would deliver this obligation is considered to assist in mitigating the loss of employment generating floor space the development would result in.

### Formation of Suitable Site Access and Modification of Waiting Restrictions

In order to deliver the new emergency vehicular access at the sites southern end and maintain this as a clear potential route a range of works to the public realm will be needed. This is likely to include the introduction of the chamfered kerb, other new hard landscaping on the public highway, the relocation of at least one lamp column (but potentially more), alterations to road markings and changes to waiting restrictions. Given its importance to the safe operation of the scheme and the nature of the works involved a planning obligation has been recommended which would ensure that the access and the associated changes to the public realm are provided in an appropriate manner prior to the development being occupied. It is also recommended that a financial contribution of up to £3,500 is sought (through a separate obligation). This sum would specifically fund modifications to waiting restrictions at the entrance to the proposed new emergency access (further sums may need to be paid under the requirements of other legislation to deliver other changes associated with these works).

### Travel Plan and Travel Plan Monitoring

In accordance with policy DM17 of the Local Plan the applicant is required to enter into Travel Plans for the residential and non-residential elements of the development which seek to reduce reliance on the use of the private car and promotes sustainable means of transport.

The Residential Travel Plan provided would be required to include the appointing of a Travel Plan Champion and the use of (financial) Travel Plan incentives for the first occupier of each residential unit. These incentives are discussed in further detail in section 3.10 of this report, but they would comprise a voucher to a minimum value of £300 per dwelling to encourage the use of more sustainable modes of transport.

A contribution of £10,000 is required towards the monitoring of the Travel Plans for the development. This contribution is to enable the Local Planning Authority to continue to monitor the scheme to ensure the development is making reasonable endeavours to meet travel related sustainability objectives in accordance with policy DM17 of the Local Plan.

### Monitoring of the Section 106 Agreement

The delivery of the planning obligation from the negotiations stage to implementation can take considerable time and resources. As the Council is party to a large number of planning obligations, significant resources to project manage and implement schemes funded by planning obligation agreements are required. The Council therefore requires the payment of £5280 towards the costs of undertaking the work relating to securing the planning obligations recommended in line with the adopted Supplementary Planning Document for Planning Obligations.

### **3.19 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. The applicant has stated that the existing floorspace on the site has been occupied lawfully for 6 of the last 36

months. As such it is possible that only the new floorspace generated by the development (less the area of undercroft car parking proposed) would be potentially liable for charge under the Barnet 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 Barnet CIL payment of **£713,684.90**.

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) include 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.

### **3.20 Mayoral Community Infrastructure Levy**

The proposed development is liable for charge under the Mayoral CIL (at a rate of £35 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. The applicant has stated that the existing floorspace on the site has been occupied lawfully for 6 of the last 36 months. As such it is possible that only additional floorspace 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 of **£185,841.27**.

As the exact figure that the development would be liable to pay under the Mayoral 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) include a planning obligation which requires that should the applicant pay less than the predicted sum under the Mayoral 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.

## **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.

As the uses within significant parts of the development would not technically be subject to the requirements of Part M of the Building Regulations a condition has been recommended to ensure that the development as a whole achieves an appropriate minimum standard in terms of creating an environment that is accessible to all. In addition to this other 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 both the residential and non-residential elements of the proposal are 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 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: KEY PLANNING HISTORY FOR THE APPLICATION

### **Northway House, 1379 High Road, Whetstone**

N00189AK/06 'Change of use of part of ground floor to cafe/take-away (classes A3 & A5)' APPROVED SUBJECT TO CONDITIONS (March 2013).

B/02301/10 'Change of use of third floor from B1 (office) to D1(non-residential education)' APPROVED SUBJECT TO CONDITIONS (August 2010).

B/03173/12 'Environmental impact assessment screening opinion' ENVIRONMENTAL STATEMENT NOT REQUIRED (September 2012).

B/00421/13 'The extension, refurbishment, alteration and change of use of Northway House to provide for a residential led mixed use development comprising a total of 191 new dwellings (use class C3); 340 square metres of retail (use class A1 or A3) floorspace; 190 square metres of flexible education or community use (use class D1) floorspace; 618 square metres of office (use class B1) floorspace; together with ancillary reception floorspace and associated landscaping, car parking and access.' APPLICATION UNDER CONSIDERATION.

B/02148/13 'Application for determination as to whether the prior approval of the Local Planning Authority is required for the change of use of the existing office floorspace (Use Class B1 (a)) to a residential use (Use Class C3), comprising 95 dwellings.' NOT PERMITTED DEVELOPMENT AND THE PRIOR APPROVAL PROCESS IS NOT APPLICABLE (July 2013).

B/02158/13 'Application for determination as to whether the prior approval of the Local Planning Authority is required for the change of use of the existing office floorspace (Use Class B1 (a)) to a residential use (Use Class C3), comprising 95 dwellings.' NOT PERMITTED DEVELOPMENT AND THE PRIOR APPROVAL PROCESS IS NOT APPLICABLE (July 2013).

B/03322/13 'Application for determination as to whether the prior approval of the Local Planning Authority is required for the change of use of the existing office floorspace (Use Class B1 (a)) to a residential use (Use Class C3), comprising 74 dwellings.' NOT PERMITTED DEVELOPMENT AND THE PRIOR APPROVAL PROCESS IS NOT APPLICABLE (September 2013).

B/03490/13 'Application for determination as to whether the prior approval of the Local Planning Authority is required for the change of use of the existing office floorspace (Use Class B1 (a)) on the eighth floor of the building to a residential use (Use Class C3), comprising 4 dwellings' NOT PERMITTED DEVELOPMENT AND THE PRIOR APPROVAL PROCESS IS NOT APPLICABLE (September 2013).

### **A1 Self Storage, 2 Downland Close, Whetstone**

B/00845/13 'Installation of access ramp to northern elevation, increase in height of warehouse, and installation of Thermosyphon solar air heating panels on southern elevation.' REFUSED (August 2013) AND APPEAL ALLOWED (February 2014).

**Video Equipment Rentals, Unit 4, Downland Close, London, Whetstone**

B/01422/13 'External alterations to warehouse building including increase in height.' APPLICATION UNDER CONSIDERATION.

**Land off High Road/Chandos Avenue and the Brethren Meeting Hall and Well Grove School, Well Grove, Whetstone**

B/03068/11 'Demolition of existing buildings and redevelopment comprising of 70no dwellings (62no houses and 8no flats). Erection of 512sqm building for use class D1 purposes (Non-Residential Institution). Provision of associated car parking, landscaping and open space. Use of existing accesses from High Road and Well Grove (OUTLINE APPLICATION).' APPROVED SUBJECT TO CONDITIONS (March 2012).

**1230 High Road, Whetstone**

N01078X/06 'Demolition of all existing buildings and erection of a six storey building comprising basement car park ground and first floor offices and 28 self-contained flats on upper 4 floors.' APROVED SUBJECT TO CONDITIONS (February 2007).

B/02471/11 'Erection of six storey building to provide 1,015 sqm of ground floor offices and 39 no. self-contained flats on the upper five floors plus roof top plant room, external amenity space at first floor level. Basement car park for 45 no. cars with cycle storage provision and associated works.' APROVED SUBJECT TO CONDITIONS (February 2012).

B/02684/12 'Variation of condition 1 (Plan Numbers) and removal of conditions 25 (Noise Report for Site Plant) and 31 (Biomass Boiler) of planning permission B/02471/11 dated 21/02/12 for 'Erection of six storey building to provide 1,015 sqm of ground floor offices and 39 no. self-contained flats on the upper five floors plus roof top plant room, external amenity space at first floor level. Basement car park for 45 no. cars with cycle storage provision and associated works.' Variation to include additional internal escape staircase; revision of vehicular ramp and basement layout; increase in ground floor height; omission of top floor plant room; adjustments to the design of roof, parapet edges to fifth floor, fenestration and rear elevation; location and levels of front entrances adjusted: dwelling mix adjusted.' APROVED SUBJECT TO CONDITIONS (February 2013).

B/02128/13 'Erection of six storey building to provide ground floor offices and 42 no. self-contained flats on the upper five floors, external amenity space at first floor level, a basement car park for 44 no. cars with cycle storage provision and associated external works.' WITHDRAWN (September 2013).

**Former BP Petrol Filling Station, 1412 to 1420 High Road, Whetstone**

N16024/08 'Demolition of former petrol filling station forecourt shop building, and erection of a seven storey mixed use building, comprising class A1, A2, A3 and B1 commercial floorspace at ground floor and 40 residential units on upper floors with associated car parking at basement level.' REFUSED (May 2008).

B/01561/13 'Mixed use redevelopment of former petrol station to erect a six-story building to provide 22 self-contained units and 2 retail units at ground floor level. Provision of basement car and cycle parking.' APPLICATION UNDER CONSIDERATION.

**Sweets Way, Whetstone**

B/02627/12 'Environmental impact assessment screening opinion.'  
ENVIRONMENTAL STATEMENT NOT REQUIRED (August 2012).

B/02710/13 'Demolition of all existing buildings and outline planning permission (with all matters other than access reserved) for new residential dwellings (Use Class C3), comprising up to 189 houses and up to 171 flats (up to 360 new dwellings in total), and a community building (Use Class D1) providing up to 292m<sup>2</sup> of floorspace. The provision of site access from Sweets Way and Oakleigh Road North.' REFUSED (January 2014).



## APPENDIX 2: PLAN OF THE PROPOSED DEVELOPMENT

Site layout and context as proposed:



### APPENDIX 3: INFORMATIVES

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance. In this case, formal pre-application advice was sought prior to submission of the application.
2. For the purposes of this decision notice 'Groundworks and Site Preparation Works' are defined as and limited to the following works:
  - Demolition of existing structures including removal of asbestos, the stripping out of buildings, disconnecting services and grubbing up foundations.
  - Removal of existing and surplus rubble from the site.
  - Removal of services on the site including service trenches.
  - Carrying out CAT scans on site to confirm all existing services are clear.
  - The Erection or re-establishment of a hoarding line for the construction site.
  - Providing piling matting.
  - Providing clear health and safety information on the site.
  - Piling works.
  - Substructure and underground drainage works.
3. The applicant will be required to submit an application under Section 184 of the Highways Act (1980) for the proposed new vehicular access and the alterations to the existing vehicular access at the site. The proposed access design details, construction and location will be reviewed by the Highways Development Team as part of this application. Any costs for alterations to the public highway layout that may arise due to the design of the development, including the reinstatement of redundant vehicle access, will be borne by the applicant. The applicant is advised that Transport for London will be consulted regarding the impact of the scheme on the bus stop in the vicinity of the proposed vehicle access. To receive a copy of our Guidelines for Developers and an application form please contact: Traffic and Development Team, Regional Enterprise, North London Business Park, Building 4, Oakleigh Road South, London N11 1NP.
4. The applicant is advised that the Emergency Services should be contacted directly to discuss their requirements and agree any measures necessary to allow access for emergency services to the site or provide acceptable alternative arrangements.
5. The formation of the proposed new emergency access will require the relocation of at least one lamp column. The cost of any works on the

public highways associated with this development, including the relocation of lamp columns, will be borne by the applicant. Requests for the relocation of lamp columns by the applicant should be directed to the Street Lighting Team, London Borough of Barnet, North London Business Park, Oakleigh Road South, London N11 1NP

6. The applicant is advised that unless refuse collection arrangements which are acceptable to the Council are provided at the site refuse collection by a private company will be necessary.
7. Should refuse collection for the development by the Council be sought unobstructed access for refuse vehicles will need to be provided on the day of the collection, the development access needs to be designed and constructed to allow refuse vehicles to access the site and refuse collection points should be provided within 10 metres of the public highway. Alternatively the refuse containers will need to be brought to the edge of public highways on collection days. Any queries regarding refuse collection should be referred to the Traffic and Development Team, Regional Enterprise, North London Business Park, Building 4, Oakleigh Road South, London N11 1NP.
8. The applicant is hereby advised that the Council will not adopt the estate roads constructed as part of the development. However, if the councils refuse vehicles are required to enter the site, the estate roads constructed must be implemented to adoptable standards. Details of the relevant road construction requirements can be obtained from, Traffic and Development Team, Regional Enterprise, Building 4, North London Business Park, Oakleigh Road South, London N11 1NP.
9. The applicant is advised that the development is located on the Strategic Road Network (SRN). The Traffic Management Act (2004) requires the Council to notify Transport for London about construction works on such a road. The developer will be expected to work with the Council to mitigate any adverse impacts on the public highway and will require Transport for London's approval before the works approved under this consent can commence.
10. The applicant is advised that the A1000 is a Traffic Sensitive Road. Deliveries during the construction period should not take place between 8:00am and 9:30am and 4:30pm and 6:30pm from Monday to Friday. Careful consideration must be given to the optimum routes for construction traffic and the Traffic and Development Team (Regional Enterprise, Building 4, North London Business Park, Oakleigh Road South, London N11 1NP) should be consulted in this respect.
11. The applicant is advised to contact the Traffic and Development Team (Regional Enterprise, Building 4, North London Business Park, Oakleigh Road South, London N11 1NP) to discuss the possible need for Highway Licenses in respect of construction works adjacent to the public highway associated with the development proposed.
12. Due to the presence of National Grid apparatus in proximity to the site, any person wishing to implement the development must contact

National Grid before any works are carried out, to ensure their apparatus is not affected. The National Grid Plant Protection Team can be contacted at on 0800 688 588 and at [plantprotection@nationalgrid.com](mailto:plantprotection@nationalgrid.com) or at Plant Protection, National Grid, Block 1 Floor 1, Brick Kiln Street, Hinckley LE10 0NA.

13. In complying with the contaminated land condition parts 1 and 2: Reference should be made at all stages to any appropriate current guidance and codes of practice. This would be likely to include:
- 1) The Environment Agency CLR and SR Guidance documents;
  - 2) BS10175:2001 Investigation of potentially contaminated sites - Code of Practice;
  - 3) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH.

Please note that submissions in respect of the contaminated land condition will be expected to refer to the most relevant and up to date guidance and codes of practice at the time a submission is made, even if they are not identified in the above list.

14. You are 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 supplementary planning document on Sustainable Design and Construction requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (*Guidelines for Community Noise*, WHO). This needs to be considered in the context of room ventilation requirements

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

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: 1) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and measurement of environmental noise; 2) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 3) BS 8223: 1999 - 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)  
Department of transport : Railway Noise and insulation of dwellings.

15. 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 lay out – habitable rooms away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint – setting 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) NSCA Guidance: Development Control: Planning for Air Quality and the Planning Policy Statement 23: Planning and Pollution Control; 2) Environment Act 1995 Air Quality Regulations, Planning Policy Statement 23: Planning and Pollution Control, Annex 1: Pollution Control, Air and Water Quality; 3) Local Air Quality Management Technical Guidance LAQM.TG(03); 4) London Councils Air Quality and Planning Guidance, revised version January 2007.

16. There are public sewers crossing or close to the development. In order to protect sewers and to ensure that Thames Water can gain access to 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 be 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 in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 08458502777 to discuss the options available at this site.
17. 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 Ground Water. 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 0845 850 2777.
18. The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in

guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £185,841.27 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a ££713,684.90 payment under Barnet CIL.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

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

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

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

### **Relief or Exemption from CIL**

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

[www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

1. **Charity**

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

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. **Residential Annexes or Extension**

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

3. **Self Build**

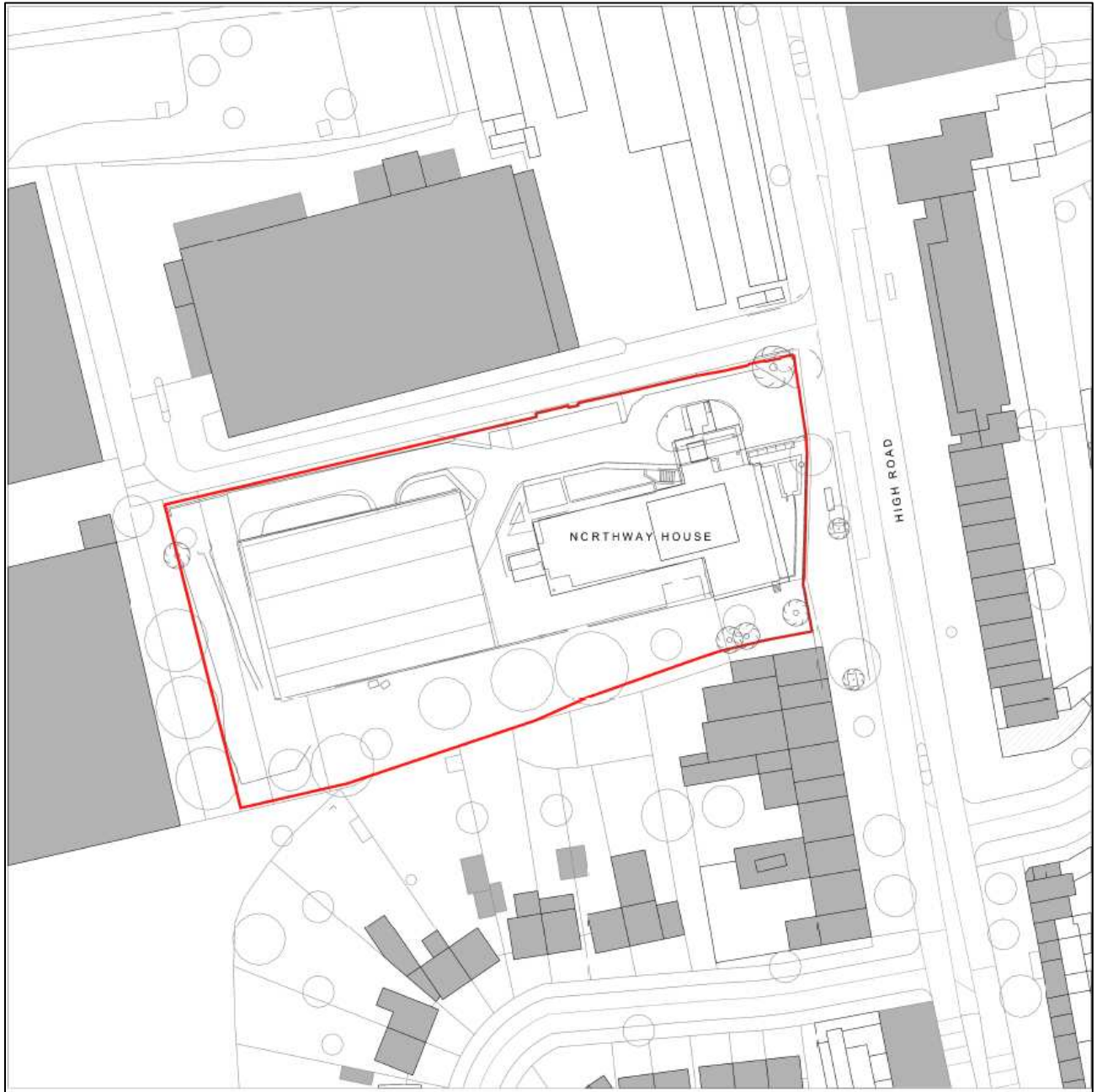
Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk)

Visit

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

## APPENDIX 4: SITE LOCATION PLAN

Northway House, 1379 High Road, Whetstone, London





**LOCATION:** Old Stationers Playing Fields, Barnet Lane, Barnet, Herts EN5  
2DN  
**REFERENCE:** B/00513/14      **Received:** 31 January 2014  
**Accepted:** 31 January 2014  
**WARD(S):** Underhill      **Expiry:** 02 May 2014      **AGENDA ITEM 13**

**Final Revisions:**

**APPLICANT:** Hadley Wood Sports Trust

**PROPOSAL:** Variation to condition 14 (Floodlights - details) pursuant to planning permission B/04218/12 dated 17/06/13 to allow the details of the floodlights to be submitted prior to their installation.

**RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

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

- Drawing Nos. 287/PL(0)010A, 102D, 202, Design and Access Statement, and Consultation Document (received 26 May 2009)
- Supporting Planning Statement (received 28 May 2009)
- Drawing Nos. 287/PL(0)110F and 112, and Floodlighting Specification (received 11 June 2009)
- Email from agent (received 18 November 2009)
- Drawing Nos. 287/PL(0)101D and 111A, and email from agent (received 23 November 2009)
- Flood Risk Assessment 880414R1(0) and WYG Daytime Bat Assessment A080982 dated 21 March 2013 (received 26 March 2013)

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

2 This development must be begun within three years from the date of the original grant of planning permission, being 17 June 2013.

Reason:

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

3. Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

4. Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

5. Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

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

Reason:

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

7. A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

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

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

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

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

10. The non-residential development is required to meet the following generic environmental standard (BREEAM) and at a level specified in Table 2.19 of the adopted Sustainable Design and Construction Supplementary Planning Document (April 2013). Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason:

To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).

11. No site works or works on this development shall be commenced before temporary tree protection has been erected around existing tree(s) in accordance with details to be submitted and approved in writing by the Local Planning Authority. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

12. The level of noise emitted from the 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 Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.
13. Before development commences, a report should be carried out by a competent acoustic consultant and submitted to the Local Planning Authority for approval that assesses the likely noise impacts from the development of the ventilation/extraction plant. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.
- It should 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 contents and recommendations. The approved measures shall be implemented in their entirety before (any of the units are occupied / the use commences).
- Reason:  
To ensure that the amenities of neighbouring premises are protected from noise from the development in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.
14. Notwithstanding the information already submitted, details of the proposed floodlights including measures to prevent light shining in the trees surrounding the site, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the installation of the floodlights. The floodlights shall be implemented and permanently maintained in accordance with the details as approved.
- Reason:  
To ensure that the proposal protects local biodiversity and the character and appearance of the area, in accordance with Policies DM01 and DM16 of the Development Management Policies DPD.
15. The floodlights hereby approved shall only be used between the hours of 4:00pm to 9:30pm Monday to Saturday, and 4:00pm to 7:00pm Sundays. The floodlights shall not be used at any time on Bank or Public Holidays.
- Reason:  
To ensure the floodlights are operating appropriately and to minimise light pollution, in order protect the character of the area in accordance with Policy DM01 of the Development Management Policies DPD.

16. Notwithstanding the details already submitted, before the development hereby permitted is brought into use details of the site enclosures and proposed fencing both around and within the site shall be submitted to and approved in writing by the Local Planning Authority, and installed in accordance with the approved details thereafter. The submitted details should have regard to the ecological value of the site.

Reason:

To ensure that the proposed development does not prejudice the character and appearance or openness of the Green Belt and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with policies DM01, DM16, DM03, DM17 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

17. Before the pavillion hereby permitted is first occupied, the proposed hours of use must be submitted to and approved in writing by the Local Planning Authority. The pavillion shall thereafter be used only in accordance with the hours of use as previously approved in writing.

Reason:

To ensure that the amenities of neighbouring properties are protected from the development in accordance with Policy DM01 of the Development Management Policies DPD.

18. Before development commences, a noise assessment will be carried out by a competent acoustic consultant and submitted to the Local Planning Authority for approval. The report will assess the likely impacts of noise. This report must be submitted in writing for the approval of the Local Planning Authority before the development commences. The approved measures shall be implemented in their entirety before the use commences.

Reason:

To ensure that the amenities of neighbouring premises are protected from noise from the development, in accordance with Policy DM01 and DM04 of the Development Management Policies DPD.

19. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment dated March 2013 (880414 R1(0)) and the following mitigation measures detailed within:

- Section 6 - Surface water drainage techniques.
- Section 8.1 - Floor level set at approximately 300mm above the highest 1 in 100 year plus climate change flood level (76.08mAOD)(above Ordnance Datum).
- Section 8.2 - A flood plan detailing action to take in a flood event shall be drawn up.
- Section 8.3 - The development shall be constructed using the latest best practice flood resistant construction techniques.

Reason:

To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

20. Any site clearance works, including the demolition of the pavilion building, shall be carried out outside of the bird nesting season, which lasts from October to February inclusive.

Reason:

To ensure birds are not disturbed during the nesting season, in accordance with Policy DM16 of the Development Management Policies DPD.

## **INFORMATIVE(S):**

1. In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

2. You are 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 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 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and measurement of environmental noise; 2) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 3) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 4) Department of transport: Calculation of road traffic noise (1988);

3. Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning

Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people". The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

#### The Mayor's London Plan July 2011:

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

#### Relevant Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012.

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5 and CS7.

Relevant Development Management DPD (2012): Policies DM01, DM03, DM13, DM15, DM16 and DM17.

#### Supplementary Planning Documents and Guidance

The Council adopted a Sustainable Design and Construction SPD in April 2013, following public consultation. This SPD provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

#### Relevant Planning History:

<b>Site Address:</b>	Old Stationers Playing Fields, Barnet Lane, Barnet, EN5 2DN
<b>Application Number:</b>	B/01802/09
<b>Application Type:</b>	Full Application
<b>Decision:</b>	Approve with conditions
<b>Decision Date:</b>	01/02/2010
<b>Proposal:</b>	<b>Construction of new pavilion with refuse store to replace existing. Formation of 2 grass pitches and an artificial turf pitch with 8 associated flood lights and mesh fencing. New perimeter security fence, all in connection with use of site as a football training ground.</b>

<b>Site Address:</b>	Old Stationers Playing Fields, Barnet Lane, Barnet, Herts EN5 2DN
<b>Application Number:</b>	B/04218/12
<b>Application Type:</b>	Full Application
<b>Decision:</b>	Approve with conditions

**Decision Date:** 05/07/2013

**Proposal:** Extension of time limit to implement previously approved application Ref: B/01802/09 dated: 09/12/2009 for "Construction of new pavilion with refuse store to replace existing. Formation of 2 grass pitches and an artificial turf pitch with 8 associated flood lights and mesh fencing. New perimeter security fence, all in connection with use of site as a football training ground."

Consultations and Views Expressed:

Neighbours Consulted: 214 Replies: 4 letters of objection have been received, including one from the Barnet Borough Group of the London Wildlife Trust.

Neighbours Wishing To Speak: 1

The objections raised may be summarised as follows:

- There are old oak trees in close proximity to the proposed playing field, with numerous potential bat roost holes. Bats are a species protected by law.
- Mitigation measures must be submitted before or together with, but not after, all other planning conditions are considered.
- Given recent flooding, the application should be totally reconsidered.
- Public parkland should not be privatised.
- Proposal encourages encroachment into the Green Belt.
- Site is used by numerous species of bird.
- Floodlighting should not be introduced where protected species are foraging.
- Use of pesticides and herbicides will result in a reduction of biodiversity.

Date of Site Notice: 20 February 2014

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The application site is located on the eastern side of Barnet Lane, and is part of a larger complex of playing fields which extend from Barnet Football Club to the north, down to South Herts Golf Course to the south. The site is between Barnet Lane and Grasvenor Avenue.

The site contains a disused single storey pavilion, and grass football pitches. The boundary treatment fronting Barnet Lane is an open wire fence. A concrete slab from a previous pavilion still remains on the site.

The application site is within the Green Belt.

Proposal:

The application proposes the demolition of the existing pavilion on the site and its replacement with a new pavilion building in a similar position within the site to provide new changing room facilities, coaching rooms and a social area. The replacement pavilion would measure approximately 10.5 metres in depth by 36.5 metres in width. It would have a pitched roof with a height of 4.2 metres. The roof of the pavilion would overhang 1.8 metres to the east elevation, forming a covered area.

The application also proposes a new full size grass football pitch (100.5m by 64m), a smaller grass pitch (45.7m by 27.4m) and a full size artificial pitch (100m by 65m).



The artificial pitch would include eight floodlights. These would each have a height of 15 metres from ground level. This pitch would be set approximately 40 metres back from Barnet Lane, 65 metres from properties on Crocus Field and over 200 metres from the rear boundary of properties fronting Grasvenor Avenue. The artificial pitch would be enclosed by 3 metre high fencing, rising to 5 metres high behind each goal.

A new refuse store and boundary fencing are also proposed. The refuse store would be 2 metres high, and located in the same position within the site as the existing. The new perimeter fencing would be 2 metres high.

The current application proposes a variation to the wording of condition 14, to allow the submission and approval of details relating to the flood lights to take place prior to the installation of the flood lights rather than prior to the commencement of any works on site. No alterations are proposed to any other element of the development.

#### Planning Considerations:

Condition 14 attached to the previous grant of planning permission required details of the proposed flood lighting, including measures to prevent light shining in the trees surrounding the site, to be submitted to and approved in writing by the Local Planning Authority prior to any of the development approved by the planning permission taking place. This wording means that any elements of the development which are not related to or do not require the flood lighting (ie construction of the pavilion, grass pitches or perimeter fencing) cannot be undertaken until a detailed specification of the proposed floodlights has been submitted to and approved in writing by the Local Planning Authority.

The applicant seeks to amend the wording of this condition, to allow details of the flood lighting to be submitted and approved prior to the installation of the flood lighting equipment. The revised wording would result in the same outcome as the existing condition, allowing the Local Planning Authority to fully assess the details relating to the flood lights before the flood lights are installed. However, the proposed variation to the wording would allow the remainder of the development (subject to compliance with any other relevant conditions) to be implemented.

Given that the development as a whole is, subject to compliance with the relevant planning conditions, capable of implementation, the current application would not alter the nature of the development in any way, but only impacts on the order the development can be implemented. On this basis, no objections are raised as the proposed development would not differ from the extant approval.

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

The development remains identical in all respects to that already approved, with this application only impacting on when details relating to the floodlights should be submitted for the LPA's consideration.

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

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **5. CONCLUSION**

In accordance with the requirements of the NPPF and Local Policy DM15, the proposal is considered to constitute an essential facility for outdoor sport. The proposal would be consistent with Green Belt policies and the purposes of including

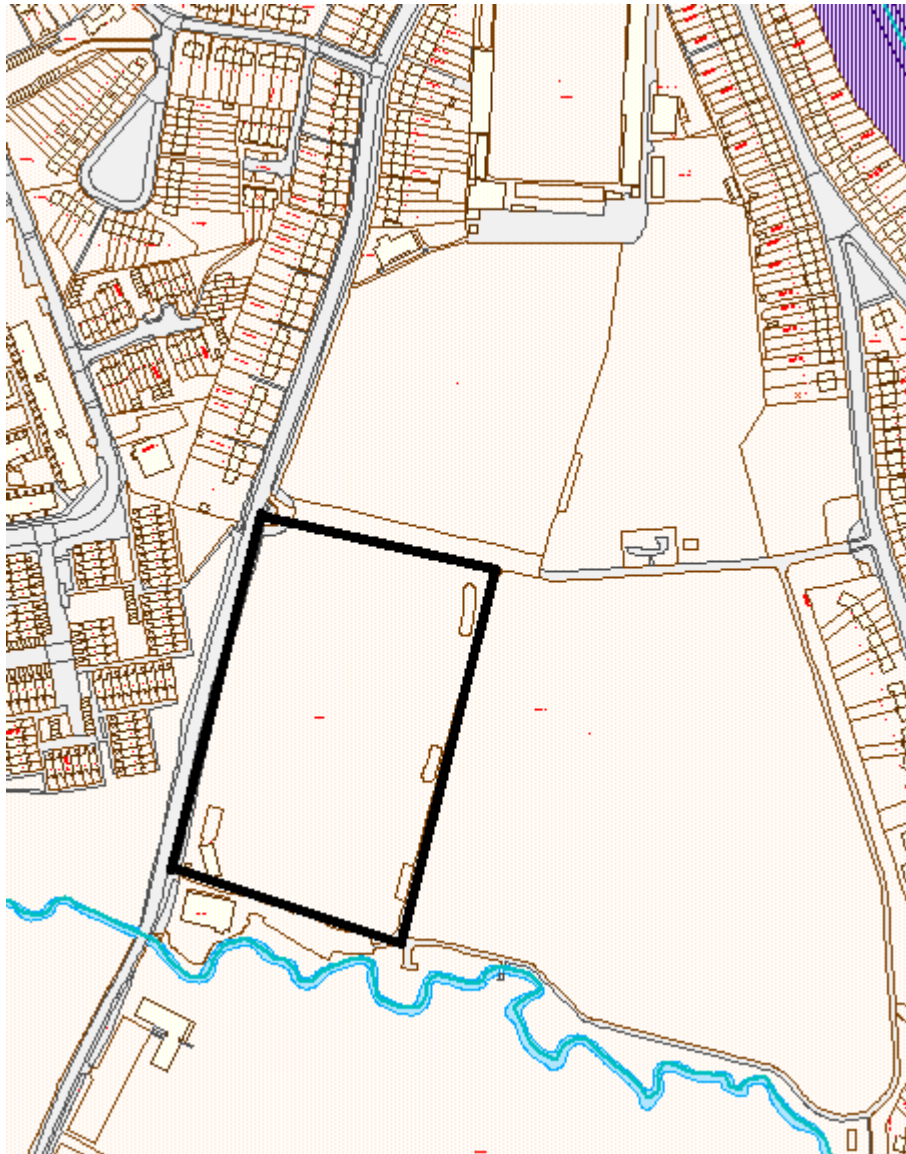
land within the Green Belt. It is not considered to have an adverse effect on the character and appearance of the locality or on the amenities of the occupants of nearby residential properties. The variation of the wording to condition 14 would not change this. Subject to planning conditions, the proposal would not be detrimental to biodiversity or trees within the site, and as a result is recommended for approval.

**SITE LOCATION PLAN:  
Barnet, Herts EN5 2DN**

**Old Stationers Playing Fields, Barnet Lane,**

**REFERENCE:**

**B/00513/14**



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