

MEETING

PLANNING COMMITTEE

DATE AND TIME

THURSDAY 18TH DECEMBER, 2014

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF PLANNING COMMITTEE (Quorum 3)

Chairman: Councillor Melvin Cohen
Vice Chairman: Councillor Wendy Prentice

Councillors

Maureen Braun	Barry Rawlings	Stephen Sowerby
Eva Greenspan	Tim Roberts	Mark Shooter
Claire Farrier	Agnes Slocombe	Jim Tierney

Substitute Members

Richard Cornelius	Dr Devra Kaye	Gabriel Rozenberg
Anne Huttton	Sury Khatri	Laurie Williams

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

Andrew Charlwood – 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 of the last meeting	1 - 4
2.	Absence of Members	
3.	Declarations of Members Disclosable Pecuniary Interests and Non-pecuniary Interests	
4.	Report of the Monitoring Officer (if any)	
5.	Public Questions and Comments (if any)	
6.	Members' Items (if any)	
7.	Report of the Assistant Director of Development Management and Building Control:	
	Colindale Ward	
8.	Grahame Park Estate - bounded by Lanacre Avenue to the west, Grahame Park Way to the south and Field Mead to the North, London, NW9 - H/04003/14	5 - 10
	East Barnet Ward	
9.	Land formerly known as British Gas PLC (Eastern), Barnet Holder Station, Albert Road, New Barnet, London, Herts EN4 9SJ - B/04148/14	11 - 18
	Totteridge Ward	
10.	Land between Sweets Way and Oakleigh Road North, London, N20 - B/04309/14	19 - 102
11.	Northway House, 1379 High Road, Whetstone, N20 - B/05378/14	103 - 198
12.	Any Item(s) that the Chairman decides are urgent	

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Decisions of the Planning Committee

27 November 2014

AGENDA ITEM 1

Members Present:-

Councillor Melvin Cohen (Chairman)
Councillor Wendy Prentice (Vice-Chairman)

Councillor Maureen Braun	Councillor Agnes Slocombe
Councillor Eva Greenspan	Councillor Stephen Sowerby
Councillor Claire Farrier	Councillor Jim Tierney
Councillor Barry Rawlings	Councillor Sury Khatri (In place of Mark Shooter)
Councillor Tim Roberts	

Apologies for Absence

Councillor Mark Shooter

1. MINUTES OF THE LAST MEETING

RESOLVED - That the minutes of the meeting held on 29 October 2014 be approved as a correct record.

2. ABSENCE OF MEMBERS

Apologies for absence had been received from Councillor Mark Shooter, who was being substituted for by Councillor Sury Khatri.

3. DECLARATIONS OF MEMBERS DISCLOSABLE PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS

None were declared.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

There was none.

5. PUBLIC QUESTIONS AND COMMENTS (IF ANY)

There were none.

6. MEMBERS' ITEMS (IF ANY)

There were none.

7. BUILDING F1, F2, F8, F9 BEAUFORT PARK, AERODROME ROAD, NW9 - H/04672/19

The Committee noted the receipt of the additional information set out in the tabled addendum.

The Committee;

RESOLVED TO APPROVE the application as per the officer's report and subject to (i) the conditions set out in the report and (ii) the updates contained with the addendum.

Votes were recorded as follows:

For	6
Against	1
Abstentions	4

8. MIDDLESEX UNIVERSITY, THE BURROUGHS, LONDON, NW4 4BT - H/04180/14

The Committee having considered the report and representations from local residents Mr Alexander Fischbaum, Ms Helen Michaels and Mr Andrew Dickie, the applicant's representative;

RESOLVED TO APPROVE the application as per the officer's report and subject to (i) completion of the Section 106 Agreement and (ii) the conditions set out in the report.

Votes were recorded as follows:

For	4
Against	3
Abstentions	4

9. COTTAGE FARM, MAYS LANE, BARNET, HERTS, EN5 2AQ - B/04041/14

The Committee noted the receipt of the additional information set out in the tabled addendum.

The Committee having considered the report and representations from local resident Mr John S Tebb, Ward Councillor Paul Edwards and Katherine Mansi, the applicant's representative.

RESOLVED TO REFUSE the application for the reasons set out in the officer's report.

Votes were recorded as follows:

For refusal	6
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Against refusal	1
Abstentions	4

10. ANY ITEM(S) THAT THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting finished at 9.04 pm

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LOCATION: Grahame Park Estate - bounded by Lanacre Avenue to the west, Grahame Park Way to the south and Field Mead to the North, London, NW9

REFERENCE: H/04003/14

WARD: Colindale

APPLICANT: Barnet and Southgate College

PROPOSAL: Modification of S106 Planning Obligation to amend clause 11 pursuant to planning permission W01731JS/04 dated 17/01/07 (as varied by planning permission H/00309/11), for 'Redevelopment of site involving the demolition of 1314 existing residential units and construction of 2977 new residential units providing a total of 3440 units on the estate, provision of approximately 9074sqm replacement retail (Class A1), office (Class A2) food and drink (Class A3) and social and community (Class D1) uses and associated public and private open space, car parking and access arrangements'

RECOMMENDATION:

That, subject to the completion of all necessary legal and other documentation, a Deed of Variation to the Section 106 Agreement attached to planning permission H/00309/11 (originally dated 23rd January 2007) is authorised to secure the following changes:-

- (i) The release of Choices for Grahame Park Ltd / Genesis Housing Association from all the obligations under Clause 11.
- (ii) The deletion of obligation 11.1.2 to remove the requirement to pay the sum of £100,000 to the Council for the purposes of enabling the Council to fit out and furnish the library.
- (iii) The amendment of obligation 11.2 to require the new library to have a gross internal floor area of 500sqm, instead of 750sqm.
- (iv) The insertion of a new Clause 11.5, which provides that:
 - Upon practical completion of the new library as part of the Barnet and Southgate College development at Plot A8; and
 - Upon completion of a lease between the College and the Council for the new library;

Clause 11 shall be deemed to be satisfied in its entirety.

1. BACKGROUND

Planning History and S106 Agreement

The original outline planning permission for the redevelopment of the Grahame Park Estate was granted on the 17th January 2007 (ref W01731JS/04), giving consent for the demolition of 1314 residential units and construction of 2977 residential units (providing 3440 units across the estate), along with replacement retail and community uses. This original consent has been amended through S.73 applications to amend phasing (ref W01731LB/07), extend the time limit for implementation (ref H/04448/10) and to alter the block layout in Phase 1B (ref H/00309/11).

The Grahame Park Estate regeneration scheme is being built out by Choices for Grahame Park (CfGP), led by Genesis Housing Association (GHA). Reserved matters for Phase 1B were approved on 21st February 2012 (ref H/00308/11) and include detailed designs for the provision of a new public library on Plot A8.

The original S.106 Agreement, dated 31st January 2007, contains a number of provisions including those relating to the provision of the library, which can be found under Clause 11 of the Agreement. Specifically, 11.1.2 requires the developer to pay the sum of £100,000 to the Council for the purposes of enabling the Council to fit out and furnish the new library and 11.2 requires the library to have a gross internal floor area of 750sqm.

Relocation of Barnet and Southgate College to Plot A8

The Colindale Area Action Plan (CAAP) promotes the relocation of Barnet and Southgate College from their current campus to the north east of Grahame Park, to a more sustainable location closer to Colindale Underground station. The Planning Committee on 30th July 2014, resolved to grant permission for a revised development of A8 to include a 5,536sqm college, 500sqm public library and 500sqm centre for independent living (ref H/00320/14). This scheme therefore retains the public library element of the previous consent, albeit with a reduced floorspace of 500sqm compared to 750sqm.

2. MATERIAL CONSIDERATIONS

2.1 Relevant Planning History

App Ref.	Address	Description of Development	Decision and Date
W01731JS/04	Grahame Park Estate - bounded by Lanacre Avenue to the west, Grahame Park Way to the south and Field Mead to the North, London, NW9 5UP	Redevelopment of site involving the demolition of 1314 existing residential units and construction of 2977 new residential units providing a total of 3440 units on the estate, provision of approximately 9074sqm replacement retail (Class A1), office (Class A2) food and drink (Class A3) and social and community (Class D1) uses and associated public and private open space, car parking and access arrangements. (OUTLINE)	APPROVED 17/01/2007

W01731LB/07	Grahame Park Estate - bounded by Lanacre Avenue to the west, Grahame Park Way to the south and Field Mead to the North, London, NW9 5UP	Section 73 application for variation to the approved phasing (amendment to phases 1A (Anson Block), 1B, and 4A) of the regeneration of Grahame Park Estate requiring the variation of conditions 4, 7 and 30 of Outline Planning Permission W01731JS/04 dated 17-01-2007.	APPROVED 09/04/2008
H/04448/10	Grahame Park Estate - bounded by Lanacre Avenue to the west, Grahame Park Way to the south and Field Mead to the North, London, NW9 5UP	Extension to the time limit for implementing planning permission W01731LB/07 granted 09/04/08 for "Section 73 application for variation to the approved phasing (amendment to phases 1A (Anson Block), 1B, and 4A) of the regeneration of Grahame Park Estate requiring the variation of conditions 4, 7 and 30 of Outline Planning Permission W01731JS/04 dated 17-01-2007."	APPROVED 16/02/2011
H/00308/11	Grahame Park Estate - bounded by Lanacre Avenue to the west, Grahame Park Way to the south and Field Mead to the North, London, NW9 5UP	Reserved matters application seeking approval for design, external appearance and landscaping for Phase 1B of the Grahame Park Estate Regeneration comprising 446 residential units (including Block A9), 5,483sqm (GEA) of non-residential floorspace including a library (Use Class D1), community centre (Use Class D1), supermarket (Use Class A1) and ancillary retail units (Use Classes A1, A2 and A3), pursuant to condition 6 of planning permission reference H/04448/10 dated 16/02/11 for the extension to the time limit for implementing outline planning permission reference W01731LB/07 dated 09/04/08 for the regeneration of Grahame Park Estate, together with details of traffic management/highway improvements (condition 11) and phasing plans (condition 47) required to form part of the reserved matters, and details of the construction methods statement in order to discharge condition 49.	APPROVED 21/02/2012
H/00309/11	Grahame Park Estate - bounded by Lanacre Avenue to the west, Grahame Park Way to the south and Field Mead to the North, London, NW9 5UP	Section 73 application to vary conditions 4 (approved drawings), 8 (floorspace), 10 (on-site drainage), 11 (transport and movement), 15 (Design Codes), 19 (materials), 21 (landscaping scheme), 26 (open space), 27 (areas of play), 29 and 30 (Grahame Park Open Space), 37 (ventilation/extraction), 42 and 43 (archaeology) of planning permission reference H/04448/10 dated 16/02/11 for	APPROVED 21/02/2012

		the extension to the time limit for implementing outline planning permission reference W01731LB/07 dated 09/04/08 for the regeneration of Grahame Park Estate. Application accompanied by an Environmental Statement Addendum.	
H/02522/13	Grahame Park Estate - bounded by Lanacre Avenue to the west, Grahame Park Way to the south and Field Mead to the North, London, NW9 5UP	Non material amendment to previously approved application Ref: H/00308/11 dated: 12/2/2012 for: Reserved matters application seeking approval for design, external appearance and landscaping for Phase 1B of the Grahame Park Estate Regeneration comprising 446 residential units (including Block A9), 5,483sqm (GEA) of non-residential floorspace including a library (Use Class D1), community centre (Use Class D1), supermarket (Use Class A1) and ancillary retail units (Use Classes A1, A2 and A3), pursuant to condition 6 of outline planning permission reference H/00309/11 for the regeneration of Grahame Park Estate, together with details of traffic management/highway improvements (condition 12) and phasing plans (condition 44) required to form part of the reserved matters, and details of the construction methods statement in order to discharge condition 46. Amendments to include: change to sub-phasing of Phase 1B to create Sub-Phase 2 to allow for the delivery of the new Lanacre Avenue shift and Sub-Phase 3 for the delivery of Blocks A1, A8, B1 and B6.	APPROVED 14/08/2013
H/00320/14	Development Plot A8 (Grahame Park Estate Regeneration), Lanacre Avenue, Colindale, NW9	Revised application for development of plot A8 consisting of a 5 storey building comprising a 5,536sqm college, 500sqm public library and 500sqm centre for independent living (all Use Class D1); associated vehicle access, parking, landscaping, refuse and cycle storage (this is an amended proposal for the whole of this development plot, being proposed instead of the reserved matters approval reference H/00308/11 dated 21/02/2012 for 57 flats, a 750sqm public library, 945sqm centre for independent living and 279sqm of retail floorspace)	CURRENT

2.2 Proposal

It is proposed to remove Clause 11.1.2 to remove the obligation to pay the sum of £100,000 for library fit out. It is also proposed to amend the floorspace of the new library to reflect the revised Barnet and Southgate College proposals for Plot A8. In addition, GHA would be relieved of their obligations under Clause 11, which would pass to the College until the new library is practically completed and a lease agreed with the Council. The changes would be secured through a Deed of Variation to the original Section 106 Agreement.

2.3 Planning Assessment

Clause 11 of the Grahame Park S.106 Agreement contains a number of obligations relating to the provision of the public library, as set out below:

- 11.1** *The Developer shall not take any steps in carrying out the Development which requires the Existing Library to cease its normal use until:-*
 - 11.1.1** *construction of the New Library has been completed to Occupation Finish Standard*
 - 11.1.2** *it has paid the sum of £100,000 to the Council for the purposes of enabling the Council to fit out and furnish the New Library*
- 11.2** *The new Library shall have a Gross Internal Floor Area of 750m² and shall be constructed at a cost to the Developer (including fees, expenses and value added tax) not exceeding in the aggregate the sum of £1,272,000 Index-Linked from the Indexation Date*
- 11.3** *Before beginning construction of the New Library the Developer shall serve upon the Council the New Library Commencement Notice*
- 11.4** *Upon construction of the New Library by the Developer to Occupation Finish Standard to the reasonable satisfaction of the Council the Developer shall grant a lease of the premises concerned to the Council (and shall use reasonable endeavours to do so within 6 months from the date of completion to Occupation Finish Standard) and that lease shall:-*
 - 11.4.1** *be for a term of 125 years*
 - 11.4.2** *be granted without payment of a premium and at a peppercorn rent*
 - 11.4.3** *require the tenant to keep the demised premises in good and tenantable repair (subject to clause 11.4.4 as regards the structure)*
 - 11.4.4** *if the demised premises form part of a larger building require the landlord to keep the structure of the building concerned in repair subject to the payment by the tenant to the landlord of a fair and equitable contribution to those costs and to the insurance of the building (but if the demised premises do not form such a part require the tenant to keep the structure in good repair)*
 - 11.4.5** *be otherwise on terms to be agreed between the Developer and Council (or in default of agreement determined under clause 25) but not so as to impose unusual obligations on either party to the lease*

As mentioned, the library was originally intended to form part of the Phase 1B development by GHA. However, the College will now be developing Plot A8 and will be providing the library to occupation finish standard - the Principal Development Agreement (PDA) between the Council and Genesis has been amended to reflect this. Importantly, the Council has identified that the library fit out costs can be met through other means and the £100,000 contribution originally secured through the S.106 is no longer required. Also, Library Services have confirmed that the

reduction in library floorspace from 750sqm to 500sqm is acceptable and accordingly this requirement can be amended.

Furthermore, as the College will be building the library, there is no longer a requirement for GHA to be bound by the terms of Clause 11. Instead, a new Clause 11.5 will be added that will be binding on the College, which provides that Clause 11 will be satisfied in its entirety upon practical completion of the library and completion of a lease with the Council.

The remaining clauses shall remain in force, to ensure that the library is constructed and made available before the closure of the existing facility and to deal with the details of the lease arrangements.

3. CONCLUSION

In summary, the £100,000 library fit out contribution required by the original Section 106 Agreement is no longer necessary, as the funding arrangements have changed since the original Agreement was drawn up. The library would still be delivered on Plot A8 and the revised planning application for the College development has received a Committee resolution for approval.

Approval is therefore recommended to allow the completion of a deed of variation to allow the necessary changes to the S.106 Agreement to be made.

LOCATION: Land formerly known as British Gas PLC (Eastern), Barnet Holder Station, Albert Road, New Barnet, London, Herts EN4 9SJ

AGENDA ITEM 9

REFERENCE: B/04148/14 **Received:** 27.06.2014
WARD: East Barnet **Accepted:** 02.12.2014
Expiry: N/a

APPLICANT: McLagan Investments Ltd (Comp. No. 02127156)(ASDA Stores Ltd)

PROPOSAL: Application to revoke the hazardous substance consent relating to the Barnet gas holder pursuant to The Planning (Hazardous Substances) Act 1990

RECOMMENDATION

To authorise the making of an Order subject to confirmation by the Secretary of State to revoke the Hazardous Substance Consent no. P/MT/AM/N2416M dated 19 Dec 1992 and subsequent continuation deemed to have consent 15 Mar 2001.

1. MATERIAL CONSIDERATIONS

1.1 Background and Procedural Matters

Introduction

This report recommends the revocation of the Hazardous Substance Consent for the Barnet gas holder on the former East Barnet Gas Works site. The gas holder has not been used for at least 5 years and does not form part of the infrastructure network for the supply of gas, according to National Grid. The Hazardous Substance Consent otherwise represents a significant planning constraint to redevelopment of the former East Barnet Gas Works site in the New Barnet Town Centre Framework (Nov 2010).

Planning benefit

The revocation procedure is necessary to remove the safeguarding restrictions around the former East Barnet Gas Works to enable the residential redevelopment of the southern portion of the site. The application Ref: B/04834/14 for a residential-led scheme of 306 residential units, as well as 116sqm of retail floorspace (Use Class A1-A5) and 558sqm of flexible commercial floorspace (Use Class A3/D1/D2) is currently under consideration.

However, the gas holder and its hazardous substance consent act as a constraint to redevelopment. Specifically, sensitive uses such as residential are precluded in proximity to hazardous sites such as gas holders as set by the Health and Safety Executive (HSE) who are the safeguarding authority. HSE maintain the statutory consultation zones around gas holders as required by Article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

If ASDA sought to progress with their current application for residential development with the Hazardous Substance Consent still in place, HSE would object on health and safety grounds. The council would be obliged to take such a material planning consideration into account in the assessment. Amendments to the scheme in an effort to address the safety issue may variously not fully address the concerns of HSE; could result in a less efficient and sub-optimal use of the site; and/or render the scheme economically unviable.

In the current situation (and 'do nothing' option) the HSE would make an assessment of the hazard and risk posed by the gas holder using its methodology PADHI – (Planning Advice for Development Near Hazardous Installations)". The assessment of risk produces a map with three risk contours (Inner, Middle and Outer) which plot risk in relation to proximity to the gas holder. As seen in **appendix 2**, the outer zone almost entirely covers the site of the proposed residential development ref: B/04834/14.

Therefore, seeking to revoke the Hazardous Substance Consent will remove this development constraint and thereby enable the site to come forward in a more efficient and viable way. This will also allow the planning benefits of the scheme to be maximised including optimised new housing delivery and urban design and renewal.

It is further noted that unlocking brownfield sites for redevelopment and the associated regenerative potential and benefit accords with the Sustainable development principle which underlines UK planning, as guided by the National Planning Policy Framework (NPPF). The identified landuse priority for the former East Barnet Gas Works site is housing, as expressed locally in the New Barnet Town Centre Framework as well as nationally (NPPF) and regionally (The London Plan). Allowing the safeguarding restriction to continue to preclude redevelopment of the site is odds with planning policy and guidance, least of all the NPPF.

Should the council be minded to authorise the revocation procedure, the HSE have provided advice on applying a grampion condition, restricting any planning approval subject to the revocation of the Hazardous Substance Consent. On this basis, the HSE has indicated that it is possible to determine the planning application (Ref: B/04834/14) ahead of the revocation of the Hazardous Substance Consent.

Procedural matters

The legislation governing hazardous substances is the Planning (Hazardous Substances) Act 1990 ("the Act"). In addition to granting consent, Section 14 of the Act contains powers to revoke consents, recognising that there are instances where it is expedient to do so and thereby removing this development constraint. Section 14(2) allows for a Hazardous Substance Authority (the council) to revoke a consent, where the hazardous substance has not been present on the land for at least 5 years. It should be noted that any revocation will only take effect when it is confirmed by Secretary of State ("SoS") pursuant to Section 15 of the Act.

The Hazardous Substance Consent to be revoked is no. P/MT/AM/N2416M dated 23 December 1992. This was a 'deemed consent' for an 'established quantity' of a hazardous substance because the gas works and its gas holder(s) pre-dated the Planning (Hazardous Substances) Act 1990 and which came into force in 1992. Transitional arrangements were in place at the time for existing situations which could make a claim for 'deemed consent' could be made where the hazardous substance had been present for the 12 months preceding the Act. British Gas PLC (Eastern) had deemed consent confirmed by LB Barnet on 23 December 1992.

A further continuation of the abovementioned deemed consent was sought by Transco on 19 December 2000 and this continuation will also need to be revoked. The requirement to make a continuation application was triggered by Part 3, Section 5(3) of the 1992 Regulations because of a change in site circumstance namely, part disposal for the site for telecommunications purposes. National Grid have confirmed that consent was deemed to have been given on 15 March 2001 in accordance with the Regulations as there is no record of written confirmation being given by the borough. National Grid have clarified that it was common in past for boroughs not to formally confirm continuation applications given the deemed consent provision.

1.2 Key Relevant History

According to UK National Grid, the presence of a gas works on the site is recorded on the 1867 OS plan. This gas works was located at the southern end of the site adjacent to the railway and originally manufactured town gas from coal. Over the 20th century the works extended northwards. During the 1930's 4 gas holders were present on the site. The sole remaining holder was constructed by the Barnet & District Gas & Water Company, and put to work in 1934. The holder is column guided, has 4 concentric lifts and had a capacity of 2,000,000 cu ft of gas.

With the coming of North Sea gas in the 1960's and 1970's, the gas works was demolished and a high pressure pipeline installed which enters the site at the northwest corner. A single gas holder for low pressure storage was retained to cope with the diurnal peak demands on the gas supply system.

With increasing use of the pipelines to store gas, the requirement for gas holders has fallen away completely; there are now no operational gas holders left within National Grid and a number have been earmarked for demolition. The site currently houses a pressure reduction site associated with the high pressure pipeline, and an operational depot.

1.3 Public Consultation and Views Expressed

This report seeks authorisation from the Council to enact the revocation procedure. There is no public consultation exercise required. However, it should be noted that if the council resolves to authorise making the Order, the Act requires notice to be served on all interested parties for a period of at least 28 days. This will be undertaken by officers following Member's approval of this report, involves letters, site notice and newspaper advertisement publicising the proposed Order.

Meantime, it should be noted that council officers have sought the informal advice of the Health and Safety Executive (HSE) and UK National Grid and no objections raised subject to the material considerations identified in this report. Both organisations will be consulted formally if the council is minded to authorise making the Order.

2. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL

The former East Barnet Gas Works is bound by properties of Albert Road East and Albert Road West to the south, Victoria Recreation Ground and Westbrook Crescent residential properties to the east, Hertford Road residential properties to the north and Network Rail track to the west. The site is bisected by a pedestrian footbridge providing an east-west link across the site and connecting with a foot tunnel underneath Network Rail land.

To northern portion of the site is where National Grid maintain an active use and where the subject gas holder is situated. The active use of the site involves a pressure reduction installation associated with the high pressure pipeline, and an operational depot.

To the south of the footbridge, the site is cleared and hoarded off. A right of way is maintained to provide access to the active part of the site in the north with Albert and Victoria Road. It is on this disused part of the site where residential development is proposed under application Ref: B/04834/14.

It should be noted that the high pressure gas line is subject to HSE safeguarding however, the risk contours are different and far less extensive as compared to the gas holder risk contours. The proposed residential development falls outside the risk contours of the high pressure pipeline and therefore, there is no objection on public safety grounds. In any event, the high pressure gas line is part of the active network and as such, there are no grounds to revoke its consent under Section 14(2) of the Act.

3. MATERIAL CONSIDERATIONS

The Council is being requested to exercise its powers as the Hazardous Substance Authority under section 14(2) of the Planning (Hazardous Substances) Act 1990 to revoke the hazardous substance consent for the Barnet gas holder.

Pursuant to section 14(2) of the Act, specifying the criteria for which it may be expedient to revoke, National Grid has confirmed that the site has not been used for the storage of gas in the last 5 years. Therefore, it is expedient to revoke, resulting in the planning benefit of lifting a significant constraint, leading to more optimised and viable form of development as currently proposed under application Ref: B/04834/14.

In respect of legal implications, the following is noted:

- A person can request to appear before the inspector appointed by the Secretary of State before the order is confirmed. If a request is made, a public inquiry may be held to consider representations before the order is confirmed, and the Council would be required to attend and defend their reasons for making the order.
- Pursuant to Section 16 there is no liability in relation to Orders made under Section 14(2) to pay compensation to affected parties.

In respect of the financial implications of pursuing the revocation Order, ASDA Stores Ltd is providing an indemnity agreement to cover the Council's administrative and legal costs of making the Order and in the event of a public inquiry being called by the SoS.

4. EQUALITY AND DIVERSITY ISSUES

Section 149 of the Equality Act 2010, which came into force on 5th 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; and
- 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 revoke the Hazardous Substance Consent for the Barnet gas holder will not have any equality implications. The revocation will not involve any prohibited conduct, nor have any effect whatsoever to persons with protected characteristics, to their opportunities or to their relationships.

5. CONCLUSION

The Council is being requested to exercise its powers as the hazardous Substance Authority under section 14(2) of the Planning (Hazardous Substances) Act 1990 to

revoke the hazardous substance consent no. P/MT/AMN2416M dated 19 Dec 1992 and subsequent continuation deemed to have consent 15 Mar 2001 for the Barnet gas holder.

The planning benefit of revoking the Hazardous Substance Consent is that a major planning constraint is lifted enabling a more optimal and viable development to be pursued as is the case with the current proposal (Ref: B/04834/14) for a residential-led redevelopment in the southern portion of the former East Barnet Gas Works site.

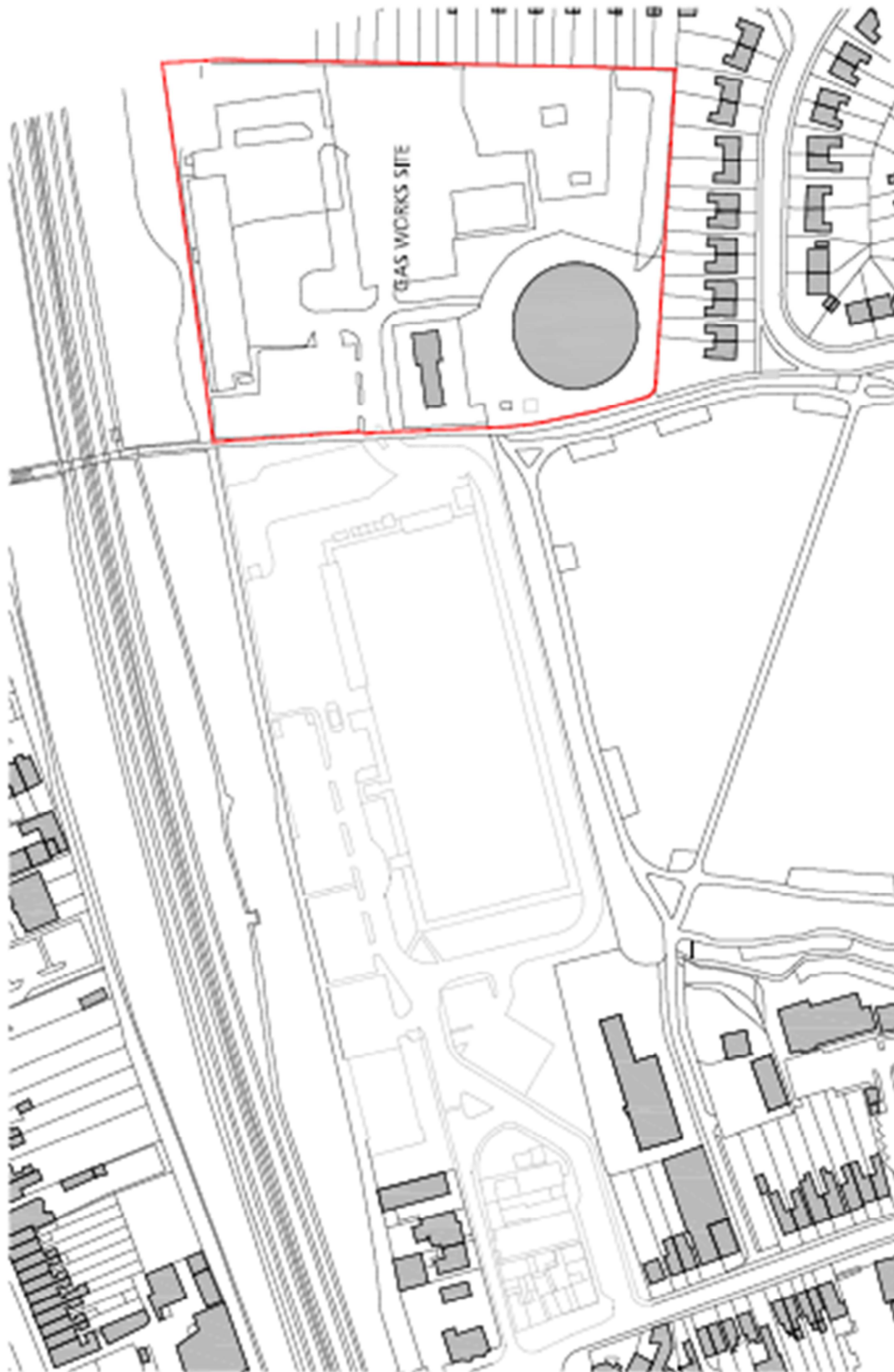
It is considered expedient to make the revocation order as the circumstances satisfy one of the relevant determining criteria for consideration in section 14(2) of the Act. Namely, that the Barnet gas holder has not been used to store gas for over 5 years as confirmed by National Grid.

Further in pursuance to 14(2) of the Act, there is no liability for payment of compensation through revoking the consent. ASDA Stores Ltd are providing an indemnity agreement to cover the council's legal and administrative costs in making the Order and in the event that the SoS calls a public inquiry.

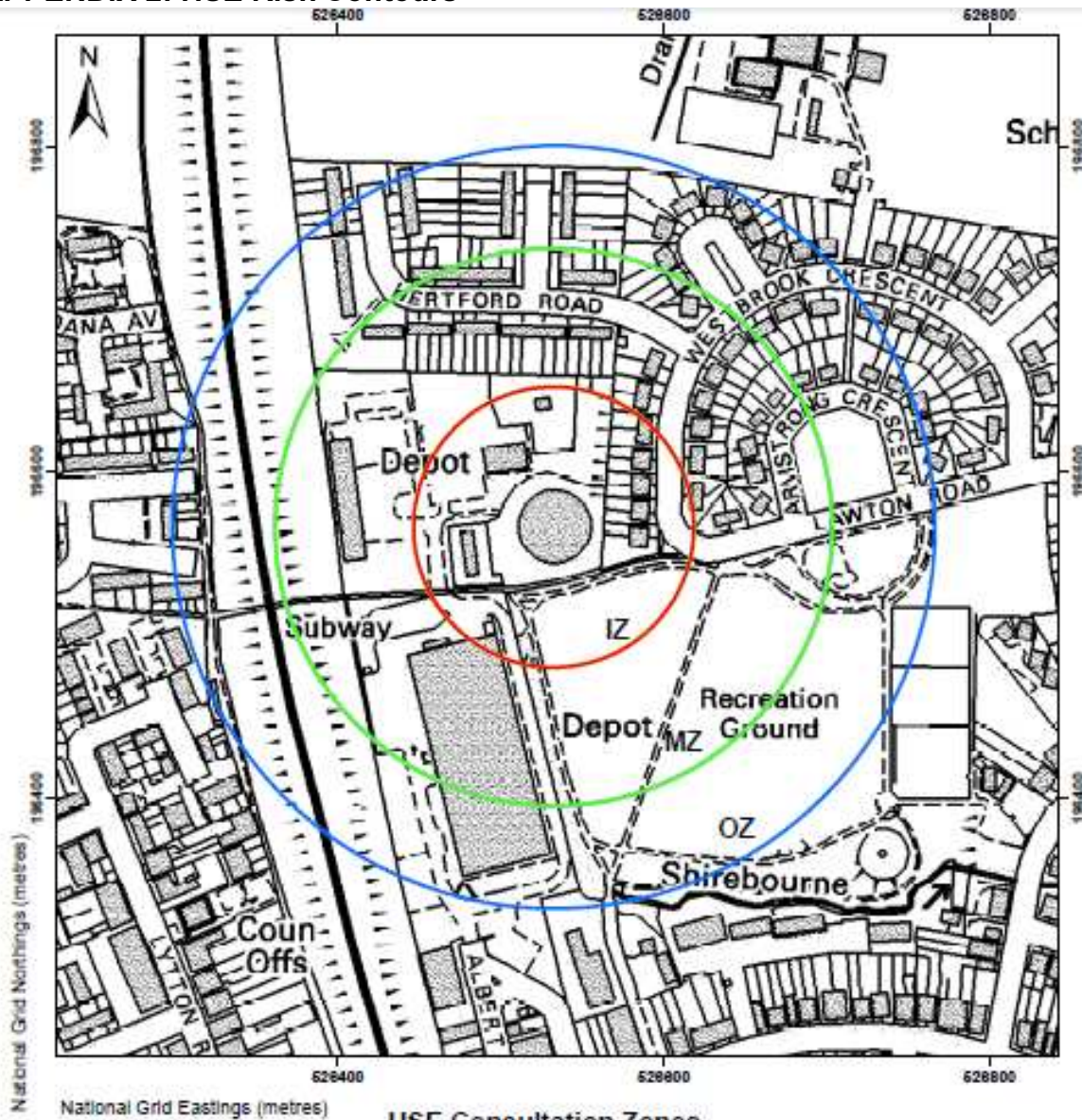
It is recommended that the committee authorise the making of the Order to revoke the Hazardous Substance Consent no. P/MT/AM/N2416M.

APPENDIX 1: PLANS OF THE PROPOSED DEVELOPMENT

Site layout and context as proposed



APPENDIX 2: HSE Risk Contours



HSE Consultation Zones

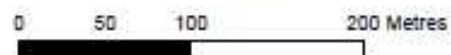
Transco PLC, Barnet Holder Station,

HSE HID CI5 Ref: H0937
Grid Ref: TQ 285 985

Prepared - November 2008

This map supersedes all previous or undated maps

IZ = Inner Zone
MZ = Middle Zone
OZ = Outer Zone



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LOCATION: Land between Sweets Way and Oakleigh Road North,
London, N20

REFERENCE: B/04309/14

Received: 08 August 2014

Accepted: 08 August 2014

Expiry: 10 November 2014

WARD: Totteridge

AGENDA ITEM 10

APPLICANT: Annington Property Limited

PROPOSAL: Demolition of all existing buildings and outline planning permission (with all matters other than access and layout reserved) for new residential dwellings (Use Class C3), comprising up to 201 houses and up to 87 flats (up to 288 new dwellings in total), and a community building (Use Class D1) providing up to 255 sqm floorspace. The provision of pedestrian and vehicular site access from Sweets Way and pedestrian only from Oakleigh Road North.

APPLICATION SUMMARY

The application is for the erection of 288 residential units and a community building (Use Class D1) providing up to 255 sqm Floorspace. The application follows the refusal of an earlier application in January 2014 for the erection of 360 dwellings and new community building along with a new site access from Oakleigh Road North (Reference B/02710/13). This application was refused for a variety of reasons including design and layout concerns, the relationship to neighbouring residential properties, insufficient information submitted in support of the application, the absence of affordable housing and the failure to make sufficient contributions through a S106 agreement.

The current application has made a number of changes to the proposal following the refusal of the previous application. The main changes include the reduction in the site area for which permission is sought along with the number of units, an increase in the affordable housing proposed to 20%, layout amendments to improve the relationship to surrounding properties and reductions in the number of car parking spaces and the number of trees proposed to be removed.

The amended scheme would achieve a high standard of design, which will ensure that this high density development would have an acceptable visual impact in relation to its surroundings. Strong controls are in place to ensure that the buildings are constructed to a high standard of detailing. The layout of the proposal would ensure a legible network of quiet residential streets and would enhance the setting of the surrounding streets, whilst providing high quality homes for future residents, with appropriate amenity space provision.

A high standard of landscaping is proposed and the scheme also incorporates areas of public amenity space, to incorporate children's play space. The development would result in the limited removal of the existing trees from the site. However, it is considered that the replacement planting proposed provides adequate mitigation for the vegetation which would be lost in this instance.

The development would provide an appropriate mix of unit sizes and tenures and would deliver 20% affordable housing by unit number, which is considered to be the maximum level possible, having regard to the viability of the development. This has been verified by an independent consultant.

The scheme provides an appropriate level of car parking on site, in accordance with Barnet's parking standards. A contribution has been secured towards improvements to local bus stops and traffic junctions in the vicinity of the site. Alongside this, Travel Plans will encourage users of the site to use more sustainable modes of transport and further mitigation will be secured by condition to control details of construction, delivery and servicing and car parking management.

The application includes a number of measures to achieve a good standard in respect of sustainable design and construction. The new homes would meet Code for Sustainable Homes Level 4. There are also requirements for appropriate biodiversity mitigation and enhancement measures which are ensured through the conditions recommended.

A number of conditions and planning obligations have been recommended to ensure that the development achieves a suitable quality of residential environment, does not cause any unacceptable harm to the amenities of neighbouring occupiers or biodiversity, achieves the benefits that the submission advances in support of the scheme and mitigates any potential adverse impacts from the proposal, such as from sources of land contamination or surface water flood risk.

All relevant policies contained within the development 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 proposed development generally and taken overall accords with the relevant development plan policies and adequately addresses the previous reasons for the refusal of planning application B/02710/13. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to referral to the GLA and the satisfactory completion of the Section 106 Agreement, approval subject to conditions is recommended.

Recommendation 1

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.

Recommendation 2

Subject to Recommendation 1 above, 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:

- i. Legal Professional Costs Recovery
Paying the Council's legal and professional costs of preparing the Agreement and any other enabling arrangements.
- ii. Enforceability
All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.
- iii. Affordable Housing
Provision of 59 affordable housing units (including full nomination rights on these units) on the site in accordance with the following mix:-
 - Affordable Rented
 - 6 x 1 bed, 2 person flats
 - 9 x 2 bed, 3 person flats
 - 4 x 2 bed, 4 person houses
 - 10 x 3 bed, 5 person houses
 - 4 x 4 bed, 6 person houses
 - Intermediate Housing
 - 12 x 1 bed, 2 person flats
 - 8 x 2 bed, 3 person flats
 - 6 x 2 bed, 4 person houses
- iv. Viability Review
A review process when the development is complete to assess whether revenues generated by the sale of the private residential units are sufficient to provide a financial contribution towards the provision of additional affordable housing in the London Borough of Barnet.
- v. Notting Hill Housing Construction Training Initiative
To enter into a formal agreement with the Notting Hill Housing Trust to include provision for the following:-
 - (a) The agreed number of trainee places to be provided on the site of the Affordable Housing Scheme and the duration of each placement;
 - (b) A commitment by the Owners to pay a percentage of the build costs in respect of the Affordable Housing Scheme such payment to cover general running costs such as trainees' fees fares and tools;
 - (c) A commitment by the Owners to pay a "provisional sum" expressed as a percentage of the build costs in respect of the Affordable Housing Scheme to cover trainees' wages.
- vi. Apprenticeships
The applicant shall secure the provision of a minimum of 11 apprenticeships (or alternative graduate scheme to be agreed) including costs of wages and training to be delivered in line with the National Apprenticeship Service Framework.

vii. Highway Works and Travel Plan

(a) The following contributions and commitments associated with the Travel Plans (TP) are sought under a Section 106 Agreement

- Travel Plan monitoring for strategic level residential TP of £15,000 for the residential development
- Residential welcome packs

(b) Other Required Section 106 Contributions

(i) A total contribution Capped at £50,000 will be required consisting of £10,000 towards a feasibility study and £40,000 towards implementation of measures identified in the feasibility study for improvements at the junction of Totteridge Lane/ 1000 High Road/ Oakleigh Road North

(ii) A Contribution of £10,000 will be required for identified improvements to bus stops.

The section 106 Agreement should include a commitment for the following:

Signalisation of Friern Barnet Lane/ A1000 junction and modifications to junction Stopping up public highways under Town and Country Act 1990

(c) The following proposed highway works shall be carried out under S278 of the Highways Act 1980 and to be concluded in S106 Agreement.

(i) Signalisation of Friern Barnet Lane and required associated works on the public highways.

viii. Transfer of the Community Use Building Land

The transfer of the freehold interest of the Community Hub Land to the Council;

ix. Community Use Building

The provision of a permanent Community Use building on the Community Use Land within the site. The Community Use Building shall provide for multi functional spaces to a specification and configuration to be agreed with the Council. The Community Hub Building shall have a gross external floorspace of at least 255m² and shall be built and fitted out at a cost to the Developer not exceeding (unless otherwise agreed by the Developer) the sum of £550,000 BCIS index linked to a timescale to be agreed with the Local Planning Authority.

x. Monitoring of the Section 106 Agreement

A contribution of £3,000 index linked towards the monitoring and management of the S106 planning obligations.

Recommendation 3:

That subject to Recommendation 1 and upon completion of the agreement specified in Recommendation 2, the Assistant Director of Planning and Building Control approve the planning application reference B/04309/14 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 - Planning and Building Control:

Conditions**Approved Plans**

1. No development shall take place unless in accordance with the following Approved Parameter Plans and substantially in accordance with the supporting documents:

Parameter Plans:

Site Location Plan – 931-005
Site Layout Parameter Plan - 931-006B
Maximum Storey Heights Parameter Plan - 931-007B
Housing Mix Parameter Plan - 931-008B
Parking Parameter Plan – 931-009B
Landscape Parameter Plan – A102-LA04E

Supporting Documents:

Design and Access Statement Rev A October 2014
Supplementary Advice on Schedule of Accommodation Breakdown by Character Zones September 2014
Addendum Flood Risk Assessment and Drainage Strategy August 2014
Noise and Air Quality Addendum August 2014
Addendum Transport Assessment and Travel Plan August 2014
Arboricultural Impact Assessment Report dated 05/08/2014
Energy Assessment dated 06/08/2014
Sustainability Statement August 2014
Archaeological Desk Based Assessment August 2014
Land Quality Assessment dated 06/08/2014
Statement of Community Involvement August 2014
Desk Study, Extended Phase 1 Habitat Survey and Bat Inspection June 2013
Stage 2 Bat Survey June 2013
Bat Surveys September 2014

Reason:

For the avoidance of doubt and to ensure the development accords with the outline permission 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.

Timing of Submission of Reserved Matters

2. Applications for the approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason:

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

Time Limit on Implementation

3. The development to which this permission relates must be begun not later than two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason:

To comply with Section 92 of the Town and Country Planning Act, 1990.

Reserved Matters – compliance with approved plans

4. Reserved matters applications pursuant to this permission shall be made in accordance with the following approved parameter plans and substantially in accordance with the supporting documents:

Parameter Plans:

Site Location Plan – 931-005

Site Layout Parameter Plan - 931-006B

Maximum Storey Heights Parameter Plan - 931-007B

Housing Mix Parameter Plan - 931-008B

Parking Parameter Plan – 931-009B

Landscape Parameter Plan – A102-LA04E

Supporting Documents:

Design and Access Statement Rev A October 2014

Supplementary Advice on Schedule of Accommodation Breakdown by Character Zones September 2014

Addendum Flood Risk Assessment and Drainage Strategy August 2014

Noise and Air Quality Addendum August 2014

Addendum Transport Assessment and Travel Plan August 2014

Arboricultural Impact Assessment Report dated 05/08/2014

Energy Assessment dated 06/08/2014

Sustainability Statement August 2014

Archaeological Desk Based Assessment August 2014

Land Quality Assessment dated 06/08/2014

Desk Study, Extended Phase 1 Habitat Survey and Bat Inspection June 2013

Stage 2 Bat Survey June 2013

Bat Surveys September 2014

Reason:

For the avoidance of doubt and to ensure the development accords with the outline permission 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.

Reserved Matters

5. Details of the design, external appearance and landscaping, (hereinafter called "the reserved matters"), shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason:

To ensure a satisfactory development.

Phasing Details

6. No development shall take place until a detailed Phasing and Implementation Strategy setting out the order and timing of development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason:

To ensure that the development is carried out in an appropriate sequence and does not adversely affect neighbouring amenity or highway conditions in the vicinity of the site in accordance with Policy CS9 of Core Strategy (Adopted) September 2012 and Policies DM01, DM04 and DM17 of Development Management Policies (Adopted) September 2012.

Maximum Number of Residential Units

7. The maximum number of residential units to be developed on the application site shall not exceed 288.

Reason:

In order to ensure that the development is built to a satisfactory density and to safeguard the character and visual amenities of the site and the surrounding area, and to ensure that the phasing of development is satisfactory in terms of highway safety and to protect the amenity of the area and in accordance with London Borough of Barnet's Local Plan Policies CS5 and CS9 of Core Strategy (Adopted) September 2012 and Policies DM01 and DM17 of Development Management Policies (Adopted) September 2012.

Maximum Floorspace

8. The maximum Gross Internal Residential Floor Area (GIA to be developed on the application site), shall not exceed 28,721 sq.m as confirmed on parameter plan 931-008B.

Reason:

To safeguard the character and visual amenities of the site and the surrounding area, and to ensure that the phasing of development is satisfactory in terms of highway safety and to protect the amenity of the area and in accordance with London Borough of Barnet's Local Plan Policies CS5 and CS9 of Core Strategy (Adopted) September 2012 and Policies DM01 and DM17 of Development Management Policies (Adopted) September 2012.

Maximum Floorspace by Character Zone

9. The maximum Gross Internal Residential Floor Area (GIA to be developed on the application site), for each Character Zone shall not exceed the figures illustrated in the submitted document '*Supplementary Advice on Schedule of Accommodation: Breakdown by Character Zone September 2014*'

Reason:

To safeguard the character and visual amenities of the site and the surrounding area, and to ensure that the phasing of development is satisfactory in terms of highway safety and to protect the amenity of the area and in accordance with London Borough of Barnet's Local Plan Policies CS5 and CS9 of Core Strategy (Adopted) September 2012 and Policies DM01 and DM17 of Development Management Policies (Adopted) September 2012.

Lifetime Homes

10. All 288 of the new residential units (use class C3) 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 policies 3.8 and 7.2 of the London Plan.

Code for Sustainable Homes Level 4

11. All 288 residential units (use class C3) within the development hereby permitted shall all be constructed to achieve not less than 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 replace that scheme).

i) Prior to occupation of any residential unit within the phase a design

stage assessment demonstrating that not less than Code Level 4 would be achieved for each of the dwellings shall be submitted to and approved by the LPA;

12. No later than 4 months after final occupation of any phase, the Final Code Certificate certifying that not less than Code Level 4 has been achieved for each of the dwellings shall be submitted to and approved by the LPA.

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.

Internal Space Standards

13. All 288 residential units (use class C3) within the development hereby permitted shall all be constructed to achieve the minimum internal space standards set out in Table 3.3 of the London Plan (2011).

Reason:

To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.5 of the London Plan (2011).

Wheelchair Homes

14. A minimum of 10% of the residential dwellings within the development hereby approved shall be built to wheelchair housing standards or easily adaptable for residents who are wheelchair users.

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 (2011).

Total Car Parking Spaces

15. The maximum number of car parking spaces to be provided on the application site shall not exceed 448 spaces.

Reason:

To ensure that the development does not over-provide car parking spaces and to encourage sustainable travel in accordance with Barnet Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

Car Parking Spaces per Phase

16. Prior to the commencement of any phase, details of the number, location and layout of car parking spaces within that phase shall be

submitted to and approved in writing by the Local Planning Authority. The parking spaces shall be provided in accordance with the approved details prior to occupation 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 Barnet Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

Electric Vehicle Charging Points

17. Prior to the commencement of any phases details of proposed Electric Vehicle Charging Points shall be submitted to and approved in writing by the Local Planning Authority. This must achieve a minimum of 20% active charging points and a further 20% passive charging points which shall be installed across the site in accordance with the approved details prior to occupation and maintained thereafter.

Reason:

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

Car Parking Management Plan

18. Prior to the occupation of the 1st dwelling, a Car Parking Management Plan to serve the residential development shall be submitted to and approved in writing by the Local Planning Authority. This should include:

- i. The location and layout of car parking spaces,
- ii. The allocation of car parking spaces and any associated charges;
- iii. Details of any on site parking controls;
- iv. The enforcement of unauthorised parking; and
- v. Disabled driver 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 Car 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 is provided and managed in line with the council's standards in the interests of highway and pedestrian safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

Cycle Parking

19. Prior to the commencement of development, details for the provision of cycle parking and storage facilities to serve the relevant phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details and maintained for the life of the development.

Reason:

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

Residential Travel Plan

20. Three months prior to the first occupation of residential dwellings within the development hereby approved, a strategic level Residential Travel Plan that meets the most recent Transport for London criteria as detailed in the document 'Travel Planning for new development in London incorporating deliveries and servicing' shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be TRAVL and ATTrBuTE compliant. The document shall set out the development's transport policy to incorporate measures to reduce trips by the private car especially single occupancy and single passenger journeys and encourage non car modes such as walking, cycling and public transport and to reduce, consolidate or eliminate delivery trips. The Travel Plan should include the appointment of a suitably qualified and experienced Travel Plan Champion, SMART targets and a clear action plan for implementing the measures. The Travel Plan should be updated and resubmitted for approval 3 months prior to occupation of each phase of the development and then from first occupation of the final unit reviewed in years 1, 3, and 5 in accordance with the targets set out in the Plan.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with policies Core Strategy (adopted) 2012 CS9 and Development Management Policies (adopted) 2012 DM17.

Refuse and Recycling Details

21. Prior to the commencement of development, other than for ground works, site preparation or remediation, details of the following shall be submitted to and approved in writing by the Local Planning Authority:
- i. enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins and/or other refuse storage containers where applicable;
 - ii. a satisfactory point of collection; and
 - iii. details of any collection arrangements.

The refuse and recycling facilities shall be provided in full 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 policies CS5, CS9, CS14, DM01, DM04 and DM17 of the Barnet Local Plan.

Waiver of Liability and Indemnity

22. Prior to the first occupation of the development a Waiver of Liability and Indemnity Agreement in relation to the non-adopted roads within the relevant phase shall 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.

Hours of Construction

23. 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 unless in accordance with previously agreed emergency procedures for deviation.

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.

Demolition, Construction and Traffic Management Plan

24. No site works or works including demolition shall commence unless and until a Demolition, Construction and Traffic Management Plan to serve the relevant phase has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details. The Demolition, Construction and Traffic Management Plan shall include, but not be limited to, the following information:

- i. details of the routing of demolition and construction vehicles to the site and access and egress arrangements within the site including details of signage, monitoring and enforcement;
- ii. site preparation, demolition and construction stages of the development;
- iii. details of any temporary road closures required in relation to the demolition and construction of the development;
- iv. 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;
- v. details showing how all vehicles associated with the demolition and construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- vi. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from demolition and construction works;
- vii. Measures to monitor vibration from demolition and construction activities on the site;
- viii. 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;
- ix. noise mitigation measures for all plant and processors;
- x. details of contractors compound and car parking arrangements;
- xi. screening and hoarding details;
- xii. delivery and collection times for construction purposes;
- xiii. Details of interim car parking management arrangements for the duration of demolition and construction stages;
- xiv. Temporary access arrangements for pedestrians, vehicles and cyclists;
- xv. Details of a community liaison contact for the duration of all works associated with the development including complaints procedures and complaint response procedures.
- xvi. Prior notice and agreement procedures for works outside agreed limits and hours.
- xvii. Membership of the Considerate Contractors Scheme.

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 polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

Street Lighting

25. Prior to the commencement of development, details of street lighting to be provided within the relevant phase shall be submitted to and agreed by the Local Planning Authority. The development shall be implemented in accordance with the details as approved.

Reason:

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

Vehicular Access Points and Estate Roads

26. The applicant should submit a scheme showing details of the proposed internal roads layout for approval, including layout and ramp gradient details for internal roads and access to car parks, details of swept paths and turning movements for Heavy Goods Vehicles and Refuse Collection vehicles entering and navigating the site and that Heavy Goods Vehicles and Refuse Collection vehicles can turn around within the internal roads.

Reason:

To ensure the safe form of access to the development to conform to London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

Materials for External Surfaces of Buildings

27. Prior to the commencement of development, other than for ground works, site preparation or remediation, details and appropriate samples of the materials to be used for the external surfaces of the buildings and hard surfaced areas within the relevant phase shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with such details as so approved and maintained for the lifetime of the development.

Reason:

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

Levels

28. Prior to the commencement of each phase, 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 for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be

implemented in accordance with such details as so approved before the dwellings approved are occupied within the relevant phase.

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.

Scheme of Hard and Soft Landscaping

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

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

Reason:

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

Children's Play Space

30. Prior to the commencement of development, details of appropriate facilities for children and toddler play within each phase shall be submitted to and approved in writing by the local planning authority. The play facilities shall be provided in accordance with the approved details prior to the occupation of the relevant phase.

Reason:

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

Tree Protective Fencing

31. Prior to the commencement of each phase, temporary fencing shall have been erected around existing trees which are to be retained within the relevant phase in accordance with details to be submitted and agreed in writing by the Local Planning Authority. These details shall include protection to any retained tree outside of the phase boundary that may be affected by construction access and associated works. The details shall conform with BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations. This fencing 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 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.

Services in Relation to Trees

32. Prior to the commencement of each phase details of the location, extent and depth of all excavations for drainage and other services in relation to trees within the relevant phase shall be submitted to and approved in writing by the Local Planning Authority and the development carried out in accordance with the details as approved.

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.

Method Statement – Trees

33. Prior to the commencement of each phase a dimensioned tree protection plan and method statement detailing precautions to minimise

damage to trees to be retained in accordance with Section 6.1 of British Standard BS5837: 2012 *Trees in relation to design, demolition and construction - Recommendations* shall be submitted to and approved in writing by the LPA and the development shall be carried out in accordance with such approval in relation to the relevant phase.

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.

Landscaping – Implementation

34. All work comprised in the approved scheme of hard and soft landscaping for each phase (submitted under condition 30) 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.

Landscaping – Maintenance

35. Any existing tree or hedge shown to be retained within each phase or trees, hedges or shrubs to be planted as part of the approved landscaping scheme for each relevant phase (as submitted under condition 30) 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 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.

Biodiversity Enhancements

36. Prior to the commencement of each phase, details comprising a scheme of measures to enhance and promote biodiversity within the relevant phase 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 and birds. The approved scheme of measures shall

be implemented in full in accordance with the approved details before the first occupation of the relevant phase.

Reason:

To ensure that the development represent 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.

Detailed Surface Water Drainage Scheme

37. The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed flood risk assessment (FRA) 'Sweets Way Whetstone, Addendum Flood Risk Assessment and Drainage Strategy, Report No. 14-104-02, August 2014' has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined in the FRA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason:

To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity. in line with Barnet Local Plan policies CS13 and DM04 and policies 5.3, 5.11, 5.13 and 5.14 of the London Plan. The inclusion of green roofs and dry ponds will improve habitat and amenity in line with policies CS7, DM01, DM16 of the Barnet Local Plan policy 7.19 of the London Plan.

Contaminated Land – Method Statement

38. Prior to the commencement of any development:
- (a) A contaminated land 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 these details are 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 prior to the commencement of the development in the relevant phase.

- (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 to be carried out shall be submitted to and approved in writing by the Local Planning Authority prior to that remediation being carried out on site.

The Method Statement should contain a detailed breakdown of the proposed remediation strategy for the relevant phase and the anticipated timescales for completion. The method statement should identify the timing and sequence of the required remediation works within the phase and where relevant, set out in consultation with the Local Planning Authority, at what stages the verification report(s) (as required by condition 50) will be submitted to the Local Planning Authority for their approval.

Reason:

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety and to comply with policy DM04 of the Barnet Local Plan.

Contaminated Land – Remediation

39. Where remediation of contamination on the site is required completion of the remediation detailed in the method statement for the relevant phase approved under condition 39 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. The verification report(s) shall be submitted to the Local Planning Authority in accordance with the approved programme for the relevant phase as detailed within the previously approved method statement (condition 39, part c). No dwelling shall be occupied until the relevant land has been remediated in accordance with the approved method statement, and this has been approved by the Local Planning Authority.

Reason:

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety and to comply with policy DM04 of the Barnet Local Plan.

Ventilation and Extraction Equipment - Details Required

40. Prior to the commencement of each phase, details of all extraction and ventilation equipment and any other plant to be installed within the relevant phase shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented in accordance with the approved details 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.

Noise from Site Plant

41. The level of noise emitted from any plant installed as part of the development hereby approved, including plant to serve the community use building, shall meet a Rating level of at least 5dB(A) below the background level (in accordance with BS4142), as measured from any point 1 metre outside the window of any room of any noise sensitive 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 noise sensitive room of any 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.

Privacy Measures between Units

42. Notwithstanding the details shown on the plans submitted and otherwise hereby approved none of the buildings in each phase of the development hereby permitted shall be occupied until details are submitted to the Local Planning Authority and approved in writing demonstrating how satisfactory privacy can be achieved between units.

Before the buildings hereby approved are occupied the development shall be implemented in full accordance with the approved details for that phase and specifications and shall be permanently retained as such thereafter.

Reason:

To safeguard the privacy and amenities of the future occupiers of the proposed residential dwellings and neighbouring occupiers in accordance with policies DM01 and DM02 of the Barnet Local Plan.

Energy and Sustainability

43. Prior to the commencement of each phase, a detailed Energy Strategy incorporating full details of the photovoltaic panels, including quantum, to be installed in the relevant phase and measures to achieve carbon dioxide reductions in accordance with the previously submitted site-wide Energy Statement dated June 2014 for the development shall be 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 first occupation 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.

Estate Management Plan

44. Prior to the first occupation of the development hereby permitted, an Estate Management Plan detailing how the public and communal areas of the development shall be maintained by the applicant or nominated management company, shall be submitted to and approved in writing by the local planning authority. The plan shall be implemented before the building hereby permitted is occupied and maintained thereafter.

Reason:

To ensure the satisfactory management and appearance of the development.

BREEAM Standard for Non Residential

45. The Proposed Community Use Building hereby approved shall achieve BREEAM 'Very Good' level of environmental performance. 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 in accordance with policies DM01 and DM02 of the Barnet Local Plan and policies 5.2 and 5.3 of the London Plan

Removal of Permitted Development Rights to Houses

46. 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 houses hereby approved shall not be extended in any manner whatsoever without the prior specific permission of the Local Planning Authority.

Reason:

To ensure that the development does not prejudice the character of the

locality and the enjoyment by existing and/or neighbouring occupiers of their properties in accordance with policies DM01 and DM02 of the Barnet Local Plan.

Crime Prevention Strategy

47. A crime prevention strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of each phase. The strategy shall demonstrate how the development meets 'Secured by Design' standards. The development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure that satisfactory attention is given to security and community safety in accordance with policy DM02 of the Development Management Policies (2012).

Acoustic Fencing

48. A scheme for acoustic fencing along the boundary of the development with Lawsons Timber Yard shall be submitted in writing and approved by the LPA prior to the commencement of the development hereby permitted. This scheme shall be fully implemented before the development hereby permitted is brought into use.

Reason:

To ensure that the amenities of occupiers are not prejudiced by industrial/commercial noise in the immediate surroundings in accordance with policy DM17 of the Adopted Barnet Development Management Policies DPD (2012).

Noise Mitigation – Residential Properties

49. Prior to the commencement of development within this phase, details of proposed noise mitigation measures to properties adjacent to the boundary with Lawsons Timber Yard shall be submitted to and approved in writing by the Local Planning Authority.

A scheme of proposed noise mitigation measures that meets the design criteria in the Report by Sinclair Knight Metz dated 19 June 2013 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 noise from traffic and industry in the immediate surroundings in accordance with policy DM17 of the Adopted Barnet Development Management Policies DPD (2012).

Restricted Use – Community Use Building

50. The Use Class D1 building within the development hereby approved shall only be used for the purposes of a community centre and children's centre and for no other purpose (including any other purpose in Class D1 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 ensure that the proposal does not significantly affect the amenities of neighbouring residents or the safety and freeflow of traffic and pedestrians in the vicinity of the site in accordance with policies DM01, DM13 and DM17 of the Barnet Local plan.

Community Hub Hours of Opening

51. The Class D1 community use building within the development hereby approved shall not be open before 8.00am or after 10.30pm from Monday to Sunday.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties in accordance with policies DM01 and DM13 of the Barnet Local plan.

Daylight, Sunlight and Overshadowing Assessment

52. A daylight and sunlight assessment and overshadowing assessment in accordance with the relevant BRE Guidelines shall be submitted to the Local Planning Authority with any future reserved matters application.

Reason:

To safeguard the amenities of existing and future occupiers of the development in accordance with policies DM01 and DM02 of the Barnet Local Plan.

Informatives

1. Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle route on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement. Turning facilities for refuse collection vehicles must be provided within the site for vehicles entering the development from both vehicle accesses.

2. 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.
3. The applicant is advised that Friern Barnet Lane, Oakleigh Road North and A1000 High Rd are Traffic Sensitive Road; deliveries during the construction period should not take place between 8:00-9:30 am and 4:30 -6:30 pm Mon-Fri. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.
4. The costs of any associated works on the public highway, including reinstatement works, will be borne by the applicants and will require the Applicant to enter into a rechargeable agreement or a 278 Agreement under the Highways Act 1980.
5. For construction works adjacent to the public highways, the applicant must contact the Council on 0208 359 2000 for any necessary Highways Licenses.
6. In order to discharge the surface water condition, the following information must be provided based on the agreed drainage strategy:
 - a) A clearly labelled drainage layout plan showing pipe networks and any attenuation areas or storage locations. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
 - b) Confirmation of the critical storm duration.
 - c) Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
 - d) Where on site attenuation is achieved through ponds, swales, geocellular storage or other similar methods, calculations showing the volume of these are also required.
 - e) Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.
 - f) Calculations should demonstrate how the system operates during a 1 in 100 chance in any year critical duration storm event, including an allowance for climate change in line with the "Planning Practice Guidance: Flood Risk and Coastal Change": Flood Risk and Coastal Change'. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths and the extent and depth of ponding.

If you have any questions please contact the Environment Agency 0203 263 8054 or email me at northlondonplanning@environment-agency.gov.uk, quoting reference NE/2014/121067/02L1.

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

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

Relief or Exemption from CIL

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

You can 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

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

Visit

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

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.

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.

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 proposed is in broad accordance with the above policies. The application has therefore been recommended for approval on this basis.

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); 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); 3.7 (Large Residential Developments); 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); 3.14 (Existing Housing); 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); 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); 5.5 (Decentralised Energy Networks); 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); 6.4 (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)
CS7 (Enhancing and protecting Barnet's open spaces)
CS8 (Promoting a strong and prosperous Barnet)
CS9 (Providing safe, effective and efficient travel)
CS10 (Enabling inclusive and integrated community facilities and uses)
CS11 (Improving health and well being in Barnet)
CS12 (Making Barnet a safer place)
CS13 (Ensuring the efficient use of natural resources)
CS14 (Dealing with our waste)
CS15 (Delivering the Core Strategy)

Development Management Policies (Adopted 2012):

DM01 (Protecting Barnet's character and amenity)
DM02 (Development standards)
DM03 (Accessibility and inclusive design)
DM04 (Environmental considerations for development)
DM06 (Barnet's Heritage and Conservation)
DM07 (Protecting Housing in Barnet)
DM08 (Ensuring a variety of sizes of new homes to meet housing need)
DM10 (Affordable housing contributions)
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 SPG (September 2012)
Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
Housing (November 2012)

Draft Shaping Neighbourhoods: Character and Context (February 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 and the document includes a 'presumption in favour of sustainable development'.

1.2 Key Relevant Planning History

A full summary of the key planning history of relevance to this proposal is set out in **Appendix 1** of this report.

Since the construction of the Sweets Way Estate proposals within the application site area have been mainly of a minor nature and have generally related to alterations to existing buildings. This has included various alterations to existing dwellings and the addition of a side extension to Whetstone Community Centre (171 Sweets Way) in 2006.

The most relevant planning history relates to a planning application for the redevelopment of Sweets Way was submitted in 2013 under planning application reference B/02710/13 for the *'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 292m² of floorspace. The provision of site access from Sweets Way and Oakleigh Road North.'*

The application was refused planning permission on the 20th January 2014 for the following reasons:

- '1 The proposal would, by reason of its design and the parameters sought for approval, represent a cramped form of development that would create unacceptable levels of overlooking and provide insufficient privacy for the future occupiers of a number of the houses proposed on the site, both from other proposed houses and from existing neighbouring houses at 12 and 14 Domville Close, to such an extent that it would be detrimental to their residential amenities. The proposal would therefore not constitute a sustainable form of development which optimises the housing potential of the site and be contrary to policies DM01, CS NPPF and CS5 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012), policies 3.4 and 3.5 and 7.6 of the London Plan (adopted July 2011 and October 2013) and the guidance contained in the Barnet Residential Design Guidance Supplementary Planning Document (adopted April 2013).*
- 2 The proposal would, by reason of its design and the parameters sought for approval, represent a cramped form of development that would fail to*

provide the future occupiers of a number of the houses proposed with adequate levels of individual external amenity space to the detriment of their residential amenities. The proposal would therefore not constitute a sustainable form of development which optimises the housing potential of the site and be contrary to policies DM01, DM02, CS NPPF and CS5 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012), policies 3.4 and 3.5 and 7.6 of the London Plan (adopted July 2011 and October 2013) and the guidance contained in the Barnet Sustainable Design and Construction Supplementary Planning Document (adopted April 2013).

- 3 *The proposal would, by reason of its design and the parameters sought for approval, constitute a cramped form of development that would result in the occupiers of existing dwellings at 12 and 14 Domville Close suffering unacceptable levels of overlooking from a number of the proposed houses, to such an extent that it would cause them to suffer a loss of privacy and be detrimental to their residential amenities. The application would therefore not constitute a sustainable form of development which optimises the housing potential of the site and be contrary to policies DM01, CS NPPF and CS5 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012), policies 3.4 and 3.5 and 7.6 of the London Plan (adopted July 2011 and October 2013) and the guidance contained in the Barnet Residential Design Guidance Supplementary Planning Document (adopted April 2013).*
- 4 *Insufficient information has been submitted with the application in respect of the impact of the proposed development on daylight and sunlight at neighbouring dwellings. On the basis of the information provided it is considered that a development built within the parameters sought for consent could result in adequate daylight and sunlight not being received at certain neighbouring residential dwellings to the detriment of the amenities of their occupiers. The application would therefore not constitute a sustainable form of development and is found to be unacceptable and contrary to policies DM01, CS NPPF and CS5 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012), policies 3.5 and 7.6 of the London Plan (adopted July 2011 and October 2013) and the guidance contained in the Barnet Sustainable Design and Construction and Residential Design Guidance Supplementary Planning Documents (both adopted April 2013).*
- 5 *The proposed development would, by reason of its design and the parameters sought for approval, result in the direct loss of trees of special amenity value and damage which may be severe enough to cause the loss of further trees of special amenity value, contrary to policies DM01, CS NPPF, CS3, CS5 and CS7 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012) and policies 3.4, 3.5, 7.4 and 7.21 of the of the London Plan (adopted July 2011 and October 2013).*
- 6 *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 it having been found financially viable for the*

development proposed to make such a contribution. The application is therefore unacceptable and contrary to policies DM10, CS NPPF, CS4 and CS15 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.

- 7 The application does not include a formal undertaking to secure the delivery of highways works which are necessary to provide the proposal with suitable vehicular access arrangements and mitigate the transport impacts of the development proposed. The works concerned comprise the signalisation of the Friern Barnet Lane and A1000 junction; the formation of a new access from the site on to Oakleigh Road North; and modifications to optimise the A1000, Oakleigh Road North and Totteridge Lane junction, which require the making of a financial contribution. In the absence of an undertaking to secure these highways works and make the associated financial contribution the application is found to be unacceptable and contrary to policies DM17, CS9 and CS15 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012) and policies 6.1 and 6.3 of the London Plan (adopted July 2011 and October 2013).*
- 8 The application seeks, through the parking parameter plan submitted, to deliver an excessive number of parking spaces for the new residential dwellings proposed. Having considered the sites access to public transport facilities, on-street parking stress in the surrounding area, the presence of some on street parking controls in the locale, local population density, the car ownership ratio in the surrounding area and the proximity of the site to the facilities provided in Whetstone Town Centre, it is considered that the level of parking proposed would not result in a sustainable form of development. The proposal is therefore found to be unacceptable and contrary to policies DM17, CS NPPF and CS9 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012) and policies 6.1 and 6.13 of the London Plan (adopted July 2011 and October 2013).*
- 9 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 DM17, CS NPPF, CS9 and CS15 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.*
- 10 The application does not include a formal undertaking to secure a financial contribution to the enhancement of bus stop facilities in the area*

surrounding the site to ensure that mobility impaired occupiers and users of the development would have suitable access to the bus network. The application is therefore unacceptable and contrary to policies DM17, CS NPPF, CS9 and CS15 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012); and policies 6.1 and 6.7 of the London Plan (adopted July 2011 and October 2013).

- 11 *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. The application is therefore unacceptable and contrary to policy CS15 of the Barnet Local Plan Core Strategy (adopted September 2012) and the Barnet Planning Obligations (adopted April 2013) Supplementary Planning Document.'*

There are a number of historic planning consents at properties surrounding the application site which have some degree of relevance to the consideration of the current proposal. These include an application to redevelop the adjoining site at 1230 High Road for mixed use (residential and office) purposes which is currently being implemented; historic applications related to the Lawsons builders merchant at 1208 High Road (adjoining the application site); and applications for developments at the Queenswell School site (adjoining the application site) on Sweets Way.

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 512m² building for purposes falling within Use Class D1. In 2014 a resolution to grant subject to the completion of a S106 agreement has been made for the redevelopment of both the former BP Garage (1412 to 1420 High Road) to provide 22 residential units and 2 retail units and Planning Permission has been granted at Northway House (1379 High Road) to provide 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)

These sites are therefore relevant committed developments in the Whetstone area.

1.3 Public Consultations and Views Expressed

First Consultation August 2014

Public Consultation

1105 local properties and a number of other relevant bodies and elected representatives were consulted on the application by letter and email in August 2014. The application was also advertised on site and in the local press at that time.

The consultation process carried out for this application is considered to have been entirely appropriate for a development of this nature. The extent of consultation exceeded the requirements of national planning legislation and the Council's own adopted policy on the consultation to be carried out for schemes of this nature.

The views expressed on the application are summarised under the headings below. Responses by officers to the points made are provided in the relevant section of the committee report.

Number of Responses from Residents and Businesses

39 responses objecting to the proposal were received from residents and businesses. 1 of these objectors have requested to speak at committee. 1 response supporting the proposal was received from residents and businesses. This supporter did not request to speak at committee. 1 further respondent concluded that they took a neutral stance on the application.

Comments from Residents and Businesses

The comments made in objection to the application are summarised under the headings below.

Highways, transport and Parking:

- Quantity of parking proposed in the development is inadequate.
- Too much car parking is proposed
- Proposal would exacerbate existing parking problems in the area.
- Proposal would be detrimental to highway safety.
- Development would add unacceptably to the vehicles and traffic in the area and exacerbate the existing access and congestion problems in this location given proximity to existing nursery and school.
- Removal of access to Oakleigh Road will increase impact on Friern Barnet Lane as all traffic will enter and exit in this direction
- Surrounding road network does not have capacity for the additional vehicles the development would generate.
- Proposal would create a rat run from Oakleigh Road North to Friern Barnet Lane.

Officer Response: The proposal has been assessed by the highways department and by Transport for London who considered the proposal acceptable. The transport impact of the proposal will be mitigated by the proposed S106 works. Further responses are contained in the relevant appraisal sections.

Design and Character:

- Proposal is overly dense and represents an overdevelopment of the site.
- Scale and height of the proposed buildings is excessive particularly the proposed 5 storey apartment block.
- Proposal is not sympathetic with its context or the surrounding area.
- Proposal would have a detrimental impact on the character of the area.
- Proposal results in reduction in existing open space while increasing number of units.

Officer Response: The scale of the buildings and density proposed including the proposed apartment block is considered appropriate for this location and would be in keeping with the emerging character of the area. Further responses are contained in the relevant appraisal sections.

Trees:

- Proposed loss of existing mature trees protected by TPO's on the site is unacceptable.
- Replacement planting proposed as part of the scheme is inadequate.
- Loss of Boundary Trees in south east of the site will impact visual amenities when viewed from surrounding areas.

Officer Response: The number of retained trees is significant increased over the previously refused scheme, it is accepted that any redevelopment scheme would involve some loss of trees, and the current proposal which retains the most significant trees down the centre of the site is considered acceptable. The number of trees proposed to be planted has been increased following further negotiations between the applicant and the Council with additional trees proposed along the western and northern boundaries. Further responses are contained in the relevant appraisal sections.

Amenities of neighbouring occupiers and users:

- Development would cause unacceptable loss of light and overshadowing.
- Apartment Block too high and will cause loss of light and overlooking
- Development would cause unacceptable overlooking and loss of privacy.
- Location of car parking adjacent to adjoining residential curtilages will affect amenity.
- Proposal would be detrimental to their safety and security.
- Proposal would cause unacceptable noise and disturbance.
- Proposal results in the loss of too much open space on the site.
- Proposal would increase air pollution in the area.

Officer Response: The height of the apartment block is considered acceptable in this location. The impact on daylight and sunlight to neighbours would be acceptable. There would be no unacceptable overlooking of neighbours as a result of the proposal. It is not considered that the proposal would significantly increase air pollution. Given the predominately residential use of the site it is not considered that significant problems of noise and disturbance will occur. The proposal would provide policy compliant levels of public open space. Further responses are contained in the relevant appraisal sections.

Comments from Lawsons Timber Merchants:

- Layout of the site at present is compatible with their business, but the proposed layout would bring them into potential conflict with the future occupiers of the new dwellings.
- The adjacent tree buffer within Sweets Way should be retained in its entirety.
- New housing nearest them should be no more than two storeys high, reduced in density and set back a minimum of 14m from their

boundary. It would also be advisable for an acoustic barrier to be installed.

- Garden depths and back to back distances between houses are substandard in parts of the site as proposed.
- Consideration should be given to a future redevelopment of their site involving a timber business on the ground floor with residential uses above.

Officer Response: The relationship to Lawsons Timber Yard has been considered and subject to appropriate conditions securing noise mitigation measures and an acoustic fence, is considered acceptable. Garden depths and back to back distances are now considered acceptable. Further responses are contained in the relevant appraisal sections.

Other objections:

- Development does not provide the infrastructure and facilities (including education and health facilities) needed to support the people it would bring into the area.
- That consideration should be given to other developments in the surrounding area when determining the application.
- Object to the loss of the existing housing and the impact of this on the people who occupy them. Private housing proposed too expensive for local people.
- Lack of Space for Refuse and Recycling Storage.
- Lack of information regarding proposed Community centre which could affect amenities and traffic.
- Community Centre should be central to site and increased in size.
- The schemes impact on biodiversity, including nesting birds, insects etc. and is unacceptable.
- Impact on property values.

Officer Response: The impact on local services will be mitigated by the proposed Cil payments. The proposal will include the provision of affordable housing which will provide accommodation to local residents. Issues concerning refuse and recycling storage is a matter for detailed assessment at reserved matters stage and is covered by condition. Natural England have not objected to the scheme and ecological enhancements are proposed as part of the application and as such it is not considered that the proposal would adversely impact biodiversity on the site. Further responses are contained in the relevant appraisal sections.

Comments from Elected Representatives

The Rt. Hon. Mrs Theresa Villiers MP:

Requested that the representations made by the Barrydene Phase 11 Residents Association in Oakleigh Road North, and two other local residents objecting to the proposal (summarised above), be carefully considered and taken into account before a decision on the application is made.

Has also stated that she also opposes the application as it presently stands and that while improvements have been made, further changes are still needed.

Officer Response: The objection is noted, however it is considered that the changes which have been raised satisfactorily address the previous reasons for refusal and the scheme is considered acceptable.

Comments from Local Associations and Societies

Barrydene Phase 11 Residents Association:

- Height of proposed apartment too high and will result in overlooking of adjoining properties.
- Density of development excessive and not in keeping with existing estate or area.
- Insufficient space for storage of various refuse bins
- Account needs to be taken of other committed and proposed developments in locality
- Some dwellings are too close to each other and will lack privacy.
- Loss of Mature Trees

Officer Response: The scale of the buildings and density proposed is considered appropriate for this location and would be in keeping with the emerging character of the area. The transport impact of the proposal will be mitigated by the proposed S106 works. The impact on local services will be mitigated by the proposed Cil payments. No new access onto Oakleigh Road is proposed under the current application.

Totteridge Residents' Association:

- Density of Development is similar to refused scheme.
- Significant number of residential schemes in vicinity of site which will cumulatively affect roads and other infrastructure.
- Concern regarding new access onto Oakleigh Road.

Officer Response: The scale of the buildings and density proposed is considered appropriate for this location and would be in keeping with the emerging character of the area. The transport impact of the proposal will be mitigated by the proposed S106 works. The impact on local services will be mitigated by the proposed Cil payments. No new access onto Oakleigh Road is proposed under the current application.

Second Consultation November 2014

Following the submission of revised information a further round of consultation (including letters, emails and site and press notices) was carried out in November 2014. In summary the changes made at this time included:

- Amendments to Affordable Housing Mix and location;
- Additional Information regarding amenity standards and overlooking distances, privacy measures and light calculations;
- Amendments to Landscaping including additional trees on northern and western boundary;
- Amendment to location of path in north eastern corner to avoid impact of RPZ of tree.

Public Consultation

1105 local properties and a number of other relevant bodies and elected representatives were consulted on the application by letter and email in August 2014. The application was also advertised on site and in the local press at that time.

The consultation process carried out for this application is considered to have been entirely appropriate for a development of this nature. The extent of consultation exceeded the requirements of national planning legislation and the Council's own adopted policy on the consultation to be carried out for schemes of this nature.

The views expressed on the application are summarised under the headings below. Responses by officers to the points made are provided in the relevant section of the committee report.

Number of Responses from Residents and Businesses

5 responses objecting to the proposal were received from residents.

Comments from Residents and Businesses

The comments made in objection to the application are summarised below:

- Quantity of Development in Area
- Health impacts of Construction
- Impact on Local Services
- Future Volume of Traffic
- Proximity of development to trees on boundary with Lawsons, and proposal has failed to adequately address its relationship to this neighbouring use.

Officer Response: The scale of the buildings and density proposed is considered appropriate for this location and would be in keeping with the emerging character of the area. The transport impact of the proposal will be mitigated by the proposed S106 works. The impact on local services will be mitigated by the proposed Cil payments. Any health impacts from construction will be limited by safeguards contained in attached conditions. The relationship of the development to retained trees has been assessed and considered acceptable. The relationship to Lawsons Timber Yard has been considered and subject to appropriate conditions is considered acceptable. Further responses are contained in the relevant appraisal sections.

Consultation Responses from Statutory Consultees and Other Bodies

Greater London Authority (GLA):

The application is due to be reported to the Mayor on the 16th December. The Stage 1 response and consideration thereof will be reported in the Addendum at the Committee Meeting.

Transport for London (TfL):

Have responded to the consultation and advised that the current parking levels are within the maximum London Plan standards although further

justification regarding the level of provision needs to be provided given the high PTAL level of the site.. TfL have confirmed that in other regards they find the proposal acceptable subject to the imposition of suitable planning obligations and conditions. The comments from TfL are discussed in greater detail in the relevant sections of this report.

Metropolitan Police Service:

Have responded to the consultation and have advised that any development should aim to achieve Secured by Design Accreditation and be subject to discussions between the developer and the Metropolitan Police Service.

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 confirmed that they do not have any objections to the proposal subject to the imposition of conditions. The conditions specified seek to prevent increased risk of flooding, protect water and groundwater quality and to improve habitat and amenity.

Thames Water:

Thames Water have responded to the consultation and not raised any objections to the proposal.

Natural England:

Have responded to the consultation advising that they do not wish to make any comments on the current application, instead referring to standing advice.

English Heritage Archaeology:

Have responded to the consultation and have not raised any objections to the proposal. They have also recommended that any requirement for an assessment of the archaeological interest of the site be waived in this instance.

Highways Agency:

Have responded to the consultation and confirmed that they have no objections to the proposal.

National Grid:

Have responded and identified that National Grid apparatus is located within the vicinity of the site. Have not requested that conditions are placed on any consent which may be granted.

Internal consultation responses

Traffic and Development Team:

The Traffic and Development Team have raised no objection in principle to the application, considering that the quantity of parking proposed is at an acceptable level and that the proposal would not adversely affect highway conditions on surrounding roads subject to appropriate conditions and planning obligations to secure necessary transport related objectives and

infrastructure. Transport, parking and highways matters are set out in greater detail in the relevant sections of the report.

Housing Officer:

No objection to revised affordable housing mix, providing this is confirmed by means of an independent review. A viability review clause should also be included in any S106 agreement to take account of any future uplift in values.

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 would not raise any objections to the application.

Children's Service

Comments provided on existing Sure Start Facility and necessary features for proposed replacement Community Centre.

Trees Team:

The Trees Team have welcomed the reduction in the number of trees proposed for removal, however concern has been expressed that the location of the proposed houses and areas of hard surfacing may result in further reductions. It is also recommended that a path in the north eastern corner of the site is re-routed to avoid impact on the RPZ of a retained tree in this location and that additional tree planting is provided along the western and northern boundaries of the site. No objection in principle raised to the trees proposed to be removed subject to satisfactorily replacement planting.

2. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL

2.1 Site Description and Surroundings

The application site covers an area of land approximately 6.28 hectares in size situated to the east of the High Road (A1000) in the Totteridge Ward. Whetstone Town Centre is located to the north-west of the site. Oakleigh Road North is situated to the north of the site and Friern Barnet Lane is positioned to the south and south-west of the land. To the east of the site Sweets Way connects through to Domville Close, Millson Close, Attfield Close and Darcy Close. Greenside Close is located to the south of the site and the Queenswell primary schools are situated to the east and south-east of the site (accessed off Sweets Way). Totteridge and Whetstone Underground Station (on the Northern Line) is located to the north-west of the land covered by the application.

The site presently contains 142 dwellings (Use Class C3) within the redline site boundary. These are mainly two storey buildings with mono-pitched roofs which were constructed for the Ministry of Defence (MoD) in the 1970's for members of the armed forces. Typically these buildings are laid out on the site in clusters of terraces with inward facing entrances and back gardens that face the street. The submission identifies that this housing is no longer needed by the MoD and that for the last 3-4 years it has been occupied through assured shorthold tenancies to tenants of the Notting Hill Housing

Trust.

A community building is located in the north-east corner of the land to which the application relates. This was in use as a Sure Start Children's Centre. Two other smaller non-residential buildings are located on the site to the south and west of the community building.

Vehicular and pedestrian access to the site is available from Sweets Way. To the west this joins Friern Barnet Lane and to the east it links into the Queenswell school sites. Vehicular and pedestrian access is also possible from the site into Domville Close and the roads which run off of this. However, these streets do not link into the wider surrounding road network. There are also three solely pedestrian access routes into the site from Oakleigh Road North, the High Road and Sweets Way. The submission identifies that the site presently has 300 parking spaces within it. Currently there are no parking controls in place on the site. The majority of the land within the site has a Public Transport Accessibility Level (PTAL) of 3, which represents a medium level accessibility. Part of the north-west corner of the site has a PTAL of 4.

In terms of landscaping the application site contains over 200 trees and also areas of grassland, shrubs, hedging, hard landscaped surface and private rear gardens (to the existing houses). The trees on the site are covered by a Tree Preservation Order (Reference Number TRE/BA/86). To the south of the community building (north- east part of the site) there is an area of land which contains play equipment.

The area surrounding the application site varies significantly in its character, both in terms of the scale of the built form and the use of the buildings and their surrounding spaces. The roads accessed from Sweets Way to the east of the site contain two storeys houses with pitched roofs. Houses are also located in other areas surrounding the site including in parts of Whetstone Close, the southern side of Sweets Way, the southern side of Oakleigh Road North and parts of Friern Barnet Lane. The properties in the High Road adjoining the site and also those located at the western end of Oakleigh Road North contain a range of uses including a builder's yard, offices, bank, medical practice and a postal sorting office. The scale and height of the existing buildings in this location is very varied. The Council has also recently granted planning permission for a 6 storey mixed use building on the High Road (at number 1230) with a significant residential component. This is being constructed at the time of writing this report. Further to the east, on the north side of Oakleigh Road North and on Oakleigh Park North, uses include blocks of flats, houses and a Church. Some of the blocks of flats in this location comprise substantial buildings, up to six storeys in height, positioned in significant landscaped settings.

2.2 Description of the Proposed Development

The description of development identifies that outline planning permission is sought for the:

- Demolition of all the existing buildings on the site.
- Construction of up to 201 houses (all Use Class C3).
- Construction of up to 87 flats (all Use Class C3).
- Construction of a new community building (Use Class D1) providing up

to 255m² of floorspace.

Parameter Plans and Other Submission Documents

All matters other than access and layout into and within the site (so including landscaping, scale and appearance) are reserved for subsequent determination under the application made. In light of this the application is seeking to establish a series of parameters and principles for future reserved matters applications through the use of parameter plans. These parameter plans would form a key basis of and control over any detailed development proposed for the site in subsequent reserved matters applications (should the application be granted outline consent).

The parameter plans are intended to be read in conjunction with other parts of the submission documents. These are set out in further detail below and they include 'Design Guidelines' provided as an appendix to the Design and Access Statement.

The parameter plans submitted cover the following matters:

Site Layout Parameter Plan (931-006B):

This plan defines the position of buildings, spaces, roads, footpaths and access points across the site as proposed.

Maximum Storey Heights Parameter Plan (931-007B):

This plan defines the maximum storey heights sought for all buildings proposed across the site. It also provides details of the maximum eaves and ridge height figures and maximum roof pitch angles for the different types and storey heights of building proposed.

Housing Mix Parameter Plan (931-008B):

This plan defines the buildings within the site as proposed which will be developed as houses and those which would be developed as flats. It also identifies maximum total proposed floorspace (Gross Internal Area) figures for the houses and flats.

Parking Parameter Plan (931-009B):

This plan defines a number of parking related parameters for the application. These include the number and location of the car parking spaces proposed for the houses (including spaces which could be upgraded to disabled standard spaces); the number and location of the above ground and basement level car parking spaces proposed for the flats (including spaces which could be upgraded to disabled standard spaces); the number and location of car club spaces proposed; and the zones within the basement parking areas of the flats which would be used to provide cycle parking.

Landscape Parameter Plan (A120-LA04 Rev E):

This plan sets out a number of landscaping related parameters for the development. These include existing trees proposed for retention; areas of communal space for the flats; areas of proposed public open space (including those with equipped play areas); areas of shared surface; and areas proposed for incidental play. The plan also identifies the roads within the proposal which would be landscaped with tree and shrub planting.

In addition to the parameter plans and the plans in the Transport Assessment submitted for approval the application is supported by a number of other documents which seek to explain and assess the proposals in further detail and indicate how subsequent detailed applications for the proposal might come forward. They are referred to in the sections of the committee report which appraise the proposals where relevant.

A brief description of key elements of the development proposed is set out below. The relevant sections of the report discuss aspects of the proposal in greater detail where this is appropriate.

Key elements of the proposed development

In general terms the development proposed is laid out so as to create a primary route running north from Sweets Way which terminates with a block of flats up to five storeys in height. Secondary streets (mainly running broadly east to west) would stem off from this route. For clarity a plan showing the layout of the proposed development is included in **Appendix 2** of this report.

The layout of the development is based on the principles of 'perimeter block development', with the buildings proposed facing onto the streets and having areas of communal and private amenity space to their rear across much of the land. Areas of new public open space are then positioned in several locations across the site.

The flats proposed are predominately sited in a five storey apartment building located on the north western corner of the site (the exception to this are two single 'flats over garage' structures proposed).

The houses proposed are spread throughout the site and would include terraced, semi-detached and detached dwellings. The houses proposed range between two and three storeys in height (with a further roof structure above). A significant proportion of the houses would be two and a half storeys tall and have a top (third) level of accommodation partially within the roof of building. The Maximum Storey Heights Parameter Plan submitted indicates that many of the houses proposed could have single storey projections from the main building. Each of the houses proposed would have a private garden as amenity space.

Points of vehicular (and pedestrian) ingress and egress for the site would be provided from Sweets Way (to the south). Pedestrian only access would also be possible to the north of the site at Oakleigh Road North and to the east of the site at Domville Close.

The Parking Parameter Plan submitted identifies that the scheme would provide a total of 448 car parking spaces. 357 of these would be provided as parking for the houses proposed. 87 of the car parking spaces would be provided for the flats proposed, with 50 of these delivered at a basement level beneath the proposed apartment block. The car parking for the scheme also includes 2 car club parking spaces. 48 of the total car parking spaces proposed are identified as being capable of being upgraded to a disabled parking space standard. Areas are identified (at a basement level) on the

parameter plan for cycle storage associated with the flats.

In terms of the mix of dwelling types proposed, the description of development identifies that the application is seeking consent for up to 201 houses and up to 87 flats (all Use Class C3). The Housing Mix Parameter Plan also identifies separate maximum amounts of floorspace which could be constructed under the scheme for houses and flats (23572m² and 5241m² respectively). Supplementary 'advice' in the Design and Access Statement Addendum sets out the following potential mix of dwelling types:

Houses:

- 10 x two bedroom four person houses
- 9 x three bedroom four person houses
- 67 x three bedroom five person houses
- 2 x four bedroom five person houses
- 57 x four bedroom six person houses
- 39 x four bedroom seven person houses
- 17 x five bedroom eight person houses

Flats:

- 36 x one bedroom two person flats
- 36 x two bedroom three person flats
- 15 x two bedroom four person flats

This dwelling mix is referred to in several parts of the application documents. These documents use the dwelling mix identified as a basis to evaluate the submission in various regards.

The application as amended proposes 59 affordable units of which 33 will be affordable rent and 26 shared ownership representing approximately 20% affordable provision by unit (18.5% by Floor Space). The level of provision is supported by a viability appraisal.

The community (Use Class D1) building proposed under the application would be a single storey structure with a pitched roof located in the south-east part of the site. The description of development and application form submitted identify that this building could have a floorspace of up to 255m², with an indication that this accommodation will be provided over 2 floors.

The areas surrounding the proposed buildings would contain a mixture of hard and soft landscaping. The supporting material which accompanies the application identifies that the scheme would include the planting of 260 new trees of which 160 trees will be located in public areas of open space and 100 tree in rear gardens.

The Arboricultural Impact Assessment Report (AIA) submitted with the scheme assesses the impact of the proposed development on 224 trees in and around the application site. Using the approach set out in national guidance on this matter (British Standard 5837:2012) 116 fall into category B; 40 fall into category B/c; 67 fall into category C; and 1 is assessed as category U. The AIA identifies that the principle primary impact of the scheme would be the felling of 94 of the assessed trees. This includes the loss of 72 of

the 156 category B and B/c trees. The AIA also notes that there would be impacts on a further 84 existing trees, which are proposed to be retained.

Main Changes from Refused Application B/02710/13

The following is a summary of the main changes that have been made to the proposals following the refusal of the previous application in January 2014:

- Reduction in site area from 6.7 to 6.28 hectares, by removing the section fronting Oakleigh Road North at the north of the site;
- Reduction in Total Units from 360 to 288 while increasing the amount of houses from 189 to 201;
- Increase in Affordable Housing from zero to 20%;
- Removal of proposed new access road to Oakleigh Road North;
- Alterations to site layout to improve separation with properties in Domville Close and to provide a policy compliant quantity of garden space for the proposed houses and better estate layout and for landscaping purposes;
- Reduction in number of parking spaces proposed from 572 to 444;
- Reduction in number of trees to be removed from 146 to 96.

3. PLANNING CONSIDERATIONS

3.1 Principle of redeveloping the site

Principle of redeveloping the existing housing at the site

London Plan policy 3.14 identifies that the loss of existing housing should be resisted unless the housing is replaced at existing or higher densities with at least equivalent floorspace. Policy 3.3 of the London Plan recognises the pressing need for more homes in London and seeks to increase housing supply to in order to promote opportunity and provide real choice for all Londoners in ways that meet their needs at a price they can afford.

Barnet Local Plan documents also recognise the need to increase housing supply. For areas such as the application site, which comprise suburbs not identified as locations to which growth will be focused, policies CS1 and CS3 of the Barnet Core Strategy expect developments proposing new housing 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.

The broad principle of redeveloping the existing 142 dwellings at the site to provide new housing at a higher density and with a greater level of residential floorspace than exists at present is considered to be acceptable, subject to an application being found adequate in other relevant regards.

Matters relating to the density of residential development proposed are addressed separately below.

Principle of redeveloping the existing non-residential uses at the site and providing a new community building

The application form submitted identifies that the site contains 191m² of floorspace for purposes falling within Class D1 of the Use Class Order which would be lost through the development proposed. This is currently located at the northern end of the site behind Oakleigh Road North and is currently in use as a Sure Start Children's Centre with ancillary community uses such as parenting classes and counselling services for domestic violence.

The application form submitted states that the proposal includes the provision of 191m² of new floorspace for purposes falling within Class D1. However the description of development and other supporting documents including the parameter plans indicate that the replacement community building will measure 255 m² in area arranged over 2 stories. The building is proposed on the south eastern corner of the site fronting and accessed directly from Sweets Way adjoining Queenswell Junior School to the east.

Policy DM13 of the Barnet Development Management Policies document makes it clear that the loss of community uses will only be acceptable in exceptional circumstances where either:

- New community or education use of at least equivalent quality or quantity are provided on the 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.

Under policy DM13 new community or educational uses should be located where they are accessible by public transport, walking and cycling, preferably in town centres or local centres. They should also protect the amenity of residential properties and ensure that there is no significant impact on the free flow of traffic and road safety.

Several of the comments from neighbouring residents have raised concerns regarding the lack of detail of the proposed community use and its location on the periphery of the development. In relation to the proposed siting it is noted that the position of the building is the same as that proposed under the previously refused application (reference B/02710/13) and the position of the new community building adjoining the school would allow the potential for future crossover activities between these uses and is considered acceptable. In relation to the concern regarding the lack of details, it is noted that this is an outline application and that the detailed design of the building would need to be provided in any future reserved matters application for this building.

In relation to the proposed use it is currently intended that the existing Sure Start Children's Centre will occupy the site. Discussions with the operator of the Centre indicates that the range of activities is likely to be similar to the existing community building with activities predominately restricted to weekdays and evenings along with some daytime activities at weekends including potential children's parties for young children. Suitable conditions are suggested to be attached to any approval restricting the range of activities which can be carried out as well as restrictions on hours of operations in order to safeguard neighbouring residential amenity.

While the detailed design is a matter for the reserved matters stage the applicant has provided an illustrative floor plan indicating how the building could be set out.

These indicative plans have been discussed with the operator of the existing Sure Start Centre, and while the eventual centre would need further alterations i.e. increasing the size of the proposed disabled toilet to accommodate a changing table, additional meeting rooms and a dedicated outdoor area, it is considered that the proposed building could within the parameter sought, provide for an equivalent or superior facility to the existing one and is therefore considered in accordance with Policy DM13.

3.2 Dwelling mix

Development plan policies require proposals to provide an appropriate range of housing sizes and types. 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 (which is all that has been proposed) for the borough.

The indicative mix of dwelling types submitted for the buildings across the site is as follows:

Houses (up to 201 houses in total):

- 10 x two bedroom four person houses
- 9 x three bedroom four person houses
- 67 x three bedroom five person houses
- 2 x four bedroom five person houses
- 57 x four bedroom six person houses
- 39 x four bedroom seven person houses
- 17 x five bedroom eight person houses

Flats (up to 87 flats in total):

- 36 x one bedroom two person flats
- 36 x two bedroom three person flats
- 15 x two bedroom four person flats

The indicative dwelling mix set out in the submission is considered to include an adequate range of dwelling sizes and types. A scheme with this mix would contain a suitable proportion of the highest priority types of market housing for the borough i.e. 3 and 4 bed houses and officers recognise that this is a positive element of the proposal.

Matters relating to affordable housing are addressed entirely separately in section 3.7 of this report.

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
Suburban	150-200 hr/ha	150-250 hr/ha	200-350 hr/ha
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
Urban	150-250 hr/ha	200-450 hr/ha	200-700 hr/ha
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
Central	150-300 hr/ha	300-650 hr/ha	650-1100 hr/ha
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 has an overall PTAL of 3 (a small part of the north-west corner of the site has a PTAL of 4). In terms of its 'setting' the site is considered to have predominantly suburban characteristics. Taking these factors into consideration the London Plan density matrix would suggest a range of somewhere between 35 and 95 units per hectare or 150 to 250 habitable rooms per hectare (see table above) is appropriate for the site.

As the site has an area of 6.28ha the 288 dwellings proposed would equate to a density of approximately 46 dwellings per hectare. The proposal therefore falls within the relevant density range in respect of the number of units per hectare proposed. The supplementary information submitted with the application identifies that the proposal would include a total of 1392 habitable rooms. On this basis the scheme would have a density of 222 habitable rooms per hectare. This suggests that the proposal would fall within the relevant density range in respect of the number habitable rooms proposed.

While the density range is in accordance with the relevant density matrix illustrated in Table 3.2 in the London Plan, it also needs to be recognised that in order for a density to be considered appropriate, other factors also need to be taken into account including the need for higher density development to be of high quality design and to comply with relevant standards including floorspace and amenity standards and other relevant policies.

In terms of potential controls over the quantum and density of development across the site, the information submitted with the application includes details of the:

1. Maximum numbers of houses and flats proposed.
2. Maximum amounts of floorspace for the houses and flats proposed.
3. Total number of habitable rooms for the houses and flats proposed.
4. Buildings within the site which would be houses and those which would be flats.

The application provides this level of detail for 5 'Character Areas', which collectively make up the site as proposed. It also gives a floor space figure and number of habitable rooms for each of the individual dwelling types proposed in the scheme. The applicant has advanced that between the site wide information provided and the breakdown of this information for the 5 Character Areas there is sufficient scope for the Local Planning Authority to control development across the site. This would include being able to ensure that the site wide quantum's of new dwellings, floorspace or habitable rooms were not 'used-up' on only part of the site and then further development proposed on a remaining part of the site.

Officers consider that the level of information identified above provides sufficient scope to control the quantum of a development at the site to a sufficient degree. Examples of the types of controls that could be applied with this level of information include the use of planning conditions on the phasing of development and to set limits on the total unit numbers of houses and flats, amounts of floorspace for houses and flats and habitable rooms for the houses and flats delivered at the site as a whole and in each of the Character Areas defined in the application. Controls could also be used to ensure that the range of individual dwelling types identified in the supporting material for use in the proposed redevelopment was reflected in the reserved matters which came forward and that the individual units concerned did not exceed the number of habitable rooms or total floorspace identified (for that unit type).

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 which creates attractive places that 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 achieve 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, the associated Mayoral SPG document 'Housing' and the Barnet Local Plan identify a minimum gross internal floor area for different types of dwelling. As this is an outline application the applicant has not committed to specific floor area figures for each of the different dwellings proposed at this stage. However, details provided in the supporting material submitted show acceptable dwelling sizes for each of the different types of residential unit identified. Conditions are suggested requiring that all new dwellings proposed at the reserved matter stage are required to meet the relevant minimum gross floor area for a unit of that type. With such controls the development would be adequate in this respect.

Dwelling outlook

Development plan policy requires that new dwellings are provided with adequate outlook. As the application is for outline planning permission with all matters other than access and layout reserved the submission does not include detail on the internal layout of the dwellings sought or the position of windows and other openings in the buildings proposed. However, with the parameters sought for consent the position, use and maximum storey heights of the buildings proposed across the site are known.

Officers acknowledge that there are parts of the development where the layout of buildings and spaces are relatively tight, with some instances of relatively narrow streets with three and two and a half storeys plus roof buildings located along their length. Nevertheless, in terms of dwelling outlook specifically, on balance it is not considered that that the impacts of this on the amenities of the future occupiers, as could be controlled through the reserved matters process, is so great as to justify a refusal of planning permission. The application is therefore found to be adequate in this regard.

External amenity space provision

Private outdoor space for proposed flats:

Mayoral guidance on the provision of private open space in the Housing SPG sets out that new 1 and 2 person dwellings should be provided with a minimum of 5m² of private outdoor space, with an extra 1m² of private open space provided for each additional bed space proposed. Private external spaces should also have a minimum width and depth of 1500mm and level access from the home.

As the application is for outline planning permission with all matters other than access and layout reserved, full details have not been provided on issues such as the design of private open space for each of the flats. However, the submission does include supplementary advice which indicatively shows a potential design approach to the inclusion of both private space in the form of balconies along with shared amenity courtyards for the proposed flats.

While it is not possible to fully assess the indicative approach to the provision of private open space shown in the supplementary advice at this stage (and this is not necessary as it is only shown for indicative purposes), officers

consider that a design solution to provide each flat with a suitable area of private open space is possible.

External amenity space (private and communal) for proposed flats:

Using the Barnet standard of providing 5m² of usable external amenity space per habitable room (including kitchens over 13m² and with rooms over 20m² counting as two rooms) for flats, the development would be required to provide 1125m² of usable private and communal amenity space for the flats proposed for them to comply with guidance set out in the Barnet Sustainable Design and Construction SPD. This figure is based on the total number of habitable rooms for flats (225) identified in the submission.

While layout and landscaping are reserved matters under the application the submission is accompanied by a parameter plan (for which approval is sought) that identifies areas of potential amenity space within the proposed development. Although it is not entirely clear that all of the areas identified in this way on the parameter plan are truly usable amenity space in the sense intended in Barnet's guidance, officers are satisfied that the development could provide sufficient areas of usable private and communal amenity space for the flats proposed to meet the standards set out in Barnet's Sustainable Design and Construction SPD. Suitable conditions are attached to ensure that sufficient amenity space is delivered for the flats proposed (using the Barnet approach to calculating amenity space) at the reserved matters stage.

Private external amenity space for proposed houses:

Barnet's Sustainable Design and Construction SPD identifies that for houses external amenity space should be provided in the form of individual rear gardens. The guidance also sets requirements for the size of outdoor amenity space that should be provided for houses. This varies depending on the number of habitable rooms in the house concerned. For the types of house identified in the submission made the requirements are as follows:

- Five habitable rooms: 55m² of space
- Six habitable rooms: 70m² of space
- Seven or more habitable rooms: 85m² of space

The previous application B/02710/13 was refused in part due to the failure of the scheme to provide private gardens in compliance with the aforementioned standards.

In relation to the current application as illustrated on the submitted parameter plans, design and access statement and supplementary plans, all of the proposed houses contain private rear gardens in accordance with or in excess to Barnet's amenity space standards. As such it is considered that the previous reason for refusal has been satisfactorily addressed and the application is considered acceptable in this regard.

Space for play and informal recreation:

London Plan policy 3.6 states that proposals for new 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 and the indicative

dwelling mix provided with the submission the scheme proposed would be expected to provide approximately 2117.3m² of space for play and informal recreation.

While layout and landscaping are reserved matters under the application the submission is accompanied by a parameter plan (for which approval is sought) that identifies areas of potential play space (both communal and public) within the proposed development. Although it is not entirely clear that all of the space identified in this way on the parameter plan is truly usable space for play and informal recreation, officers are satisfied that the development could provide sufficient and appropriately designed areas of usable space for play and informal recreation (even if there were slight changes to the dwelling mix) to meet the relevant Mayoral standards and subject to conditions to ensure that sufficient space is provided for play and informal recreation at the reserved matters stage, the proposal is considered acceptable.

It is recognised that the scheme would result in the loss of existing play facilities on the site. However, given the schemes potential for re-providing play and informal recreation facilities, such a loss would be acceptable in this instance.

Privacy and overlooking

The Barnet Residential Design Guidance SPD identifies that privacy is an important design issue, particularly for higher density schemes, and notes that all residents should feel at ease within their home. Paragraph 7.3 of this document states that in new residential development there should be a minimum distance of about 21m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5m to a neighbouring garden. It also notes that shorter distances may be acceptable where there are material justifications.

As the application is for outline planning permission with all matters other than access and layout reserved the submission does not include detail on the internal layout of the dwellings sought or the position of windows and other openings in the buildings proposed. However, with the parameters sought for consent the position, use, location and maximum storey heights of the buildings proposed across the site are known.

Despite the fact that the internal layout and position of windows in the proposed buildings is not known, on the basis of the site wide layout, there are several areas across the scheme where overlooking distances across proposed residential roads will be less than 21m. All of the proposed properties maintain at least 21m between rear elevations and 10.5m to rear gardens.

Privacy at the rear is normally seen as more critical than front to front overlooking over a public highway. Account also needs to be taken of the prevailing form and pattern of development in the immediate locality. The applicant has also included a plan showing current overlooking distances in the wider estate, where some properties are only 8-9m apart.

The applicant has also submitted supplementary information identifying those houses where the front to front separation distance is less than 21m, with several instances of separation distances of 12- 13m. The applicant has illustrated measures which can be implemented to safeguard privacy including the use of high level windows and utilising indirect side views. While some of these solutions may result in other problems such as reducing outlook from habitable room windows, it is considered that the measures illustrated by the applicant provides sufficient comfort that houses can be adequately be designed to achieve suitable privacy levels. The detailed design of which will need to be outlined in full in any future reserved matters application.

Daylight and sunlight

As the application is for outline planning permission with all matters other than access and layout reserved the submission does not include any detail on the internal layout of the dwellings sought or the position of windows or other openings in the buildings proposed. However, Officers are satisfied that any potential concerns in respect of the provision of adequate daylight and sunlight for the future occupiers of the proposed dwellings could be adequately addressed through the use of suitable conditions and reserved matters process in this instance. The application is therefore found to be acceptable in this regard.

Noise and air quality

As the application is for outline planning permission with all matters other than access and layout reserved the submission does not include detail on the internal layout of the dwellings sought or the position of windows and other openings in the buildings proposed. However, with the parameters sought for consent the position and use of the buildings and spaces proposed across the site are known.

The applicant has illustrated on the submitted parameter plans, that a 3m high acoustic fence will be erected along the western boundary of the site with Lawson's Timber Merchants, which follows earlier discussions in the consideration of planning application B/02710/13.

Environmental Health Officers have assessed the application on the basis of the parameters applied for and have found that it would be possible to mitigate any potential noise and air quality impacts from the surrounding area on the future occupiers of the proposal to an acceptable degree in this instance by the attachment of suitable conditions to ensure that appropriate mitigation is provided. Examples of the types of mitigation envisaged would include the use of suitably designed acoustic fencing on parts of the site and the installation of mechanical ventilation in the appropriate elements of buildings. Officers conclude that it would not be reasonable to refuse planning permission for the parameters sought on the grounds of noise or air quality impacts on future occupiers.

Objections have been raised by a business adjoining the site (see section 1.3 of this report for further details) that the layout of the proposals would create a situation in which their respective uses (timber merchant and residential buildings and associated spaces) were brought into conflict, particularly in respect of noise impacts. While these points are acknowledged, officers find

that with the layout proposed any noise and air quality impacts on the future occupiers of the proposed dwellings could be mitigated to an acceptable degree both within buildings and in outside areas.

Conclusions on the amenities of future occupiers

The application is found to have adequately addressed the previous reasons for refusal, with adequate amenity spaces being provided for all units, adequate rear to rear distance separations and sufficient evidence of privacy measures to ensure adequate levels of privacy in instances where front to front distances are below 21. Officers therefore consider the application to be acceptable in these respects.

3.5 Design, appearance 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.

As the application is for outline planning permission with all matters other than access and layout reserved the submission made does not include specific details on several aspects of the proposed buildings design, for example their internal layout and appearance. These types of aspects of the design of the buildings proposed would be dealt with through the use of conditions and at the reserved matters stage in the event of the approval of the application. However, with the parameter plans submitted the position and maximum storey heights of the buildings and spaces proposed across the site are

known and it is these aspects of the design which are being considered at this stage.

The current application has addressed several of the concerns which the Council had concerning the layout of the previously refused scheme (reference B/02710/13), in regards to the provision of adequate amenity space, privacy distances within and outside the site, and the impact on trees (discussed below).

It is considered that in broad terms the design approach proposed provides a permeable and legible layout which would create adequately defined streets and spaces. The use of significant parts of the site for houses is a positive aspect of the scheme, which assists the developments relationship with parts of the wider area. From a character perspective the scale and height of building proposed is considered, on balance, to be acceptable across the site. The layout and maximum storey heights parameter plans are found to propose buildings around the edges of the site which respond to their context adequately, in terms of their size, siting and scale, and provide adequate relationships with neighbouring properties (from a character perspective).

It is noted that the apartment block (on the north western corner of the site) is of a scale at the maximum which would be acceptable from a character perspective. However, subject to the detailed design of this building (and its landscaping) being of a suitably high standard these aspects of the proposal are found, on balance, to be acceptable.

Subject to the use of conditions of the nature identified above the design of the proposal is found, on balance, to be compliant with development plan policy as it relates to the character and appearance of the buildings 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 Adopted Residential Design Guidance SPD (adopted April 2013) provides further guidance on safeguarding the amenities of neighbouring and surrounding occupiers and users.

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 occupiers and users in a variety of ways. These include impacts on light, visual impacts, increased noise, disturbance and pollution, overlooking and loss of privacy. Concerns over impacts on the security of neighbouring properties have also been raised. These are responded to in section 3.12 of this report.

Overlooking and loss of privacy

The Barnet Residential Design Guidance SPD identifies that privacy is an important design issue, particularly for higher density schemes, and notes that all residents should feel at ease within their home. Paragraph 7.3 of this document states that in new residential development there should be a minimum distance of about 21m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5m to a neighbouring garden. It also notes that shorter distances may be acceptable where there are material justifications.

As the application is for outline planning permission with all matters other than access and layout reserved the submission does not include detail on the internal layout of the dwellings sought or the position of windows and other openings in the buildings proposed. However, with the parameters sought for consent the position, use and maximum storey heights of the buildings proposed across the site are known.

The previously refused application (Reference B/02710/13) proposed a terrace of three houses facing an existing terrace of four houses in Domville Close (number 10 to 16) at distances of approximately 15m apart. This distance was considered unacceptable and the application was refused in part due to concerns over the impact of overlooking both from the proposed dwellings to 12 and 14 Domville Close and from 12 and 14 Domville Close and the future occupiers of the site.

The current application has significantly altered the layout of the development in this portion of the site so that the proposed dwellings facing numbers 12 and 14 Domville Close are located over 26m away. It is therefore considered that the two previous reasons for refusal based on the relationship between these properties has been satisfactorily addressed.

There are also several other instances where distance separations are less than the relevant 21m distance such as on the south of the site where several dwellings are located between 17 and 18m from properties located on the southern side of Sweets Way facing across the street. However in this instance it is considered that measures could be incorporated to safeguard privacy such as through the careful placement of windows and use of features such as angled windows and appropriate landscaping could be used (alongside the benefit gained from the increased distance) to ensure that adequate privacy is maintained and overlooking of neighbouring properties prevented.

There are further instances where proposed buildings could have windows overlooking a neighbouring property at shorter distances than those identified in the previous paragraph. However in these cases they generally concern the side elevations of proposed properties where there are only likely to be secondary or non-habitable windows and subject to conditions being attached requiring any windows on these elevations to be either high level or fixed with obscure glazing, it is not considered that the amenities of adjoining occupiers would be significantly affected.

Daylight and sunlight

Development plan policies require that new developments allow for adequate daylight and sunlight at neighbouring properties. The Building Research Establishment (BRE) publication '*Site Layout Planning for Daylight and Sunlight, a Guide to Good Practice*' sets out procedures for assessing impacts on daylight and sunlight at neighbouring properties. As the application is for outline planning permission with all matters other than access and layout reserved the submission does not include specifics on the detailed design and appearance of the buildings sought. However, with the parameters sought for consent the position and maximum storey heights of the buildings proposed across the site are known and could be examined.

The application has provided a section through of five locations, of which one is on the northern boundary with Whetstone Close and four points on the eastern boundary with Domville Close and Darcy Close. The submitted sections show that the proposed development would not breach a 25 degree line drawn at 2m from rear habitable rooms of affected properties. Advice in the Building Research Establishment (BRE) Publication '*Site layout planning for daylight and sunlight: a guide to good practice*' is that if a development passes the 25 degree test then the levels of daylight to the affected property would not be significantly affected and there is no need to conduct further tests. This is on the basis of the maximum height parameters sought for approval (on the Maximum Storey Heights Parameter Plan), which have been revised from the previously refused application (Reference B/02710/13) as well as the existing position of adjoining properties. On this basis it is not considered that the current proposal would significantly affect levels of daylight to adjoining properties to a degree to warrant the refusal of the application. In relation to Sunlight, BRE guidance is that this only needs to be considered where a development is sited within 90 degrees of due south. The only point of development affected by this is the properties in Whetstone Close to the north. In this instance the properties adjoining this property are two storey in height and clear views are maintained to the east beyond the proposed houses. As such it is not considered that levels of sunlight would be significantly affected to the degree to warrant the refusal of the application.

It is therefore considered that the previous reason for refusal relating to the provision of insufficient evidence concerning the impact of the proposed development on daylight and sunlight to adjoining occupiers has been adequately addressed in the current application and the current proposal is considered acceptable in this regard.

Outlook and visual impact

Development plan policy requires that new developments provide neighbouring occupiers with adequate outlook. As the application is for outline planning permission with all matters other than access and layout reserved the submission does not set out the detailed design of the buildings proposed. However, with the parameters sought for consent the position, use and maximum storey heights of the buildings proposed across the site are known.

It is considered that new buildings constructed within the parameters sought for consent (as could be controlled through the use of suitable conditions) would have acceptable visual impacts and would not result in any significant loss of outlook at neighbouring properties. The application is therefore

considered to be adequate in these regards.

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 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.

Officers consider that in relation to possible concerns over noise and disturbance from the new community building proposed, these matters could be adequately addressed through the use of conditions imposing controls on the operation and management of this facility (of the type set out in greater detail in section 3.1 of this report).

Conditions are also suggested to ensure that the construction of the development itself would not result in unacceptable levels of noise and disturbance and also to minimise the amenity impacts arising from the construction of the development more widely including a requirement that works are only carried out within certain hours and in accordance with a Construction Management and Logistics Plan that details of which need to be agreed with the Local Planning Authority.

Air quality

Barnet Local Plan policies seek to ensure that new development is not contributing to poor air quality.

The application is accompanied by an Air Quality Assessment. This report finds that the operational phase of the proposal would have negligible impacts on nitrogen dioxide, PM₁₀ and PM_{2.5} levels in the area. Environmental Health Officers have concluded that the proposal would be adequate in these respects subject to the use of appropriate conditions. The same conclusion is also reached when the potential air quality impacts of the development proposed are considered cumulatively with the expected air quality impacts of other committed developments in the surrounding area.

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 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 family housing provision

It also suggests that negotiations should 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. The policy 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.

The previously refused application (Reference B/02710/13) proposed zero affordable housing on the site. This was on the basis of a submitted viability report which was independently evaluated by Deloitte Real Estate who concluded that the proposal could provide an element of affordable housing while still remaining viable. The application was subsequently refused in part due to the failure of the scheme to provide affordable housing.

The current application as submitted proposed 23% affordable housing, with the following unit mix:

Affordable Rent (48.5%)

10 x 1 bed flats
8 x 2 bed flats
14 x 2 bed houses
Total = 32 (48.5%)

Intermediate Housing (51.5%)

8 x 1 bed flats
9 x 2 bed flats
11 x 3 bed houses
6 X 4 bed houses
Total = 34 (51.5%)

Following discussions with the Council's Housing Officer, the proposed affordable housing mix was altered by the applicant to provide a policy compliant unit mix, i.e. including 3 and 4 bed units for rent, and predominately restricting intermediate housing to 1 and 2 bed units. As a result of this change the proposed affordable housing level was reduced to 20% of total provision with the following unit mix:

Affordable Rent (56%)

6 x 1 bed, 2 person flats
9 x 2 bed, 3 person flats
4 x 2 bed, 4 person houses
10 x 3 bed, 5 person houses
4 x 4 bed, 6 person houses
Total = 33

Intermediate Housing (44%)

12 x 1 bed, 2 person flats
8 x 2 bed, 3 person flats
6 x 2 bed, 4 person houses
Total = 26

Both of the proposed mixes have been independently reviewed by Deloitte who also reviewed the previously refused application. Deloitte have advised that they concur with the viability appraisal findings and consider that application cannot provide additional affordable housing and remain viable.

While the proposed unit mix does not strictly accord with Local Plan Policy DM10 which requires a 60:40 split. Policy DM10 advises that this needs to be considered on a case by case basis and the adopted Affordable Housing SPD advises that in cases where the size of units differs significantly between tenures, then it may be more appropriate to calculate the habitable room or floor space percentage in order to assess compliance. In this instance due to the larger size of the affordable rented properties, the revised affordable housing offer would constitute 63% of the total when calculated by floor area which is in compliance with Policy DM10.

In light of these findings, it is considered that the proposed level and mix of affordable housing is considered acceptable on the bases that it is the maximum viable and addresses the previous reason for refusal in this regard. The lower level of provision is considered preferable to achieving a higher figure with a housing mix that does not meet local need.

The revised affordable housing mix is to be secured by means of a S106 agreement. In line with comments from the Housing Officer it is also considered that a viability review clause is included in the Section 106 agreement for the development to account for any future uplift in values over the life of the project.

3.8 Trees, Landscaping and Biodiversity:

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.

Policy DM01 also states that trees should be safeguarded. When protected trees are to be felled the council will require replanting with trees of an appropriate size and species where appropriate.

In terms of landscaping the application site currently contains 213 trees with a further 11 trees located within close proximity to the site boundary along with areas of grassland, shrubs, hedging, hard landscaped surface and private rear gardens (to the existing houses). The trees on the site are covered by a Tree Preservation Order (Reference Number TRE/BA/86). The Arboricultural Impact Assessment Report (AIA) submitted with the application assesses the impact of the proposed development on 224 trees in and around the site. Using the approach set out in national guidance on this matter (British Standard 5837:2012) 1 of the assessed trees 116 fall into category B; 40 fall into category B/c; 67 fall into category C; and 1 is assessed as category U which is unsuitable for retention.

The trees on the site are prominent, contain a good mix of species and age ranges and a number of them are of a significant size. As such they make a significant positive contribution to public amenity. The trees are visible from around the site and contribute to the character of the area, where they create a green enclave behind the High Road. The trees are also visible above and between the buildings from Oakleigh Road North, High Road, Greenside Close, Darcy Close, Attfield Close, Domville Close and Millsom Close. At present the trees provide significant screening, both within the site and between the site and surrounding residential housing. They also tie the Sweets Way estate into the wider surrounding residential area, in which trees form a significant part of the character.

The AIA identifies that the current proposals would impact upon 178 trees to some extent although in many of these cases it is anticipated that measures can be taken to ensure that trees are unaffected. The principle primary impact of the scheme would be the felling of 94 of the assessed trees. This includes the loss of 48 of the category B, 24 category B/C and 22 Category C trees.

The number of trees proposed to be removed is significantly reduced the previous application (Reference B/02710/13), which proposed the removal of 145 trees (of which 75 were category B trees). In addition to this approximately 260 trees are proposed to be planted in mitigation for the trees removed, of which 160 will be located in the proposed public open spaces and 100 in private residential gardens.

The plans have been examined by the Council's Arboricultural Officer who while welcoming the reduction in the number of trees to be removed expressed a number of concerns and requested amendments.

The applicant has responded to the Council's comments and as a result has re-sited the proposed access path in the north east corner of the site and has also increased the amount of tree planting along the western and northern boundaries of the site. In relation to concerns relating to the proximity of houses and pathways to some of the trees in the central avenue, the applicant's arboricultural consultant has advised that they are satisfied that the verges in which the trees are located will provide them with adequate soil volume for continued growth in the future and with satisfactory tree protection measures will be safeguarded throughout the development. In relation to the comment relating to future pressure to fell, the applicant notes that the trees in question are covered by TPO's and will require the Council's approval for any

future tree works.

The changes which have been made are welcomed, as is the reduction in the number of trees proposed to be removed over the previous scheme. While it is acknowledged that some of the proposed houses and areas of hardsurfacing are proposed within close proximity to retained trees it is considered that these matters can be satisfactorily addressed by the attachment of appropriate safeguarding conditions requiring details of foundations and tree protection measures to be submitted in support of any future reserved matters application. It is therefore considered that the previous reason for refusal based on the loss of trees and the impact on the visual amenities of the area, has been satisfactorily addressed in the current application.

Biodiversity matters

Natural England have responded to the consultation and have advised that they do not wish to make comments on the current application, instead referring to standing advice.

Notwithstanding this the application has submitted a detailed stage 2 bat survey along with an updated survey post submission which has found no evidence of bats roosting in the site, although evidence was found of bats foraging in the area. The bat survey outlines suggested enhancements to be incorporated in the redevelopment proposals including the use of bat boxes and appropriate landscaping. Subject to suitable conditions to secure measures to enhance the biodiversity of the site along with measure to ensure that suitable measures were taken to prevent unacceptable impacts on nesting birds during the construction phase of the development, it is considered that the proposal would be adequate in respect of biodiversity and nature conservation matters subject to the use of appropriate conditions.

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 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.

Existing highway conditions

The application site is presently accessible by vehicles from Sweets Way. Sweets Way currently forms a simple priority junction with Friern Barnet Lane to the south of the site. Sweets Way also provides access to Queenswell Infant and Nursery School, Greenside Close and several private roads to the east of the site's boundary (which serve approximately 100 additional residential dwellings outside the application boundary to which no changes are proposed as part of this application). The site is located in close proximity to town centre amenities, such as a post office, local bars, restaurants and a range of other retail facilities.

The site is bound to the north by Oakleigh Road North and to the west by buildings with a mix of uses that front the High Road (the A1000 which is part of the Strategic Road Network (SRN)). Friern Barnet Lane, Oakleigh Road North and the A1000 High Road are all bus routes. There is presently no vehicular access into the site from Oakleigh Road North or from the A1000. Currently the site is only linked to the A1000 and Oakleigh Road North by solely pedestrian routes.

Waiting restrictions currently operate on parts of the highway network surrounding the site. However, at present there are no Control Parking Zones in the application site itself. Unrestricted parking is available in several sections of the site and the surrounding public highways network.

Public transport accessibility

The Public Transport Accessibility Level (PTAL) of a site is used to assess the extent and ease of access to public transport facilities. Using this measure the range of accessibility levels is defined as low accessibility (PTAL 1 or 2), medium accessibility (PTAL 3 or 4) or high accessibility (PTAL 5 or 6). The Public Transport Accessibility Level for most of the site is 3, which is a medium accessibility level.

More specifically, most of the area along the northern boundary of the site has an accessibility index (AI) of approximately 14.5 (AI's between 10.01 and 15.00 equate to a PTAL of 3). Therefore this area is within the higher end of the PTAL 3 range. A small area along the northern boundary of the site immediately adjacent to the pedestrian access link to the A1000 has a PTAL score of 4. The element of the development containing flats and many of the smaller units proposed is mainly within the area along the northern boundary of the site, where the AI's are higher.

Totteridge and Whetstone Underground station is located 700 metres from the centre of the site, providing services on the Northern Line between High Barnet and Morden via Central London.

Oakleigh Park National Rail Station provides access to First Capital Connect Services between Welwyn Garden City and Moorgate/Kings Cross. The

station is located within 1300 m walk from the site (which is outside the walking distance threshold adopted within PTAL assessments).

Several Bus Routes operate in the vicinity of the site. These are summarised below:

<u>Bus Stop</u>	<u>Bus Service</u>	<u>Route</u>
Oakleigh Road North (stops west and east of proposed site access)	34 51	Barnet to Walthamstow Central Arnos Grove to Edgware
Oakleigh Road North and A1000 High Rd	125	Finchley Central to Winchmore Hill
A1000 High Road	234 263	Barnet to Highgate Wood Barnet Hospital to Holloway
Friern Barnet Lane	234	Barnet to Highgate Wood
Friern Barnet Lane and A1000 High Rd	383	Barnet to Woodside Park

Officers and TfL have both concluded that the proposal would be unlikely to have a detrimental impact on the public transport network.

Pedestrian routes and facilities

The site has existing pedestrian access routes from the High Road, Oakleigh Road North and Sweets Way. These would be retained and enhanced under the proposal and the proposal would maintain satisfactory walking distance to bus stops located to the east of the site.

A Pedestrian Environment Review System (PERS) audit has been carried out for the area surrounding the application site. The assessments carried out identified bus stops requiring improvements in close proximity to the site and also potential improvements to signage in the vicinity of the site.

Parking assessment

The Maximum Parking Standards set out in policy DM17 of the Barnet Development Management Policies Document are 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

In general terms for higher PTAL scores the parking requirement would be expected to be at the lower end of the range. For lower PTAL scores parking provision at the higher end of the range would be required. As identified earlier in this report the PTAL for the site is mainly 3 (with part of the site scoring as a very high level 3), with a small part of the site having a PTAL of 4. This equates to a medium accessibility. The site is not within a Controlled Parking Zone and the roads surrounding the proposed development experience high levels of parking.

This equates to parking provision for the proposed units ranging between 307 – 469 parking spaces to meet the parking standards set out in the DMP approved September 2012 which depends on the Public Transport Accessibility Level (PTAL) Score for the site and other policy considerations. The application proposes (on the Parking Parameter Plan) a total of 446 parking spaces for the residential element of the proposal. In addition to the proposed 446 residential parking spaces, two additional spaces are included within the site layout that will be reserved for any car club operator that wishes to implement a car club scheme.

The previous application (Reference B/02710/13) proposed 572 car parking spaces albeit for a greater number of units and was refused in part due to concerns regarding the level of parking proposed.

In view of several factors including the varying PTAL score; local car ownership; 1.29 cars per household in Totteridge Ward where the site is located; parking pressure in the vicinity of the site; a possible car club and absence of waiting restrictions in several sections of the surrounding road network, a parking provision towards but not at the top end of the range of Barnet's Maximum Standards is considered appropriate. The proposed residential parking provision of 444 parking spaces, is in accordance with the DMP parking standards, and is considered acceptable and it is considered that the previous reason for refusal has been satisfactorily addressed.

Conditions are suggested requiring the inclusion of car parking as per the submitted drawings. The proposed car parking layout should include disabled parking provision and 20% of the total parking spaces will need to be equipped with Electric Vehicle Charging Points (EVCP) and 20% with passive provision for the future conversion should be provided in accordance with the London Plan requirements

A condition is also suggested requiring that prior to first occupation of any units a Car Parking Management Plan should be provided and approved by the Planning Authority. The Car Park Management Plan should include details of the proposed monitoring of EVCP and disabled parking spaces, to inform when additional spaces are required to be brought into operation.

Cycle Parking Provision

The proposal includes reserved space for provision of cycle parking for the flats in accordance with London Plan Cycle Parking Standards which specifies 1 cycle parking for 1 or 2 bedroom units and 2 cycle parking spaces for 3 or more bedroom units plus one space per 40 units for visitors, which equates to a total of 89 cycle parking spaces associated with the flats. The applicant is advised that suitable covered cycle parking should also be provided for the proposed houses. A condition is attached requiring the provision of these spaces prior to occupation.

Internal site layout

The submitted drawings show details of the proposed internal highways layout. The proposed internal road layout provides minimum carriageway

widths of 4.8m in the main internal carriageways, which is the minimum recommended carriageway width by Manual for Streets (MfS) to allow a car and Heavy Goods Vehicle to pass & re-pass. A condition is suggested requiring further details of the proposed internal roads layout and construction details. The proposed road layout does not meet the requirements for adoption as Public Highways and the Council will not consider these roads for adoption.

A Condition is included requiring the submission of additional details including swept paths reflecting the size of vehicles used by the council, showing that refuse vehicles can turn around within the site.

Local highway traffic conditions

The Transport Assessment (TA) submitted has carried out an analysis of the following junctions which are likely to be affected or form part of by the proposed development:

- A/1000 High Road/ A109 Oakleigh Rd North/ A5109 Totteridge Lane signalised junction
- A1000 High Rd/ Friern Barnet Lane priority junction
- Friern Barnet Lane / Sweets Way existing site access
- A109 Oakleigh Road North/ Oakleigh Park North priority junction

The analysis carried out found that at present:

- The A1000 High Road / A 109 Oakleigh Road North / A5109 Totteridge Lane signalized junction is operating close to capacity on the A1000 High Road South arm during the AM peak, with all other approaches exceeding practical capacity during this period. During the PM peak the A1000 and A5109 operate above capacity and Oakleigh Road North operates within theoretical capacity.
- The A1000 High Road / Friern Barnet Lane priority junction currently operates over the practical capacity during both peak periods.
- There are no concerns over capacity or queuing at either the Friern Barnet Lane / Sweets Way priority junction or the A109 Oakleigh Road North / Oakleigh Park North priority junction.

Trip Generation

The trip generation associated with the existing 150 residential dwellings on the site (and the further additional 100 dwellings from the adjacent estate which access the wider road network through the site) has been based on TRAVL database calculations. This method was used as survey counts were not found to be representative of the current traffic generated by the existing residential development due to the presence of other vehicle movements at this location not associated with the dwellings.

An assessment has been carried out in the TA to estimate the number of additional multimodal trips expected to be generated by the proposals and identify their distribution profile. The impact analysis has been based on the proposed residential units with no additional trip generation or traffic impact associated with any relocated community facility. This is considered acceptable by officers as the new community facility (which replaces existing facilities similar in size) would not be expected to have a significant impact on trip generation.

The development traffic profile was added to the baseline traffic flow scenario with the traffic associated with the existing 150 dwellings on the site (which are to be demolished) removed in order to calculate the net impact of the development proposed.

The all mode trip generation for the proposal has been calculated based on the TRAVL database and includes reference to the previously refused scheme as well as the current application. This is summarised below:

All Mode Trip Generation Rate and Trips

	AM Peak			PM Peak		
	IN	OUT	TOTAL	IN	OUT	TOTAL
All mode Trip Rate	0.14	0.54	0.67	0.31	0.21	0.53
All Mode Trips (361 units)	49	194	243	114	78	191
All mode trips (288 units)	40	156	196	89	60	149

Applying the census 2011 data regarding Method of Journey to Work for the average of Totteridge, Oakleigh and Woodhouse wards the anticipated car trip assessment with the proposed development is summarised below:

Car Trip Rate

	AM Peak			PM Peak		
	IN	OUT	TOTAL	IN	OUT	TOTAL
Car Trip Rate	0.06	0.23	0.28	0.13	0.09	0.22
Car Trips (361 units)	21	82	102	48	33	80
Car Trips (288 units)	17	66	83	37	25	62

Junction capacity analysis with the proposed development

A1000 High Road / Oakleigh Road North / Totteridge Lane Junction:

The TA states that with existing saturation flows and cycle times maintained and the green times optimised the impact of the development at this junction can be mitigated with the signal optimisation.

Officers find that this junction is operating above capacity and to allow further development to progress in the area (such as that proposed) would require mitigation measures. A contribution of up to £50,000 is therefore sought towards junction improvement measures. This sum would comprise £10,000 towards a feasibility study for the works and £40,000 towards the implementation of measures identified in the feasibility study. Subject to the provision of this mitigation officers find the impact of the scheme on this junction to be acceptable. TfL have confirmed that they support this position.

As these works would be taking place off site, involve the payment of a financial contribution and are necessary for the application to be found acceptable a planning obligation is the most appropriate means of securing the delivery of them.

Friern Barnet Lane / A1000 High Road Junction (with proposed signalization):

Analysis carried out by the applicant's transport consultant has identified that the development will impact on the A1000 High Road / Friern Barnet Lane priority junction, which is known to already experience significant queuing on Friern Barnet Lane during AM and PM peak periods, as well as at other times of a typical day. These queues form due to the volume of through traffic on the A1000 High Road preventing traffic from Friern Barnet Lane entering the junction. The analysis has identified that the performance of this junction is expected to worsen under a future baseline which takes into account the background traffic growth, and the additional traffic movements associated with the development would make this situation worse.

The signalisation of the junction has been identified as an appropriate solution which would mitigate the impact of the development traffic, improve the operation of the junction under the future baseline scenario and improve pedestrian connectivity and safety.

Officers conclude that, subject to the carrying out of detailed design work (including the provision of suitable road safety mitigation measures), the proposed signalization of this junction is acceptable. As the works for this are taking place off the application site itself and are necessary for the application to be found acceptable a planning obligation is the most appropriate means of securing the delivery of them.

Friern Barnet Lane / Sweets Way Junction:

The TA submitted with the application finds that the Friern Barnet Lane / Sweets Way priority junction continues to operate within capacity with the proposed development. Officers accept these findings.

A109 Oakleigh Road North/ Oakleigh Park North Junction:

The TA submitted with the application finds that the Oakleigh Road North / Oakleigh Park North junction continues to operate within capacity with the proposed development. Officers accept these findings.

Travel plan and construction management plan

A Framework Travel Plan is included in the documentation submitted with the application. This is welcomed by Officers and TfL. However, a fully policy compliant Travel Plan that seeks to reduce reliance on the use of the private car and promotes sustainable means of transport would be required for the application to be found acceptable and compliant with development plan policy in this respect. It is considered that a planning obligation is the most appropriate means of securing the delivery of this important mitigation. To enable the Council to monitor the scheme to ensure the development is making reasonable endeavours to meet travel related sustainability objectives, in accordance with development plan policies, a contribution of £15000 is required towards the monitoring of the Travel Plan. As it relates to the provision of a financial sum a planning obligation is the most appropriate means of securing the delivery of this.

Financial contributions requested by Transport for London

The nature of the development, which would include a community facility and also be likely to contain a number of wheelchair accessible dwellings, is such

that it is anticipated to directly increase the number of wheelchair users within the local area who may wish to utilise the public transport system. The assessments carried out as part of the submission include a Pedestrian Environment Review System (PERS) audit. This identified that none of the six bus stops nearest the site included raised kerbs. New buses are required to be capable of deploying a ramp, giving a 1:8 or 12 percent (7 degree gradient), onto a kerb of at least 125mm in height (a raised kerb). This requirement is referenced within TfL's Accessible Bus Stop Design Guidance, the implementation of which is promoted within London Plan policy 6.7. The PERS audit also notes that the nearest London Underground station (Totteridge and Whetstone) does not benefit from step free access.

In light of these circumstances TfL has requested a contribution of £10000 towards upgrading bus stop facilities in the vicinity of the site. This would involve implementing raised kerbs to the sufficient heights for deficient bus stops. Raised kerbs allow the bus ramps described above to function appropriately and ensure that mobility impaired users can access the bus system with dignity. This obligation is also sought in accordance with policy DM17 of the Barnet Development Management Policies document, which states that development should provide improved and fully accessible interchange facilitates where necessary. As it relates to the provision of a financial sum a planning obligation is the most appropriate means of securing the delivery of these works.

TfL have requested a contribution of £15000 towards the provision of a Legible London sign as part of the application. Legible London is a pedestrian wayfinding system designed to encourage walking. While it is recognised that the provision of such signage is extremely beneficial and to be commended, at the time of writing it is not considered that TfL have provided an explanation as to why it is necessary for the development to be found acceptable in this instance. It is also noted that in the consideration of the previous planning application (Ref: B/05674/13), TfL made a similar request for funding for wayfinding signage and it was considered in the officer committee report that insufficient justification had been provided for this contribution and was considered unjustified based on the information provided and was not included as a reason for the refusal of the application.

No additional information regarding the proposed wayfinding contribution has been provided by TfL and in such circumstances it is not appropriate to require such a contribution in relation to the current application.

3.10 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 application is in outline form only and does not contain detailed measures concerning the design of units or the external environment. Nevertheless the Design and Access Statement submitted in support of the application advises that level access will be provided to all dwellings with any necessary gradients limited to 1 in 20, 100% of dwellings will be built to lifetime homes standards

and 10% will be built to wheelchair adaptable standard.

Subject to the attachment of appropriate conditions requiring details to be submitted concerning the creation of an inclusive environment, the proposal is considered acceptable.

3.11 Contaminated land and water quality issues:

The Council's Environmental Health Service has confirmed that any potential concerns they have regarding contaminated land issues at the site could be adequately addressed through the use of conditions. The Environment Agency has also confirmed that any concerns they have in respect of contaminated land issues and potential impacts on water quality arising from the sites redevelopment could adequately be addressed through the use of conditions.

Having evaluated the information submitted, it is considered that the application, as could be controlled through the use of conditions, would be adequate and compliant with development plan policy in respect of contaminated land and water quality matters.

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.

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. The Metropolitan Police Service have commented that they would wish to see the applicant seek advice on designing out crime at the site as proposed at the earliest appropriate opportunity. Conditions would be used to ensure that an appropriate strategy for designing out crime was in place and implemented for the development, were the proposal not found to be unacceptable in other regards. Subject to such controls the application would be adequate in respect of creating a safe and secure environment for people to live and work in that reduce opportunities for crime and fear of crime.

3.13 Flooding and water infrastructure matters:

The application site does not fall within an area identified as being at risk of flooding. However, as the area that the site covers exceeds 1 hectare a Flood Risk Assessment has been submitted as part of the application. The Environment Agency has responded to the consultation and has not raised any objection to the proposal. However, they have requested that conditions be placed on any consent to ensure that surface water is managed appropriately and does not increase flood risk. Officers conclude that the conditions recommended by the Environment Agency would adequately address potential concerns that the proposal could result in an increased risk of flooding at the site. The application is therefore found to be adequate in this regard.

Thames Water has responded to the consultation and not raised any objections to the proposal or requested that conditions are placed on any

grant of consent.

Were the submission not found to be unacceptable in other regards conditions would have been used to ensure that the development included appropriate drainage infrastructure and make certain that suitable water efficiency measures were provided in the scheme to minimise water usage. Both businesses potentially supplying water to the development (Affinity 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).

3.14 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

This development would be required to achieve a 40% reduction in carbon dioxide emissions (as it was submitted after October 2013) 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 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 Mayors targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy.

Proposals are expected to comply with the guidance set out in the council's Sustainable Design and Construction SPD in respect of the level of the 'Code for Sustainable Homes' which is achieved and the standard under the Building Research Establishment Environmental Assessment Method (BREEAM) that is met (for the non-residential elements). The council's Sustainable Design and Construction SPD requires that developments of the nature proposed commit to a 'Code Level 4' or above against the Code for Sustainable Homes for their residential elements and achieve BREEAM 'Very Good' or above for their non-residential elements.

Carbon dioxide emissions

A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Other features include measures to reduce thermal bridging. The demand for cooling will be

minimised through cross ventilation. The applicant is not proposing to use active cooling. The applicant is proposing to meet Part L 2013 by efficiency measures alone.

The applicant has carried out an investigation and there are no existing or planned district heating networks within the vicinity of the proposed development, although the site is on the edge of a district heating opportunity area. Due to the low heat density of the development and the low potential for district heating development in future the applicant is not proposing to install a site heat network. This is accepted in this instance.

The applicant has investigated the feasibility of CHP; however, due the intermittent nature of the heat load, combined heat and power (CHP) is not proposed. This is accepted in this instance.

The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install enough solar PV to meet the 35% carbon reduction target on site. Approximately 353kWp of solar PV (3,088 sq.m.) are likely to be required. A roof plan showing the proposed location of the panels has been provided. Further information should be provided on the estimate of suitable roof area, to confirm that enough PV can be accommodated on site, including total roof area, total roof area at different orientations, efficiency loss associated with sub-optimal orientation, etc. A reduction in regulated CO₂ emissions of 158 tonnes per annum (35%) will be achieved through this third element of the energy hierarchy ('Be Green').

The carbon dioxide savings meet the target set within Policy 5.2 of the London Plan; however further information needs to be provided before compliance with London Plan energy policy can be verified. Furthermore, as limited information has been provided on the design and specification, the commitment to meet Part L 2013 carbon and fabric targets by efficiency measures alone should be conditioned as should the commitment to meet a 35% carbon reduction from on-site PV.

Matters relating to transport are addressed separately in section 3.9 of this report.

Other aspects of sustainable construction

A Sustainability Statement has been submitted with the application. This identifies a number of sustainable construction features that the proposal could incorporate to 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 waste facilities, the inclusion of energy efficiency measures and the provision of wheelchair accessible housing.

The Sustainability Statement also includes a commitment to achieving Code for Sustainable Homes Level 4 for the residential elements of the proposal and BREEAM 'Very Good' for the non-residential elements of the development. Given the outline nature of the application it is considered that the details provided in the submission are adequate in this regard and that, subject to the imposition of suitable conditions, the application would result in

a development which reaches an appropriate standard in respect of sustainable construction matters.

3.15 Archaeological Impacts:

English Heritage Archaeology have responded to the consultation and confirmed that there is no archaeological interest in the site. This is due to the lack of recorded archaeological remains in this location and likely disturbance from previous development of the land. They therefore recommend that any requirement for an assessment of the archaeological interest of this site can be waived. Officers accept this assessment and find the proposal acceptable in this regard.

3.16 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. The proposal is not 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.

An application (reference H/02048/12) for a Screening Opinion in 2012 found that a proposal for more dwellings on the site than the current application has sought (comprising 407 new dwellings) would not require an Environmental

Impact Assessment (and that Environmental Statement, in line with the Regulations, was not required to be submitted with the application for planning permission for that proposal).

A subsequent screening opinion was submitted concurrently with the current application under reference B/04384/14. A screening opinion was issued on the 25th September 2014 advising that an Environmental Impact Assessment was not required in conjunction with the current application.

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.

Affordable Housing

Matters relating to affordable housing are addressed in section 3.7 of this report.

Enhancement to local bus stop facilities

The nature of the development, which would include a community facility and also be likely to contain a number of wheelchair accessible dwellings, is anticipated to directly increase the number of wheelchair users within the local area who may wish to utilise the public transport system. The assessments carried out as part of the submission include a Pedestrian Environment Review System (PERS) audit. This identified that none of the six bus stops nearest the site included raised kerbs. New buses are required to be capable of deploying a ramp, giving a 1:8 or 12 percent (7 degree gradient), onto a kerb of at least 125mm in height (a raised kerb). This requirement is referenced within TfL's Accessible Bus Stop Design Guidance, the implementation of which is promoted within London Plan policy 6.7. The PERS audit also notes that the nearest London Underground station (Totteridge and Whetstone) does not benefit from step free access.

In light of these circumstances TfL has requested contribution of £10000 towards upgrading bus stop facilities in the vicinity of the site. This would involve implementing raised kerbs to the sufficient heights for deficient bus stops. Raised kerbs allow the bus ramps described above to function appropriately and ensure that mobility impaired users can access the bus system with dignity. This obligation is also sought in accordance with policy DM17 of the Barnet Development Management Policies document, which states that development should provide improved and fully accessible interchange facilities where necessary. As it relates to the provision of a financial sum a planning obligation is the most appropriate means of securing the delivery of these works.

Travel Plan and Travel Plan monitoring

In accordance with development plan policy the applicant is required to enter into a Travel Plan for the development which seeks to reduce reliance on the use of the private car and promotes sustainable means of transport. It is considered that a planning obligation is the most appropriate means of securing the delivery of this important mitigation.

To enable the Council to monitor the scheme to ensure the development is making reasonable endeavours to meet travel related sustainability objectives, in accordance with development plan policies, a contribution of £15000 is required towards the monitoring of the Travel Plan. As it relates to the provision of a financial sum a planning obligation is the most appropriate means of securing the delivery of this.

Wayfinding and signage

TfL have requested a contribution of £15000 towards the provision of a Legible London sign as part of the application. Legible London is a pedestrian wayfinding system designed to encourage walking. While it is recognised that the provision of such signage is extremely beneficial and to be commended, at the time of writing it is not considered that TfL have provided an explanation as to why it is necessary for the development to be found acceptable in this instance. It is also noted that in the consideration of the previous planning application (Ref: B/05674/13), TfL made a similar request for funding for wayfinding signage and it was considered in the officer committee report that insufficient justification had been provided for this contribution and was considered unjustified based on the information provided and was not included as a reason for the refusal of the application.

No additional information regarding the proposed wayfinding contribution has been provided by TfL and in such circumstances it is not appropriate to require such a contribution in relation to the current application.

Highway works associated with the development

A number of key works to the highway are proposed as part of the submission. These are needed to provide the development with suitable access and mitigate its transport impacts. The works include:

- Delivery of the signalisation of the Friern Barnet and A1000 junction.
- Modifications to the A1000, Oakleigh Road North and Totteridge Lane junction (requiring a financial contribution of £50000).

These works are discussed in further detail in section 3.9 of this report.

As the works are taking place either entirely or partially off the application site and, in one case, involve the payment of a financial contribution it is considered that a planning obligation is the most appropriate means of securing their delivery.

Monitoring of the Section 106 Agreement

The planning obligations associated with a planning application are a key part of the way in which it mitigates its impacts and provides the infrastructure needed for it to take place. Ensuring the delivery of this takes considerable time and resources. As the Council is party to a large number of planning obligations, significant resources are required to project manage and ensure the implementation of schemes funded by planning obligation agreements. The Council therefore requires the payment of a sum of £6000 towards the costs of undertaking the work relating to securing the delivery of the planning obligations identified here. This figure is calculated using the approach set out in Barnet's adopted Supplementary Planning Document for Planning

Obligations. As it relates to the provision of a financial sum a planning obligation is the most appropriate means of securing the delivery of this item.

3.18 Barnet Community Infrastructure Levy

The Community Infrastructure Levy (CIL) potentially applies to all 'chargeable development'. This is defined as development of one or more additional units or development seeking an increase to existing floor space greater than 100 square metres.

Barnet Council is a charging authority for the purposes of Part 11 of the Planning Act 2008 and may therefore charge a Community Infrastructure Levy in respect of development in The London Borough of Barnet. Barnet Council adopted a CIL charge on 1st May 2013. This set a rate of £135 per square metre on residential and retail development within the borough. All other uses and undercroft car parking areas are exempt from this charge.

The calculation of the Barnet CIL payment is based on the floor areas of the residential elements of the development (except for any potential undercroft car parking areas). As the application is in outline form any Barnet CIL charges would be made on a phase-by-phase basis. Once received any payments made under the Barnet CIL would be potentially available to deliver infrastructure (for example new educational facilities) needed to support the development proposed.

3.19 Mayoral Community Infrastructure Levy

The Community Infrastructure Levy (CIL) potentially applies to all 'chargeable development'. This is defined as development of one or more additional units or development seeking an increase to existing floor space greater than 100 square metres.

The Mayor of London is a charging authority for the purposes of Part 11 of the Planning Act 2008 and may therefore charge a Community Infrastructure Levy in respect of development in Greater London. The Mayor of London adopted a CIL charge on 1st April 2012. This set a rate of £35 per square metre on all forms of development in Barnet, except that which is for education and health purposes (which are exempt from this charge).

The calculation of the Mayoral CIL payment is carried out on the basis of the floor areas of the residential and other elements of the development (except for potential education and health uses in the scheme). As the application is in outline form any Mayoral CIL charges would be made on a phase-by-phase basis.

4. EQUALITIES AND DIVERSITY ISSUES

Section 149 of the Equality Act 2010, which came into force on 5th 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 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 all considered in the appraisal and analysis set out in the relevant parts of the report.

6. CONCLUSION

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

The proposal satisfactorily addresses the reasons of refusal for the previous application (Ref: B/02710/13) for the redevelopment of the site, through the layout amendments and reductions in the scale of development. The proposal provides much needed affordable housing at the maximum level which can be achieved due to site viability. The reduction in site parking and the reductions in the number of trees to be removed, satisfactorily resolve previous objections in these regards subject to the attachment of appropriate conditions. The impact of the proposal on the surrounding highway network is satisfactorily mitigated through the proposed S106 contributions. The proposal also provides a policy compliant quantity of amenity space and makes contributions to education and libraries through Barnet CIL contributions.

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 no Direction being received from the Mayor of London and 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 SITE

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 292m² of floorspace. The provision of site access from Sweets Way and Oakleigh Road North.' REFUSED JANUARY 2014.

B/04384/14. 'Environmental impact assessment screening opinion' ENVIRONMENTAL STATEMENT NOT REQUIRED (September 2014).

Whetstone Community Centre 171 Sweets Way, Whetstone

N14537A/06 'Single storey side extension to community centre to provide a creche' APPROVE SUBJECT TO CONDITIONS (2006).

N14537/05 'Single storey side extension to community centre to provide a creche' APPROVE SUBJECT TO CONDITIONS (2005).

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.' APPROVED 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.' APPROVED 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.' APPROVED 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).

Lawsons, 1208 High Road, Whetstone

N00986M 'Demolition of existing workshop and saw mill and construction of new covered sawmill and timber store and additional free standing external racking.' APPROVED SUBJECT TO CONDITIONS (November 1997).

N00986N 'Noise attenuation measures for covered store pursuant to condition 2 of planning permission N00986M dated 11.11.97.' APPROVED (AUGUST 1998).

N00986P 'Details of noise report and noise attenuation scheme pursuant to condition 2 of planning permission ref: N00986M dated 11.11.97 for new sawmill and store.' APPROVED (DECEMBER 1998).

N00986Q 'Installation of wood fuel fired heating system incorporating external flue to existing warehouse.' APPROVED SUBJECT TO CONDITIONS (February 1999).

Queenswell Schools, Sweets Way, Whetstone

N01346W/00 'Demolition of existing Infant and Nursery School. Erection of new part single part two storey Infant and Nursery School with associated car parking, landscaping and mini football pitch, protective fencing and means of enclosure.' APPROVED SUBJECT TO CONDITIONS (January 2001).

N01346Z/01 'Alterations and extensions to form 6 new classrooms to Junior School. Demolition of 3 blocks of demountable classrooms and amended parking layout.' APPROVED SUBJECT TO CONDITIONS (February 2002).

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).

B/05370/14 'Section 73 material amendment application to vary condition 1 (Approved Plans), condition 5 (Compliance with Approved Plans) and condition 34 (Restricted Use Office/Community Building) pursuant to planning permission B/03068/11 dated 29/03/2012 for '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)'. APPLICATION UNDER CONSIDERATION.

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.' PLANNING COMMITTEE RESOLUTION TO GRANT SUBJECT TO COMPLETION OF

S106 AGREEMENT (October 2014).

Northway House, 1379 High Road, Whetstone

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.' WITHDRAWN (July 2014)

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).

B/05674/13 'The extension, refurbishment, alteration and change of use of Northway House to provide for a residential led mixed use development comprising a total of 145 new dwellings (use class C3); 2,045 square metres of floorspace for business use (use class B1) or non-residential institutional use (use class D1); together with ancillary reception floorspace and associated landscaping, car parking and access.' APPROVED SUBJECT TO CONDITIONS (July 2014)

APPENDIX 2: PROPOSED SITE LAYOUT PLAN



APPENDIX 3: SITE LOCATION PLAN



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LOCATION: Northway House, 1379 High Road, Whetstone, N20

REFERENCE: B/05378/14 **Received:** 17/10/2014
Accepted: 27/10/2014 **AGENDA ITEM 11**

WARD: Totteridge **Expiry:** 16/01/2015

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 149 new dwellings (Use Class C3), 1978.5 square metres (NIA) of flexible Use Class B1a (office) floor space, 324 square meters (NIA) of "open" Use Class D1 floor space (education and community uses), together with ancillary reception floor space and associated landscaping, car parking and access.

APPLICATION SUMMARY

The current application follows a previously approved residential led mixed use development scheme that was approved on 26 July 2014 under application reference B/05674/13. The current application differs to the previously approved scheme as the applicant has undertaken a review of the internal layout of the building to maximise the use of space. The layout, scale and siting of the buildings would remain unaltered but the proposal would result in minor external alterations to the new build element at the rear of the site and the internal re-arrangement of floor space would result in the provision of an additional four residential units when compared to approved application B/05674/13. The total number of units proposed is now 149 compared to 145 in the previous application.

Strong controls are in place to ensure that the extension, alteration and refurbishment works are constructed to a high standard of detailing and would have an acceptable visual impact in relation to its surroundings. The layout of the proposed units would provide high quality homes for future residents with appropriate amenity space provision.

A high standard of landscaping is proposed and the scheme also incorporates an area of shared amenity space, to incorporate children's play space.

The development would provide an appropriate mix of unit sizes. The application proposes 2 of the additional 4 residential units to be provided as affordable housing bringing the total number of affordable units to 11. All of the affordable units are offered as shared ownership units. This equates to 7% affordable housing by unit number as a proportion of the overall development which is considered to be the maximum level possible, having regard to the viability of the development. This has been verified by an independent consultant.

The scheme provides an appropriate level of car parking on site in the form of 171 car parking spaces and 215 cycle parking spaces, of which 158 car parking spaces and 189 cycle parking spaces would serve the residential

aspect of the scheme. A travel Plan will encourage users of the site to use more sustainable modes of transport and further mitigation will be secured by condition to control details of construction, delivery and servicing and car parking management. Alongside this, contributions has been agreed towards the monitoring of a travel plan, modifications to waiting restrictions and a travel plan incentive fund for future residents.

The application includes a number of measures to achieve a good standard in respect of sustainable design and construction. All of the dwellings in the new build element of the development would achieve Code for Sustainable Homes Level 4. There are also requirements for appropriate biodiversity mitigation and enhancement measures which are ensured through the conditions recommended.

A number of conditions and planning obligations have been recommended to ensure that the development achieves a suitable quality of residential environment, does not cause any unacceptable harm to the amenities of neighbouring occupiers or biodiversity, achieves the benefits that the submission advances in support of the scheme and mitigates any potential adverse impacts from the proposal, such as from sources of land contamination or surface water flood risk.

All relevant policies contained within the development 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 proposed development generally and taken overall accords with the relevant development plan policies. 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, the application is recommended for approval subject to conditions.

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 11 Intermediate (Shared Ownership) affordable housing units comprising:
- 5 x one bedroom two person flats
 - 4 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 33% 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 Full 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 Travel Plan Statement that is ATTrBuTE 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 **£44,700** (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 **£5,280** 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 – Development Management and Building Control approve the planning application reference B/05378/14 under delegated powers and grant planning permission subject to the following conditions and any changes to the wording of the conditions considered necessary by the Assistant Director - Development Management and Building Control:

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:

1599_0100, 1599_0191, 1599_0192, 1599_0193, 1599_0290,
1599_0291, 1599_0292, 1599_0104, 1599_0107, 1599_0108,
1599_0109, 1599_0110, 1599_0111, 1599_0112, 1599_0113,
1599_0114, 1599_0115, 1599_0116, 1599_0117, 1599_0118,
1599_0119, 1599_0155, 1599_0159, 1599_0169, 1599_0200,
1599_0201, 1599_0202, 1599_0203, 1599_0250, 1599_0155 and
1599_0159

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 Ground works and Site Preparation Works) unless and until details and appropriately sized samples of the materials to be used for all the external surfaces 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 Ground works and Site Preparation Works) details setting out how each of

the 149 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 Ground works 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 Ground works 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 TELECOMMUNICATIONS 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 Ground works 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 52 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 replace that scheme). None of the 52 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 replace 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 Ground works 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:
- 1390m² 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 Ground works 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 Ground works 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 Ground works 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 Ground works 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 Ground works 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 Ground works 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 car parking spaces shown on plan numbers 1599_0155 and 1599_0159 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 full 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 Commercial Travel Plan Statement 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 floor space (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 215 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) floor space proposed.
 - 189 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:
- 19 disabled standard parking spaces for the residential dwellings (Use Class C3) hereby approved.
 - 1 disabled standard parking space for the non-residential floor space (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 floor space (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 floor space (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 Ground works 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 1978.5m² of floor space 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 floor space in accordance with policy DM14 of the Barnet Local Plan.

- 47 The 324m² 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 floor space 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 Ground works 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.

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 Cross rail and Other Strategically Important Transport Infrastructure); 6.7 (Better Streets and Surface Transport); 6.9 (Cycling); 6.10 (Walking); 6.11 (Smoothing Traffic Flow and Tackling Congestion); 6.12 (Road Network Capacity); and 6.13 (Parking)

London's Living Places and Spaces:

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

Implementation, Monitoring and Review:

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

Barnet Local Plan

The development plan documents in the Barnet Local Plan constitute the development plan in terms of local planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The relevant documents comprise the Core Strategy and Development Management Policies documents, which were both adopted in September 2012. The Local Plan development plan policies of most 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, a previous application (Barnet Reference number B/05674/13) was granted consent on 25/07/2014 for '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'. The previous application was subject to judicial review but this was found by the judge to be without merit. However, there remains an outstanding appeal in respect of one of the grounds of the decision (further details given below).

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) was withdrawn on 29 July 2014.

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.

Judicial Review against application B/05674/13

As stated above application B/05674/13 was granted consent on 25/07/2014 for '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 metres (NIA) of 'open' Use Class D1 floorspace (education and community uses), together with ancillary reception floorspace and associated landscaping, car parking and access'. The Council's decision to grant permission for this application was the subject of an application for permission to bring judicial review proceedings on the following grounds:

1. Failure to take account of material considerations (particularly in relation to marketing)
2. Misleading officer's report (particularly in relation to estimate that £8million would be required to refurbish the building)
3. Failure to investigate (particularly in relation to estimate that £8million would be required to refurbish the building)
4. Breach of S372A of the Town and Country Planning Act 1990

The grounds for the judicial review were all found to be totally without merit by a High Court judge in a decision dated 04 November 2014. However, subsequent to the decision of the judge, an appeal has been lodged to the Court of Appeal in respect of ground one of the original judicial review application (in respect of marketing). The pending outcome of this appeal does not affect the ability to determine this current application at the site.

1.3 Public Consultations and Views Expressed

Public Consultation

To publicise this application letters and emails were sent to 1021 addresses in October 2014. The application was also advertised on site and in the local press at that time. The consultation process carried out for this application is considered to have been entirely appropriate for a development of this nature.

The extent of consultation exceeded the requirements of national planning legislation and Barnet's own adopted policy on the consultation to be carried out for schemes of this nature.

Number of Responses from Residents

2 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 are summarised under the headings below.

Summary of responses:

- Proposal would add unacceptably to the existing traffic and congestion in the area.
- Concern that the proposal would result in residential development in proximity to a neighbouring business that deals with the testing of music equipment and therefore sufficient noise mitigation should be put in.

Officer response

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.

Consultation Responses from Statutory Consultees and Other Bodies

Transport for London (TfL):

No response received

Highways Agency:

Have responded to the consultation and confirmed that they have no objections to the proposal.

Metropolitan Police Service:

No response received

London Fire and Emergency Planning Authority:

No response received

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.

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.

English Heritage Archaeology:

Have responded and conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. As such they consider that no further archaeological assessment or conditions are necessary.

Thames Water:

No response received

National Grid:

No response received

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 floor space on the 12th 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 149 new self contained residential flats (Use Class C3), 1978.5m² of office floorspace (Use Class B1a) and 324m² 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 current application is a resubmission of a previously approved scheme (B/05674/13) which granted consent for "The refurbishment and change of use of the existing Northway House into 97 new homes, a new extension comprising 48 new homes, 1,978.5 sq.m (NIA) of flexible Class B1a (office) floorspace, 324 sq.m (NIA) of "open" Class D1 floorspace (education and community uses) together with ancillary reception floorspace and associated landscaping, car parking and access". Since the granting of planning permission (B/05674/13), a technical review has been undertaken as to the optimum configuration in terms of space planning and layout. The minor

alterations to the scheme will allow the development to deliver additional four new homes. The key changes that occur as a result of the reconfiguration of the internal layout and minor external alterations are as follows:

- Inclusion of four additional homes (on floors -02, -01 (Podium) and 00 of Blocks B, C and D);
- Altered dwelling mix arising from the inclusion of additional larger two and three bedroom family homes and fewer one bedroom properties;
- Four additional car residential parking spaces;
- Reduction in the previous overprovision in the number of residential cycle parking spaces from 233 spaces to 183 spaces, plus six visitor spaces;
- Minor external alterations are also proposed and generally comprise the provision / re-position of windows and balconies, and adjustments to the servicing arrangements (the proposed alterations to the building façades are only in relation to Blocks B, C and D).

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 12th (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 52 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 entrances in this part of the development. This area would be directly accessible to pedestrians (and emergency vehicles) from the High Road. 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 750m². 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 360m². 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 150m² 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 171 off street car parking spaces. 158 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. 19 of the car parking spaces created would be provided to a disabled parking space standard. The development includes dedicated areas for the storage of 215 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 189 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:

- 44 x one bedroom two person flats (approximately 29.5% of the dwellings)
- 9 x two bedroom three person flats (approximately 6% of the dwellings)
- 68 x two bedroom four person flats (approximately 45.6% of the dwellings)
- 1 x three bedroom five person flats (approximately 0.7% of the dwellings)
- 27 x three bedroom six person flats (approximately 18.1% 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 11 affordable housing units on site. This equates to approximately 7.4% of the total dwellings proposed. The affordable housing units would all be provided as Intermediate (Shared Ownership) units comprising 5 x 1b 2p, 4 x 2b 4p and 2 x 3b 6p.

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
- Environmental Noise and Vibration Survey Report by Clark Saunders
- Air Quality Assessment by WSP
- Townscape and Visual Impact Assessment 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 (Domestic refurbishment) by WSP
- BREEAM Pre-Assessment (Commercial floorspace) 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
- Flood Risk Assessment including SUDS information by WSP
- Utility Feasibility Report by Atkins
- Daylight, Sunlight and Overshadowing Assessment 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 / 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 1978.5m². 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 subsequent Addendum Reports. 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. 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 (197m² 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 falling office availability rate in the borough but that demand for refurbished office space within the borough remains limited and it appears that actively levels and rents remain subdued. It is also 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. The applicant has stated that based on their most recent data there is currently between 3.75 and 4 years of over supply of B1(a) office space in the market.

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 18.9% 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 floor space 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, subject to the conditions and planning obligations recommended.

The outstanding element of the Judicial Review in respect of application B/05674/13:

As mentioned in previous sections, approved application B/05674/13 was

subject to an application for Judicial Review. In the High Court the grounds of the Judicial Review were found by the Judge to be totally without merit. The appellant has now sought to review this decision in the Court of Appeal on the basis of ground one, which referred to 'the failure to take account of material considerations'. The four elements of this ground of appeal for the Judicial Review are set out and responded to below:

1. Whether the site and building has been continuously marked for both sale and rent

Response: Officers conclude that the submission has adequately demonstrated that the site is no longer suitable and viable for its existing or alternative business use due to the fact that the building is in a poor state of repair but refurbishment works would be unviable due to the extent of costs involved (suggested to be in the region of £8 million). The applicant has also demonstrated that an appropriate period of continuous marketing has been undertaken between 2004 – 2013 for renting the property. The applicant's Marketing and Viability Report also states that during the period of marketing the property for rent 'any owner occupier or commercial developer who was interested in buying the building would have made a direct approach to the owner directly or via their agents'. The LPA is satisfied that the MVR submitted by the applicant demonstrates a satisfactory level of marketing for the site, particularly considering the following positives of the scheme:

- The re-provision of B1(a) office floor space (approximately 25% of current level)
- The Provision of a higher quality of B1(a) office floor space
- All of the new B1 floor space would be for B1(a) office use, which would have a greater intensity of employment than the existing on site B1 floor space, which includes light industrial floor space that has a lower intensity of employment.
- The development would result in employment and training benefits by providing apprenticeship training places

2. Whether 'effective' marketing has been undertaken

Response: The applicant has submitted marketing information to demonstrate that the site and building has been marketed for rent through traditional measures including commercial agents, signage and the internet. As outlined above, the applicant's Marketing and Viability Report also states that during the period of marketing the property for rent 'any owner occupier or commercial developer who was interested in buying the building would have made a direct approach to the owner directly or via their agents'. It is considered that whether or not there has been effective marketing of the site is a matter of planning judgment for the LPA. The LPA is satisfied that the MVR submitted by the applicant demonstrates a satisfactory level of marketing for the site, particularly considering the positives of the scheme (as outlined in the bullet points above).

3. Whether the site and building has been continuously marketed for redevelopment for employment use

Response: As outlined above, the applicant has submitted marketing information through their Marketing and Viability Report to demonstrate that the building has been continuously marketed for rent for an extensive and continuous period of time. They have also demonstrated that the building is in a poor state of repair but refurbishment works would be unviable due to the extent of costs involved (suggested to be in the region of £8 million) the redevelopment of the site for solely employment use would not be viable. Furthermore, the applicant's Marketing and Viability Report also states that during the period of marketing the property for rent 'any owner occupier or commercial developer who was interested in buying the building would have made a direct approach to the owner directly or via their agents'. As outlined above, the LPA is satisfied that the MVR submitted by the applicant demonstrates a satisfactory level of marketing for the site, particularly considering the positives of the scheme (as outlined in the bullet points above).

4. Whether the building is suitable for its existing or alternative businesses in the short, medium and long term

Response: As outlined above, the MVR finds that Northway House is in a poor condition, suffers from a significant number of limitations and the building is coming to the end of its economic life. It also suggests that a substantial investment would be required to enable its longer term occupation and indicates that the cost of remedying the concerns it identifies to bring 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 to this, the applicant has stated that following the approval of planning application B/05674/13 the building has now been stripped in readiness for the implementation of planning permission and this would make it even more impractical and expensive to refurbish the premises to a condition where it would be fit or attractive for business use.

Based in the information provided in the MVR, the LPA is satisfied that the site is no longer suitable and viable for its existing or alternative use in the short, medium or long term.

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 699m² down to 324m². 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 190m² 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 197m². 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 there has been an objection on the grounds that the introduction of residential uses at the site would have a detrimental impact upon a nearby business. Officers do not consider that any of the matters raised by the objector to the scheme 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.

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:

- 44 x one bedroom two person flats (approximately 29.5% of the dwellings)
- 9 x two bedroom three person flats (approximately 6% of the dwellings)
- 68 x two bedroom four person flats (approximately 45.6% of the

- dwellingings)
- 1 x three bedroom five person flats (approximately 0.7% of the dwellingings)
- 27 x three bedroom six person flats (approximately 18.1% of the dwellingings)

Of these dwellingings 11 would be delivered as on-site affordable housing units. The on-site affordable housing units would be provided as 11 intermediate (Shared Ownership) units comprising 5 x 1b 2p, 4 x 2b 4p and 2 x 3b 6p.

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 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 dwellingings per hectare)

Setting	Public Transport Accessibility Level (PTAL)		
	0 to 1	2 to 3	4 to 6
Suburban	150-200 hr/ha	150-250 hr/ha	200-350 hr/ha
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
Urban	150-250 hr/ha	200-450 hr/ha	200-700 hr/ha
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
Central	150-300 hr/ha	300-650 hr/ha	650-1100 hr/ha
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 149 dwellings proposed include 430 habitable rooms. As the site has an area of 0.654 hectares this equates to a density of approximately 227.8 units per hectare and 657.5 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 floor space of new dwellings, outdoor amenity space and play space. Policy DM04 states that buildings should be designed to minimise exposure to air pollutants. The same policy states that proposals to locate noise sensitive development in areas with high levels of noise will not normally be permitted and also that the mitigation of any noise impacts will be expected where appropriate.

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

The council has adopted SPD's (entitled Sustainable Design and Construction and Residential Design Guidance) providing more detailed guidance on a range of matters related to creating new dwellings that have adequate amenities for their future occupiers. The Mayor has also adopted SPG's

(entitled Housing and Shaping Neighbourhoods: Play and Informal Recreation) providing detailed guidance on issue related to designing new housing to achieve acceptable amenities for its future occupiers.

Dwelling size

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

Minimum Space standards for new development

	Dwelling type (bedroom/persons-bed spaces)	Gross Internal Area (m ²)
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 432 rooms tested 407 (94%) 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 result in some rooms in the proposed development failing to reach the BRE recommended ADF figure for a room of that nature but the level of compliance within the development would still remain high.

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 (5m² for 2 person dwellings with an extra 1m² for each additional bed space) for the size of flat proposed.

Using the Barnet standard of providing 5m² of usable external amenity space per habitable room (including kitchens over 13m² and with rooms over 20m² counting as two rooms) for flats, the development would be required to provide approximately an extra 578m² of usable external amenity space, in addition to the private balcony, terrace and winter garden amenity space proposed (which collectively, cover approximately 2317m² 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 communal amenity areas within the application site. These spaces would cover an area of approximately 1050m² 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 137m² of play space. The proposed scheme includes an area of communal amenity space that would be designed specifically to include play features (the areas on the

southern part of the site). This would cover an area of approximately 137m² 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 and orientation of windows in the proposed buildings. It is considered that each of the dwellings proposed in this instance has an acceptable outlook.

Privacy and overlooking

The distance between directly facing clear glazed windows to habitable rooms in the proposed dwellings would not be less than 21m. The 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.

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 there is an objection to the application on the grounds that the proposal would prejudice their ability to continue to operate their business (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 there are two main sources of external noise: traffic on the main High Road (A1000) and site traffic and noisy works from the commercial/ industrial units that are adjacent to the site (to the North and North West). The proposed site is located adjacent to the A1 Self Storage site (North). Similarly, another commercial site identified Michael Gerson (Investments) Ltd, located to the West of the proposed development, is also used as a heavy goods haulage site. There are no current operational time restrictions applied to these sites and they operate 24/7. Access to these sites is achieved via a service road "Downlands Close" between the proposed development and A1 Self Storage. The noise monitoring has established a baseline for the noise levels on Downlands Close, adjacent to the commercial units and on the High Road. The noise report "Northway House, Full Planning Application, Environmental Noise and Vibration Survey Report, dated October 2014 by Clarke Saunders records that their manned monitoring showed that the traffic on the High Road is the predominant noise source at this site.

The council's environmental health department have reviewed the submitted information and have stated that whilst "there may be some noise arising from articulated lorries, as they descend and ascend the service road "Downland Close" to their respective sites. This may give rise to noise emissions with the potential to affect the end users of the proposed development during the daytime and night-time hours. However, no significant events were recorded by the consultants". They have also stated that the submitted noise report addresses the issues of noise levels within the external and internal amenities for the proposed development and the proposed mitigation measures are acceptable subject to conditions.

In terms of air quality matters, the London Borough of Barnet has been declared an Air Quality Management Area (AQMA). Accordingly, 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 council's environmental health department have reviewed the submitted documentation and have stated that "the air quality report shows exceedance likely for the annual mean for NO₂ on the ground and first floor on the Northway House (refurbished building). These units are proposed for commercial usage, so mitigation will not be necessary. At higher floor levels there is no requirement for air quality mitigation and similar protection is afforded by the noise mitigation measures (acoustic ventilators)". 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 proposal for the redevelopment or refurbishment of existing tall buildings will be required to make a positive contribution to the townscape.

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

The buildings and spaces proposed in the scheme are considered to respond 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 12th 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.

In terms of the differences between the approved application B/05674/13 and the current proposal, the revisions involve internal changes to the building which would reposition services. There would also be external alterations to the front facades of blocks B, C and D which would involve repositioning existing fenestration, inserting new fenestration and inserting and enlarging balconies. In this instance it is considered that the proposed differences between the current application and the approved scheme (B/05674/13) would not result in visual changes to the scheme that would be detrimental to the character and appearance of the application site and surrounding area.

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.

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 Design and Access Statement 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 (PM₁₀) 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 PM₁₀). 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.

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.

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 11 affordable housing units on site with the following mix of dwellings types:

11 Intermediate (Shared Ownership) units in total comprising:

- 5 x 1b 2p
- 4 x 2b 4p
- 2 x 3b 6p

This provision equates to approximately 7.4% of the total dwellings proposed

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 33% 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 201.5 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 158 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 600m² 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 171 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 20 of the 171 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 215 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 189 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.

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).

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 171 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
Total Person	23	8	31	19	58	77

**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 30m² 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 approved scheme in July 2014 there have been small changes (an increase in floorspace and 4 dwellings) to the residential 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 to provide a sufficiently robust assessment of the current proposal. However, updated assessments have been carried out 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	40	38
Car Passenger	12	9
Motor Cycle	2	5
Pedal Cycle	3	1
Taxi	1	1
Walk	13	15
Underground	33	44
Rail	4	7
Bus	17	19
Total Person	125	138

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	17	8
Car Passenger	12	9
Motor Cycle	2	5
Pedal Cycle	3	1
Taxi	1	1
Walk	10	1

Underground	31	33
Rail	3	2
Bus	14	1
Total Person	93	61

Note: Numbers rounded

In terms of vehicular trips the assessment carried out forecasts that for the whole development there would be an increase of 17 vehicle trips in the AM Peak and an additional 8 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 8 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 54 and 70 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 67 movements in the AM Peak and 85 in the PM Peak. This represents an increase of 58 trips on foot in the AM Peak and 35 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 Commercial Travel Plan Statement 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 places 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.

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 Mayors 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 52 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 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 1390m² 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:

11 Intermediate (Shared Ownership) units in total comprising:

- 5 x 1b 2p
- 4 x 2b 4p
- 2 x 3b 6p

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.

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

3.20 Mayoral Community Infrastructure Levy

The proposed development is liable for charge under the Mayoral CIL (at a rate of £36.04 per square metre). Because of the nature of the way in which CIL is calculated it is only possible to estimate the contribution which will finally be made through the Mayoral CIL at the time applications are determined. 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.

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) 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 5th 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.

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.' WITHDRAWN (29 July 2014).

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).

B/05674/13 'The refurbishment and change of use of the existing Northway House into 97 new homes, a new extension comprising 48 new homes, 1,978.5 sq.m (NIA) of flexible Class B1a (office) floorspace, 324 sq.m (NIA) of "open" Class D1 floorspace (education and community uses) together with ancillary reception floorspace and associated landscaping, car parking and access.' APPROVED (25 July 2014) – currently subject to Judicial Review

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.' APPROVED 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.' APPROVED 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.' APPROVED 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 292m² 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 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.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £36.04 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 £208,320 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 £777,202.40 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.

Relief or Exemption from CIL

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may

reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can 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 exceptional 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

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**

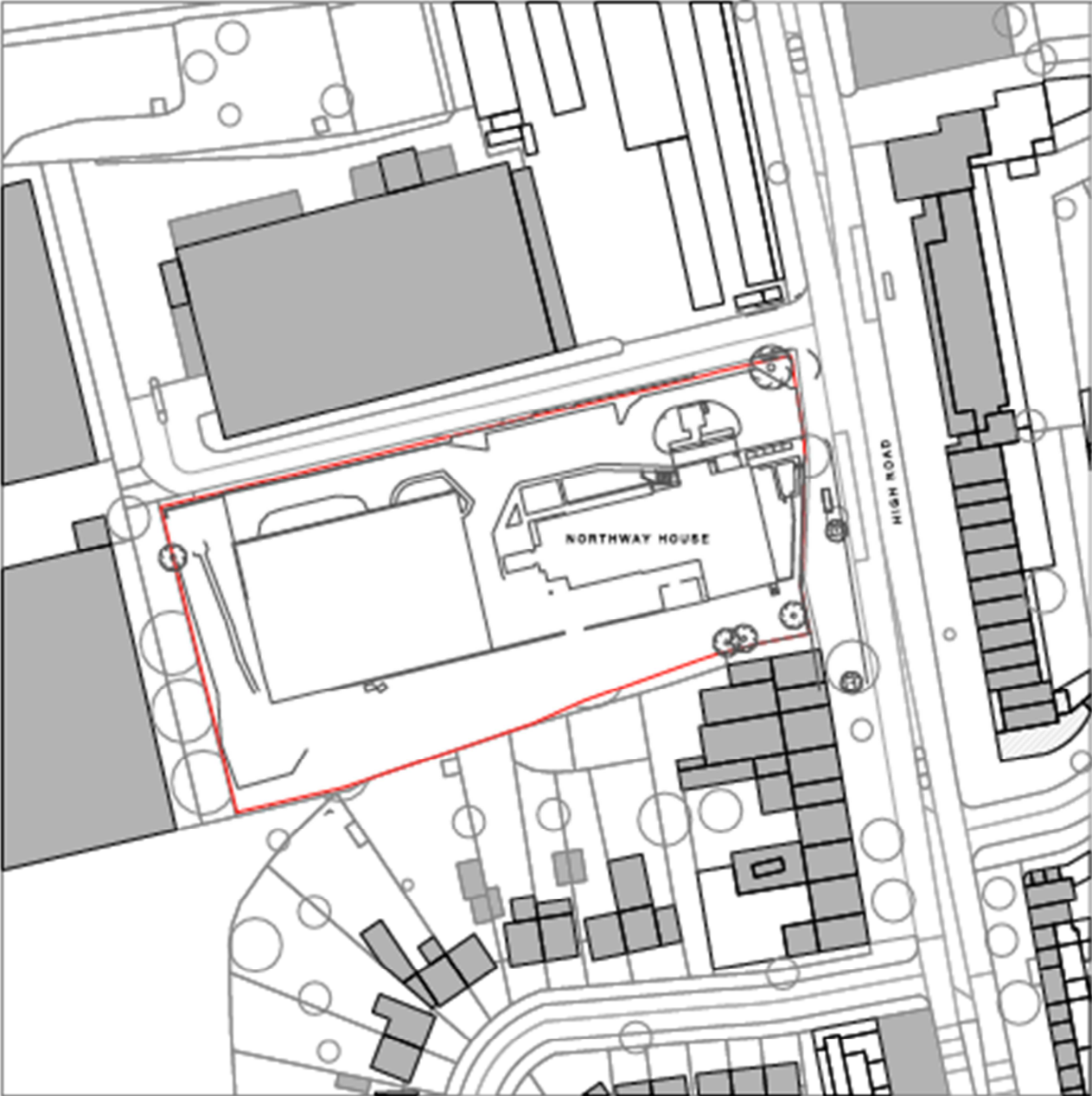
Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

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



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