

MEETING

PLANNING COMMITTEE

DATE AND TIME

THURSDAY 22ND JUNE, 2017

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG

TO: MEMBERS OF PLANNING COMMITTEE (Quorum 3)

Chairman: Councillor Melvin Cohen LLB
Vice Chairman: Councillor Wendy Prentice

Maureen Braun
Claire Farrier
Eva Greenspan

Tim Roberts
Agnes Slocombe
Stephen Sowerby

Mark Shooter
Laurie Williams
Jim Tierney

Substitute Members

Anne Hutton
Reema Patel

Dr Devra Kay
Gabriel Rozenberg

Sury Khatri
Hugh Rayner

Please note that the below agenda may not reflect the order in which items will be heard at the meeting.

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

Andrew Charlwood – Head of Governance

Governance Service contact: Jan Natynczyk jan.natynczyk@barnet.gov.uk 020 8359 5129

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	5 - 8
2.	Absence of Members	
3.	Declarations of Members' disclosable pecuniary interests and non-pecuniary interests	
4.	Report of the Monitoring Officer (if any)	
5.	Addendum (if applicable)	
6.	12 - 18 High Road London N2 9PJ (East Finchley)	9 - 78
7.	North London Business Park, Oakleigh Road South, London, N11 1GN. (Brunswick Park)	79 - 160
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9.	Brent Cross Cricklewood Regeneration Area NW9 (Golders Green, Child's Hill, Hendon)	171 - 222
10.	Land Adj To 1 - 12 Norfolk Close London N2 8ET (East Finchley)	223 - 244
11.	HASMONEAN HIGH SCHOOL, 2-4 PAGE STREET, LONDON, NW7 2EU and ADJACENT FIELDS CHAMPIONS WAY (Mill Hill)	245 - 254
12.	Barnet and Southgate College, Grahame Park Way, Colindale, NW9 5RA (Colindale)	255 - 260
13.	Any item(s) that the Chairman decides are urgent	

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Decisions of the Planning Committee

22 May 2017

Members Present:-

AGENDA ITEM 1

Councillor Wendy Prentice (Vice-Chairman)

Councillor Maureen Braun	Councillor Mark Shooter
Councillor Claire Farrier	Councillor Laurie Williams
Councillor Agnes Slocombe	Councillor Jim Tierney
Councillor Stephen Sowerby	Councillor Reema Patel
Councillor Sury Khatri	Councillor Hugh Rayner

Apologies for Absence

Councillor Melvin Cohen	Councillor Tim Roberts
Councillor Eva Greenspan	

1. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the meeting held on 26 April 2017 were agreed as a correct record.

2. ABSENCE OF MEMBERS

Apologies were received from Councillor Cohen, who was substituted by Councillor Khatri, Councillor Roberts, who was substituted by Councillor Patel and Councillor Greenspan, who was substituted by Councillor Rayner.

Councillor Shooter gave his apologies as had to leave during the discussion of Agenda Item 7 and did not take part in the rest of the meeting.

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

Councillor	Item	Interest
Mark Shooter	6	A non-pecuniary interest as he has used the same architect firm as the applicants.
Sury Khatri	10	A non-pecuniary interest as has been present at public consultation meetings held by the applicants PR company.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

An Addendum to the main report was published and circulated to Members and made available to the public at the meeting.

6. 71 VIVIAN AVENUE LONDON NW4 3XE (WEST HENDON WARD)

The Committee received the officer report and addendum.

A statement in objection to the application was read out by Cllr Langleben on behalf of Maria McHale.

Councillor Adam Langleben addressed the committee as Ward Councillor.

An oral representation was made by a representative of the applicant, Enerita Novruzaj.

Following questions and deliberations, The Chairman called for the vote.

It was **RESOLVED** that the application be approved in accordance with the officer recommendation and addendum report.

Votes were as follows:-

For	6
Against	3
Abstained	2

7. 194-196 CRICKLEWOOD BROADWAY (EDGWARE WARD)

The Committee received the officer report and addendum.

Oral representation in support of the application was heard from Kieron Duffy.

An oral representation was made by a representative of the applicant, Matthew Williams.

Cllr Shooter had to leave during this item and did not vote.

Following discussion of the item the Committee agreed to add the following additional condition to the application relating to working hours, as set out below:-

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

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

The Chairman called for the vote.

It was **RESOLVED** that the application be approved in accordance with the officer recommendation, addendum report and additional condition.

Votes were as follows:-

For	5
Against	3
Abstained	2

8. ASHMOLE ACADEMY CECIL ROAD LONDON N14 5RJ (BURNSWICK PARK WARD)

The Committee received the officer report and addendum.

Oral representation in support of the application was heard from Nicholas Scott.

An oral representation was made by a representative of the applicant, Jennifer Watson.

Following questions and deliberations, The Chairman called for the vote.

It was **RESOLVED** that the application be approved in accordance with the officer recommendation and addendum report.

Votes were as follows:-

For	10
Against	0
Abstained	0

9. THE ORION PRIMARY SCHOOL GRAHAME PARK WAY LONDON NW7 2AL (HALE WARD)

The Committee received the officer report.

No speakers made representations in regard to this application.

Following questions and deliberations, The Chairman called for the vote.

It was **RESOLVED** that the application be approved in accordance with the officer recommendation.

Votes were as follows:-

For	10
Against	0
Abstained	0

10. NATIONAL INSTITUTE FOR MEDICAL RESEARCH, THE RIDGEWAY, LONDON, NW7 1AA (MILL HILL WARD)

The Committee received the officer report and noted that two Councillors were requested to be available for a Greater London Authority hearing.

Following discussion the Committee unanimously agreed that Councillor Sowerby and Councillor Braun would be available for the hearing.

It was **RESOLVED** that Councillor Sowerby and Councillor Braun would represent the Barnet Planning Committee at the GLA.

11. WEST HENDON ESTATE, WEST HENDON, LONDON NW9 - COOL OAK LANE (WEST HENDON WARD)

The Committee received the officer report.

Following questions and deliberations, The Chairman called for the vote.

It was unanimously **RESOLVED** to approve the correction notice in accordance with the officer report.

12. WEST HENDON ESTATE, WEST HENDON, LONDON NW9 - PHASE 4 RMA (WEST HENDON WARD)

The Committee received the officer report.

Following questions and deliberations, The Chairman called for the vote.

It was unanimously **RESOLVED** to approve the correction notice in accordance with the officer report.

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

None.

The meeting finished at 8.45 pm

Location **12 - 18 High Road London N2 9PJ**

Reference: **16/2351/FUL**

Received: 11th April 2016

Accepted: 26th April 2016

Ward: East Finchley

Expiry 26th July 2016

Applicant: Safeland PLC

Proposal: Demolition of existing buildings and construction of 2 no. 4 storey buildings providing 21 no. self-contained flats and 265sqm of B1 office space at ground level to block A with associated refuse and recycling storage, cycle store, 2no off street parking spaces and amenity space

AGENDA ITEM 6

1. Summary:

The Planning Committee previously approved this planning application on 22/02/2017. Residents have subsequently written to the case office requesting the clarification of certain issues. This report is written to the Planning Committee for it's approval in order to clarify these matters.

The original committee report is attached as an appendix to this report.

2. Revised Schedule of conditions.

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

HR-AGE01

HR-G-AG01 E

HR-G-AG02 D

HR-G-AG03 E

HR-G-AG04 E

HR-G-AG05 D

HR-G-AGP01 F

HR-G-AGP02 E

HR-G-AGP03 F

HR-G-AGP04 E

HR-G-AGP05 E

HR-G-AE01 D

HR-G-AE02 B

HR-G-AE03 C

HR-G-AE04 B

HR-G-AE05 E

HR-G-AE06 F

HR-G-AE07 D

HR-G-AE08 C

HR-G-AE09 B

HR-G-AE10 C

HR-G-AE11 C
Design and Access Statement
12-18 High Road - East Finchley Site Analysis
Daylight and Sunlight Report
Construction Management Plan
Transport Assessment
Revised Environmental Assessment
Planning Statement
Air Quality Assessment
Travel Plan
Heritage Statement

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

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

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

3 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

5 a) No development other than demolition work shall take place until details of the location within the development and specification of the 2 units to be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users shall be submitted to and approved in writing by the Local Planning Authority.

The specification provided for those identified units shall provide sufficient particulars to demonstrate how the units will be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users.

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

Reason: To ensure that the development is accessible for all members of the community and to comply with Policy DM02 of the Development Management Policies DPD (adopted September 2012) and Policies 3.8 and 7.2 of the London Plan 2015.

6 The development shall be implemented in accordance with the measures detailed within the approved construction management plan.

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

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

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

8 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

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

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

9 The demolition works hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been executed and planning permission has been granted for the redevelopment for which the contract provides. Evidence that this contract has been executed shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority prior to any demolition works commencing.

Reason: To preserve the established character of the Conservation Area pending satisfactory redevelopment of the site in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM06 of the Local Plan Development Management Policies DPD (adopted September 2012).

10 Part 1

Before development commences other than for investigative work:

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

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

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

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

c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be

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

Part 2

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

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

11 a) Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority.

It shall have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment, the London Air Quality Network and London Atmospheric Emissions Inventory. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

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

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

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

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

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2011.

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

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

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2015.

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

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

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

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

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

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

16 a) A scheme for air pollution mitigation measures based on the findings of the air quality report shall be submitted to and approved by the Local Planning Authority prior to development.

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

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

17 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. The development shall be maintained as such in perpetuity thereafter.

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

18 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

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

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

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan 2015.

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

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

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

21 Before the development hereby permitted is first occupied or the use first commences the parking spaces, and cycle parking shown on Drawing No.HR-G-AG01D shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

22 a) Before the development hereby permitted is first occupied, details of privacy screens and balustrades to be installed shall be submitted to and approved in writing by the Local Planning Authority.

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

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

Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

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

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

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

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

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

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

26 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 40 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

27 The ground floor of block A shall be used for an office and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

28 No parts of the roof of the first floor roof shown on plan HR-G-AGP03F, or the

second floor roof on plan HR-G-AGP04E, or the third floor roof on plan HR-G-AGP05 E (with the exception of the third floor areas specifically annotated as roof terraces) shall be used as balcony, amenity or sitting out area.

Reason: To safeguard neighbouring amenity.

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

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

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

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety on the public highway and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

32 Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and agreed by the Local Planning Authority.

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.

33 The applicant must enter a Section 278 Agreement with the Highways Authority, for any works required on the public highways as a result of the proposal.

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.

- 34 Prior to the occupation of the development a Waiver of liability and indemnity agreement in relation to the non-adopted roads in each phase within the development must be signed by the developer and be submitted to and approved in writing by the Local Planning Authority. This is to indemnify the Council against any claims for consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

Reason: To ensure that the access is satisfactory in terms of highway safety development and to protect the amenity of the area and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 35 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.
- b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

3. Amendment to RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 13/09/2017 unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason(s):

The proposals would make inadequate provision for off street parking and as a result would generate significant parking pressures on surrounding roads which would result in harmful impact on highway and pedestrian safety. The proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Barnet Core Strategy 2012.

The proposals make no provision for necessary highways works which would result in harmful impact on highway and pedestrian safety. The proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Barnet Core Strategy 2012.

The application does not provide any on site affordable housing or a contribution towards affordable housing in the local area. It has not been demonstrated to the satisfaction of the Local Planning Authority that it would not be viable to provide affordable housing on the site or a contribution towards this. 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.

4. Amendment to Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £58,180.50 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 £224,410.50 payment under Barnet CIL.

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

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

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

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

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

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

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

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:1997 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

- 4 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

- 5 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 so habitable rooms are sited away from source of poor air quality; 4) Non-residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

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

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

- 6 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 7 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 7294.

- 8 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 9 The applicant is advised that the High Road is a Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Saturday. Careful consideration must also be given to the optimum route(s) for construction traffic.

- 10 The applicant is also advised that the development is located on a Strategic Road Network (SRN) and is likely to cause disruption. The Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would require TfL's approval before works can commence.
- 11 For construction works adjacent to the public highways, the applicant must contact the Council on 0208 359 2000 for any necessary Highways Licenses
- 12 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 13 The costs of any associated works to the public highway, including reinstatement works, will be borne by the applicant and will require the applicant to enter into a S278 Agreement under the Highways Act 1980. Detailed design will have to be approved by the Highways Authority.
- 14 The applicant advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.
- 15 The applicant is advised that photographic records should be kept of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.
- 16 To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section – Development and Regulatory Services, London Borough of Barnet, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 17 The applicant is advised that the proposed development may involve alterations to the existing on-street waiting and loading restrictions. Alterations to on-street waiting and loading restrictions will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process.
- 18 The applicant is advised that although the Travel Plan is not required as the development falls below the appropriate Travel Plan thresholds, they are encouraged to develop a Voluntary Travel Plan to promote more sustainable forms

of travel. Further advice can be sought via abetterwaytowork@barnet.gov.uk or tel: 020 8359 7603.

4. Background

The item was previously presented to the Finchley & Golders Green Area Planning Committee on 19th January 2017 was referred up to Planning Committee, following the vote, by the requisite number of Members (2), in accordance with the Constitution.

The item was subsequently referred to the Planning Committee on 22/02/2017 and was approved by Members of the Committee.

Further to the decision of the Committee, correspondence was received from local residents requesting clarification regarding certain issues.

The item is now referred back to committee in order for these issues to be clarified. The applicant has provided a revised set of plans with minor changes and clarifications in order to assist.

5. Consultation

Further consultation on the final amended plans was undertaken on 19/04/17. This follows receipt of amended plans to attempt to address concerns from residents about the scheme taken to the Planning Committee on 22/02/2017. A total of 41 objections were received in response to the latest plans and these objections are summarised below:

Procedural Issues:

- Concern of relationship between Capita and GI Hearn (agent)
- Planning conditions are being used in an inappropriate manner

Heritage Issues:

- Report is littered with inaccuracies
- Does not source historic data
- Photos do not relate to building itself
- There are no other buildings of this age in East Finchley
- Report does not comply with Historic England requirements.

Character and Appearance Issues:

- The drawings are misleading about the height of block B in relation to the surrounding houses.
- Ingram Road houses have been drawn on the assumption that the ridge at no.1 is the same height
- as the ridge of the shop unit corner Baronsmere Road. In fact is in lower and then steps down the
- hill. Block B appears to be 1.7m higher than no. 9 and the houses south of that step down the hill,
- therefore will be even higher in relation. In fact the difference is likely to be greater. Block B is too

- tall and should be at least one storey lower and moved away from the boundary.
- Building is big and ugly
- Yew tree is not shown on the drawings

Amenity Issues:

- Overlooking
- Third floor could still be used for roof terrace despite condition
- Impact of front terrace has not been assessed

Accessibility Issues:

- Scheme is still not Building Regulations compliant

Highways Issues:

- Parking Impact
- Reversal of vehicles onto the High Road
- *How can you install a pedestrian crossing point on a small slip road?*
- *How can the crossing point be set back?*
- *Council officers' should be looking critically at the developer's Transport Assessment and not just accepting it unquestioningly. A turning space of less than 7m is inadequate for vans and larger cars*
- *Road safety audit should be undertaken*
- *Council should not accept developer's 2016 Parking Survey*
- *There are no unrestricted spaces on this stretch of High Road*
- *Council should not allow a development that is so poorly designed as to make the regular emptying of waste containers a risk to pedestrian safety and an obvious cause of disruption to traffic.*

Infrastructure Issues:

Lack of GPs and Infrastructure.

7. Additions to Report

7.1 Loss of the existing building

In response to concerns expressed by residents a Heritage Statement has been provided by the applicant, which has been produced by Martin O'Rourke.

The Heritage Assessment states that:

'The villa on this site was always a modest cottage-style domestic building of a vernacular type. Such buildings are not rare, and many survive in almost their original condition on the fringes of London and elsewhere. When relatively unaltered, such villas have a modest charm and significance. Such significance is greatly enhanced by being part of a street or village group with their associated garden setting.

In this case, the inappropriate concrete tile roof, modern crude entrance porch and the dominating extensions have had a particularly damaging effect on the original character and appearance of this modest and reticent building, as has the loss of the garden setting through building extensions.'

It goes on to summarise that 'The villa at the centre of the site of Nos.12-18 was always a simple building of limited heritage significance. It is now severely detrimentally altered and extended. The setting is also greatly altered by poor quality extensions which detract from the villa in scale, materials and design.'

Officers note the assessment above. Officers still consider that the building has some historical significance within East Finchley Town Centre. A number of consultation responses have referred to existing building on site and it's historic significance within East Finchley. The building appears to be of Victorian era and notable features include it's attractive brick façade, sash windows and detailing. However it must also be noted that the existing building has been altered substantially in the past.

As such, it is recognised that the building is of some historic significance. It is accordingly considered as a non-designated heritage asset. Therefore the loss of the existing building must be considered against paragraph 135 of the National Planning Policy Framework.

This states that: 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

The loss of the building therefore needs to be weighed up against the benefits of the scheme, i.e. provision of housing units and office space and redevelopment of a town centre site. It must be noted that the building has been substantially altered in the past, especially the rear of the building. It is considered that whilst there is some harm resulting from the building being demolished, the significance of the building is moderate. Retention of the building would also be likely to prejudicial to the redevelopment of the site given its low site coverage and siting.

It is therefore considered that the loss of the building could be acceptable if it could be considered that this outweighed but wider benefits of the scheme.

7.2 Whether the development will have an acceptable impact on Highway and pedestrian safety

Additional comments have been provided from the Highways Officer:

A pedestrian crossing point is a place that gives people a safer place to cross a road or access and can be uncontrolled or controlled. Based on the expected traffic movements from this site this would be uncontrolled in the form of tactile paving defining the point to cross.

If a driver reverses out the access than it is correct to say that visibility would be reduced and a driver would not have a view of the pavement or carriageway. In my opinion this is a very unlikely occurrence as drivers who are unfamiliar with the location would not try and access a gated access; they would first stop at the entrance on the High Road before making a turn to see if it is clear. If the gate is closed than they would park elsewhere, it is not likely they would block the gate. It is much easier for a delivery vehicle to stop at the access and not turn in to make a delivery, they will not be within the running lane as be protected by parking.

Pedestrians will not be crossing at the back of footway as there are chairs and tables to the north and to the south the desire line is at the front of the footway as pedestrians will not cross into the side of a building. In my opinion there is not a highway safety issue. Photos showing the desire line and drivers view from the access are shown below. Officers have identified minor issues with the access that has been conditioned for amendments to be submitted and this will be prior to the start on site. This is not considered a reason for refusal.

Parking

The parking survey submitted as with the application has been reviewed and the number of bays available has been re-measured and found that the number of bays counted was less by P&D 20 bays; Residential 17 bays; SY 52 bays; and UN 2 bays. In recalculating the available space it is reduced but there is still space available to park.

The Highways Officer has reviewed the parking survey submitted by residents on 3rd February that includes Ingram Road; Baronsmere Road to the junction of Park Hall Road; High Road 167m to the north and 150m to the south; and 36m into Fairlawn Avenue. The results show that 13 spaces are free overnight and 4 spaces daytime. The survey area is constrained, for a town centre location with competing demands we would accept the extent submitted by the applicant. The applicant is willing to accept the removal of the rights of residential parking permits which is adequate mitigation in accordance with our policy.

The results of the CPZ parking review are to be considered at the Finchley and Golders Green Area Committee on Thursday 16th February the focus was placed by residents on a range of issues. The main issues being:

- Intra-CPZ commuter parking/request for separate permit zone from remainder of CPZ: 26 mentions;
- Parking related to the Phoenix Cinema causing problems in the evenings: 6 mentions;
- Problematic parking in Brompton Grove, which is a private road.

The results are that there do not appear to be any significant parking issues to consider.

Access

Trip Generation to the site has been estimated from similar sites within the TRICS database which is a database of surveys throughout the UK and is the industry default for estimating development trips. Sites are selected on type of use, location and size as well as other characteristics. The sites used for the residential use are between 2007 and 2015 and for the office are between 2007 and 2013. The total daily vehicle trips for residential are 12 arrivals and 13 departures and for the office are 4 arrivals and 4 departures. The comment has been raised in regard to larger vehicles used for deliveries and these are shown as OGV (Ordinary Goods Vehicles). Other deliveries will be made by smaller vehicles. The office space is 265 sqm and is not a large office, based on an average of 15 sqm per person this would hold 17 staff. An estimate of 100 vans per week made by residents is an exaggeration.

In addition the point made was the number of deliveries made by larger vehicles, there may be additional trips by car size delivery vehicles. The TRICS database with similar sites was used using similar sites from surveys carried out between 2007 and 2014. The office is small with vehicle trip numbers very low.

An occasional refuse vehicle is not likely to have a detrimental effect.

Safety

The gardens at the back of the arcade have been concreted over to provide for parking as can clearly be seen on aerial views. From observations on the High Road a number of deliveries are made to this shopping arcade. The photo below show a white delivery van parked in the pay and display bays to the north of the site. A delivery lorry is parked at the back of the bus stop to the south, the driver is seen with goods travelling along the footway pass the site access and all the way along the shopping arcade to St Andrews pharmacy at the junction of Baronsmere Road. It is clear that deliveries are made from the High Road. At the same time the pay and display bays are clear allowing parking for delivery vehicles or visitors to the development. Photos are shown below.

Loading can be made from the High Road where there are no loading restrictions. There are no issues with unloading from the access without making a turn. The Zebra, Pelican and Puffin Pedestrian Crossings Regulations and General Directions show exceptions to parking in a controlled area in regulation 22.

Other Highways Matters:

- Pedestrians cross further away from the building where there is greater visibility. The existing pedestrian point is set forward of the building line.
- The Transport Assessment was reviewed and a swept path is provided that shows a 4x4 type vehicle turning within the space provided without hitting any walls. The Transport Assessment states that the width is 7 metres. A Land Rover is below 5 metres in length and therefore there is over 1 metre either side to manoeuvre. Car parks are generally designed with 6 metre aisles that enable a vehicle to turn. If the gates are controlled this would avoid larger vehicles having access. It is not likely that a delivery vehicle driver would hinder itself by reversing in or out of the access as it is far easier for them to pull in parallel with the access as they can leave quicker and more safely.
- It is considered that as an existing access with no accident history the reduced number of trips would not create any additional safety concerns.
- The planning process will consider access design on the public highway in outline but will require detail design through the Highways Act under Section 278 or Section 184.

Overall highways officers consider that on balance the proposals would have an acceptable impact on highway and pedestrian safety and the free flow of traffic.

7.3 Privacy

Block B is sited to the rear of the site and is closest to neighbouring residential properties.

It should be noted that the plans do not show the extensions to properties on Ingram Road to the east. No.9 appears to have been extended in the form of a single storey rear extension. No.7 appears to have been extended at roof level. The houses on Ingram Road are L shaped and have rear two storey outriggers.

Block B would be sited the following distances from houses to the rear on Ingram Road:

- The proposed development would maintain a distance of 12m to the rear boundary at ground and first floor level, except for the central projection which would maintain a 10.5m gap.
- The proposed development would maintain a distance of 12m to the rear boundary at second floor level.
- The proposed development would maintain a distance of 14.2m to the rear boundary at third floor level.

In this way the proposals would comply with requirements of the Residential Design Guidance Supplementary Planning Document in respect of overlooking distances to neighbouring gardens which specify a minimum distance of 10.5m. Additional distance is provided at the third floor.

The distances to houses to the rear from block B are clarified below would as follows. It should be noted that the properties on Ingram Road are L shaped with a two storey outrigger and as a result distances vary across properties on Ingram Road.

Neighbouring Property	Floor	Distance to closest point between windows
5 Ingram Road	Ground Floor	21.4m to rear single storey element adjoining two storey outrigger
	First Floor	22.1m to rear two storey outrigger
	Second Floor	22.1m to rear two storey outrigger
	Third Floor	24.3m to rear two storey outrigger
7 Ingram Road	Ground Floor	21.1m to rear single storey element adjoining two storey outrigger
	First Floor	21.8m to rear two storey outrigger
	Second Floor	21.8m to rear two storey outrigger
	Third Floor	24.0m to rear two storey outrigger
9 Ingram Road	Ground Floor	16.4m to single storey rear extension
	First Floor	19.3m to rear two storey outrigger
	Second Floor	20.8m to rear two storey outrigger
	Third Floor	23.0m to rear two storey outrigger
11 Ingram Road	Ground Floor	20.4m to rear single storey element adjoining two storey outrigger - note that two storey projection extends on other side of property from outrigger
	First Floor	21.1m to rear two storey outrigger - note that two storey projection extends on other side of property from outrigger
	Second Floor	21.1m to rear two storey outrigger - note that two storey projection extends on other side of property from outrigger
	Third Floor	23.0m to rear two storey outrigger - note that two storey projection extends on other side of property from outrigger
13 Ingram Road	Ground Floor	20m to rear single storey element adjoining two storey outrigger
	First Floor	20.7m to rear two storey outrigger
	Second Floor	20.7m to rear two storey outrigger
	Third Floor	22.9m to rear two storey outrigger

As can be seen above, the proposals broadly comply with the 21m window to window distance within the Supplementary Planning Document: Residential Design Guidance though there are some areas where the scheme is deficient, namely the ground and first floor windows at 9 Ingram Road, and to more marginal extents the ground floor of no.11 and ground, first and second floors of no.13.

The SPD states that shorter distances may be acceptable between new build properties where there are material justifications. It must be noted that the proposals seek to redevelop a town centre site and make more efficient use of land. It is considered that though there are some contraventions of the 21m distance within the Supplementary Planning Guidance, there would not be harmful overlooking taking into account proximity to the town centre, and the lack of continuous façade at upper floors. It should be noted that this is guidance and breach does not automatically mean that any application should be refused.

Overall it is not considered that the proposals would cause harmful overlooking that would warrant the refusal of planning permission.

Overlooking impact on other residential properties

The other property directly facing the site is sited further away from the site though any impact would be similar to no.9 and no.11 Ingram Road. Though this property has a roof level, it is not considered that any impact would be materially harmful to the living conditions of the occupiers of this property.

The proposed Block A is sited to the front of the site. Overlooking from this block is unlikely given that residential properties are some distance to the north and east of the site.

Furthermore, the scheme has been designed to prevent any possible overlooking to the nursery at Park House to the south. It should however be noted that there is no policy seeking to prevent overlooking to schools and there would be no grounds to refuse an application on these grounds.

Overall it is not considered that the proposals would cause harmful overlooking that would warrant the refusal of planning permission.

7.4. Impact on Trees of Special Amenity Value

The Yew tree to the front of the adjacent Council-owned Park House, relatively close to the boundary with the application site, has now been included in a Tree Preservation Order. The tree is a material consideration and would allow the Council to impose conditions, if appropriate, for the protection of the tree or replacement planting to mitigate its loss.

It is suggested that a planning condition is attached to ensure that mitigation is provided to ensure that the impact on the tree of the proposals is minimised.

7.5 Accessibility

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2) and M4(3). The applicant has confirmed that in their view the proposed development would meet this requirement, and a condition is attached to ensure compliance with these Policies. Advice has been sought from the Building Control Team on this issue and they have advised that in their view the proposals are generally compliant though a lift may be required for the

third floor flats in block B. A condition has been attached to ensure compliance and if the developer could not comply with this a new scheme would need to come forward.

Policy 3.8 of the London Plan requires 10% of new dwellings to be wheelchair adaptable or accessible. The development would comply with this requirement.

8. Response to Public Consultation

Additional officer comments on the latest consultation:

Procedural Issues:

Concern of relationship between Capita and GI Hearn (agent) – *In this case the following measures have been in place to prevent any possible conflict of interest:*

- *The item will be determined by Members of the committee so the final decision would not be made by officers.*
- *The committee's decision will follow public discussion and residents will have their right to make representations to the committee.*
- *Officers have dealt with GL Hearn as they would have with any other planning agent.*

Planning conditions are being used in an inappropriate manner – *It is not uncommon for large numbers of conditions to be attached to a major planning application. The conditions are considered to meet the tests of the National Planning Guidance.*

Heritage Issues:

- *Residents concerns regarding the Heritage Assessment are noted. The assessment is considered in the report above. It should be noted that officers do not necessarily agree with all of the findings of the report.*

Character and Appearance Issues:

- *The drawings are misleading about the height of block B in relation to the surrounding houses. – Officers consider that the height of the building in any event is acceptable.*
- *Ingram Road houses have been drawn on the assumption that the ridge at no.1 is the same height – Noted and officers have not relied on this to make a judgement.*
- *Yew tree is not shown on the drawings – The location of the Yew tree is noted.*

Amenity Issues:

- *Third floor could still be used for roof terrace despite condition – Conditions are suggested and it is not considered that with privacy screening this could arise.*

- Impact of front terrace has not been assessed – *The front terrace is not considered to result in any overlooking given the distance to nearest property.*

Accessibility Issues:

- Scheme is still not Building Regulations compliant – *Addressed in main report*

Highways Issues:

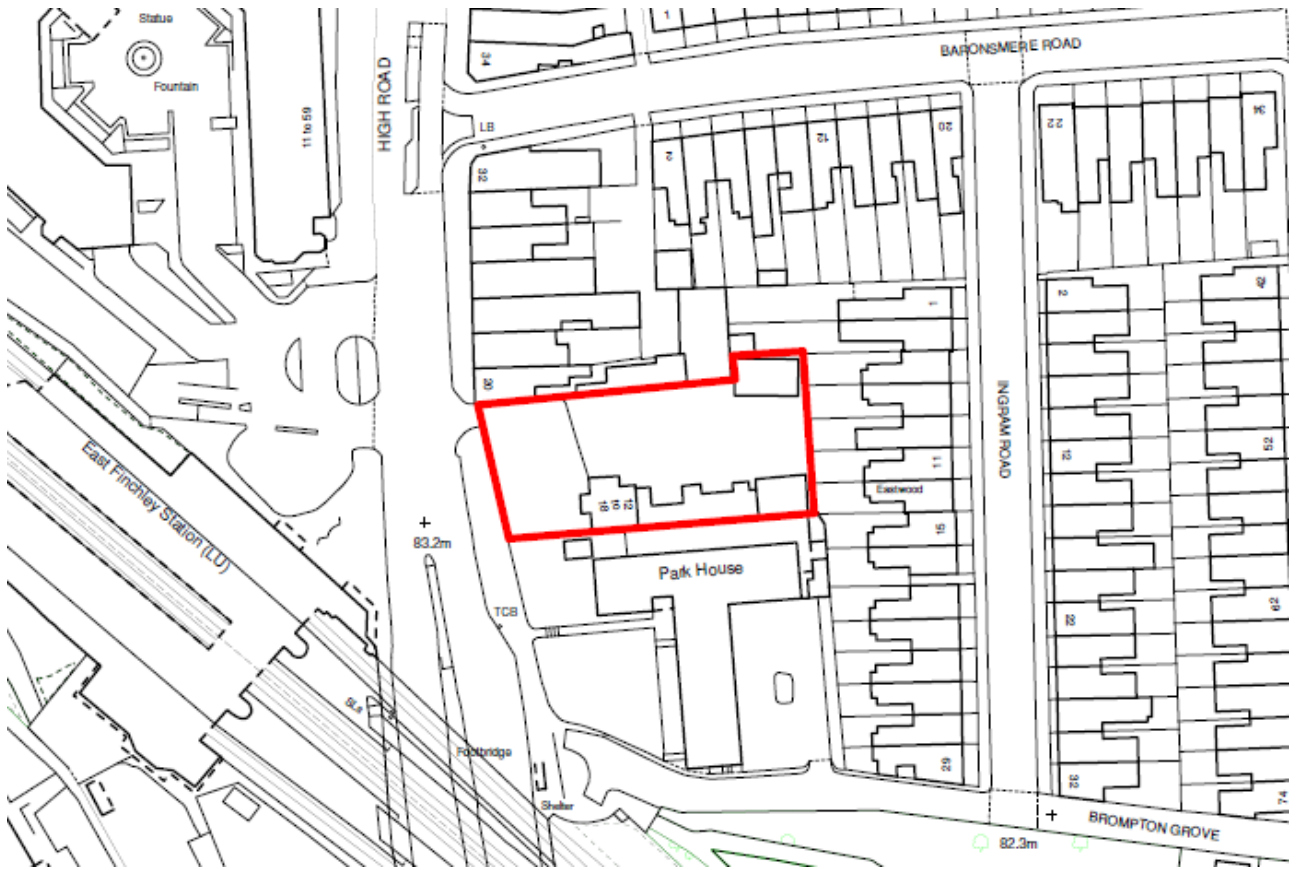
Infrastructure Issues:

A contribution would be provided towards the community infrastructure levy.

9. Conclusion

Officers consider that the amended plans and clarifications within this report further illustrate that the proposals would on balance be acceptable.

The proposals would involve the redevelopment of a town centre site and provide contribution to office stock within the borough as well as additional residential units. The development would make a significant contribution to affordable housing within the borough. The development would not have a harmful impact on highway safety subject to legal agreement and not materially harm neighbouring living conditions. Whilst there is some harm arising from the loss of the non-designated heritage asset, this is considered to be moderate and outweighed by the benefits of the scheme. The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



	<h2>Planning Committee</h2> <h3>22 February 2017</h3>
<p style="text-align: center;">Title</p>	<p>Referral from the Finchley and Golders Green Area Planning Committee: 12-18 High Road – 16/2341/FUL</p>
<p style="text-align: center;">Report of</p>	<p>Head of Governance</p>
<p style="text-align: center;">Wards</p>	<p>East Finchley</p>
<p style="text-align: center;">Status</p>	<p>Public</p>
<p style="text-align: center;">Enclosures</p>	<p>Appendix A – Cover Sheet Appendix B - Referral from F&GGAPC , 12 to18 High Road</p>
<p style="text-align: center;">Officer Contact Details</p>	<p>Abigail Lewis, Governance Officer Abigail.Lewis@barnet.gov.uk 020 8359 4369</p>

<h2>Summary</h2>
<p>Agenda Item 8 (12-18 HIGH ROAD - 16/2351/FUL) of the Finchley and Golders Green Area Planning Committee on 19th January 2017 was referred up to Planning Committee, following the vote, by the requisite number of Members (2), in accordance with the Constitution. The Planning Committee is therefore requested to consider the recommendations and take a decision on them.</p>

<h2>Recommendations</h2>
<p>1. That the Planning Committee consider and determine the application as set out in the report previously considered by the Finchley and Golders Green Area Planning Committee on 19th January 2017.</p>

1. WHY THIS REPORT IS NEEDED

- 1.1 The Constitution allows a requisite number of Members, in this case 2, of an Area Planning Committee to refer any item that it considers with a recommendation to the relevant committee within whose terms of reference it falls, by indicating immediately after the decision is taken that they require the decision to be referred up.
- 1.2 The attached report was considered by the Finchley and Golders Green Area Planning Committee on 19th January 2017. The Committee resolved to approve the application, with the Chairman using her casting votes, as per the Officer's recommendations.

2. REASON FOR REFFERAL

- 2.1 Immediately following the decision, 2 members of the committee referred the decision to the Planning Committee in accordance with the council's Constitution. The reasons for referral were as follows:
- Loss of heritage to the area,
 - Issues regarding overlooking,
 - Overdevelopment of the site,
 - Loss of light
 - and insufficient parking.

3. REASONS FOR RECOMMENDATIONS

- 3.1 As set out in the substantive report.

4. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 4.1 As set out in the substantive report.

5. POST DECISION IMPLEMENTATION

- 5.1 As set out in the substantive report.

6. IMPLICATIONS OF DECISION

- 6.1 **Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 6.2 As set out in the substantive report.

6.3 Legal and Constitutional References

- 6.3.1 Responsibility for Functions, paragraph 6.4, of the council's Constitution states that two members of an Area Planning Committee are required to refer up an application to the Planning Committee.

6.4 **Risk Management**

6.5 As set out in the substantive report.

6.6 **Equalities and Diversity**

6.7 As set out in the substantive report.

6.8 **Consultation and Engagement**

6.9 As set out in the substantive report.

7. **BACKGROUND PAPERS**

7.1 None.

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- The £870,000 figure mentioned in the report is a commuted sum towards off-site affordable housing. The '23%' figure within the report identifies what percentage of the 21 units would be affordable if they were to be provided on site.
- It is recommended that condition 1 in the report is amended to read:

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

HR-AGE01

HR-G-AG01 E

HR-G-AG02 D

HR-G-AG03 D

HR-G-AG04 E

HR-G-AG05 D

HR-G-AGP01 **G**

HR-G-AGP02 E

HR-G-AGP03 D

HR-G-AGP04 E

HR-G-AGP05 E

HR-G-AE01 D

HR-G-AE02 B

HR-G-AE03 **C**

HR-G-AE04 B

HR-G-AE05 C

HR-G-AE06 D

HR-G-AE07 C

HR-G-AE08 B

HR-G-AE09 A

HR-G-AE10 B

HR-G-AE11 B

Design and Access Statement

12-18 High Road - East Finchley Site Analysis

Daylight and Sunlight Report

Construction Management Plan

Transport Assessment

Revised Environmental Assessment

Planning Statement

Air Quality Assessment

Travel Plan

4061/500 Rev A

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

Location **12 - 18 High Road London N2 9PJ**

Reference: **16/2351/FUL** Received: 11th April 2016
Accepted: 26th April 2016

Ward: East Finchley Expiry 26th July 2016

Applicant: Safeland PLC

Proposal: Demolition of existing buildings and construction of 2 no. 4 storey buildings providing 21 no. self-contained flats and 265sqm of B1 office space at ground level to block A with associated refuse and recycling storage, cycle store, 2no off street parking spaces and amenity space (AMENDED PLANS - MINOR CHANGES)

Recommendation: Approve subject to s106

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. 3. Highways Improvements - an agreement to provide junction improvements at the High Road Access on the public highway that are approved by the Highway Authority.
4. A financial contribution of £2,000 towards the amendment of Traffic Management Order to ensure to revoke the right to purchase a residential parking permit for the development site.
5. Car Club associated with the development
6. Commuted sum towards Affordable Housing - £850,000
7. Monitoring of the Agreement - £100

RECOMMENDATION II:

That upon completion of the agreement the Planning Performance and Business Development Manager approve the planning application under delegated powers subject to the following conditions:

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

HR-AGE01
HR-G-AG01 E
HR-G-AG02 D
HR-G-AG03 D
HR-G-AG04 E
HR-G-AG05 D
HR-G-AGP01 F
HR-G-AGP02 E
HR-G-AGP03 D
HR-G-AGP04 E
HR-G-AGP05 E
HR-G-AE01 D
HR-G-AE02 B
HR-G-AE03 A
HR-G-AE04 B
HR-G-AE05 C
HR-G-AE06 D
HR-G-AE07 C
HR-G-AE08 B
HR-G-AE09 A
HR-G-AE10 B
HR-G-AE11 B
Design and Access Statement
12-18 High Road - East Finchley Site Analysis
Daylight and Sunlight Report
Construction Management Plan
Transport Assessment
Revised Environmental Assessment
Planning Statement
Air Quality Assessment
Travel Plan

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

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

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

3 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

5 a) No development other than demolition work shall take place until details of the location within the development and specification of the 2 units to be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users shall be submitted to and approved in writing by the Local Planning Authority.

The specification provided for those identified units shall provide sufficient particulars to demonstrate how the units will be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users.

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

Reason: To ensure that the development is accessible for all members of the community and to comply with Policy DM02 of the Development Management Policies DPD (adopted September 2012) and Policies 3.8 and 7.2 of the London Plan 2015.

6 The development shall be implemented in accordance with the measures detailed within the approved construction management plan.

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

7 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened

facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

8 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

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

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

9 The demolition works hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been executed and planning permission has been granted for the redevelopment for which the contract provides. Evidence that this contract has been executed shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority prior to any demolition works commencing.

Reason: To preserve the established character of the Conservation Area pending satisfactory redevelopment of the site in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM06 of the Local Plan Development Management Policies DPD (adopted September 2012).

10 Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources,

pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

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

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

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

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

Part 2

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

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

11 a) Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority.

It shall have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment, the London Air Quality Network and London Atmospheric Emissions Inventory. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

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

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

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

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

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2011.

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

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

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2015.

14 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development, including a technical report have been submitted to and approved in writing by the Local Planning

Authority. The equipment shall be installed using anti-vibration mounts. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

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

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

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

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

16 a) A scheme for air pollution mitigation measures based on the findings of the air quality report shall be submitted to and approved by the Local Planning Authority prior to development.

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

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

17 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. The development shall be maintained as such in perpetuity thereafter.

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

18 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

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

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

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan 2015.

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

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

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

21 Before the development hereby permitted is first occupied or the use first commences the parking spaces, and cycle parking shown on Drawing No.HR-G-AG01D shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

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

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

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

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

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

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

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

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

26 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 40 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

27 The ground floor of block A shall be used for an office and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

RECOMMENDATION III:

0 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 07/03/2017 unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason(s):

The proposals would make inadequate provision for off street parking and as a result would generate significant parking pressures on surrounding roads which would result in harmful impact on highway and pedestrian safety. The proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Barnet Core Strategy 2012.

The proposals make no provision for necessary highways works which would result in harmful impact on highway and pedestrian safety. The proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Barnet Core Strategy 2012.

The application does not provide any on site affordable housing or a contribution towards affordable housing in the local area. It has not been demonstrated to the satisfaction of the Local Planning Authority that it would not be viable to provide affordable housing on the site or a contribution towards this. 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.

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £58,180.50 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 £224,410.50 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

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

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

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

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

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

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

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:1997 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

- 4 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

- 5 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 so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

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

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

- 6 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 7 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 7294.

- 8 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

Officer's Assessment

1. Site Description

The site is a plot of land on the east side of High Road within East Finchley Town Centre. The site is a rectangular plot of approximately 0.12 hectares.

The site is currently used by Greater London Hire (GLH) who operate the site as minicab and courier service.

The site contains a two storey building with pitched roof running alongside the southern boundary. To the rear of the site is a fenced off parking area with two storey demountable buildings. To the rear of the building it reduces to single storey.

To the immediate south of the site is Park House, a T-shaped two storey building containing a nursery. To the north is a parade of shops within a two storey building with rooms in roofspace.

Opposite the site is East Finchley Underground Station.

2. Site History

C07443 - Change of use of ground floor from Hostel to use as Municipal Offices and provision of additional car parking - Approved - 13/5/81

C07443A - Change of use of first floor from hostel accommodation to Local Government Municipal offices, provision of a footway and car parking - Approved 17/3/82

C00050N - Continued use as offices - Approved - 30/3/77

C00050R - Erection of a four-storey office building and 28 car parking spaces (outline) - Refused - 30/4/86

C00050S - Erection of a three-storey block of 12 flats and 14 car parking spaces - (outline) Refused - 1/10/86

C00050V - Use of land and buildings for a car hire business - Lawful - 27/6/91

C00050W/03 - Change of use from Local Government Municipal Offices (Class B1) to Educational Facility (Class D1) for a temporary period expiring 31 December 2005 - Approved - 20-07-2004

C00050W/03 - Change of use from Local Government Municipal Offices (Class B1) to Educational Facility (Class D1) for a temporary period expiring 31 December 2005. - Approved following legal agreement - 11.02.2004

C00050X/04 - Change of use from offices (Class B1) to mixed use, part offices, part control and despatch for private hire vehicles (Class B1/sui generis). - Approved - 30.11.2004

C00050Z/05 - Continued change of use from Local Government Municipal Offices (Class B1) to Educational Facility (Class D1). New application pursuant to C00050W/03 (which is due to expire 31.12.05). - Approved - 06.12.2005 - Split Decision at Appeal in relation to condition 7 (Allowed) and 8 (Dismissed) - 06.12.2005

3. Proposal

The proposals are for the demolition of existing buildings on site and the construction of residential development.

The development would take the form of two blocks.

Block A would be sited to the frontage of the site and would have a ground floor office (B1 Class) with residential units above.

Block B would be sited to the rear of the site and would be residential in use.

Both blocks would be four storeys in height. The upper two storeys would be recessed from the edges of the buildings.

The development would be for 21no. residential units in total.

Block A

Block A is sited to the frontage and would be

Ground Floor- 265sq m Office space

First Floor - 3x1 bed, 1 x2 bed

Second Floor - 2x2beds, 1 x 1bed

Third Floor - 1x2bed

Block B

Ground Floor = 2x2 bed, 1x3 bed

First Floor = 2x1bed, 2x2bed

Second Floor = 2x1bed, 2x2bed

Third Floor = 2x2beds

Further to initial consultation, the plans have been amended to reduce the size of the building and reduce the development to 21 units from 22.

Further amendments have been made in order to take into account the requirement for a lift and to make minor elevational alternations.

4. Public Consultation

Consultation letters were sent to 193 neighbouring properties.

32 responses have been received, comprising 31 letters of objection, 1 letters of comment.

The objections received can be summarised as follows:

Principle of Development

Doesn't make provision for larger units

Loss of jobs from existing facility

Density Excessive

Existing building (Formerly known as Valona House) is one of the oldest buildings in East Finchley and is of historic interest.

Design Issues

Overdevelopment

Proposals don't pay sufficient regard to Victorian houses on neighbouring roads

Poor Quality Design

Overpowers Park House and buildings on High Road

The materials, roofline, roof pitch, lack of eaves, gables, chimney stacks, dormer are not typical of development in the area.

Amenity Issues

Loss of light

Loss of privacy

Noise pollution

Neighbouring properties have not been represented correctly (Note no.9 Ingram avenue is 18.7m from development)

Daylight and Sunlight Report has not looked at internal layout of neighbouring properties and does not have full diagrams (Truncated). Development would be contrary to BRE guidelines as would go beyond 25 degree limit.

Houses on Ingram road are not North facing as stated within Daylight/Sunlight report – they are west facing

Noise assessment states that development will result in harmful noise, so needs to be fixed shut, which precludes ventilation

No consideration to noise from underground or increase to underground use has been considered.

Ceiling height of development is below 2.5m

Air Source Heat pumps will cause noise

Highways Issues

Proposals don't make provision for parking

Access issues for vehicles for commercial development, deliveries, fire access

Waste Management Issues

Access road will cause disruption in Town Centre

Other Issues

Schools in the area are over subscribed

Noise and disturbance during construction

Ecological impact

Impact of construction

The Finchley Society has objected on the following grounds:

'This application hardly differs from the previous application and therefore our previous comments still apply.

The development is too dense for this site. It is poorly designed and sits badly within its context. GLH House, formerly Valona House and then The Shrubbery that currently sits on the site dates from 1841 is one the few remaining historic houses of East Finchley and some consideration should be given to its Historic value to the area. This is a key site at the beginning of East Finchley High road, opposite the station and deserves a better design.

The plans of the flats are poorly considered with insufficient storage space and living space. There are a number of instances where living rooms are stacked over bed rooms. The space standards do not meet Lifetime Home standards thus contravening Barnet policy

No affordable housing is evident in the development

Amenity space is inadequate for 24 homes, some for families. There is no provision for refuse storage and removal. There is insufficient external space for the homes.

With no car parking provision there should be alternative provision for safe and secure parking of bicycles, but there is none. The turning space for the 2 cars shown is inadequate and will force a dangerous exist across the pavement onto the busy main road Response to the street scape is extremely poorly considered and indeed is insensitive to the adjoining properties. The height of the block does not take into account that the road is falling towards the railway - height has been taken from the top of a pitched roof further up the street near Baronsmere Road and continued straight having no consideration for the falling ground or the properties adjacent and to the impact on houses to the rear.

The applicant is simply trying to cram too much onto the site with no acceptable consideration for the quality of the housing nor the subsequent townscape and design within the High Road location.'

The representations received can be summarised as follows:

The GLH Building has greater significance than it is being given credit for. Building is one of the few surviving buildings from the earliest days of East Finchley.

Additional consultation was undertaken on the basis of amended plans and an additional 40 objections were received, the majority from residents who had already objected initially. These comments mention issues raised above, including parking and design matters.

A site notice was put up on 27/04/16

The development was advertised in the local press on 05/05/16

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS4, CS5, CS9, CS11, CS12, CS13, CS14, CS15

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM09, DM10, DM11, DM13, DM14, DM16, DM17

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

Policy 2.15 Town centres

Policy 3.3 Increasing Housing Supply

Policy 3.4 Optimising Housing Potential

Policy 3.5 Quality and Design of Housing Developments

Policy 3.8 Housing Choice

Policy 3.9 Mixed and Balanced Communities

Policy 3.10 Definition of Affordable Housing

Policy 3.11 Affordable Housing targets

Policy 3.12 Negotiating Affordable Housing

Policy 3.13 Affordable Housing Threshold

Policy 4.2 Offices

Policy 4.3 Mixed Use Development and Offices

Policy 4.7 Retail and Town Centre development

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 7.1 Building London's Neighbourhoods and Communities

Policy 7.2 An Inclusive Environment

Policy 7.3 Designing Out Crime

Policy 7.4 Local Character

Policy 7.5 Public Realm

Policy 7.6 Architecture

Policy 7.14 Improving air quality

Policy 7.15 Reducing Noise

Policy 7.18 Protecting local open space and addressing local deficiency

Policy 7.19 Biodiversity and access to nature

Policy 7.21 Trees and woodland

Policy 8.1 Implementation

Policy 8.2 Planning Obligations

Policy 8.3 Community Infrastructure Levy

Residential Design guidance Development Plan Document 2013

Sustainable Design and Construction Development Plan Document 2013

Supplementary Planning Document: Affordable Housing

Supplementary Planning Document: Planning Obligations

Supplementary Planning Document: Enterprise and Training

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of the development including loss of the existing uses on site and provision of retail unit
- Highways Issues
- Impact on the character and appearance of the streetscene and general locality
- Whether harm would be caused to the living conditions of neighbouring and future residents.
- Noise and Air Quality Issues
- Affordable Housing
- Sustainability/Environmental Issues
- Section 106 Issues

5.3 Assessment of proposals

1. Principle of the development including loss of the existing uses on site and provision of retail unit

1.1 Land Use

The site is currently a minicab and courier business and associated car parking. This is considered to be a Sui Generis use.

Whilst such uses are not protected per se, the existing minicab hire and courier business and associated offices do generate jobs. Policy DM14 states that *‘Proposals to redevelop or reuse an existing employment space which reduces the levels of employment use and impacts negatively on the local economy will be resisted.’*

In the opinion of officers of the Local Planning Authority, compliance with policy DM14 needs to be demonstrated in order to address this issue. It should be noted that the proposals seek to provide 265 sq metres of office space within the town centre. The existing building accommodates approximately 250 square metres of space.

In this way, the re-provision of office space would address any concerns relating to policy DM14.

1.2 Loss of the existing building

A number of consultation responses have referred to existing building on site and its historic significance within East Finchley. The building appears to be of Victorian era and notable features include its attractive brick façade, sash windows and detailing.

However it must also be noted that the existing building has been altered substantially in the past.

As such, it is recognised that the building is of some historic significance. It is accordingly considered as a non-designated heritage asset. Therefore the loss of the existing building must be considered against paragraph 135 of the National Planning Policy Framework.

This states that: *‘The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.’*

The loss of the building therefore needs to be weighed up against the benefits of the scheme, i.e. provision of housing units and office space and redevelopment of a town centre site. It must be noted that the building has been substantially altered in the past, especially the rear of the building. It is considered that whilst there is some harm resulting from the building being demolished, the significance of the building is moderate. Retention of the building would also be likely to be prejudicial to the redevelopment of the site given its low site coverage and siting.

It is therefore considered that the loss of the building could be acceptable if it could be considered that this outweighed but wider benefits of the scheme.

1.3 Density

The site has an area of 0.13ha. It is located in an area of PTAL rating 5 close to East Finchley Underground Station.

The London Plan advises that development should be at 45-260 units/hectare. The proposals appear to be at approximately 161 units/hectare.

The London Plan advises that development should be at 200-700 habitable rooms per hectare. The proposals appear to be at approximately 369 habitable rooms/hectare.

It is recognised that the development is a mixed use development and as such the density of the development is not entirely representative of the amount of development proposed. Nevertheless the density is well within the tolerances within Table 3.2 of the London Plan and as specified in the London Plan. Furthermore, town centres are considered an appropriate location for intensification. The Mayor's Supplementary Planning Guidance on Town Centres states that *'projected growth in London's population presents a significant opportunity for London's town centres to become high quality, liveable places, generating local footfall, supporting vibrant and viable town centres with greater levels of housing and sustainable modes of travel..... Boroughs and town centre partners are encouraged to: draw on London Plan policy to support the intensification of town centres, particularly for mixed use development including higher density housing together with supporting infrastructure (including transport, social and digital connectivity)'*

In this way, the density of the development is considered appropriate.

1.4 Unit Mix

The development consists of:

- 7no. 1 bedroom units
- 13no. 2 bedroom units
- 1no. 3 bedroom unit.

Policy DM08 states that *'dwelling size priorities are:*

- i. For social rented housing – homes with 3 bedrooms are the highest priority*
- ii. For intermediate affordable housing – homes with 3/4 bedrooms are the highest priority*
- iii. For market housing – homes with 4 bedrooms are the highest priority, homes with 3 bedrooms are a medium priority.'*

However this is not say that other mix of dwellings on site may is inappropriate.

The development mix is considered acceptable in accordance with policy DM08, especially considering the town centre location which makes provision of smaller sized units more appropriate.

2. Whether the development will have an acceptable impact on Highway and pedestrian safety

Site and Existing Highway Description

The existing property is occupied by a minicab company which has their head office on the site and is also used as a parking area for the company's vehicles.

The site is located on the eastern side of the A1000 High Road, within close proximity of the East Finchley Underground Station, in the Borough of Barnet. The site is located at numbers 12-18 High Road, and it is directly accessed off the High Road. The predominant surrounding land use is residential but includes a mix of uses consisting of retail and commercial.

The site is within a Controlled Parking Zone (CPZ), in close proximity to a East Finchley Underground Station, several bus routes and town centre amenities. Site visits indicate that there is intense parking pressure in the roads in the vicinity of the site.

Accessibility by Foot

In terms of existing facilities for pedestrians, the site is very convenient for walking. There are wide high quality footways on either side of the A1000 High Road, linking into the wider footway network, which extends into Finchley and beyond. To the south, the A1000 High Road offers convenient pedestrian access to Highgate. A staggered signalised pedestrian crossing is located just to the south of the site access, which features dropped kerbs and tactile paving to facilitate the movement of the physically and visually impaired, providing a safe access to the underground station. A second pedestrian crossing is also located to the north of the site access, just after the junction of High Road with Baronsmere Road. This is an informal staggered crossing point with dropped kerbs and tactile paving.

Side road and site access crossings along High Road are also generally fitted with dropped kerbs. A number of footpaths are within the vicinity.

Accessibility by Cycling

The development site is located in a convenient location for cycling trips including both daily commuting and leisure usage. High Road has no dedicated cycle ways, however it is part of the London Cycle Network Link 5, which has, in parts, marked cycle ways and, in other parts, cycle routes shared with bus lanes. In addition, just to the south of the site there is a toucan crossing that allows crossing for cyclists along with pedestrians.

Accessibility by Public Transport

Public Transport Accessibility Level (PTAL) is a form of measuring public transport accessibility in London. PTALs range from 1 to 6 where 6 represents a high level of accessibility and 1 a low level of accessibility.

Transport for London (TfL) gives this site a PTAL Rating of 4 which within the medium accessibility level.

The closest bus stops to the site are located along the A1000 High Road just to the south of the site. A total of seven bus services are accessible from three different bus stops located within 100m from the development site. The bus stops served by routes 102, 143, 234, 263, 603, 653, H3 and N20. These routes provide access to destinations such as Barnet, Brent Cross, East Finchley and Golders Green.

The nearest underground station to the site is East Finchley which is approximately 100m to the south west of the site accessed from the pedestrian crossing over the High Road. The nearest rail station is New Barnet which is approximately 2.5km.

Development Proposal:

The proposal is for demolition of existing buildings and construction of new buildings to provide 22 dwellings comprising of 8 x 1-bedroom, 13 x 2-bedroom and 1 x 3 bedroom in addition to 265 sqm of office space.

A total of 2 parking spaces are proposed for the development accessed via existing vehicle access from the High Road. One would be allocated to the 3 bedroom dwelling and the second for a car club bay.

Vehicle Access

The development will use the current access on the High Road that is 4.5m wide at the entrance. The entrance to the proposed development will be managed by secure gates which will be installed to allow access for pedestrians and vehicles separately.

The development will be accessed from the existing access on the High Road, the Transport Statement that will be 4.5 metres including footway. No details were submitted showing any modifications to the existing access but this will require improvement including any remedial work to facilitate the main office entrance, tactile paving to assist the mobility impaired at the crossing point, there may also be level changes to the access. These works are to be agreed under a S278 Agreement.

The Transport Assessment Appendix B showed that a vehicle parked in the car parking spaces within the site would mount the proposed footway to turn and exit in forward gear. This is poorly designed and based on the lower level of vehicle movements it is recommended that this is a shared surface so that a vehicle can manoeuvre easily. Modifications are therefore required and will be conditioned to be provided.

Car parking provision

The adopted Barnet's Local Plan (Development Management Policies) Policy DM17 indicates the maximum parking standards for residential development, as:

- i. 2 to 1.5 spaces per unit for 4 or more bedrooms)
- ii. 1.5 to 1 spaces per unit for 2 to 3 bedrooms;
- iii. 1 to less than 1 space per unit for 1 bedroom

This equates to a parking provision of up to 14 to 29 parking spaces for the residential development to meet the parking standards as set out in the Barnet Local Plan Development Management Policy DM17 approved in September 2012.

For a site in a PTAL5 area, a provision of 17 parking spaces would be required.

The proposal includes 2 parking spaces, 1 for the 3 bedroom dwelling and 1 for a car club bay and therefore is not in accordance with the parking standards.

Taking into consideration several factors including:

- The PTAL rating in this area is at a good accessibility range.
- According to the Census 2011 data the parking ratio for households in the Census Output Area where the site is located is higher than 1 per household.
- This residential development sits within an all-day (Mon-Sat 10am-6.30pm) Controlled Parking Zone (CPZ). A parking survey was carried out on 3rd -4th February 2016 and showed there was space available on-street to accommodate any potential overspill for overnight residents.
- The number of on-street parking permits issued is above 90% of the available space and is therefore under parking stress.

The developer has offered to enter into an agreement to remove the right of purchase of residential parking permits and provide a car club.

Cycle parking provision

A cycle store is provided and details are required to be submitted to show that the development will meet the London Plan minimum requirements for cycle parking.

Travel Plan

A Travel Plan Framework has been included in the submission to encourage sustainable modes of transport. A car club bay will be provided on the site. As the development falls below the threshold in the SPD for a Travel Plan this is voluntary but encouraging. Barnet will work with the developer in developing the plan.

Construction Management

A Construction Management Plan has been included with the submission and details on-site accommodation and how deliveries are made, routed on the highway network and managed. This is adequate for the development.

Refuse and Servicing

A Refuse storage area is provided on the access road within the building. A refuse and servicing strategy is required so that any impact to the highway network is reduced.

Section 106 Obligations

The following contributions and commitments are sought under a Section 106 Agreement :

- (a) Highways Works

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

- Junction improvements at the High Road Access on the public highway that are approved by the Highway Authority.

- (b) Traffic Management Order Contribution

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

Overall highways officers consider that on balance the proposals would have an acceptable impact on highway and pedestrian safety and the free flow of traffic.

3. Whether the proposals will harmfully impact on the character and appearance of the streetscene and general locality

3.1 Layout

The proposed development is comprised of two blocks running north to south across the site.

The existing site is mostly hard landscaping and parking areas, with building running along the southern boundary of the site. The proposals would provide an opportunity to build a front age block which would relate to the existing parade of shops to the north. In this way the existing development is already out of character within the area.

The proposed layout would not be out of character with the pattern of development within the area and is considered acceptable.

3.2 Scale and Massing

The site is located on a slope, which decreases from north to south. The site is located within East Finchley Town Centre, with a mixture of building heights. To the north are shopping parades which are two storey with rooms in roof space. Opposite the site is East Finchley Underground Station which is Grade II listed. There is also a four storey office building opposite and three storey residential blocks with pitched roofs.

The massing of the building has been reduced at second and third floors so that it sits more comfortably against the parade of shops to the north. Furthermore, the recess would prevent the building appear jarring against Park House to the south.

The buildings vary between two and four stories in height. This is considered an appropriate scale for the site given the height of neighbouring buildings and the location within the town centre. It is considered important that the detailing of any building relates appropriately to the shopping parade with traditional form to the north. To the south, Park House is an unremarkable two storey flat roof building, however it is still important that any building does not appear jarring when viewed against this.

Overall, it is considered that the scale of the development is appropriate for the site.

3.3 External Appearance and Design

The proposed building would be flat roofed with recessed upper storeys. In this way the building above second floor would not be as dominating as viewed against the pitched roof of 20-22 High Road.

The proposed design of the scheme has been amended in order to separate the ground and upper floor levels of Block A and make them more distinctive given their differing uses.

Materials proposed include:

- Red stock brick
- Sandstone coloured render to projecting bays
- Zinc Cladding for roof
- Wood Laminate to rear projections
- Crittal Windows

It is considered that the design of the proposed building would be acceptable in terms of its impact on the character and appearance of the area.

3.4 Landscaping

The site is currently covered by buildings and hard landscaping with only very limited soft landscaping informally around the edges of the site.

The proposals would represent an opportunity to provide increased soft landscaping to the site, particularly in terms of proposed communal garden areas.

It is suggested that a detailed landscaping scheme is secured by condition.

The impact on the setting of East Finchley Underground Station as a listed building

The underground station is a notable listed building within East Finchley Town Centre, which is located opposite the site. Whilst the replacement building forming part of the development is of some presence, it is not considered that it would be overpowering or prejudicial to the setting of this listed building.

4. Affordable Housing

London Plan Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought when negotiating on individual private residential and mixed use schemes. It suggests that negotiations on sites should take account of their individual circumstances including development viability. This approach is reflected in Policy CS4 of the Core Strategy and policy DM10 of the Development Management Policies DPD. The Policy sets a target of 40% affordable housing on sites of 10 units of more or covering 0.4 hectares or more.

The applicant has submitted a Financial Viability Report in support of the scheme. This has been independently reviewed by Colliers International on behalf of the Council. Further to this, it has been agreed that a contribution of £ 870,000 can be made towards affordable housing within the Borough. This represents a contribution of 23% and is considered to be the maximum amount the scheme can provide.

Whilst commuted sums are only acceptable in exceptional circumstances it is suggested that where a scheme either can only provide a small number of units on-site and there isn't an obvious self-contained block, a commuted sum could be justified. This is because 'pepper potted' affordable units or less than 10 units tend to be unattractive to RSLs as they are difficult to manage.

In this way, the proposals would comply with policy DM10 of the Development Management Policies 2012.

5. Whether harm would be caused to the living conditions of neighbouring and future residents.

5.1 Impact on neighbouring occupiers

5.1.1 Daylight/Sunlight

A daylight and sunlight report accompanies the planning application. This assessed Vertical Sky Component (VSC), and Annual Probable Sunlight Hours (APSH).

The report shows that whilst there may be a small increase in overshadowing of gardens of houses on Ingram Road, this would not be materially harmful to the living conditions of occupiers of these properties. There would be no significant impact to houses on Baronsmere Road.

In terms of sunlight, the impact on 20-22 High Road would generally accord with Building Research Establishment (BRE) Guidance, with one window receiving less Winter Sun than normally advised. The BRE guidance is a useful tool for assessing such impacts but does not cover every eventuality.

Comments from residents have been received in respect of the Daylight and Sunlight Report. These states that the report has not looked at internal layout of neighbouring properties and does not have full diagrams as they are truncated. In the view of the resident development would be contrary to BRE guidelines as would go beyond 25 degree limit. It should be noted that the BRE Guidance states that *'If a living room of an existing dwelling has a main window facing within 90 degrees of due south, and any part of a new development subtends an angle of more than 25 degrees to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected. This will be the case if the centre of the window:*

-receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable

sunlight hours between 21 September and 21 March and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight over the whole year greater than 4% of annual probable sunlight hours"

None of the above conditions are met.

Residents have also pointed out that houses on Ingram road are not North facing as stated within Daylight/Sunlight report, they are west facing. This is acknowledged. However, the report assesses the impact on these windows in any event.

Overall, it is considered that whilst there may be some impact in terms of overshadowing to residents on Ingram Road, this is relatively minor and not significant enough to warrant refusal of the planning application.

5.1.2 Privacy

Block B is sited to the rear of the site and is closest to neighbouring residential properties.

It should be noted that the plans do not show the extensions to properties on Ingram Road to the east. No.9 appears to have been extended in the form of a single storey rear extension. No.7 appears to have been extended at roof level. The houses on Ingram Road are L shaped and have rear two storey outriggers.

It is estimated that there is a distance of approximately 9.3m from the rear wall of the nearest property to the rear and boundary with the site (No.11 Ingram Road) measured from the rear of it's outrigger. The distance from the main rear wall would be approximately 15.3m. In the case of no.9, the ground floor rear wall is approximately 7m from the rear boundary where it has been extended.

Impact on no.11 Ingram Road

At ground and first floors, the proposed building would be approximately 28.5m from the main rear wall of no.11 and 21.3m from the rear outrigger.

At second and third floor the proposed building would be approximately 30.8m from the main rear wall of no.11 and 23.9m from the rear outrigger.

All balconies at second and third floor level have been removed beyond the main rear wall of block B.

The building would comply with the overlooking standards within the Supplement Planning Document: Residential Design Guidance document. The upper floors would be stepped even further to prevent possible overlooking.

Impact on no.9 Ingram Road

It is noted that no.9 has the benefit of a single storey rear extension and therefore the distances at ground floor between buildings is approximately 18.7m measured from the rear outrigger.

This only applies to the ground floor. It must be viewed in the context that the SPD contains guidance, and this is not to say that development should be refused if it exceeds these, especially in town centres.

Otherwise, the distances between the buildings is marginally more than in the case of no.11.

It is noted that there is a small balcony proposed facing this property at first floor level of approximately 1.5m depth. This would be sited away from the part of the building directly facing the outrigger. On balance it is not considered that harmful overlooking would result if this element is screened adequately and a condition is suggested to ensure this.

Impact on other residential properties

The other property directly facing the site is sited further away from the site though any impact would be similar to no.9 and no.11 Ingram Road. Though this property has a roof level, it is not considered that any impact would be materially harmful to the living conditions of the occupiers of this property.

The proposed Block A is sited to the front of the site. Overlooking from this block is unlikely given that residential properties are some distance to the north and east of the site.

Furthermore, the scheme has been designed to prevent any possible overlooking to the nursery at Park House to the south. It should however be noted that there is no policy seeking to prevent overlooking to schools and there would be no grounds to refuse an application on these grounds.

5.1.3 Visual Impact/Outlook

The houses to the rear of the site on Ingram Road are closest to the development. These are sited at a height similar to that of the site. They have rear outriggers which step back from the main rear wall of the buildings by approximately 7m.

The existing building is located some 9m from the boundary with no.11 and 20m at first floor level between windows. At ground floor the building is sited some 1m from the boundary.

Whilst the proposed building would be larger than that which exists on site, the second and third floors would be stepped back further to reduce their perceived visual impact.

The proposed block B would be sited approximately 16m from the rear boundary with houses on Baronsmere Road and 26m from the rear walls of these houses. Furthermore, any view would be of the side of the block which is shallow in depth.

It is not considered that the proposed building would appear overbearing or cause harmful loss of outlook as viewed from neighbouring residential properties to Ingram Road, Baronsmere Road or above commercial premises on High Road.

5.1.4 Noise and Disturbance

The site is located within East Finchley Town Centre and is within appropriate density ranges.

The commercial parts of the building would be sited to the front of the site away from residential properties to the rear.

Given the nature of the use it is not considered that the proposals would cause harmful noise and disturbance to neighbouring residential properties.

5.1.5 Light Pollution

Given the nature of the proposed use, and the siting and distance between windows, it is not considered that harmful light pollution would result from the development.

5.2 Impact on amenities of future occupiers

5.2.1 Internal Amenity

Block A

First Floor Unit 1 (1 Bed) – 54 square metres

First Floor Unit 2 (1 Bed) – 54 square metres

First Floor Unit 3 (1 Bed) – 54 square metres

First Floor Unit 4 (2 Bed) – 90 square metres

Second Floor Unit 1 (2 Bed) – 68.6 square metres

Second Floor Unit 2 (2 Bed) – 75.2 square metres

Second Floor Unit 3 (2 Bed) - 92.7 square metres

Third Floor (2 Bed) – 93 square metres

Block B

Ground Floor Unit 1 (2 Bed) - 67.7 square metres

Ground Floor Unit 2 (3 Bed) - 90.8 square metres

Ground Floor Unit 3 (2 Bed) – 67.7 square metres

First Floor Unit Unit 1 (2 Bed) – 67.6 square metres

First Floor Unit Unit 2 (1 Bed) – 56 square metres

First Floor Unit Unit 3 (1 Bed) – 56 square metres

First Floor Unit Unit 4 (2 Bed) – 67.6 square metres

Second Floor Unit Unit 1(2 Bed) – 67.6 square metres

Second Floor Unit Unit 2 (1 Bed) – 51 square metres

Second Floor Unit Unit 3 (1 Bed) – 51 square metres

Second Floor Unit Unit 4 (2 Bed) – 67.6 square metres

Third Floor Unit 1 (2 Bed) – 71 square metres

Third Floor Unit 2 (2 Bed) – 71 square metres

The development would comply with the internal space standards within Mayor's London Plan.

It is noted that some of the proposed residential units would be single aspect. However, none of the units would be north facing. In this way the scheme would provide good outlook for future residents.

5.2.2 External Amenity Space

The following amenity areas would be provided in association with the development:

- Communal Area of 103 square metres to rear of Block A
- Communal Area of 168 square metres to rear of Block B
- Ground floor private patios of 19, 27 and 31 square metres
- Communal Roof terrace (Third Floor) 57 square metres
- Third Floor Balconies of 19 square metres (x2)

240 square metres of external amenity space would be required in accordance with the Supplementary Planning Document on Sustainable Design and Construction. The development makes provision for 328 square metres.

6. Noise and Air Quality Issues

The Noise Consultants, Sharps Redmore, consider it is likely that the western and southern facades, which are closest to the High Road, will require a sealed acoustic glazing system and the northern and eastern facades will require thermal double glazing.

To enable the windows to remain closed acoustic air bricks or an individual or whole building mechanical ventilation system may be required. This would be acceptable to Environmental Health Officers.

The information is satisfactory and shows that the operational air quality impact of the proposal not to be significant. Environmental Health Officer would also like to note that the proposed noise mitigation options (such as acoustic air bricks or an individual or whole building mechanical ventilation) would also have act as an air quality mitigation measure. If mechanical ventilation is used they would recommend that air is drawn in from the rear of the building as this would be the cleanest side of the building)
The applicant has submitted a Construction Management Plan in support of the proposals. Environmental Health Officers consider that this is acceptable.

7. Sustainability/Environmental Issues

7.1 Accessibility

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2) and M4(3). The applicant has confirmed that the proposed development would meet this requirement, and a condition is attached to ensure compliance with these Policies.
Policy 3.8 of the London Plan requires 10% of new dwellings to be wheelchair adaptable or accessible. The development would comply with this requirement.

7.2 Carbon Dioxide Emissions

The applicant has submitted an Environmental Sustainability Statement. This states that photovoltaic panels will be used as part of the development on the roof.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 35% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition [is attached/would be attached in the event planning permission is granted] to ensure compliance with the Policy

7.3 Water usage

In terms of water consumption, a condition [is attached/would be attached in the event planning permission is granted] to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

7.4 Drainage

The site is located within if Flood Zone 1. The site has a low risk of surface water flooding.

The applicant has submitted a drainage strategy. The Lead Local Flood Authority has been consulted and they are of the view that a more detailed Drainage Strategy should be submitted before the development commences. This could be secured by condition. It is recommended that the feasibility of implementing infiltrating Sustainable urban Drainage Systems (SuDS) be provided as well as giving more consideration to the SuDS hierarchy.

7.5 Biodiversity

Policy DM16 states that when considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity.

The existing site contains buildings and hardstanding, with some vegetation around the residential boundaries with neighbouring properties. It is considered to be of low ecological value and as such, there is no requirement for surveys of protected species. A condition is attached requiring biodiversity improvements in accordance with policy DM16.

7.6 Waste and Recycling

The applicant has amended the plans to provide 6 x 1,100 litres bins. This is considered appropriate provision and is considered acceptable by the Waste and Recycling Team.

8. Impact on security

The proposed would maintain commercial use to the front of the site. The rear facing windows would provide surveillance to the rear garden of the site and it is not considered that the risk of antisocial behaviour would increase as a result of the development.

No objection has been received from the Metropolitan Police Designing Out Crime officer.

9. Section 106 Issues

The following planning obligations are required in association with the development:

Contribution of commuted sum towards affordable housing

Amendment to Traffic Order to prevent residents of the development obtaining parking permits.

Furthermore, a contribution would be required towards Mayoral and Barnet Community Infrastructure Levy.

5.4 Response to Public Consultation

Principle of Development

Doesn't make provision for larger units - *Addressed in main report*

Loss of jobs from existing facility - *Addressed in main report*

Density Excessive - *Addressed in main report*

Existing building (Formerly known as Valona House) is one of the oldest buildings in East Finchley and is of historic interest. - *Addressed in main report*

Design Issues

Overdevelopment - *Addressed in main report*

Proposals don't pay sufficient regard to Victorian houses on neighbouring roads - *Addressed in main report*

Poor Quality Design - *Addressed in main report*

Overpowers Park House and buildings on High Road - *Addressed in main report*

The materials, roofline, roof pitch, lack of eaves, gables, chimney stacks, dormer are not typical of development in the area. - *Addressed in main report*

Amenity Issues

Loss of light - *Addressed in main report*

Loss of privacy - *Addressed in main report*

Noise pollution - *Addressed in main report*

Neighbouring properties have not been represented correctly (Note no.9 Ingram avenue is 18.7m from development) - *Noted however the impact of the development is considered acceptable*

Daylight and Sunlight Report has not looked at internal layout of neighbouring properties and does not have full diagrams (Truncated). Development would be contrary to BRE guidelines as would go beyond 25 degree limit. - *Addressed in main report*

Houses on Ingram road are not North facing as stated within Daylight/Sunlight report – they are west facing - *Addressed in main report*

Noise assessment states that development will result in harmful noise, so needs to be fixed shut, which precludes ventilation - *Addressed in main report. Environmental Health Officers are satisfied with details*

No consideration to noise from underground or increase to underground use has been considered. - - *Noise issues are addressed in main report*

Ceiling height of development is below 2.5m - - *Addressed in main report*

Air Source Heat pumps will cause noise - *Air pumps are not proposed*

Highways Issues

Proposals don't make provision for parking - *Addressed in main report*

Access issues for vehicles for commercial development, deliveries, fire access - *Addressed in main report*

Waste Management Issues - *Addressed in main report*

Access road will cause disruption in Town Centre - *Addressed in main report*

Other Issues

Schools in the area are over subscribed – *The proposals make provision towards Community Infrastructure Levy which would contribute to this*

Noise and disturbance during construction – *This is covered by Environmental Health Legislation. In any event, a construction management plan has been provided and is considered acceptable*

Ecological impact *Addressed in main report*

6. 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:

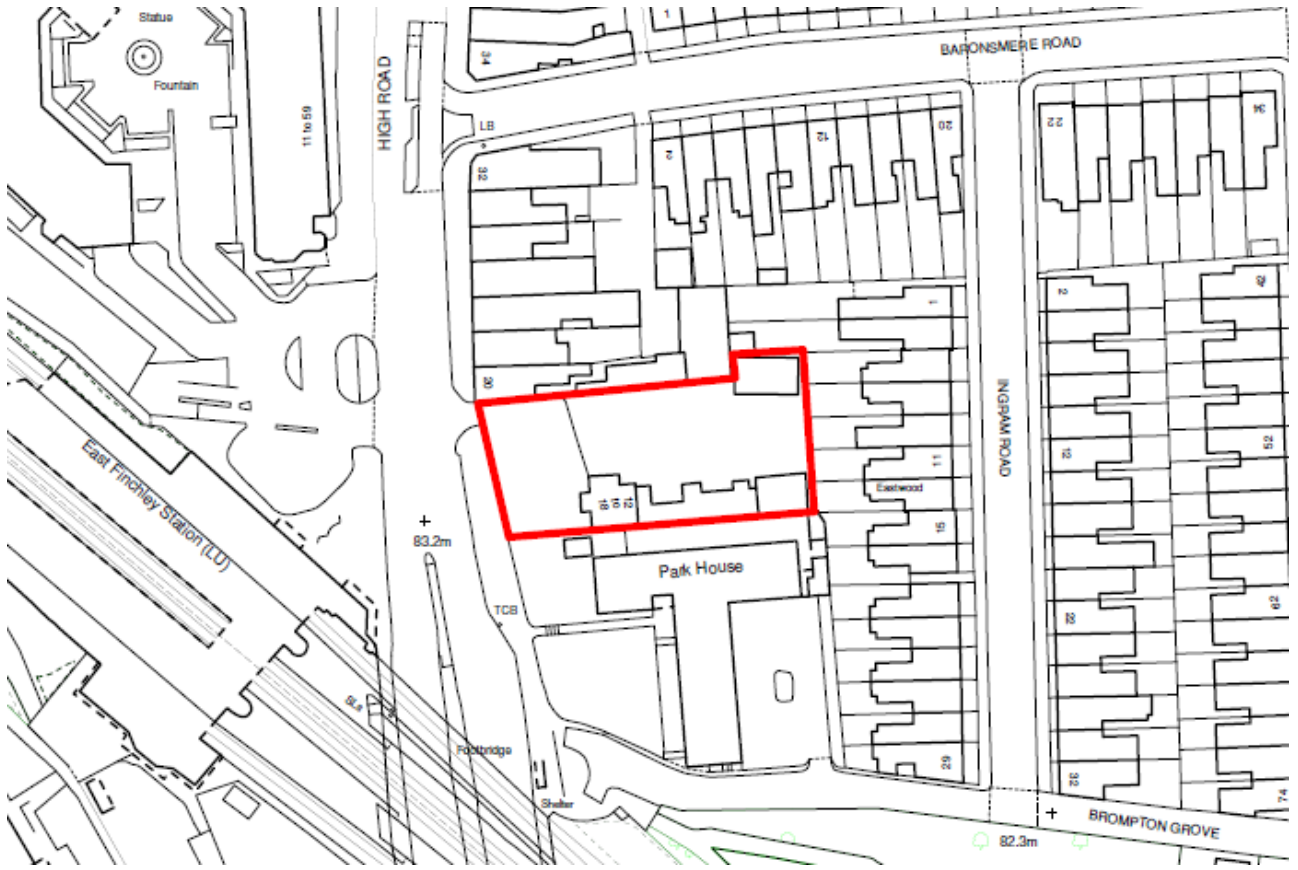
- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

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.

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

7. Conclusion

The proposals would involve the redevelopment of a town centre site and provide contribution to office stock within the borough as well as additional residential units. The development would make a significant contribution to affordable housing within the borough. The development would not have a harmful impact on highway safety subject to legal agreement and not materially harm neighbouring living conditions. Whilst there is some harm arising from the loss of the non-designated heritage asset, this is considered to be moderate and outweighed by the benefits of the scheme. The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



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LOCATION: North London Business Park, Oakleigh Road South,
London, N11 1GN.

AGENDA ITEM 7

REFERENCE: 15/07932/OUT

Received: 24 Dec 2015

Accepted: 4 January 2016

WARD: Brunswick Park

Expiry: 4 April 2016

APPLICANT: Comer Homes Group

PROPOSAL: Hybrid planning application for the phased comprehensive redevelopment of the North London Business Park to deliver a residential-led mixed use development. The detailed element comprises 360 residential units in five blocks reaching eight storeys, the provision of a 5 form entry secondary school, a gymnasium, a multi-use sports pitch and associated changing facilities and improvements to open space and transport infrastructure, including improvements to the access from Brunswick Park Road and; the outline element comprises up to 990 additional residential units in buildings ranging from two to nine storeys, up to 5,177 sqm of non-residential floor space (use Classes A1-A4, B1 and D1) and 2.54 hectares of open space. Associated site preparation/enabling work, transport infrastructure and junction work, landscaping and car parking. March 2017

RECOMMENDATION

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, subject to any changes as considered necessary by the Head of Development Management:

- (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
10% affordable housing by units across the whole development (580 units in total) on the basis of 70:30 split between affordable rent and shared ownership.

For Development Phase 1 a minimum of 135 affordable units shall be provided in accordance with the following detailed mix:

Affordable Rent (95 Units)

10 x 1 bed 2 person
55 x 2 bed 4 person
30 x 3 bed 5 person

Shared Ownership (40 Units)

10 x 2 bed 3 person
30 x 2 bed 4 person

- (d) Affordable Housing – Review Mechanism
A positive review mechanism with the trigger to be agreed with the council for provision of affordable housing additionality on the former NLBP site in later stages to be agreed, limited to a maximum of the equivalent value of 40% of the total units proposed.
- (e) School plot land transfer to the EFA on a levelled, decontaminated and serviced plot.
- (f) Community Use Agreement School
- (g) Details of Delivery of SME Business Space including Start up Units including tenancy details and rental costs.
- (h) Provision of Minibus Services in perpetuity, details of number of vehicles, frequency of movement and mechanism of funding to be specified.
- (i) Off Site Highway Works in Oakleigh Road South, Brunswick Park Road and Benfleet Way
- (j) Local Employment Agreement
Shall include Forecasting of job opportunities; Notification of job vacancies; Local labour target; Jobs brokerage and skills training; Apprenticeships and work experience; Use of local suppliers and delivery of specific LEA targets in regards to providing at least 27 apprenticeships or alternative cash sum.

- (k) Travel Plan measures and monitoring:
Including Provision of Travel Plans covering the following:
Travel Plan – School
Travel Plan - Residential
Travel Plan - Commercial
Travel Plan - Nursery

An appropriate Travel Plan Monitoring Fee would also need to be paid.

- (l) Section 278 Works
Necessary works to the public highway under section 278 of the Highways Act to facilitate the implementation of the development
- (m) Public Open Space
Provision of a minimum of 2.5 hectares of Public Open Space which shall remain open and accessible to the general public. Within the main park the playing fields are required to be made available for use by the primary school.
- (n) Section 106 Monitoring contribution
- (o) All financial contributions listed above to be subject to indexation.

Recommendation 3

That subject to Recommendation 1 and upon completion of the agreement specified in Recommendation 2, the Head of Development Management approve the planning application reference 15/07932/OUT under delegated powers, subject to the following conditions and any changes to the wording of the conditions considered necessary by the , the Head of Strategic Planning.

Conditions

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

Parameter Plan

211_WS_02_00-Rev B – Red Line Boundary Plan
211_WS_02_01-Rev B – Proposed Development Zone Plan
211_WS_02_02-Rev B – Access & Circulation Plan
211_WS_02_03-Rev B – Landscape Treatment Plan
211_WS_02_04-Rev B – Ground Floor Frontages Plan
211_WS_02_05-Rev B – Development Zones – Horizontal Limits of Deviation
211_WS_02_06-Rev B – Proposed Site Levels & Vertical Limits of Deviation
211_WS_02_07-Rev B – Development Zones & Maximum Heights
211_WS_02_08-Rev B – Proposed Site Basement Levels & Limit of Deviation
211_WS_02_09 – Site Plan

Sections

211_WS_05_01-Rev B – Contextual Sections AA BB
211_WS_05_02-Rev B – Contextual Sections CC DD
211_WS_05_10-Rev B – Parameter Sections 1 – 4
211_WS_05_11-Rev B – Existing Sections 1 – 4

Block 1A – School

211_1A_02_001-Rev B – Basement Plan
211_1A_02_00-Rev B – Ground Floor Plan
211_1A_02_01-Rev B – First Floor Plan
211_1A_02_02-Rev B – Second Floor Plan
211_1A_02_03-Rev B – Roof Level – MUGA
211_1A_02_04-Rev B – Roof Level – Parapet
211_1A_04_01-Rev B – School North & South Elevation
211_1A_04_02-Rev B – School East & West Elevation
211_1A_04_02A-Rev B – Detailed West Elevation – Wall fronting Brunswick Park Road
211_1A_04_03-Rev B – Sports Hall Elevations
211_1A_05_01-Rev B – School Sections

Block 1B

211_1B_02_00-Rev A – Block 1B, Ground Floor and First Floor Plan
211_1B_02_01-Rev A – Block 1B, Attic Floor and Roof Plan
211_1B_04_01 – Block 1B, North & South Elevations
211_1B_04_02-Rev A – Block 1B, East & West Elevations and Section AA

Block 1C & 1D

211_B1CB2D_02_001 – Basement Plan
211_B1CB2D_02_00-Rev A – Ground Floor Plan
211_B1CB2D_02_01-Rev A – First Floor Plan
211_B1CB2D_02_02-Rev A – Second Floor Plan
211_B1CB2D_02_03-Rev A – Third Floor Plan
211_B1CB2D_02_04-Rev A – Fourth Floor Plan
211_B1CB2D_02_05-Rev A – Fifth Floor Plan
211_B1CB2D_02_06-Rev A – Sixth Floor Plan
211_B1CB2D_02_07-Rev A – Seventh Floor Plan
211_B1CB2D_02_08-Rev B – Roof Level
211_B1CB2D_04_01-Rev A – Block 1C and Block 1D, East Elevation
211_B1CB2D_04_02 – Block 1C and Block 1D, West Elevation
211_B1CB2D_04_03 – Block 1C, South and North Elevation
211_B1CB2D_04_04 – Block 1D, South Elevation
211_B1CB2D_04_05-Rev A – Block 1D, North Elevations
211_B1CB2D_05_01-Rev A – Block 1C and Block 1D Section AA
211_B1CB2D_05_02-Rev A – Block 1C and Block 1D Section BB
211_B1CB2D_05_03 – Block 1C Section DD and CC
211_B1CB2D_05_04-Rev A – Block 1D Section EE and FF

Block 1E & 1F

211_B1EB1F_02_001 – Basement Plan
211_B1EB1F_02_00-Rev A – Ground Floor Plan
211_B1EB1F_02_01-Rev A – First Floor Plan
211_B1EB1F_02_02-Rev A – Second Floor Plan
211_B1EB1F_02_03-Rev A – Third Floor Plan
211_B1EB1F_02_04-Rev A – Fourth Floor Plan
211_B1EB1F_02_05-Rev A – Fifth Floor Plan
211_B1EB1F_02_06-Rev A – Sixth Floor Plan
211_B1EB1F_02_07-Rev A – Seventh Floor Plan
211_B1EB1F_02_08-Rev B – Roof Plan

211_B1EB1F_04_01 – B1EB1F West Elevation
211_B1EB1F_04_02-Rev A – B1EB1F East Elevation
211_B1EB1F_04_03-Rev A – B1F North Elevation & South Elevation
211_B1EB1F_04_04-Rev A – B1E North & South Elevations

211_B1EB1F_05_01-Rev A – Block 1E & Block 1F, Section AA
211_B1EB1F_05_02-Rev A – Block 1F, Section BB & CC
211_B1EB1F_05_03-Rev A – Block 1E, Section DD

Landscape Drawings

HED_1140_RBP_LA_0001-Rev 01 – Illustrative Landscape Plan
HED_1140_RBP_LA_0002-Rev02 – Landscape GA
HED_1140_RBP_LA_0003-Rev03 – General Arrangement, Central Park
HED_1140_RBP_LA_0004-Rev00 – Illustrative Landscape Sections: The Parkway
HED_1140_RBP_LA_0005-Rev02 – Illustrative Landscape Sections: Park (North)
HED_1140_RBP_LA_0006-Rev01 – Illustrative Landscape Sections: Central Park (South)
HED_1140_RBP_LA_0007-Rev00 – Illustrative Landscape Sections: Courtyard
HED_1140_RBP_LA_0008-Rev02 – Trees for Retention + Proposed + Removal

Phase 1: Detailed Application

HED_1140_RBP_P1_0001-Rev03 – Phase 1 Landscape: General Arrangement
HED_1140_RBP_P1_0002-Rev03 – Phase 1 Hard Landscape: Area 01
HED_1140_RBP_P1_0003-Rev01 – Phase 1 Hard Landscape: Area 02
HED_1140_RBP_P1_0004-Rev03 – Phase 1 Hard Landscape: Area 03
HED_1140_RBP_P1_0005-Rev03 – Phase 1 Landscape Planting: Area 01
HED_1140_RBP_P1_0006-Rev01 – Phase 1 Landscape Planting: Area 02
HED_1140_RBP_P1_0007-Rev02 – Phase 1 Landscaping Planting: Area 03
HED_1140_RBP_P1_0008-Rev00 – Phase 1 Planting Palette
HED_1140_RBP_P1_0009-Rev00 – Phase 1 Planting Palette
HED_1140_RBP_P1_0010-Rev00 – Phase 1 Planting Palette
HED_1140_RBP_P1_0011-Rev00 – Phase 1 Planting Palette
HED_1140_RBP_P1_0012-Rev00 – Phase 1 Illustrative Materials Palette

HED_1140_RBP_P1_0013-Rev02 – Phase 1 Trees for Retention + Proposed + Removal
HED_1140_RBP_P1_0014-Rev00 – Phase 1 Landscape Terraces
HED_1140_RBP_P1_0015-Rev00 – Phase 1 School Play Area
HED_1140_RBP_P1_0016-Rev00 – Phase 1 Residential Street
HED_1140_RBP_P1_0017-Rev00 – Phase 1 Lake & Board Walk
HED_1140_RBP_P1_0018-Rev00 – Phase 1 Private Gardens (front)
HED_1140_RBP_P1_0020-Rev00 – Phase 1 Street Section (Parkway)
HED_1140_RBP_P1_0021-Rev00 – Phase 1 Intensive Green Roof

Highways Drawings

0031-PHL-01-Rev C – Preliminary Highway Layout Sheet 1
0031-PHL-02-RevC – Preliminary Highway Layout Sheet 2
0031-PHL-03-RevC – Preliminary Highway Profile Sheet 1
0031-PHL-04-RevC – Preliminary Highway Profile Sheet 2
0031-PHL-05-RevC – Preliminary Highway Profile Sheet 3
0031-PHL-06-RevB – Preliminary Highway Profile Sheet 4
0031-PHL-07-RevB – Phase 1 Highway Layout
0031-PHL-08-RevA – Highway Access Plan
0031-PHL-12-RevB – Preliminary Eastern Access Arrangement and Benfleet Way Access Plan
0031-PDL-100-RevA – Phase 1 Preliminary Drainage Layout
0031-PDL-101-RevA – Proposed Detention Basin
0031-PDL-200-RevA – Preliminary Drainage Layout.

Supporting Documents

Development Schedule – Rev C, March 2017
Design Principles Document – Rev B, March 2017
Design and Access Statement – December 2015
Design and Access Statement Addendum – Rev B, March 2017
Planning Statement – Rev B, March 2017
Planning Application Specification Document – Rev B, March 2017
Utilities Report – December 2015
Analysis of Housing Mix & Primary School Demand / Supply – March 2016

Environmental Statement Volume 1 NTS – December 2015
Environmental Statement Volume 2 Main Report – December 2015
Environmental Statement Volume 3 Technical Appendices – December 2015
Environmental Statement Post-Application Amendments Addendum – March 2017

BREEAM Pre-Assessment – March 2017
Energy Assessment – March 2017
School Overheating Assessment – Rev A, March 2017
District Energy Assessment – Rev B, March 2017
Residential Overheating Assessment – March 2017

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

2. The development hereby permitted shall begin no later than 3 years from the date of this permission and, in the case of Development Phases, no later than 2 years from:

- i. the final approval of the last Reserved Matters Application pursuant to Condition 3, or
- ii. The final approval of any pre-commencement condition associated with that Development Phase.

Reason: To comply with the provisions of Section 92 of the Town & Country Planning Act 1990 (as amended).

3. Applications for the approval of the reserved matters (being scale, layout, appearance, landscaping and siting) for Stages 2, 3, 4 and 5 be made to the Local Planning Authority before the expiration of seven years from the date of this permission.

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

4. With the exception of Ground Works and Site Preparation Works, no development shall commence until a Phasing Plan identifying the Development Phases and associated infrastructure works (including highways works) has been submitted to and approved by the Local Planning Authority.

The development shall be carried out in accordance with the approved Phasing Plan unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is carried out in appropriate phases and to allow the phasing plan to be amended to reflect changes to the phasing of the development that were not foreseen at the date when the phasing plan was approved.

5. Prior to Ground Works and Site Preparation Works, no development shall commence within a Development Phase until a Construction Environmental Management Plan, setting out the construction and environmental management measures associated with that Development Phase, has been submitted to and approved in writing by the Local Planning Authority. The details shall be in accordance with the ES and shall include:

Construction site and works

- i. Site information (including a site plan and management structure)
- ii. Description of works, equipment and storage
- iii. Programme of works

- iv. Temporary hoarding and fencing
- v. Temporary works
- vi. Interim drainage strategy
- vii. Intrusive site investigation works and monitoring (the scope to be agreed in writing with the Local Planning Authority)

Construction management and procedures

- viii. Code of Considerate Practice
- ix. Consultation and neighbourhood liaison
- x. Staff training and briefing procedures
- xi. Schedule of environmental legislation and good practice
- xii. Register of permissions and consents required
- xiii. Environmental Audit Programme
- xiv. Environmental Risk Register
- xv. Piling Works Risk Assessment
- xvi. Health and safety measures
- xvii. Complaints procedures
- xviii. Monitoring and reporting procedures

Demolition and waste management

- xix. Demolition Audit
- xx. Site clearance and waste management plan
- xxi. Asbestos survey and disposal strategy

Construction traffic

- xxii. Construction traffic routes
- xxiii. Construction traffic management (including access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution)

Environmental Management

- xxiv. Ecology surveys and management plan (as required by the ES) in relation to any existing ecological features that may be affected by works in that Development Phase
- xxv. Measures to minimise visual impact during construction
- xxvi. Measures to minimise noise and vibration levels during construction
- xxvii. Measures to minimise dust levels during construction
- xxviii. Measures to control pollution during construction (including a Pollution Response Plan)
- xxix. Construction lighting strategy, including measures to minimise light spill
- xxx. Measures to reduce water usage during construction
- xxxi. Measures to reduce energy usage during construction
- xxxii. Any other precautionary and mitigatory measures in relation to demolition and construction as identified in the ES and the EIA Mitigation Register

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties, in the interests of highway and pedestrian safety and in the interests of protecting the environment and trees in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14, 7.15, 7.21 and 5.21 of the London Plan 2015.

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

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

7. In accordance with the ES, and unless otherwise agreed with the Local Planning Authority, no construction works shall occur outside the following times:

08:00 – 18:00 hours weekdays

08:00 – 13:00 hours Saturdays

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

8. Vegetation clearance should take place outside the bird breeding season (October to February). In accordance with the ES, any clearance of vegetation with the potential to support nesting birds during this period may only occur following a check by a qualified ecologist. If any active nests are found, works must cease, the area left in situ and an appropriate buffer zone established until such time as a qualified ecologist confirms that the nest is no longer in active use.

The clearance of vegetation within the gardens of properties that adjoin Rowan Drive must be undertaken according to a precautionary working method, with progressive clearance undertaken under the supervision of a qualified ecologist during the period that reptiles are active (April to September).

Reason: To avoid the potential for an offence under the Wildlife and Countryside Act 1981, as amended.

9. No development shall commence within a Development Phase (with the exception of Ground Works and Site Preparation Works) until a scheme of Advanced Infrastructure Works associated with that Development Phase is submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- i. Underground drainage details
- ii. Below ground energy infrastructure
- iii. Below ground services and utilities
- iv. Groundworks, earthworks, contouring and levels
- v. A statement of compliance with the site wide strategies (including the DAS Volume I and Addendum sections 6.19, 7.1 – 7.16, 8.1 – 8.3 and approved Primary Control Documents)

Development shall be carried out in accordance with the approved details unless otherwise agreed in writing.

Reason: To ensure appropriate arrangements are made for servicing, utilities and infrastructure and to avoid potential conflicts between impacts upon the development as proposed and its servicing, utilities and infrastructure, in the interests of a sustainable development in accordance with the NPPF.

10. No Surface Infrastructure Works shall commence within the relevant Development Phase until a scheme of Landscaping Works for that Development Phase is submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed, the scheme shall include:

- i. Design and location of electricity sub stations, including surface treatment and means of enclosure
- ii. Vehicle parking and surfacing treatment (including petrol/oil interceptors)
- iii. Surface drainage details
- iv. Surface materials and finishes
- v. Cycle parking locations and details
- vi. Highways details (e.g. crossings and kerb heights)
- vii. Access and wayfinding strategy
- viii. Materials, types and siting of all fencing, boundary treatments, gates or other enclosures (including temporary arrangements to be in place until the site is completed in full)
- ix. Street furniture, lighting and signage
- x. Children's play spaces and play provision
- xi. Details of all proposed trees, hedge, shrub and other planting and all planting proposed for green walls and other soft landscaped structures, including proposed species, plant sizing, density and arrangement
- xii. Ecological enhancements (in accordance with ES)
- xiii. The position of any existing trees and hedges to be retained or removed and the crown spread of each retained tree
- xiv. details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site
- xv. the position of any proposed excavation within the recommended protective distance referred to in BS5837: 2012
- xvi. means of planting, staking and tying of trees, including tree guards, and a detailed landscape maintenance schedule for regular pruning, watering and fertiliser use, referencing details approved under conditions 9 and 14 as relevant
- xvii. Details and specifications of all play, sport and recreational features to be included within the landscaped areas

- xviii. 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
- xix. timing of planting

Development shall be carried out in accordance with the approved details unless otherwise agreed in writing.

Prior to completion of the development within the relevant Development Phase the bat and bird boxes hereby approved will be installed and all reasonable measures taken to minimise disturbance to these boxes for the lifetime of the development.

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 2015.

11. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

12. With the exception of Ground Works, Site Preparation Works and Advanced Infrastructure Works, no development shall be occupied until a Landscape Management Plan for the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details and maintained in accordance thereafter.

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 2015.

13. If within a period of five years from the date of planting any tree, that tree or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place in the next available planting season (unless otherwise agreed in writing with the Local Planning Authority).

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.

14. A Site Wide Car Parking Management Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the

development. Unless otherwise agreed, this shall be in accordance with the strategy set out in the Transport Assessment and Addendum

The development shall be carried out in accordance with the approved Site Wide Car Parking Management Strategy unless otherwise agreed in writing with the Local Planning Authority.

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 (2015) and also, 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.

15. Private parking provision for residential units shall be used for the purpose of residential parking and servicing only unless otherwise agreed in writing with the Local Planning Authority.

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 (2015).

18. Prior to first occupation of the relevant Development Phase a detailed Car Parking Management Plan for that Development Phase, demonstrating compliance with the Site Wide Car Parking Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed, the details shall include:

- i. Location and layout of car parking spaces
- ii. Allocation of car parking spaces
- iii. On-site parking controls and charges
- iv. The enforcement of unauthorised parking
- v. For Stages 2, 3, 5 and 5 only, monitoring of parking in the development including use of electric vehicle charging points and disabled spaces
- vi. 'Blue badge' space quantities in accordance with London Plan (2016) guidance
- vii. Community transport points, shuttle bus and taxi drop-offs
- viii. Location of car club spaces
- ix. Electric Charging Points: Location, specification and timing. For residential parking spaces, timing and delivery of the 20% of parking spaces which shall be active and 20% which shall be passive electric charging points. For non-residential spaces, provision at 20% of spaces shall be undertaken with potential provision at a further 10% of spaces.
- x. Car parking reconciliation (evidence that the number of vehicular parking spaces proposed for each Development Zone is proportionate having regard to the Site Wide Car Parking Strategy).

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 and the abovementioned provisions shall be

implemented in accordance with the approved details before the buildings hereby permitted are occupied and maintained thereafter.

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 (2016) and also, 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.

19. The development shall provide a total of 10% of units across the site designed to be fully wheelchair accessible or easily adaptable for residents who are wheelchair users unless otherwise agreed in writing by the Local Planning Authority.

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 (2016); and 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.

20. Prior to the construction of any building, the following details for that building shall be submitted to and approved in writing by the Local Planning Authority (unless otherwise approved and agreed):

- i. Full details (including samples, where appropriate) of the materials and finishes to be used on all external surfaces
- ii. Door, entrances, windows (including glazing specifications) and balconies (including drawings and section showing thresholds to adjacent internal spaces and drawings and sections of privacy screens)
- iii. Details of the design and access controls for the car park gate(s)
- iv. Building lighting
- v. Podium details (including hard and soft landscaping, planting species, furniture and play provision)
- vi. Details of biodiverse roofs
- vii. Details of any building security measures including cctv

Thereafter the feature hereby approved shall be installed prior to occupation of the relevant phase and thereafter maintained in secure and good working order 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 2015.

21. Notwithstanding the details submitted with the application, prior to the construction of any building within the relevant Development Phase, the following details for that Development Phase shall be submitted to and approved in writing by the Local Planning Authority:

- i. Enclosures, screened facilities and/or internal areas of the proposed buildings to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable;
- ii. satisfactory points of collection; and
- iii. details of the refuse and recycling collection arrangements

The development shall be implemented and the refuse and recycling facilities provided fully in accordance with the approved details before the development is occupied and the development shall be managed in accordance with the approved details.

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

22. Prior to the construction of any building details of all extraction and ventilation equipment to be installed for that building shall be submitted to and approved in writing by the Local Planning Authority. This shall be accompanied by a report carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and proposes mitigation measures for the development if necessary to reduce these noise impacts to acceptable level (as defined in the relevant British Standard). The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

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

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

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

24. Prior to commencement on site a scoping assessment report identifying the need for overheating analysis in respect to that building (and the assumptions to be used in the analysis) shall be submitted to and agreed in writing by the local planning authority. Where the scoping report (based on SAP design stage outputs) identifies a risk of overheating above 'slight', an overheating analysis shall be conducted and any resultant necessary additional passive measures identified. The analysis shall be undertaken using dynamic simulation software to show compliance with CIBSE overheating criteria (using CIBSE TM52 with weather files from TM49). A report providing the results of the analysis and any required mitigation proposals shall be submitted to the local planning authority for approval prior to construction of the building.

Reason: To ensure that the development is sustainable and complies with the requirements of London Plan 2015 policies 5.2 and 5.6.

25. Part A:

Energy provision for the development shall be in accordance with the Energy Statement and Addendum (ref. PC24) unless otherwise agreed in writing.

Part B:

Prior to first occupation of Development Stage 1, details of the energy supply network shall be submitted to and approved by the Local Planning Authority. Details shall be in accordance with the Energy Statement and Addendum unless otherwise agreed and shall include:

- i. Details of connections available for each building
- ii. Proposals for the staged installation of plant within the energy centre and any temporary energy provision required
- iii. Details of safeguarded connections to an area wide heat network if found to be feasible following further engagement with the local planning authority and GLA.
- iv. Details of any potential future connections available to nearby buildings
- v. A statement of compliance with the site wide Energy Statement and Addendum

Part C:

As part of Reserved Matters applications, details of the energy supply for each building in Development Stages 2, 3, 4 & 5 shall be submitted and approved by the Local Planning Authority. Details shall be in accordance with the Energy Statement and Addendum unless otherwise agreed and shall include:

- i. Details of the energy supply for each building connections, including a statement of compliance with the Energy Statement and Addendum
- ii. Details of any temporary energy provision required
- iii. A statement of compliance with the site wide Energy Statement and Addendum.

Reason: To ensure that the development is sustainable and complies with the requirements of London Plan 2015 policies 5.2 and 5.6

26. CHP and or biomass boilers must not exceed the Band B Emission Standards for Solid Biomass Boilers and CHP Plant as listed in Appendix 7 of the London Plan's Sustainable Design and Construction SPG document. Prior to the construction of Block H, evidence to demonstrate compliance with these emission limits will be required.

Reason: To comply with the London Plan's SPG on Sustainable Design and Construction and Policy 7.14 of the London Plan 2015 in relation to air quality.

27. Prior to construction of any building, a rainwater and greywater feasibility study, investigating the potential for incorporating rainwater or greywater recycling into building across the site, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable and complies with the requirements of London Plan 2015 policies 5.13, 5.14 and 5.15.

28. All commercial units shall achieve a minimum of BREEAM Very Good. Within three months of first occupation of the building, a copy of the summary score sheet and BREEAM Post Construction Certificate shall be submitted to the Local Planning Authority to demonstrate that this has been achieved.

Reason: To ensure that the development is sustainable and in accordance with policies DM01 and DM02 of the Barnet Local Plan, the Colindale Area Action Plan (2010) and policies 5.2 and 5.3 of the London Plan 2015.

29. Prior to occupation of the relevant phase of the development hereby approved, an External Lighting Assessment of lighting proposed within that Development Phase 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 as well as mitigate any impacts to species including bats. Any light pollution mitigation identified in the External Lighting Assessment shall be implemented in full prior to occupation of the relevant phase.

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 and to mitigate the impact to species including bats in accordance with policies CS7 and DM16.

30. No building shall be occupied until a Delivery and Servicing Management Plan in respect of that building has been submitted to and approved in writing by the

Local Planning Authority. Unless otherwise agreed, this shall be in accordance with the strategy set out in the Transport Assessment and Addendum. The development shall be carried out in accordance with the approved Delivery and Service Management Strategy unless otherwise agreed in writing with the Local Planning Authority.

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.

31. No building shall be occupied until an Estate Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The development shall be managed in accordance with the approved Estate Management Plan unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the coordinated management and maintenance in good working order of the site not limited to an including its buildings, roads including the Peel Link, infrastructure including SUDs, parks, gardens, landscaping, street trees, public squares, energy centre and site network in the interests of sustainable development in accordance with the NPPF, London Plan 2015 and Barnet Core Strategy.

32. No residential unit shall be occupied until the access roads and highways works (on and off-site) associated with the block in which that unit is located (as defined by the approved phasing details) are made available for use.

Reason: To ensure there is adequate access available to all residential units.

33. No building shall be occupied until an Operational Waste Management Plan, setting out the measures for the management of operational waste across the site, has been submitted to and approved in writing by the Local Planning Authority. This development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is sustainable and complies with the requirements of London Plan 2015 policy 5.3, and 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.

34. No residential unit shall be occupied until the private and/or communal amenity space provision, (excluding public open space) for that unit is available in accordance with the Approved Plans.

Reason: To ensure there is adequate amenity space available for all residential units.

35. Prior to first occupation within the relevant Development Phase, unless otherwise agreed in writing as part of the approved phasing, the play space and sport and recreation features shall be provided in accordance with the approved

details for the Development Phase to which the play space relates and thereafter maintained for the lifetime of the development.

Reason: To ensure there is adequate plays space available for all users in accordance with London Plan 2015 policy 3.6 and Barnet Development Management policy DM02.

36. In respect of any future Class A1 retail use no persons other than staff shall be permitted to be on the premises between the hours of 07.00 and 23.00 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that occupation of the premises does not prejudice the amenities of future residential occupiers in accordance with policies DM01 and DM13 of the Barnet Local Plan.

37. Prior to occupation, a scheme for the provision of communal/centralised satellite and television reception equipment shall be installed on all blocks unless otherwise agreed in writing by, the Local Planning Authority. The equipment shall thereafter be retained and made available for use by all occupiers of the development.

Reason: To ensure that the development makes appropriate provision for such equipment, so as to not impact adversely on the character of the area, in accordance with policies CS5 and DM01 Barnet Local Plan.

38. 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 development 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 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.

39. With the exception of Ground Works, Site Preparation Works and Advanced Infrastructure Works, no development shall commence until

a) A scheme for air pollution mitigation measures in accordance with the Environmental Statement shall be submitted to and approved by the Local Planning Authority prior to the construction of the building to which the mitigation relates.

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

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.3 of the London Plan 2015.

40. Prior to the construction of any building, details of mitigation measures in accordance with the Environmental Statement to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2015.

41. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of any acoustic walls, fencing and other acoustic barriers to be erected on the site (if identified as necessary) has been submitted to the Local Planning Authority and approved in writing.

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

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

42. Development shall be undertaken in accordance with the approved Drainage Strategy unless otherwise agreed in writing by the local planning authority in consultation with the sewerage undertaker.

No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

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

Reason: To prevent any damage to nearby underground sewerage utility infrastructure.

44. Prior to occupation, details and location on elevations of bat and bird boxes bricks for that Development Phase shall be submitted for approval in writing by the council.

Bat bricks and boxes in the fabric of new buildings and trees will be specified to meet the roosting preferences of species of bat recorded during the baseline surveys and those known to be present in the local area. These will be installed as an inherent component of new buildings to provide new and replacement roosting opportunities as soon as the first phase of development becomes operational.

Prior to completion the bat and bird boxes hereby approved will be installed and all reasonable measures taken to minimise disturbance to these boxes for the lifetime of the development.

Reason: In the interests of protecting and enhancing biodiversity in accordance with Barnet Core Strategy policy CS7 and Development Management policy DM16.

45. Notwithstanding the content of plans hereby approved, prior to the commencement of development, details comprising a scheme of measures to enhance and promote biodiversity within the development shall be submitted the Local Planning Authority and approved in writing. The approved scheme of measures shall be implemented in full in accordance with the approved details before the development is first used.

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 2015.

46. No site works or other works within a Development Phase shall be commenced before temporary tree protection measures to safeguard trees adjacent to the Development Phase have been erected in accordance with details that have been previously submitted to and approved in writing by the Local Planning Authority. The tree protection measures approved shall remain in place until after the development works hereby consented are completed and no material or soil shall be stored within any of the protected areas during the works associated with this development.

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 2015.

47. No site works or other works within a Development Phase shall be commenced before a method statement detailing the precautions to be taken to minimise damage to trees adjacent the Development Phase, 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 approved details.

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 2015.

48. Prior to the commencement of the development hereby approved within a Development Phase details of the location, extent and depth of all excavations for drainage and other services in relation to trees to be retained, or trees on adjacent sites, shall be submitted to and approved in writing by the Local Planning Authority for that Development Phase. The development shall be carried out in accordance with such approval.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2015.

49. No development shall take place within a Development Phase in Phases 2-5 (with the exception of Ground Works, Site Preparation Works and Advanced Infrastructure Works) until Reserved Matters Applications, with full details of the amount, layout, scale, appearance and landscaping of development within that Development Phase, are submitted and approved by the Local Planning Authority.

Development shall be carried out in accordance with the approved details unless otherwise agreed in writing.

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

50. Cycle parking shall be provided in accordance with the minimum standards in the London Plan (2015) unless otherwise agreed in writing with the Local Planning Authority. Motorcycle parking shall be provided in accordance with the Transport Assessment and Addendum (PC16).

Prior to the construction of any building in Stages 2-5, plans identifying cycle and motorcycle parking locations shall be submitted and approved in writing by the Local Planning Authority for that building to demonstrate the provision of secure, convenient and accessible locations.

Cycle and motorcycle parking so designated by detailed approval shall be used for the purpose only and retained thereafter in accordance with the approved details.

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.

51. The retail units hereby approved shall not exceed a floorspace of more than 500sqm (unless otherwise agreed in writing).

Reason: In support of smaller business and an enhanced neighbourhood centre in accordance with London Plan 2015 policies 2.7, 4.8 and 4.9.

Reason: At the time of this permission being issued the Applicant is not able to bind all relevant interests in the site to the terms of the planning obligations in the Section 106 Agreement.

52. Development shall not commence until detailed working drawings and evidence of securing of necessary landowner consent for the proposed highway works on Brunswick Park Road have been submitted to and approved in writing by the Local Planning Authority.

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.

53. Before the building hereby permitted are first occupied the proposed window(s) in the eastern wing elevations of Blocks 1E and 1F facing properties in Howard Close and Brunswick Park Gardens shall be non openable below 1.7m and glazed with obscure glass only and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

54. No phase of the development except infrastructure works in relation to Phase 1 shall take place unless and until the applicant has secured the implementation of a programme of archaeological recording of the existing air raid shelters and any

finds of industrial heritage, in accordance with a written scheme of investigation to submitted to and agreed in writing by the Local Planning Authority.
approved by the Local Planning Authority.

Reason: The planning authority wishes to secure the recording of these structures in accordance with the provisions of the NPPF and London Plan policy 7.8 and Barnet Core Strategy Policy CS5 and Development Management Plan Policy DM06.

INFORMATIVE(S):

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

1. MATERIAL CONSIDERATIONS

1.1 Key Relevant Planning Policy

Introduction

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan is The London Plan 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.

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.

National Planning Policy Framework

The 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people". The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

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 London Plan is the development plan in terms of strategic planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). In March 2016, the Mayor published (i.e. adopted) the London Plan 2011 consolidated with: the further alterations to the London Plan published in March 2015, the Housing

Standards Minor Alterations to the London Plan published in March 2016 and the Parking standards Minor Alterations to the London Plan published in March 2016.

The London Plan policies (arranged by chapter) most relevant to the determination of this application are as follows:

Context and Strategy:

1.1 (Delivering the Strategic Vision and Objectives for London)

London's Places:

2.2 (London and the Wider Metropolitan Area)

2.7 (Outer London Economy)

2.8 (Outer London Transport)

2.13 (Opportunity Areas and Intensification Areas)

2.18 (Green Infrastructure: The Multi-Functional Network of Green and Open Spaces)

London's People:

Policy 3.1 (Ensuring equal life chances for all)

Policy 3.6 (Children and young people's play and informal recreation facilities)

Policy 3.16 (Protection and Enhancement of social Infrastructure)

3.18 (Education facilities)

Policy 3.19 (Sports facilities)

London's Response to Climate Change:

5.1 (Climate Change Mitigation)

5.2 (Minimising Carbon Dioxide Emissions)

5.7 (Renewable Energy)

5.10 (Urban Greening)

5.11 (Green Roofs and Development Site Environs)

5.12 (Flood Risk Management)

5.13 (Sustainable Drainage)

5.21 (Contaminated Land)

London's Transport:

6.1 (Strategic Approach)

6.2 (Promoting 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)

6.13 (Parking)

London's Living Places and Spaces:

7.4 (Local Character)

7.6 (Architecture)

7.8 (Heritage assets and archaeology)

- 7.14 (Improving Air Quality)
- 7.15 (Reducing and Managing Noise)
- 7.16 (Green Belt)
- 7.18 (Protecting Open Space and addressing deficiency)
- 7.19 (Biodiversity and Access to Nature)
- 7.21 (Trees and Woodlands)
- 7.7 (Location and design of tall and large buildings)

Mayoral Supplementary Guidance

Sustainable Design and Construction (May 2006)

The Sustainable Design and Construction (SPG) seeks to design and construct new development in ways that contribute to sustainable development. In terms of waste, the preferred standard seeks to provide facilities to recycle or compost at 60% of waste by 2015. The SPG also states that the siting of recycling facilities should follow consideration of vehicular access to the site and potential (noise) impacts on amenity.

The Mayor's Climate Change Mitigation and Energy Strategy (October 2011)

The strategy seeks to provide cleaner air for London. This strategy focuses on reducing carbon dioxide emissions to mitigate climate change, securing a low carbon energy supply for London and moving London to a thriving low carbon capital.

Accessible London: Achieving an Inclusive Environment (April 2004)

The strategy sets out to provide detailed advice and guidance on the policies in the London Plan in relation to achieving an inclusive environment.

Planning for Equality and Diversity in London (October 2007)

This guidance sets out sets out some of the overarching principles that should guide planning for equality in the London context.

All London Green Grid (March 2012)

This strategy provides guidance for designing and managing green and open spaces to bring about previously unrealised benefits. In doing so, we aim to encourage boroughs, developers, and communities to collectively increase the delivery of green infrastructure for London.

Relevant Local Plan (2012) Policies

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD which were both adopted on 11 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)

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 integrated community facilities and uses)
CS11 (Improving health and wellbeing in Barnet)
CS13 (Ensuring the efficient use of natural resources)
CS15 (Delivering the Core Strategy)

Development Management Policies (Adopted 2012):

DM01 (Protecting Barnet's character and amenity)
DM04 (Environmental considerations for development)
DM05 (Tall Buildings)
DM14 (New and existing employment space)
DM13 (Community and education uses)
DM15 (Green Belt and open spaces)
DM16 (Biodiversity)
DM17 (Travel impact and parking standards)

Supplementary Planning Documents and Guidance

The Council has a number of adopted Supplementary Planning Documents (SPDs) which provide detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet including generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards. They are material considerations for the determination of planning applications:

Local Supplementary Planning Documents and Guidance:

Sustainable Design and Construction SPD (April 2013)

North London Business Park Planning Brief

The Council adopted the Copthall Planning Brief following extensive public consultation in March 2016. The brief sets out the spatial strategy for the development of the North London Business Park Site.

Local Supplementary Planning Documents:

Sustainable Design and Construction (April 2013)

Planning Obligations (April 2013)

Strategic Supplementary Planning Documents and Guidance:

Accessible London: Achieving an Inclusive Environment (April 2004)

Sustainable Design and Construction (May 2006)

Health Issues in Planning (June 2007)

Planning for Equality and Diversity in London (October 2007)

All London Green Grid (March 2012)

1.2 Key Relevant Planning History

The site at North London Business Park was historically first brought into use as a cemetery by the Great Northern cemetery company in 1855. Subsequently the site

was purchased by Standard Telephones and Cables in 1922 and various industrial buildings were subsequently erected in the period up to the Second World War.

The site was partly redeveloped in the 1980's and in the early 200's into the form which is present today. Standard Telephones and Cables was bought out by Nortel in 1991 who vacated the site in 2002 when the site was renamed as North London Business Park.

In terms of more recent history, the following applications are identified in the applicant's supporting Planning Statement. In addition to this history a planning application was approved in November 2016 under planning application reference 16/5027/S73 to allow for the variation of condition 3 (Time period to discontinue use) and condition 5 (Number of pupils) pursuant to planning permission B/01615/13 dated 25/07/2013 for "Change of use of Building 5 North London Business Park, from Business (B1) to Educational (D1) use for a temporary period (3 years), including external alterations to provide car parking and fencing" Variation include to increase the capacity of the school up to 500 pupils and to enable the school to operate until 31st August 2019.

Another current application is currently under consideration under planning application reference 17/1426/FUL for the temporary change of use from office (Use Class B1) to Educational Use (Use Class D1) to part of second floor of Building 4; conversion of the 'south car park' to provide a multi-use games area, including new fencing and associated works.

15/05245/192	Use of suite as office for taxi administrative purposes.	Lawful	22/10/2015
B/01735/13	Change of use of Building 5, from Business (B1) to Educational (D1) use for a temporary period (3 years), including external alterations to provide car parking and fencing.	Approved	25/07/2013
B/04375/12	Application for a Lawful Development Certificate for an Existing Use relating to the use of the existing café at Building 4 ancillary to the use of the main office.	Lawful	21/12/2012
B/03102/09	Change of use of Building 3 from B1 office to D1 college for a temporary period.	Approved	21/12/2009
N00429GJ/07	Single storey rear extension to provide garage plus associated works to Building 4.	Approved	11/09/2007
N00429GH/07	Temporary change of use of existing Building 5 (4,800 sq m) for 3 years for Class D1 further education use for Barnet College.	Approved	10/10/2007
N00429GD/06	Change of use of part of existing social club to day nursery.	Approved	02/08/2006
N00429GA/05	Temporary change of use of part ground floor of Building 2 from offices (B1) to higher education (D1).	Approved	28/09/2005
N00429FU/04	Construction of a new glazed link between buildings 2 and 3 for temporary use for 5 years as entrance to Barnet College.	Approved	17/12/2004
N00429FN/04	Use of Building 3 for Class D1 education use for a temporary period incorporating provision for 180 car parking spaces.	Approved	23/07/2004

1.3 Pre-application Consultation by the Applicant

A statement of community involvement has been submitted with the Planning Application which outlines the consultations which the applicant carried out prior to the submission of the application. This included workshops with the GLA and the London Borough of Barnet, meetings with Local Ward Councillors and residents associations as well as Public Consultation Events held at the site.,

1.4 Public Consultations by the Council and Views Expressed

Public Consultation

2831 local residents were consulted on the planning application by letter on 25.01.2015. The application was advertised in the local press on 14 January 2016 and site notices were put up on site on 25 January 2016. The consultation process carried out for this application is considered to be 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.

First re consultation

Neighbouring residents were re-consulted on the 8th July 2016, following the receipt of amended plans involving the following changes:

Re-distribution of units across phases, reduction in height of blocks 1D, 1E and 1F, provision of independent access to sports facilities from basement car park and Brunswick Park Road, and further amendments including ground floor access points and fenestration.

Second re-consultation

Neighbouring residents were re-consulted on the 30th March 2017, following the receipt of amended plans involving the following changes:

The provision of 10% Affordable Housing across the site with an overall increase in the proposed number of housing units from 1,200 to 1,350. The tallest buildings have been reduced in height from 11 to 9 storeys with some buildings along the boundary of the rail line increased from 7 to 9 storeys.

E-Petitions

An e petition has been completed on the Council's Web Petition signed by 227 persons urging the refusal of the application due to: Extreme building height, excessive scale of overall development, opening of any type of access route from/to via Weirdale and Ashbourne Avenues and lack of local community infrastructure and facilities.

A second e petition is also currently live signed by 243 persons (at the time of writing of this report) objecting to the latest amended plans as the new plans continue to show an increase of density, extreme building height and access from Weirdale/ Ashbourne Avenue which the petition considers completely inappropriate.

Public Representations

As a result of the consultation, a total of 228 responses have been received with 226 objections, 17 letters of support and 4 neutral responses.

The comments received from members of the public have been summarised as follows:

Summary of main points raised by members of the public in objecting to the scheme.

GP Surgery's and Local Primary Schools full, is not catered for by the development and can not cope with increased number of units.

Height and density of the proposal excessive building high rise flats while surrounding area 2 storey houses

Insufficient information how the build would take place without inconveniencing local residents

Lack of information on the environmental and conservation impact of this project.

Problems accessing documents online

Density of development excessive and out of keeping with the area.

Safety of children at new school as a result of increased traffic

Overlooking of school from neighbouring flats
 No natural playspace for school only hard surfaced play areas.
 Air pollution already high will be increased by development
 Number of units excessive also resultant car numbers and will overwhelm area and surrounding roads.
 Need to take account of other consented developments in the area including Sweets Way and Oakleigh Road Traffic.
 Lack of local bus services which are often at capacity and infrequent
 Roads outside immediate facility i.e.
 Betstyle Circus (at the southern end of Brunswick Park Road and Oakleigh Road) - already close to standstill every rush hour with numerous accidents. 8. This proposal must be rejected. Redevelopment must focus on providing much needed family housing at significantly lower density with considerable investment in local infrastructure to support influx of new residents.
 Housing is all smaller units, character of area and policy requires more larger family housing
 Redevelopment must be sympathetic to the surrounding area not a high rise ghetto
 Problems accessing documents online
 Lack of Consultation
 Lack of time to make consultation comments
 Loss of Trees on Weirdale Avenue
 Noise and disturbance and traffic disturbance as a result of the proposed school.
 Height and form of development follows mistake of post war urban planning and fails to develop a cohesive vibrant community.
 Height is contrary to policy which requires that tall buildings are located in identified areas.
 Proposed amendments lowering height of parts of blocks 1E to 1F adjoining Brunswick Park Road are minimal and do not change the basic excessive height and density of the scheme
 Proposed reduction in height of two blocks from 11 to 9 is cancelled out by the increase in height and footprint of other blocks increasing the total number of units on site.
 Proposed increase in number of units to 1350 exacerbates previous concerns regarding congestion on the roads, lack of health care and school provision etc.
 Lack of social housing: To impact on local housing need, the council and Comer developers have a moral imperative to increase the % of high quality social housing from 10% to 20%
 Provision of 10% affordable housing does not justify increased number of units and buildings.
 Lack of a community based school: rather than a faith school.
 Insufficient provision for retail and future residents and neighbours will have to commute (by car) to neighbouring centres.
 Absence of train station at NLBP which would improve transport situation
 Adopted planning brief advises that existing nursery will be rehoused to at least equivalent quantity and quality, while proposed new location appears to lack any outdoor space.
 Air Pollution from additional traffic
 Pollution and disturbance and traffic congestion from construction
 Area can not cope with proposed number of units and cars.
 Heights should be limited to 5 storeys

Weirdale Avenue double parked and can not take any traffic or emergency vehicles
Access will encourage people in and visiting the development to park on Weirdale Avenue.

Access will result in problems of crime with criminals using it as a point of access and getaway

Comer Group could potentially use Weirdale as a Construction Access

Accidents already occur in adjoining road proposed increase in traffic would increase likelihood of accident.

Due to provision of mostly smaller units, most demand will be for primary not secondary school which is not being catered for.

Proposals ride roughshod over neighbours' concerns

Proposed number of smaller units will lead to overcrowding as families will not be able to afford to move.

High rise blocks are a failure as a housing type and will end up having to be demolished.

People in this area need cars so naïve to consider transport measures will reduce car usage.

Surrounding Roads already in gridlock any extra traffic will cause congestion as would an accident.

Application documents do not address contaminate land and the 14 tunnels under the playing fields at the north of the site.

Request for confirmation that relevant authorities have been informed regarding protected species i.e. bats and slow worms. Proposal massive overdevelopment of the site

Council in failing in duties in not opposing scheme despite massive neighbour opposition

Summary of main points raised by members of the public in support of the scheme.

Proposal will further enhance the local area., objectors need to see the bigger long term plan and not hinder economic growth

The bigger long term plan needs to be seen and residents need to understand that by objecting the plan they are hindering economic growth in the area. Great plans to further enhance the area

strongly support the application as it will bring vast benefits to the area. A modern, Outstanding Secondary school will be on the door steps of the local residents, which will raise their property prices

Support scheme but consider residential development too much and concern regarding impact on services.

Secondary School looks amazing and will be a wonderful addition to the local area, especially given the "Outstanding Ofsted" report.

No more delays for the school

The plans accommodate a wide range of the community and offer housing as well as amazing new grounds and a purpose built school for St Andrews the apostle an outstanding school which needs proper facilities and room to grow.

Complaints about traffic and noise applies to living in London and doesn't justify refusal of application.

Proposal would be a high quality scheme which will enhance the local area.

Officer Comment

All of the above representations have been taken into account in the officer assessment, which form part of the officer assessment below.

Elected Representatives.

Councillors

Councillor Cooke has provided comments that he does not consider that the provision of the school should be allowed to justify any reduction in affordable housing levels as it is the responsibility of the EFA to purchase the school site and build out the land.

Councillor Levine has objected to the application for the following reasons:

OVERDEVELOPMENT

The London Plan proposes that residential density for suburban locations with a PTAL of 1-2 should be between 35-75 units per hectare. This proposal is at 81.6. Well over the maximum and nearly 60% above the average. The surrounding area is one primarily of houses with a limited number of small blocks of flats. This proposal is attempting to overdevelop the site.

HOUSING MIX

Barnet's Core Strategy as expressed in Policy CS4 is seeking to ensure a mix of housing products in the affordable and market sectors to provide choice for all households. Barnet's plan found that our dwelling size priorities are for family accommodation across all tenures. Four bedroom properties are the highest priority with 3 bedroom medium priority (but highest for social housing). This proposed development has no 4 bedroom properties and only 18% 3 bedroom in Phase 1 with 17.5% 3 bedroom over all phases of development. This mixture of housing is unacceptable.

AFFORDABLE HOUSING

Barnet has a delivery target of 40% affordable homes (with a minimum of 5,500 by 2025/26). The proposed 10% affordable units is derisory on a development of this size and is not acceptable.

PROTECTING AND ENHANCING BARNET'S CHARACTER

Barnet's policy CS5 seeks to protect and enhance Barnet's character to create high quality places. It clearly states areas where tall buildings (8 stories, or 26m, or more) may be developed. This does not include the North London Business Park site. It also states that '*Outside of these specific locations, proposals for tall buildings will not be supported.*' The proposals for blocks of 9 stories is not acceptable and is opening the gates for further erosion of Barnet's strategic plan.

TRANSPORT AND TRAFFIC

Transport links in the area concerned are poor with a very low PTAL of only 1-2. Residents will use their own transport adding to the congestion already experienced on Brunswick Park Road, Russell Lane and Oakleigh Roads both North and South.

SITE ACCESS

It is proposed that emergency vehicle, pedestrian and cycle access will be opened from the site into Ashbourne and Weirdale Avenues. It is wrong to suggest that this was ever a public access route, when it was only used many years ago as a security managed works entrance. The quality of life of existing residents in this area is important and this proposal will have a devastating effect on them as can be seen from the high level of objections raised to this proposal.

Councillor Rutter has objected to the application for the following reasons:

Summary

Phase 1 which includes the build of the New Greek school will be decided at the Planning committee which is on the **22nd June**. There was some confusion as to whether it was on the 26th June but the date on Barnet Council website confirms 22nd June. Residents are happy for the New Greek school to go ahead and commented how it was a shame that the school was linked to the whole development on the site.

Residents are still not happy about the high buildings in Phase 1 but understand the importance of the school going ahead as mentioned in the meeting and that any amendments to this Phase will only cause a delay to the school. The residents are therefore prepared to accept Phase 1 to go ahead.

However it was confirmed in the meeting by Comers that if residents wish to amend any other details to the rest of the proposed development then this can be put forward after the Planning committee on the 22nd June to the Mayor of London. I asked for this to be noted in the minutes of the meeting as residents would still like the tall buildings to be reduced in height.

Barnet's London Plan document defines 8 storey buildings as tall and planning officers and the committee need to take this into consideration when making any decisions. Although the revised plans have reduced the 11 storey block to 9, the original **FIVE** 8 storey blocks running along the rail way have been increased to 9 storeys.

*5.7.19 Regarding the maximum height permissible on the site, the Local Plan Policy DM5 is clear that development classified as "tall" (8 storeys or more) will only be permissible in strategic locations as set out in the Core Strategy. As the **NLBP site is not a strategic location**, development of 8 storeys or more will be in conflict with the Local Plan*

Residents are not happy with the height of the 8 and 9 story buildings and believe that these are tower blocks. No matter how aesthetically they are built into the new

site the residents feel that this is very much out of character to the surrounding neighbourhood and the character of the Borough of Barnet which is renowned for preserving its character. Extensive research into tower blocks demonstrate having a detrimental effect on communities and people (esp. families) who live in them – linked to higher crime rates, lower educational outcomes, increased stress and mental health difficulties.....

The developments look and feel should blend with its surroundings. Residents also mentioned in the meeting that they are also keen to see some plans on the materials and the look being proposed to have a better understanding of the proposed development.

The density of the development is another concern. The Policy and Resources Committee (22/3/16) NLBP planning Brief - Summary stated:

5.7.18 Regarding how density varies across the site, the principal of requiring the edges of the site abounding neighbouring residential properties to be built a lower heights and densities is broadly supported by all parties with the exception of the developer seeking a “transitional zone” in the area adjacent to the residential properties of Howard Close. It is unclear why this is appropriate compared to other edges on the site, an accordingly the Planning Brief will now be amended to include this principal.

Barnet’s philosophy is to provide an attractive, clean and green environment where people want to live and hopefully continue to carry on living. Any new developments should take into account the topography of the borough and help to enhance and make it more attractive.

Barnet’s local plan document states;

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

6.1.3 London Plan Para 7.25 defines a tall building as one that is substantially taller than its surroundings, or significantly changes the skyline. **Barnet’s Core Strategy defines a tall building as being eight storeys (equivalent to 26 metres above ground level) or more and identifies locations where proposals may be appropriate.**

Policy DM05: Tall buildings outside the strategic locations identified in the Core Strategy will not be considered acceptable. Proposals for tall buildings will need to demonstrate:

- i. an active street frontage where appropriate
- ii. Successful integration into the existing urban fabric
- iii. a regard to topography and no adverse impact on Local Viewing Corridors, local views and the skyline
- iv. not cause harm to heritage assets and their setting
- v. that the potential microclimatic effect does not adversely affect existing levels of comfort in the public realm. Proposals for redevelopment or refurbishment of existing tall buildings will be required to make a positive contribution to the townscape.

It is interesting and the committee should also note that in the Evening Standard newspaper on the 28th March 2017 (link below) the Mayor of London and cabinet member quotes the following;

<https://www.standard.co.uk/news/mayor/sadiq-khan-backs-tall-buildings-if-they-enhance-londons-skyline-a3500851.html>

Evening standard newspaper 28th March 2017

“Without doubt, tall buildings have a role to play in London but they should only be built in suitable areas, contribute positively to the skyline and their locality and, if residential, should help ease the capital’s housing crisis.” The Mayor can call in planning applications for new tall buildings if the development would have significant impacts that are likely to affect more than one borough, would have a significant impact on the implementation of the London Plan, and there are sound planning reasons for intervention.

Councillor Daniel Astaire, the council’s cabinet member for planning and public realm, has said he is “open to taller and higher buildings as a matter of policy” but that this would have to mean “appropriate buildings in appropriate places”.

In conclusion

Residents request the committee to please consider all the concerns raised above and the notes highlighted when making their decision for this proposed development.

Whilst residents are happy for Phase 1 to proceed on the 22nd June, residents ask that an application is put forward to the Mayor of London to please consider the tall buildings proposed for the rest of the development and to note as already mentioned above that;

*As the **NLBP site is not a strategic location**, development of 8 storeys or more will be in conflict with the Local Plan*

and as in 2.3.7 above;

In order to protect character Policy DM01: Protecting Barnet's Character and Amenity requires development to demonstrate a good understanding of the local characteristics of an area. ***Proposals which are out of keeping with the character of an area will be refused.***

Members of Parliament

Teresa Villiers MP has objected to the application for the following reasons:

'I very much support the plans for a school on the site. St Andrew the Apostle is a great school which needs bigger and better facilities than it currently has.

The new buildings proposed will enable the school to continue to deliver excellent educational opportunities for pupils and the school places provided as St Andrew's expands will benefit the surrounding area.

However, I believe that it would be far better to separate the planning application for the new school building from the residential development proposed for NLBP. The controversial nature of the housing development is likely to overshadow the decision on the school and potentially cause unnecessary delay. It would be far better to consider it separately. These are two distinct proposals and there is no pressing justification why they have to be linked in the way they have been.

Turning to the residential component of the application, I note that the changes made compared to previous proposals for the site will increase in the overall number of housing units from 1,200 to 1,350. Although the tallest buildings have been reduced from 11 to 9 storeys, some of the buildings along the boundary of the railway line appear to have increased from 7 to 9 storeys.

My constituents living near the site in Weirdale Avenue are particularly concerned about privacy and overlooking.

I am worried about the impact of the number of units proposed. Even on the basis of the earlier plans for NLBP for 1200 dwellings, constituents had already told me of their concerns about the impact on traffic entering and leaving the site on surrounding roads. This latest increase in the number of flats proposed will only worsen the situation. I do not believe that local infrastructure and services can properly support the very significant population increase envisaged in this planning application.

I understand that the plans indicate that there is no vehicle or emergency vehicle access for Ashbourne Avenue and Weirdale Avenue. That is to be welcomed but residents in those areas have contacted me to query whether in fact some access might still be proposed in the application. I would therefore ask for confirmation that plans for any kind of vehicle access have been dropped and are not included in this planning application and therefore will not be approved in any circumstances.

So whilst I support the plans for new school buildings, I oppose the residential component of the application. The changes made in this proposal to bring down the height of some of the blocks are not sufficient to make the development acceptable.

The impact on the surrounding area, both visually and in terms of traffic and parking, would still be considerable.'

GLA Assembly Member

Andrew Dismore AM has objected to the application for the following reasons:

Introduction

I am objecting to this application in my capacity as London Assembly member for Barnet and Camden.

This application is seen in the local community as a 'Trojan Horse' project which will be the precursor for further high density planning applications in the area, including more tall buildings, if it gains consent.

It is generally felt that this high density development will fundamentally change the character of the local area.

Whilst I welcome the siting of the school, I do not believe that other additional infrastructure that will be needed will be in place, putting further strain on local services.

Traffic and parking

The proposed access to the site from Weirdale Avenue and Ashbourne Avenue is completely unacceptable. These roads are already busy and difficult to park in. allowing access to the site from here will add further pressure and make these roads busier and more congested.

The main roads nearby, Brunswick Park Road, Oakleigh Road North and Russell Lane are already congested at certain times, and I fear this proposal for 1,000 extra properties will only make a bad situation worse, particularly bearing in mind the impact of the waste depot for which consent has been already given.

I do not believe the local public transport network will be able to cope with such a large increase in the local population. Local buses are not well interconnected and as the area is far from large retail centres, it is likely most residents will own and use private cars. I am concerned that there will be inadequate parking provision as has occurred elsewhere in the borough, with the developers charging exorbitant fees for parking spaces, so that residents park in the nearby streets. This leads to the escalation of parking problems and ultimately a need for controlled parking zones.

I note there are no proposals to increase cycling infrastructure in the area, which might mitigate against some of the increased traffic. I also do not believe the pedestrian crossings in the area are big enough to cope with the expected increase in the number of people using them.

Overdevelopment

This application contains 8-storey blocks. This is completely out of character with the local area, which comprises mainly family housing, with some 3-4 story blocks. 8 floors are too high and dense. They would have a visually intrusive impact on the

skyline. The taller towers are close to Howard Close and Brunswick Park Gardens, whose interests are overlooked as will be the homes there.

Housing tenure mix

The London Plan and Barnet's own planning policies (Local Plan Policy DM10) require 40% of a development of this size to be 'affordable' subject to 'viability'.

There is no indication from this application what will be the percentage of affordable or social housing. Given the scale of the development, I do not believe anything less than that required by the London plan would be acceptable.

Consultation responses from neighbouring associations other non-statutory bodies.

Consultation Responses from Statutory Consultees

Greater London Authority (GLA)

Strategic planning application stage 1 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The Proposal

Hybrid planning application for the phased comprehensive redevelopment of the North London Business Park to deliver a residential-led mixed use development. The detailed element comprises 376 residential units in five blocks reaching eight storeys, the provision of a 5 form entry secondary school, a gymnasium, a multi-use sports pitch and associated changing facilities and improvements to open space and transport infrastructure, including improvements to the access from Brunswick Park Road and; the outline element comprises up to 824 additional residential units in buildings ranging from two to eleven storeys, up to 5,177 sqm of non-residential floor space (use Classes A1-A4, B1 and D1) and 2.9 hectares of open space. Associated site preparation/enabling work, transport infrastructure and junction work, landscaping and car parking. London Plan policies on employment, education, housing, urban design, inclusive design, climate change, and transport are relevant to this application.

Conclusion

The principle of the residential-led mixed-use redevelopment of this site is supported. However, a number of strategic concerns are raised, and consequently the application does not accord with London Plan Policy:

- Employment and education: whilst the current London Plan identifies the site as SIL, it is accepted that this function is increasingly becoming obsolete and will be less viable in the future. The Council should secure the delivery of the replacement employment space, including controls over terms and rent levels for SMEs, through the S106 agreement and ensure that the requirement for primary school places is mitigated, to satisfy London Plan Policies 2.17 and 3.18.

- Housing: the quantum proposed is high for a suburban context. The absence of any affordable housing is unacceptable for this scale of development and the proposal therefore does not comply with London Plan Policy 3.12. The applicant should also address concerns raised with regard to the housing mix, to increase the delivery of family housing, and residential quality.
- Urban design: the density, height and scale in a predominantly suburban area are challenging. However, the applicant should seek to address concerns relating to residential quality, layout and visual impact, to ensure compliance with London Plan Policies 3.5 and 7.3.
- Climate change mitigation: the energy strategy does not accord with London Plan policies 5.2, 5.6 and 5.9. The applicant's position on district heating, site wide heat network and CHP is not supported and further justification is required. Further information is also required regarding overheating and PV siting.

Comments Received 15/02/2017

Whilst I do not yet have a final report to share with you, I have met with Gerald Eve today and they have confirmed that they are in agreement with the overall conclusions of the updated work undertaken on the revised scenario – that 10% is the maximum reasonable amount of affordable housing with the additional 150 units and the school site included. I suggest therefore that you proceed to amend the scheme on that basis, subject to any comments the Council may have.

As well as resolving the other outstanding matters from our Stage 1 (energy and transport), it will be necessary to bottom out what will be included in the S106 heads of terms in relation to the details of the affordable offer and review mechanisms. In particular:

Affordable offer

- Quantum of affordable housing by phase;
- Tenure split and mix;
- Proposed rent levels for affordable rent and income thresholds/monthly expenditure for shared ownership;
- Potential to incorporate grant funding under the Mayor's funding guidance.

You are encouraged to appoint an RP to help inform this.

Review mechanisms

In line with the draft Affordable Housing a Viability SPG, an early stage review will be required if the scheme has not reached an agreed level of progress within 2 years of grant of planning permission.

In addition, given the phased nature of the scheme, it would be appropriate to have a phased review mechanism that enables the re-appraisal of scheme viability, say prior to submission of reserved matters for each phase. This will enable updated costs and sales values to be used to determine whether there is any surplus that can be used to increase affordable housing delivery on site in future phases. This should also factor in any relevant grant funding regime at the time.

Transport for London (TfL)

1. Given the importance that Mayor and TfL places on improving air quality and promoting active travel in London, I'm concerned that it appears that Barnet Council and the developer plan to provide 1923 parking spaces on this site for 1,350 units that is 1.4 per unit will prove unacceptable. TfL would like to see less car parking than proposed and evidence of restraining traffic growth from this site. This car parking proposal will contribute to poor air quality on site and in the wider environment. There is no reference to Electric Vehicle Charging Points.
2. School traffic - Given there is a sizeable school on site, not clear why parking provision has not been revised downwards? The applicant needs to show how these proposal discourage school pupils and staff from travelling to school by car.
3. In Stage 1 report to the Mayor, TfL indicated we could improve local bus services, to clarify we currently assume this would mean raising the 382 from a low frequency route of four buses per hour to high frequency route of five buses per hour. Contribution request was £165,000 per annum over 5 years, to achieve this outcome. We note the impact assessment in the addendum refers to the bus capacity as 58 passengers per vehicle. Given the nature of the route, TfL specifies a 45 person capacity vehicle on this route and the planning capacity of the route is 35 people per bus. Can the Council confirm there position on this funding request? Enhancing this service would benefit residents of the development and mitigate impact on existing residents along the route. This seems an outcome that the Council would want to support.
4. The proposal assumes there will be shuttle bus service provided, which will only be used by residents of the development. If the Council is taking account of this service, TfL is concerned that funding of the service should be secured for at least 5 years (against an agreed level of service), and we suggest that developers will demonstrate how the services will be maintained into the longer term. The facility will need places to pick-up/ drop-off and layover during service, so we can assess operational impact on TfL existing services, we need to see those details. If you provide a shuttle service it needs to meet the needs of all residents including wheelchair users, as well as people with other disabilities (visual, audio is important) as well tie into late night LU services. Promoting equal access to transport is important to TfL and the Mayor.
5. TfL runs bus services in London for all Londoners, we are also responsible for regulatory other services in London through the London service permit scheme. If this is a local bus service where passengers pay individual fares to travel then a London service permit (LSP) issued by TfL would be required. We may choose not to grant a permit if this likely to be detriment to TfL services. Under an LSP, TfL we cannot dictate the fares being charged and any acceptance of Oyster etc would have to be under a separate agreement.

6. TfL welcomes the proposals for offsite cycle and pedestrian improvements. Please confirm how these measures will be secured and how Barnet Council will assure compliance with TfL Pedestrian Design Guidance (London Plan Policy 6.10) and London Cycle Design Standards (London Plan Policy 6.9).

Sport England

Sport England – Non Statutory Role and Policy

The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications.

<http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/open-space-sports-and-recreation-facilities/>

This application falls within the scope of the above guidance as it relates to; residential development

It is further understood that the northern part of the Site used to comprise private sports facilities but these have not been used by the mid 1990s. It is not known if the site therefore forms, or constitutes land last used as playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595).

However, as the playing field has not been used since the mid-1990s, the consultation with Sport England is not a statutory requirement.

Notwithstanding the non-statutory nature of the consultation, if the Sport England has considered the application in the light of the National Planning Policy Framework (particularly Para 74) and Sport England's policy on planning applications affecting playing fields 'A Sporting Future for the Playing Fields of England' (see link below): www.sportengland.org/playingfieldspolicy

Sport England's policy is applied to any land in use as playing field or last used as playing field, irrespective of whether that use ceased more than five years ago.

Lack of use should not be seen as necessarily indicating an absence of need for playing fields in the locality. Such land can retain the potential to provide playing pitches to meet current or future needs.

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all or any part of a playing field or land last used as such, unless one or more of the five exceptions stated in its policy apply.

Strategic/Local Need for the Facility

Sport England has used its strategic planning tools (Facility Planning Model National Run 2015) to assess the current supply and demand for artificial grass

pitches which indicates that there is demand for new artificial grass pitches particularly for football/rugby. A review of the FPM information we hold for sports halls also indicates there is a need for a sports hall facility. Nb. This conclusion assumes that Active Places Power database is up to date and correct and takes no account of planned changes in supply (e.g. recent facility closures) or demand (e.g. population growth).

Facility Design

Sport England seeks to ensure the new sports facilities are fit for purpose. The details submitted with the application do not detail how the design of the sports facilities was reached. Having regard to;

- Sports halls
- Artificial Surfaces for Outdoor Sports
- Comparative Sizes of Sports Pitches and Courts
- Pavilions and Clubhouses

Sport England is concerned that the design of the proposed facility does not meet the above technical guidance for the following reasons;

Insufficient information has been provided about the proposed artificial grass pitch (AGP). Sport England would like details of; the proposed surface (different surfaces are appropriate for different sports), pitch dimensions and run-offs, fencing, floodlighting.

The sports hall is not a community sports hall (e.g. 34.5 x 20.0 x 7.5 m.) and may not be sufficient to support the needs of the School and the community (see EFA Building Bulletin 103 and Sport England's Sports Hall design guidance). How has the sports hall design been arrived at, can it be increased in size and details of its layout be provided?

The MUGA and community sports pavilion should also meet the standards set out in our design guidance. Has a drawing showing the internal layout of the pavilion been provided for comment?

We also wish to draw the Council's attention to our other relevant design guidance;

- Artificial Sports Lighting Design guidance
- Artificial Grass Pitch (AGP) Acoustics - Planning Implications

Availability for Community Sport

The primary purpose of this development is to deliver community sport and as such Sport England is satisfied that it will fulfil the benefits to community sport identified above. The application has identified the potential for this facility to be used for community sport, and this is reflected in its design, location and intended hours of operation. Sport England would wish to see this intention consolidated by way of a Community Use Agreement.

Subject to the satisfactory establishment of a Community Use Agreement through the condition identified below, Sport England is satisfied that the proposed MUGA,

sports hall, sports pavilion and AGP will deliver benefits to community sport identified above.

The Proposal and Assessment against Sport England's Objectives and the NPPF

As it is not clear which part of the site may have been used as playing field or its size, and given the significant time lapse since a private sports club was on the site, it is difficult to make an assessment against paragraph 74 of the NPPF and Sport England's playing fields policy. Notwithstanding, it is recognised the new site includes sports facilities including a MUGA, sports hall, sports pavilion and AGP. However, if Sport England is to accept that the loss of playing fields (albeit that these have been out of use for a long period of time) and that the new sports facilities built will meet the needs of the school and the residents of the 1000+ residential units on this site, Sport England requires the Council to ensure that the sports facilities provided meet with the standards in our design guidance and are fit for purpose.

In light of the above, Sport England wishes to **object** to this application. Sport England is likely to withdraw its objection to this application if further information is provided regarding the design of the proposed sports facilities that demonstrates they meet with Sport England's design guidance and therefore are fit for purpose.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

Environment Agency (EA)

There are no constraints which fall within our remit for this application. We did not need to be consulted on this application and therefore have no comments.

NHS England

In relation to the growth in the population from the development of the North London Business Park, if the growth will be an estimate of 2,400 residents this will not warrant a new GP practice. To enable a practice to be financially viable on a standard APMS contract (if procured) the patient registered list would need to be 6,000 patients or more.

I have not had a chance to look at the number of neighbouring practices within 1 mile of the NLBP but at a 2,400 growth we would review if the existing practices could absorb the additional capacity.

If there is not sufficient capacity we could access funding through the Primary Care Transformation Fund.

Thames Water (TW)

Waste Comments

With the information provided Thames Water, has been unable to determine the waste water infrastructure needs of this application. Should the Local Planning

Authority look to approve the application ahead of further information being provided, we request that the following 'Grampian Style' condition be applied - "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

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

No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result

in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Supplementary Comments

Developer to provide proposed points of connection to Thames water network and Drainage strategy. Thames Water advise that a drainage strategy should contain details of pre and post development surface water run off rates for storm periods 1 in 10, 30, 100 and the proposed methods of surface water flow management e.g. attenuation, soakaways etc. The London Plan Policy 5.13 Sustainable Drainage states the drainage hierarchy that suggests discharge rainwater direct to a watercourse before considering discharge rainwater to a surface water drain.

Metropolitan Police Crime Prevention Design Advisor

1. All communal and all residential doors will be to a security certificated standard. BS PAS 24-2012, LPS 1175 sr2 +, STS 201, STS 202 BR2.
2. All opening and accessible windows will be to BS PAS 24-2012 (etc as above) with P1a Laminated glazing.
3. Access control will be audio and video with no trades button.
4. Post delivery will be either through the wall, or internal lobby with secondary BS PAS 24-2012 door fitted.
5. Car Park. Roller shutter to LPS 1175 sr2 standard. Stair cores have access to the basement. Should the fire button be activated these doors will open and allow anyone access to the stair core. The number of fire routes should be considered. The fire route should exit the building at ground level. Otherwise each level will have BS pas 24-2012 doors leading from the stair core. Lighting to BS 5489.
6. Bins and bike stores. Self closing and self locking doors. Bike stores will have BS PAS 24-2012 doors fitted. I suggest sub-division of the cycle store to reduce risk of the number of bikes stolen.
7. Stud partition from common parts to be supported with 9mm plywood or expanded metal mesh.

8. CCTV and alarm. If cctv is used then will be registered and comply with the information commissioners office guidelines. www.ico.gov.uk.

9. Further access control will be provided at each 25 unit basis. This can be achieved by access control on each floor, and encrypted fob on the lift.

10. Utility meters will be located in central locations.

Layout.

Increase surveillance. Decrease permeability. Increase territoriality.

We discussed how territoriality could be gained. Prevent access to the rear of building with railings. 1.8m high minimum. Gating as near to the building line as possible. Opened during the day was mentioned and I highlighted that residential burglary is most common during the day. Although gating at night prevents other crime or ASB (anti-social behaviour).

Residential units at ground level, should have fencing and foliage to prevent others viewing through ground windows. Territoriality strip of 2m would provide a privacy zone. Gable ends may have windows at first floor level.

Surveillance. Lighting to BS 5489 with no bollard lighting. Any recess would be to a maximum of 600mm. Landscape design would provide a surveillance window, with planting below 1m high and above 2m high.

Decrease Permeability. Directed routes only. This should not allow a pedestrian to walk through the estate. A perimeter around the site should be established with fencing to 1.8m high as minimum.

Gating should be of a design not easy to climb. Backing onto residential gardens should have restricted access. Movement should be prevented with 1.8m to 2m high walls or fence.

I would not support a pedestrian route from Weirdale Road/Ashdale Avenue. Routes should be from public roads where lighting, passing motorists etc will provide a degree of surveillance. If benches are fitted they should be

easily removable. Should ASB occur then to break the cycle the bench can be removed and replaced at a later time.

Internal Consultation responses

Transport and Regeneration

To be Reported

Environmental Health

No Objections raised subject to the attachment of appropriate conditions regarding

construction method extraction, noise mitigation and contamination.

Trees and Landscape

Discussion

□□ North London Business Park has a wide variety of trees in extensive grounds. These features including a pond provide a significant benefit to the local area in terms of visual amenity, open space, wildlife and rest for staff working on site.

□□ The assessment of the trees by fpcr is in my opinion accurate and the trees have been correctly evaluated.

□□ The tree removal and retention plans 6457-A-03-01A to 6457-A-03-03-A require updating to reflect changes in design in the May 2016 revision. Also there is significant confusion in the detailing on these plans; trees marked as red (Cat U) have been categorised as blue (Cat B) on the main surveys. I believe these trees should have been hatched red for removal for the development. However this needs to be clarified.

□□ Japanese knotweed has been identified on the site present within TG2 as recorded on the ecological data. This plant must be controlled and eradicated from the site in due course.

□□ Recommendations/conclusions

□□ A considerable number number of trees will be removed for this development approximately 141. However this may change as the design has been modified since the arboricultural impact assessment was written.

□□ The impact of such a large number of trees being removed will be significant.

□□ Design guidance: trees on the boundaries and entrances to the site should be retained. Within the site key trees and groups of tree must be retained, the current plans are a good attempt at achieving this.

□□ A tree replacement strategy is required in order to offset the loss of these trees.

□□ The arboricultural impact assessment and tree removal plan require updating to reflect the current submitted design. Once this work has been submitted I will undertake a more detailed review.

Education and Children's Services

Having inputted the data you provided though the GLA's child yield tool, the child yield for NLBP is suggested to be:

	Sub region: North
Yield 0-9	636.2
Yield 10-18	173.3
Yield 19+	2203.1

The NLBP development is likely to require an additional 2FE at primary level. The impact at secondary is estimated at less than 1FE.

In terms of whether the demand for primary places at NLBP could be absorbed by primary schools in the wider area, the school roll projections currently suggest that sufficient capacity is projected in the local area (see table below):

	Surplus primary forms of entry
2019-20	1.1
2020-21	1.0
2021-22	1.2
2022-23	1.5
2023-24	2.0
2024-25	2.3
2025-26	2.7
2026-27	3.1
2027-28	3.4

Skills and Enterprise

The scheme in terms of size and loss of employment floorspace is not dissimilar to the NIMR, which I understand has been referred to the GLA, and which I have been advised is not expected to retain the contributions that we asked for originally.

The loss of employment floorspace is significant, with an estimated job loss of circa 3012 jobs based upon the below (I am aware these calculations can have lots of mitigating factors so please let me know if there is anything I am likely to have missed). This would traditionally drive quite a high figure for a loss of employment floorspace contribution – in fact in the case of NIMR, we had to revert to an alternative calculation method, as it's just not appropriate in such big developments.

Loss of Employment Floorspace Contribution				
Select Employment Floorspace Types from Drop Down List				
Below				
	Existing Type	Existing (sqm)	Proposed (sqm)	Total Job Loss
1	Office - B1 (a) - Business Park	33845	2892	3322.968085
2	Retail - A1 - High Street		2018	-
3	Leisure & Visitor Attractions - D1 - Cultural Attractions		13170	31.04615385
4				-280.212766
5				
6				
7				
Total Loss of Jobs				3012

The construction cost of the scheme is £158m, which puts it into the highest tier for the SPD calculation, driving the below outcomes:

LEA Obligations	Obligation
Forecasting of Job Opportunities	2 months' notice
Local Labour Target	30%
Local Supply Chain Use	30%
Progression into employment (under 8 months)	16
Progression into employment (over 6 months)	10
Apprenticeships	27
Work experience (16+)	35
School/college/university site visits	316
School/college workshops	174
	£
Contribution in Lieu of LEA	676,413.80

Given the size of the scheme, we would definitely request:

Those conditions highlighted in yellow above

The provision of a Skills and Employment Co-ordinator to ensure that outcomes are achieved.

The provision of a Skills and Employment Action Plan to outline how the outcomes would be achieved.

The apprenticeship number over 7 years is about 4 apprentices per year, which we do occasionally receive pushback on. I suggest we halve this number of 15 apprentices over the scheme and request a contribution for the remaining number of apprentices. This contribution is normally based on the number of apprenticeships * cost of an apprentice, which would be roughly £300k.

The developer may want to have the apprenticeships instead – if that is the case, happy to agree to it, however we would expect the s106 to include the requirement that any apprenticeship not recruited to will require a contribution in lieu.

Progression into employment could have contribution in lieu – this would be roughly £130k.

Site visits and workshops are nice to have but we could probably halve these without much fuss.

2. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL

2.1 Site Description and Surroundings

This planning application concerns the redevelopment of the North London Business Park (the Site), which is located within the Brunswick Park Ward in the east of the London Borough of Barnet.

The Site measures 16.53 hectares, of which approximately 13 hectares comprises of areas of disused open space and car parking. The Site is bounded by the East Coast Mainline railway along the entire western boundary, whilst the New Southgate Cemetery is adjacent to the eastern boundary. Properties to the north and south are predominantly residential, typically characterised by two/three storey suburban detached, semi-detached and terraced housing. The Site does not contain any listed buildings, nor is it located within a Conservation Area.

There are principally 4 buildings on site providing office accommodation in buildings up to ground plus three storeys in a campus style layout. The current single largest tenant is Barnet Council who occupy over 55% of the total floorspace on the site.

St Andrew the Apostle School is also located on the Site having opened as a free school in September 2013, occupying 'Building 5' on a temporary basis, which is a central block to the west of the existing lake.

The northernmost existing building on the Site is currently occupied for function / conference purposes, as well as an existing nursery (Leo's Nursery).

The Site varies significantly in topography with a steep gradient comprising a level difference of 24 m across the Site from the northern boundary to its lowest point at Brunswick Park Road.

A lake currently occupies part of the lower section of the Site, which can be seen upon entry from Brunswick Park Road. This is a man-made structure dating from the mid-1980s with the primary function of water attenuation.

The nearest National Rail stations to the Site are New Southgate to the south and Oakleigh Park to the north, both of which are located within one mile of the Site and provide access to central London within 20 minutes. Also located within one mile of the Site is Arnos Grove Station which provides access to the London Underground Piccadilly Line. New Southgate has also recently been identified as a preferred location for Crossrail 2, which is proposed to connect National Rail networks in Surrey and Hertfordshire and link in with the existing London railway infrastructure, through tunnels connecting Wimbledon and New Southgate.

The Site is served by the 382 bus along Brunswick Park Road connecting the Site from Southgate in the east, to Friern Barnet and Finchley in the west, and also the 34 (connecting the Site from Barnet in the west to Walthamstow in the east) and 251 (connecting the Site from Edgware in the west to Friern Barnet in the east) from Oakleigh Road South. The PTAL of the site is currently 1-2.

The site has two principal access points, one to the south onto Oakleigh Road South (A109) and one to the east onto Brunswick Park Road. There is also a redundant, unused access point to the northern boundary which would provide

access to Ashbourne Avenue, were it not currently fenced off. Ashbourne Avenue leads onto Russell Lane (B1453), which comprises a neighbourhood retail frontage.

2.2 Description of the Proposed Development

Planning permission is being sought for the following works (the Proposed Development): *“Hybrid planning application for the phased comprehensive redevelopment of the North London Business Park to deliver a residential-led mixed-use development.*

The detailed element comprises 360 residential units in five blocks reaching eight storeys, the provision of a 5 Form Entry Secondary School, a gymnasium, a multi-use sports pitch and associated changing facilities and improvements to open space and transport infrastructure, including improvements to the access from Brunswick Park Road. The outline element comprises up to 990 additional residential units in building ranging from three to nine storeys, up to 5,177 sq m of non-residential floorspace (Use Classes A1-A4, B1 and D1) and 2.54 hectares of public open space. Associated site preparation / enabling works, transport infrastructure and junction works, landscaping and car parking. This application is accompanied by an Environmental Statement.”

The planning application is submitted part in full and part in outline with all matters reserved other than access, with the details of both elements provided below.

Detailed Element

The detailed part of the Hybrid Application comprises Phase 1 of the masterplan as identified in the Parameter Plans. This includes the new secondary school and associated facilities together with 360 residential units.

New Secondary School Facilities

A new secondary school is proposed to be located in the south-eastern corner which will provide a purpose built and larger facility for the St Andrew the Apostle Greek Orthodox School which are currently operating out of converted office accommodation in Building 5. The new secondary school will include the following:

- 11,165 sq m (GIA) school building situated across basement, ground plus two storeys;
- 118 sq m (GIA) multi-use games area (MUGA) to the roof of the main school building;
- 764 sq m (GIA) new single storey sports hall;
- A new 4,610 sq m all-weather sports pitch and associated 379 sq m (GIA) changing pavilion.

Vehicular access into the School will be via Brunswick Park Road which will lead into a drop-off facility for parents and the provision of parking in a basement for staff members. The proposals provide for on-site disabled car parking and a dedicated servicing and delivery bay. In addition to the drop off area, there is an access to the staff car parking which takes the form of a basement parking area, with 92 permanent parking spaces.

Residential Accommodation

In addition to the secondary school facilities, Phase 1 also proposes the delivery of 376 residential units in five development blocks:

- Block 1B – 7 residential units in buildings reaching three storeys;
- Block 1C – 114 residential units in buildings reaching seven storeys;
- Block 1D – 123 residential units in buildings reaching seven storeys;
- Block 1E – 58 residential units in buildings reaching eight storeys, albeit stepping down to three storeys at the boundary edge;
- Block 1F – 58 residential units in buildings reaching eight storeys, albeit stepping down to three storeys at the boundary edge.

In terms of the unit split It is proposed across the five blocks to provide 69 1-bed units (19% of Phase 1), 227 2-bed units (63% of Phase 1) and 64 3-bed units (18% of Phase 1).

Outline Element

The outline element of the Hybrid Application comprises Phases 2-5 detailed on the masterplan and Parameter Plan. The outline elements are predominantly residential, however also include provision for complementary non-residential uses such as office floorspace, small-scale retail floorspace and community facilities, alongside the provision of public open space, play space and other infrastructure.

Residential Accommodation

The outline elements of the application propose the delivery of an additional 990 residential across within four development phases. The unit split and configuration is set out below.

Phase	1-bed Apartments	2-bed Apartments	3-bed Apartments	2-bed Houses	3-bed Houses	Total
2	N/A	3	41	32	63	139
3	45	169	45	N/A	N/A	259
4	59	219	58	N/A	N/A	336
5	45	167	44	N/A	N/A	256
Total	149	558	188	32	63	990

Table 3: Outline Element Residential Schedule

Non-Residential Floorspace

The application proposes approximately 2,892 sq m (GIA) of office accommodation in Blocks 3A and 5A. It is proposed that some of this space will be let in the form of flexible, short-term accommodation targeting small and medium sized companies.

4.15 In addition to the office accommodation, the application proposes 744 sq m (GIA) of community floorspace in the form of two different units. It is proposed to re-

provide a nursery to compensate for the loss of the existing facility along with an additional community facility, the final design and exact use of which will be determined through a future Reserved Matters application.

The application also proposes 2,017 sq m (GIA) retail floorspace to accommodate small scale retail operators within the later phases. This floorspace is envisaged as serving the residential community, rather than providing larger retail units which would detract from any nearby retail frontages.

Car Parking

In addition to the school car parking residential car parking is proposed to be located within basement car parks with some additional on street parking spaces for visitors. Phase 1 has 513 car parking spaces within the four basement parking areas.

The outline element of the scheme will include a minimum of 1,410 allocated car parking spaces, the precise details of which will be provided at Reserved Matter stage.

Access

It is proposed to utilise the existing access routes into the Site at both Oakleigh Road South and Brunswick Park Road. In order to provide a safe entry and egress point for the School, it is proposed to undertake off-site improvements through the introduction of a roundabout at the entrance along with a new access on Benfleet Way.

The application also proposes to reopen an extinguished connection at Ashbourne / Weirdale Avenue, which is currently fenced off for pedestrian and cycle traffic only.

Landscape

The Proposed Development would provide a total of 25,375 sq m of usable open space which includes 1,640 sq m of combined neighbourhood play space (within 400m of new residential dwellings). This is predominantly laid out in three main parks, with additional publically accessible open space.

Four Locally Equipped Areas of Play (LEAPs) are provided across the Proposed Development and doorstep play provision is included for all residential blocks.

The existing surface water attenuation lake in the south-eastern portion of the Site is retained but slightly reconfigured to reflect the location of the School, as well as maximising the landscape enhancements in the surrounding parkland.

Scheme amendments in the course of the application

Following the initial consultation and assessment of the application, there have been amendments to the scheme. The changes were consolidated into an updated set of revised and additional supplementary documents. The application was re-notified in both July 2016 and March 2017 following the receipt of these amendments.

A summary of the changes are as follows:

July 2016 Changes

Re-distribution of units across phases, reduction in height of blocks 1D, 1E and 1F, provision of independent access to sports facilities from basement car park and Brunswick Park Road, and further amendments including ground floor access points and fenestration.

March 2017 Changes

The provision of 10% Affordable Housing across the site with an overall increase in the proposed number of housing units from 1,200 to 1,350. The tallest buildings have been reduced in height from 11 to 9 storeys with some buildings along the boundary of the rail line increased from 7 to 9 storeys.

3. PLANNING CONSIDERATIONS

3.1 Environmental Impact Assessment (EIA)

The EIA procedure in the UK is directed by the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 (the 'Regulations'), EU Directive 85/337/EEC (as amended), Circular 02/99 as well as the National Planning Practice Guidance (2016). While the EIA Regulations were amended in May 2017, this only applies to the consideration of applications received after this date and as such the application needs to be considered in the context of the 2011 regulations.

Screening and Scoping for EIA development

In respect of EIA screening, the proposed development does not fall within 'Schedule 1' development. However, the development is considered to constitute the 'Schedule 2' development namely, an 'urban development project' in accordance with Section 10(b) of Schedule 2 of the Regulations. The threshold identified for such projects is an area exceeding 0.5ha. Although, it is noted that the site is not located in a sensitive area as defined in the regulations.

Prior to the subject application, an EIA Scoping Opinion was sought by the applicant in November 2015 pursuant to section 13 of the Town and Country Planning Act 1990. Following consultation and assessment, the council provided its opinion on 31 December 2015 (Ref: 15/07116/ESC). The Council's opinion was that while the basic format of the scoping report was considered acceptable an insufficient level of information was provided to allow the Council to formally approve the scoping particularly in relation to highway information and density.

It is noted that additional information regarding these matters were provided in the application submission, and additional amendments and documentation which has been submitted during the application process. As such it is considered that the applicant has satisfactorily responded to the previous scoping refusal and it is

considered that the application is a valid application from the perspective of the EIA regulations.

3.2 Principle of Development

Employment

The London Plan 2016 identifies the site as a Strategic Employment Location with the sub category, Industrial Business Park. The designation reflects the historic employment use of the site. However, owing to the site's location, the type and quality of office accommodation relative to the needs of the current market, the occupation of the office space on the site has decreased significantly in recent years. At present, Barnet Council is the single largest tenant on site, occupying 55% of the total floorspace. However, they plan to vacate the buildings by November 2017 and after this time the majority of buildings will be vacant and given the site's remote location from public transport or town centres such large scale outer London offices are unlikely to be re-let.

Paragraph 22 of the NPPF states that "planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities".

The London Office Policy Review 2012 indicates that office based employment may grow, although the London Plan recognises that this growth has not always translated into new floorspace in Outer London. The London Plan encourages the renewal and modernisation of office stock in viable locations in both Outer and Inner London and urges boroughs to manage changes of surplus office space to other uses, providing overall capacity is sustained to meet London's long-term office needs. The persistent vacancy rate demonstrates that NLBPs location is not viable for the type and quality of accommodation on offer and will not be sustainable in the longer term in the event that Barnet Council vacates the site. Therefore replacement of the existing strategic floorspace for alternative uses will be considered acceptable.

Local Plan policy expects re-provision of employment space where a loss of employment floorspace occurs. The Barnet Entrepreneurial Strategy highlights the contribution of small and medium sized enterprises to the health of North London's economy. The main employment generating use that would remain in the redeveloped scheme is the Comer Innovation Centre, which offers short term leasing arrangements for SMEs. The proposed B1 floorspace would be similar to the current Comer Innovation Centre, with short term lets and smaller, modern, flexible office floor plates. This type of space better reflect the modern needs of the local economy and this location.

Overall therefore, the Council considers that the removal of the Industrial Business Park designation is appropriate in this instance in line with the provisions of the NPPF and London and Local Plan Policy. The proposal provides the opportunity to deliver a mixed use development that will better reflect the needs of the local community, whilst retaining some SME/incubator employment to serve local start-up businesses.

Housing

The National Planning Policy Framework (NPPF) states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Development that accords with an up-to-date Local Plan should be approved.

Policy 3.3 of the London Plan recognises the pressing need for more homes in London and seeks to increase housing supply 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. 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.

Policy CS3 'Distribution of growth in meeting housing aspirations' identified the North London Business Park Site as a smaller development area in the east of the borough that was estimated to provide in the range of 400 new homes as part of a mixed use development in accordance with the 2006 adopted planning brief.

The 2006 planning brief was subsequently superseded by a new planning brief for the site which was adopted on the 22nd March 2016. This brief while not stating how many units should be contained within the site envisaged and supported a predominately residential led development which covered the entirety of the site, in comparison with the 2006 brief which was based on a predominately commercially based development and as such the anticipated housing numbers are higher than they were at the time the Core Strategy was adopted. Overall the basic principle regarding the provision of residential housing on the site is considered acceptable subject to detailed assessment as set out below.

The redevelopment accords with the abovementioned policies for an intensive, mixed-use proposal which is intended to positively transform the site and the area with its uses including residential, commercial, school and open space provision, as well as its design and the associated improved relationships to and connectivity with the surrounding area.

Specific aspects of the development principles of this proposal are discussed in more detail below.

Housing Density

London Plan policy 3.4 seeks to optimise the housing potential of sites. This provides a guide to appropriate density ranges for particular locations, depending

on accessibility and setting.

The Transport Assessment indicates a varying PTAL across the existing site of between Level 1 (Very Poor) and Level 2 (Poor) through the site.

The density matrix of the London Plan 2016 nominates a density range of 150-250 habitable rooms per hectare for PTAL 1 and between 150 to 250 units habitable room per hectare for Suburban PTAL 2.

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 Site has an existing PTAL rating ranging between 1-2. In accordance with Table 3.2 of the London Plan, the Site is located within a suburban setting defined as an area “with predominantly lower density development such as, for example, detached and semi-detached houses, predominantly residential, small building footprints and typically buildings of two to three storeys”. Given the Site’s PTAL rating and suburban local, the London Plan seeks to provide residential densities of between 150-250 habitable rooms per hectare.

The Proposed Development results in an average density of 251 habitable rooms per hectare which marginally exceeds the London Plan Density Matrix. Although due to the limited amount by which this is exceeded to would be more accurate to describe the density proposed as at the top end of the matrix. The numerical application of the London Plan density matrix needs to be balanced against design quality and the quality of residential environment created. Account also needs to be taken of the improved connectivity through the site and to the surrounding area including its public transport as well as the provision of social infrastructure on site. This reflects the approach of “*optimising*” housing according to London Plan Policy 3.4, it being noted that the density matrix is not intended to be applied mechanistically (London Plan para 3.28).

In addition the Mayors housing SPG sets out the exceptional circumstances where densities above the relevant density range may be justified (London Plan para 3.28A). Exceptional circumstances include the following and which are considered relevant in the case of this application:

- “Liveability” as described in section 2.2 – 2.4 of the SPG (E.g.

Neighbourhood scale and provision of outdoor spaces, playspace, designing out crime, social infrastructure, dwelling standards and facilities, and sustainability)

- Exemplary design and quality
- Access to services
- Management of communal areas
- Contribution to 'place shaping'

These comments are reflected in the GLA comments which do not raise any strategic concerns and instead, considers that the densities across the site are broadly appropriate.

Education

Section 14 of the Education Act 1996 (the 1996 Act) places a general duty on local authorities to secure sufficient schools for providing primary and secondary education for their area. Schools available will be sufficient if they are sufficient in number, character and equipment to provide all pupils with appropriate education. Subsection (3A) requires a local authority to exercise its functions under this section with a view to securing diversity in the provision of schools and increasing opportunities for parental choice.

In relation to planning law Paragraph 72 of the NPPF advises that:

'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- Give great weight to the need to create, expand or alter schools; and
- Work with schools promoters to identify and resolve key planning issues before applications are submitted.'

In terms of regional guidance London Plan Policy 3.18 advises that:

'Policy

A The Mayor will support provision of childcare, primary and secondary school, and further and higher education facilities adequate to meet the demands of a growing and changing population and to enable greater educational choice, including in parts of London with poor educational performance.

B The Mayor strongly supports the establishment of new schools, including free schools and opportunities to enable local people and communities to do this.

Planning decisions

C Development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes. Those which address the current and projected shortage of primary school places and the projected shortage of secondary school places will be particularly encouraged. Proposals which result in the net loss of education

facilities should be resisted, unless it can be demonstrated that there is no ongoing or future demand.

D In particular, proposals for new schools, including free schools should be given positive consideration and should only be refused where there are demonstrable negative local impacts which substantially outweigh the desirability of establishing a new school and which cannot be addressed through the appropriate use of planning conditions or obligations.

E Development proposals which maximise the extended or multiple use of educational facilities for community or recreational use should be encouraged.

F Development proposals that encourage co-location of services between schools and colleges and other provision should be encouraged in order to maximise land use, reduce costs and develop the extended school or college's offer. On-site or off-site sharing of services between schools and colleges should be supported.

G Development proposals that co-locate schools with housing should be encouraged in order to maximise land use and reduce costs.'

In terms of local Policy. Policy DM13 advises in relation to new community or educational uses that:

'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. New community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety. New community or educational uses will be expected to protect the amenity of residential properties.'

In terms of the need for secondary school places along with many parts of London, Barnet has seen an unprecedented growth in demand for school places. Children in the additional primary school places that have been provided in Barnet since 2009 will require a secondary school place at the end of the primary phase. The borough is already operating at almost full capacity in the secondary sector.

GLA projections indicate that between 18- 20 forms of additional entry at the secondary sector will be required to meet demand through to the beginning of the next decade. The need for more secondary provision is proposed to be met by a combination of school expansions and free school applications. The provision of additional forms of entry at St Andrew's the Apostle School would contribute towards meeting this requirement.

Currently the St Andrew the Apostle Free School occupies Building 5 of the NLBP site, operating as a 2-form entry secondary school although temporary permission has been sought to expand this to 5 form utilising additional buildings in NLBP. It is understood that the current facilities are not ideal from an educational perspective utilising converted office space with limited outdoor play facilities. The current application seeks to replace this facility with a new purpose campus fronting Brunswick Road with purpose built outdoor recreation space beyond. The new school would represent both a qualitative and quantitative improvement and is welcomed in Planning Terms in Land Use Terms.

Retail and community uses

In addition to the commercial and residential elements of the proposal, the application also proposes up to 2,017 sq.m of retail floor space and 744 sq.m of D1 Community Use, which includes the re-provision of the existing nursery space on the site. The purpose of inclusion of this space is to enable active ground floor frontages and to cater for local convenience needs rather than attracting visitors from outside the site. On this basis the proposed retail centre is unlikely to adversely affect any neighbouring shopping centres and is considered acceptable. The re-provision of the proposed D1 Community space is also welcomed and is in accordance with Policy.

Sport facilities

The northern area of the site was historically used as a private sports field for the former STC/Nortel business occupiers, and associated changing facilities/club, however it is understood that this has not been in use since the 1990s. The detailed proposals for the school include provision of an all-weather sports pitch, an indoor sports hall and a multi-use games area (MUGA) on the roof of the building. These facilities would be managed and maintained by the school, but are proposed to be made available to the wider community outside of school hours, which is welcomed. Council officers consider that the proposed sports facilities provision would adequately mitigate against the loss of the historic sports facilities on the site and the proposal.

3.3 Housing Quality

A high quality built environment, including high quality housing in support of the needs of occupiers and the community is part of the 'sustainable development' imperative of the NPPF. It is also implicit in London Plan Ch1 'Context and Strategy', Ch2 'London's Places', Ch 3 'London's People', and Ch 7 'London's Living Places and Spaces', and is explicit in policies 2.6, 3.5, 7.1, and 7.2. It is also a relevant consideration in Barnet Core Strategy Policies CSNPPF, CS1, CS4, and CS5 Development Management DPD policies DM01, DM02 and DM03 as well as the Barnet Sustainable Design and Construction SPD, Residential Design Guidance SPD and CAAP policy 5.2.

Unit mix

Development plan policies require proposals to provide an appropriate range of dwelling sizes and types, taking account of the housing requirements of different groups to address housing need (London Plan Policy 3.8, and Barnet Development Management Policies DPD policy DM08). The council's Local Plan documents (Core Strategy and Development Management Policies DPD) identify 3 and 4 bedroom units as the highest priority types of market housing for the borough. Although, this should not be interpreted as implying that there is not a need for a full range of unit sizes.

In terms of the unit split the detailed phase 1 development proposes the following unit split: 69 1-bed units (19% of Phase 1), 227 2-bed units (63% of Phase 1) and 64 3-bed units (18% of Phase 1).

The outline elements of the application propose the delivery of an additional 990 residential across within four development phases. The unit split and configuration is set out below.

Phase	1-bed Apartments	2-bed Apartments	3-bed Apartments	2-bed Houses	3-bed Houses	Total
2	N/A	3	41	32	63	139
3	45	169	45	N/A	N/A	259
4	59	219	58	N/A	N/A	336
5	45	167	44	N/A	N/A	256
Total	149	558	188	32	63	990

Table 3: Outline Element Residential Schedule

In terms of dwellings types which constitute family accommodation provision, the London Housing Design Guide classifies family housing as all units upwards of 2 bedroom 3 person units. It is worth noting that all of the 2 bed units proposed in Phase 1 are larger 2 bed 4 person units.

As such while the total percentage of three bed units represents 23% of the total number of units, the total percentage of family housing represents 84% of all units. Overall therefore it is considered that the proposal proposes an appropriate split in housing type to address housing preference and need in accordance with the abovementioned policy.

Affordable Housing

London Plan 2015 policy 3.12 seeks the maximum reasonable amount of affordable housing to be negotiated. The Barnet Core Strategy (Policy CS4) seeks a borough wide target of 40% affordable homes on sites capable of accommodating ten or more dwellings. All of the above policies seek a tenure split of 60% social rented and 40% intermediate housing.

The development comprises a total minimum affordable housing provision of 135 units which is equivalent to 10% by unit numbers. All of these units will be delivered in Phase 1 and would be of the following configuration with a tenure split 70:30 between affordable rent and shared ownership tenures.

Affordable Rent (95 Units)

10 x 1 bed 2 person
 55 x 2 bed 4 person
 30 x 3 bed 5 person

Shared Ownership (40 Units)

10 x 2 bed 3 person
 30 x 2 bed 4 person

The application has been subject to an independent assessment of viability carried out both by GL Hearn on behalf of the London Borough of Barnet and Gerald Eve on behalf of the Mayor of London. These reviews have confirmed that this is the maximum level of affordable housing that the development can support having regard to the existing value of the site, the significant Barnet CIL and Mayoral CIL contributions totalling over £21,832,947 and other contributions including the provision of the school site.

Therefore, in accordance with the abovementioned policy justification, the level of affordable housing secured is considered acceptable on balance.

Floorspace standards

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

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

	Dwelling Type (bedroom/persons- bed spaces)	Gross Internal Area Standard (m ²)	
Flats	1 bedroom 1 person	37	
	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 5 person	90	
	4 bedroom 6 person	99	
	2 storey house	2 bedroom 4 person	83
		3 bedroom 4 person	87
3 bedroom 5 person		96	
4 bedroom 5 person		100	
4 bedroom 6 person		107	

3 storey house	3 bedroom person	5	102
	4 bedroom person	5	106
	4 bedroom person	6	113

All the dwellings in the Phase 1 stage of the development meet the minimum standards as demonstrated in the applicant's supporting documents

It will be necessary for the future phases 2-5 to address these minimum floorspace requirements or any update to the standards at the time of later reserved matters applications.

Lifetime Homes and wheelchair housing standards

Barnet Local Plan policy DM03 requires development proposals to meet the highest standards of accessible and inclusive design, whilst policy DM02 sets out further specific considerations. All units should comply with Lifetime Homes Standards (LTHS) with 10% wheelchair home compliance, as per London Plan policy 3.8.

In respect of LTHS, while this legislation has been abolished the applicant advises in their application submission that all units will be built to this standard. This is considered acceptable and in any event is controlled by Building Regulations.

In respects of wheelchair housing for the Stage 1 detailed design, the applicant has advised that 10% of units will be built to wheelchair standards and as such is in accordance with Policy. A suitable condition is attached to this affect.

Amenity space

Barnet's Sustainable Design and Construction SPD Table 2.3 sets the minimum standards for outdoor amenity space provision in new residential developments. For both houses and flats, kitchens over 13sqm are counted as a habitable room and habitable rooms over 20sqm are counted as two habitable rooms for the purposes of calculating amenity space requirements.

Table 2.3:Outdoor Amenity Space Requirements	Development Scale
For Flats: •5 m ² of space per habitable room.	Minor, Major and Large scale
For Houses: •40 m ² of space for up to four habitable rooms •55 m ² of space for up to five habitable rooms •70 m ² of space for up to six habitable rooms •85 m ² of space for up to seven or more habitable rooms	Minor, Major and Large scale
Development proposals will not normally be permitted if it compromises the minimum outdoor amenity space standards.	Householder

Based on the GLA policy requirement of 5 sq m of private amenity space per 1-2 person dwelling and an additional 1 sq per additional occupant, the applicant has calculated that the minimum policy requirement would be 9,302 sq m of private amenity space.

The scheme provides 9,080 sq m in private courtyards alone with additional space provided in the form of individual terraces which the proposed results would benefit from. As such the proposal is well in excess of the policy requirement. The exact quantum of the floorspace achieved through the private terraces will be clarified through future Reserved Matters applications for the latter phases.

Playspace and Open Space

London Plan Policy 3.6 of the London Plan requires housing development to make provisions for play and informal recreation based on child yield, referring to the Mayor's SPG Shaping Neighbourhoods: Play and Informal Recreation 2012.

London Borough of Barnet Core Strategy Policy CS7 requires improved access the children's play space from all developments that increase demand, and Policy DM02 requires development to demonstrate compliance with the London Plan.

In terms of the application proposals the Proposed Development would provide a total of 25,375 sq m of usable open space which includes 1,640 sq m of combined neighbourhood play space (within 400m of new residential dwellings). This is predominantly laid out in three main parks, with additional publically accessible open space. Four Locally Equipped Areas of Play (LEAPs) are provided across the Proposed Development and doorstep play provision is included for all residential blocks. This is considered an appropriate level of provision and is welcomed as part of the application proposals.

Therefore the varying provisions made across the site are acceptable and are considered to address the demand of the development in accordance with the abovementioned policies and guidance.

3.4 Design

High quality design underpins the sustainable development imperative of the NPPF 2012, as well as London Plan (2016) chapter 7 'London's Living Places and Spaces', in particular policies 7.6 'Architecture' and 7.7 'Location and Design of Tall and Large Buildings'. In addition, Barnet Core Strategy DPD (2012) policies CS NPPF, CS1 and CS5 as well as Development Management Policies DPD (2012) DM01, DM02, DM03, DM05.

Masterplan Concept

The proposed illustrative masterplan is based on a hierarchy of streets and interconnected open spaces framed by buildings of varying scale height and density. The streets form a series of perimeter blocks with active ground floor

frontages which provide clear and legible routes through the site.

The masterplan responds to the typography and the surrounding lower density housing to the north and north east of the site (Within the Outline Element), with development in these zones consisting predominately of houses limited to a maximum of three storeys in height. Three storey blocks are also proposed on the south eastern portion of the site fronting Brunswick Crescent and three central blocks 1D, 1E and 1F drop down to three storeys where they adjoining the residential properties in Howard Close and Brunswick Park Gardens. The School Building fronting Brunswick Park Road is also 3 storeys.

The highest buildings within the detailed element of the scheme are the ends of the blocks in the central portion of the wider scheme extending up to 7 and 8 storeys in height. The area to the north of this fronting the railway line to the north contain the highest densities extending up to 9 storeys in height framing the main central park located in the middle of this phase.

Height, bulk, scale and massing

Reflecting the hybrid nature of the application, the details of the height, bulk, scale and massing for Development Phase 1 (detailed component) are secured on the application drawings whereas, the details for Phase 2, 3, 4 & 5 (outline component) are secured in the parameter plans and Design Principles Documents.

As mentioned above the proposed built form of the site comprises a series of perimeter blocks and development zones organised around a network of streets and public spaces. The bulk, scale and massing of individual blocks varies to account for the proposed uses and the scale of the spaces that they frame or relate to. This provides variation in character, visual interest, identity, place and way-finding across the masterplan.

Heights vary across the site between 3 and 9 storeys, with the maximum height in the detailed phase being 8 storeys. It is noted that in relation to the blocks in the detailed phase for which the design is known, only some parts of this block reach this height with undulation included in the actual roof form and lower three storey wings where it adjoins existing residential houses. It is also noted that where heights have been increased in height from 8 to 9 storeys to facilitate the increase in units and reductions in height this is predominately on the elevation facing the railway tracks and match the proposed height of other parts of the blocks.

The detailed design of the future outline section would be provided as part of a future reserved matters application and as such might not reach the maximum storey heights in all instances.

Tall buildings assessment

Barnet Core Strategy defines tall buildings as buildings of 8 storeys or 26m and states that they may be appropriate in strategic locations subject to detailed assessment criteria. The application site is located outside of the identified strategic locations.

London Plan Policy 7.7 states that tall buildings should not have an unacceptably harmful impact on their surroundings. It states that tall buildings should be part of a plan-led approach to the development of an area and should not have an unacceptably harmful impact on their surroundings. In particular, Para. 7.7 requires tall buildings to “*relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features) particularly at street level*”.

Local Development Plan Policy DM05 ‘Tall Buildings’ further advises that:

‘Tall buildings outside the strategic locations identified in the Core Strategy will not be considered acceptable. Proposals for tall buildings will need to demonstrate:

- i. an active street frontage where appropriate
- ii. successful integration into the existing urban fabric
- iii. a regard to topography and no adverse impact on Local Viewing Corridors, local views and the skyline
- iv. not cause harm to heritage assets and their setting
- v. that the potential microclimatic effect does not adversely affect existing levels of comfort in the public realm.

Proposals for redevelopment or refurbishment of existing tall buildings will be required to make a positive contribution to the townscape.’

While the proposal is located outside an identified strategic location, this is not in itself considered sufficient grounds for the application to be refused, as planning policy requires Local Authorities to take into account other material planning considerations which can include urban design justifications for a departure, absence of planning harm along with any benefits which the scheme brings forward.

It is noted that while the buildings are classified as Tall Buildings the height of the buildings is at the lower end of the Tall Building classification consisting of 8 and 9 storey blocks and are considered appropriate on the basis that they are contained within the site and relate appropriately to the scale of new open spaces being created. It is also considered that the proposals are broadly in compliance with the assessment criteria contained within London and Local Plan Policies as well as National Guidance as set out below.

London Plan Policy considerations:-

- Will not adversely affect their surroundings in terms of microclimate, wind, overshadowing, noise and reflected glare
- No impact is identified in terms of aviation, navigation and telecommunications interference
- The site and its surroundings including listed buildings/structures and conservation areas are not considered to be sensitive or adversely affected by the proposal
- Both the elevations of the detailed component as well as the primary controls for the outline component and supporting details illustrate the scheme is of the highest architectural quality. The tall elements of the scheme serve as markers to the development including its public spaces, new neighbourhood centre as well as the nearby public transport interchange on Colindale

Avenue

Barnet Development Management Policy considerations:-

- Active ground floor frontages are provided with commercial retail space fronting areas of open space in Blocks 3A and 4B.
- The proposed design integrates into the surrounding urban fabric noting that this overall form of the development accords with the adopted North London Business Park Planning Brief.
- The Taller Buildings are located on the part of the site with lower Topography and screened by the existing railway line to the west and the lower density form of development along the site peripheries.
- There are no adverse impacts identified to views and the skyline
- There is no harm to heritage assets and their setting, including conservation areas
- The microclimate effects on adjacent the site within the proposed spaces on site are not significant nor compromise their intended use and function

English Heritage/CABE Guidance on Tall Buildings considerations:-

- *Context:* Reflects broadly compliance with the adopted Planning Brief for the site.
- *Historic assets impact:* There is no adverse impact to listed buildings, conservation areas or their setting
- *Relationship to transport:* There is availability of public transport and planning contributions are to be secured to enhance the accessibility of the site.
- *Architectural quality:* The detailed design of Phase 1 as well as controls on future phases 2- 5 indicate buildings of the highest quality, including tall buildings will be proposed
- *Sustainability:* The proposals minimise energy use and maximise the CO2 reductions
- *Design Credibility:* The scheme is being developed by an established developer who has successfully delivered other schemes in the locality such as Princess Park Manor.
- *Contribution to spaces and facilities:* The development contributes ground floor active frontages, a range of uses including convenience retail and community uses as well as public amenity space.
- *Environmental effect:* No significant adverse impacts are identified including microclimate, overshadowing, night-time appearance, vehicle movement or to neighbour's amenity
- *Contribution to permeability:* The proposal opens up the site to public access with streets and connections to the surrounding area
- *Well-designed environment:* In summary, high quality public and semi-private communal spaces and connections to well-designed buildings which address the needs of future users and provide a high level of amenity are demonstrated in the proposal

Character and appearance

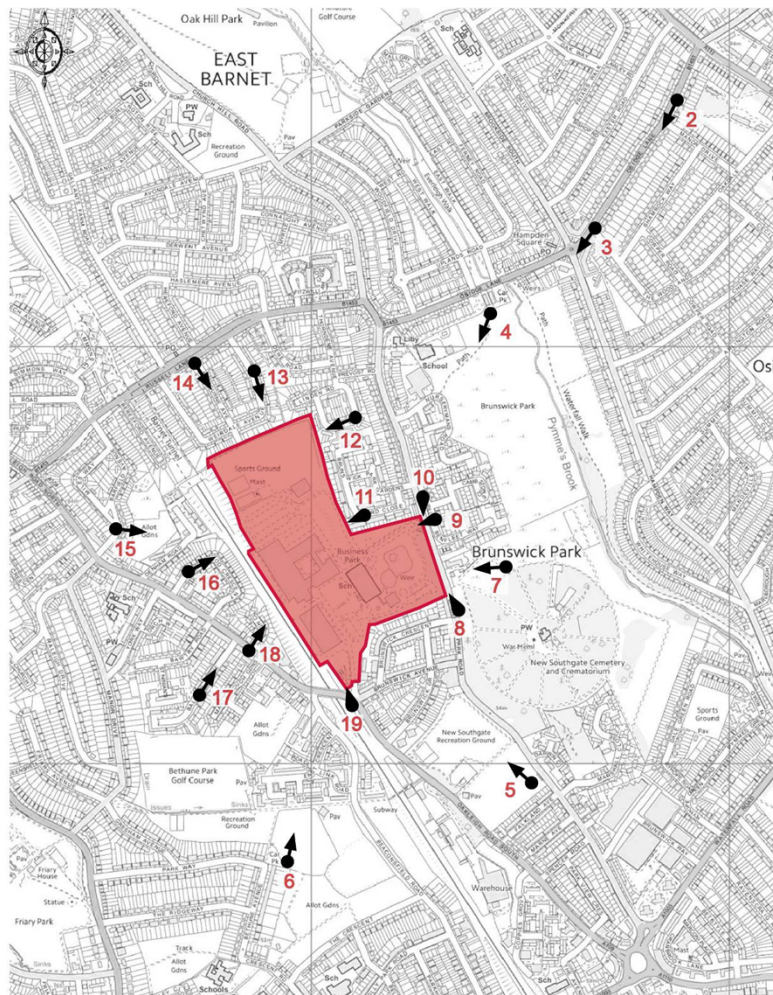
Both the Phase 1 detailed design component and the information submitted in support of the outline Development phases 2- 53 indicate a high quality design

which will improve and enhance the site and the wider area. The following key attributes are noted in particular:

- A traditional architectural composition of a defined base, middle and top. The ground floor of the blocks is carefully designed to ensure that they provide active frontage and natural surveillance of the street. A defensible zone or landscape buffer is provided for residential dwellings which have a front door and habitable rooms and private amenity space fronting the street
- A traditional organisation to dwelling design, employing mansion block and terrace house formats as well as perimeter flat blocks and tall building elements.
- Contemporary architectural design employing a limited palette of high quality materials, including a prevalence of face brick as the primary material as well as other secondary materials to provide a degree of variation across the site as well as articulation of individual buildings.
- Façade detailing including the attention paid to the pattern of fenestration, deep recesses and design and organisation of private balconies and other features, further reinforce a sense of a high quality appearance and enduring architectural character.

Visual impact and views

The applicant has submitted a detailed Townscape and Visual Impact Assessment which includes viewpoints from 19 different locations around the site as illustrated on the map below:



Ordnance Survey © Crown Copyright 2015. All rights reserved. Licence Number 100022432. Plotted scale - 1:13675.

The Townscape and Visual Impact Assessment demonstrates that the development would be of limited visibility from the surrounding area, with only localised viewpoints such as 9, 10, 11 and 12 showing any noticeable change with the only perceived negative view being from viewpoint 11. The applicant has subsequently amended the buildings adjoining this view lowering the height of part of the relevant blocks in order to overcome this identified harm. Overall it is considered that the submitted assessment adequately demonstrates that the proposal would not be significantly detrimental to the surrounding Townscape and reinforces the Council's conclusions earlier regarding height and massing.

Layout and connectivity

The site layout comprises a network of streets providing access and connectivity in and around the site and defining the perimeter block arrangement of buildings and the public open spaces across the site.

Vehicular access into the site is via two the two existing access points i.e. Oakleigh Road South to the South-West and Brunswick Park Road to the East. Additionally a pedestrian and cycling link is proposed to the North to Weirdale allowing pedestrians and cyclists easy access to the shops and busses on Russell Lane . These provide the primary route through the site. More minor roads provide servicing and access to the remainder of the development.

The improved connectivity and permeability of the site, which accords with the intent of London Plan and Barnet Core Strategy reconnects the site with its surrounding neighbourhoods providing access to its proposed facilities (retail and community) uses and public open spaces) as well as improved access to adjacent public transport and wider networks such as cycling routes.

Safety, security and crime mitigation

Pursuant to London Plan policy 7.3 and Barnet Core Strategy Policy CS12, the scheme is considered to enhance safety and security and mitigate the potential of crime because:

- Routes through the site and network of spaces are legible and will be well maintained noting that the scheme is supported by an estate management plan
- It is considered that the design details provide a clear indication of whether a space is private, semi-public or public, with natural surveillance of publicly accessible spaces from buildings at their lower floors achieved across the entire site
- The design including active ground floor frontages and surveillance and mix of uses encourages a level of human activity that is appropriate across the site, which will maximize activity throughout the day and night, thereby creating a reduced risk of crime and a sense of safety at all times
- The network of communal spaces spaces proposed are considered to be laid out and detailed in such a way to promote an appropriate sense of ownership
- Security measures will be integral to the design of buildings with details secured through appropriately worded conditions, it being noted that the MPS Designing Out Crime Officer has provided advice on achieving Secured by Design accreditation for the scheme
- The design of the scheme including perimeter development, defensible frontages and active ground floors across the site is considered to minimise the safety and security interventions needed and therefore the demands of ongoing management and maintenance costs

Conservation and Archaeology

The preservation and enhancement of heritage assets is one of the 12 core principles of the NPPF. It is a statutory obligation of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the special architectural and historical interest as well as the setting of listed buildings as well as the character and appearance of conservation areas. Saved PPS5 'Planning and the Historic Environment' provides guidance regarding consideration of designated and non-designated heritage assets. In addition, London Plan policy 7.8 and Barnet Core Strategy CS5 and DM06 variously require the consideration of the impact to heritage assets including listed buildings, conservation areas and archaeology. In this regard, the ES Chapter 13 has considered the assessment of the potential effects of the scheme.

In respect of archaeology, the application is not located in an area of interest however the submitted Environmental Statement identifies two surviving air raid

shelters, historic industrial activity and potential human remains. The applicant has proposed to provide a watching brief to record the air raid shelter and industrial heritage which is welcomed and safeguarded by condition.

In respect of potential impact on Listed Buildings and Conservation Areas, no Conservation Areas, Listed Buildings or registered parks are located within 1km of the site., while some Listed Buildings are located within 2 km of the site, it is considered that proposal would not result in any demonstrable impact due to the distance and the limited visibility of the site in longer views.

3.5 Amenities of Neighbouring and Future Residents

Part of the 'Sustainable development' imperative of the NPPF 2012 is pursuing improvements to amenity through the design of the built environment (para 9). Amenity is a consideration of London Plan 2011 policy 2.6 'Outer London: Vision and Strategy' and is implicit in Chapter 7 'London's Living Places and Spaces'. In addition Barnet Development Management Policies DPD (2012) DM01 as well as the Sustainable Design and Construction SPD provide further requirements and guidance.

Privacy, overlooking and outlook

The Barnet Residential Design Guidance SPD states there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

Privacy and separation to surrounding sites

The majority of the proposed buildings are located over 11m from site boundaries, being located between 30-55m from rear elevations of surrounding properties. It is noted that all larger blocks all of these are located over 40m from neighbouring properties. Due to these distance separations the proposal would not result in any demonstrable loss of daylight/ sunlight or privacy.

The only instance where buildings are located closer than 11m to the respective boundaries are in the case of the flank walls of the 3 storey wings to blocks 1E and 1F. A condition is attached requiring any windows on these elevations to be fitted with obscure glazing in order to ensure no impact on privacy.

Privacy and separation within the site

In relation to buildings within the site, all of the proposed apartment buildings have large central amenity areas, resulting in a distance separation of between 30 – 76m between opposing flanks. These distance far exceed minimum policy requirements and are considered acceptable.

Noise and general disturbance

No significant new or cumulative operational noise impacts are identified for neighbours as a consequence of the proposed development. Whilst there is an increase in the intensity of use of the site, the use is consistent with the residential character of the wider area. The commercial and community uses including the school are appropriately located and accord with the redevelopment intent of the adopted planning brief.

In considering the potential impact to neighbours, conditions are recommended to ensuring that any plant or machinery associated with the development achieves required noise levels for residential environment. The council's environmental health team have recommended appropriately worded conditions for noise reporting and impact mitigation, extract and ventilation equipment, plant noise, noise mitigation in the case of any gym use, acoustic fencing, school noise mitigation as well as informatives relating to extraction flues and acoustic consultants. It should be noted that any excessive or unreasonable noise is covered by the Environmental Protection Act 1990.

Air quality

In respect of air pollution, no significant impacts are identified by the council's environmental Health Team. The applicant has submitted an Air Quality Assessment in support of the application. Suitable Conditions are attached regarding ventilation and the submission of details of proposed plant and equipment.

In respect of traffic and parking impacts on air quality, the levels of parking are controlled and the travel plans which will be secured as part of planning obligations will encourage transport by other modes. In respect of the design, the scheme contributed towards overall reductions in CO2 production, having regard to energy and sustainability policies.

Daylight and Sunlight

The proposal would not result in any demonstrable impact on daylight/ sunlight levels to adjoining properties due to the distance separation of the proposals from neighbouring houses as discussed above. The proposed blocks have also been designed on a spacious layout with large gaps between blocks and within courtyards which will allow daylight and sunlight to permeate through the development to both existing and future residential occupiers.

3.6 Transport, highways and parking

To be reported

3.7 Waste and Recycling

Although the NPPF does not contain specific waste policies, it does state that part of the environmental dimension to 'sustainable development' is waste minimisation (para 7). As part of London Plan 2011 Chapter 5 'London's Response to Climate Change' policy 5.17 seeks suitable waste and recycling storage provision in new

developments as does the Barnet Core Strategy DPD 2012 policy CS14 which also promotes waste prevention, reuse, recycling, composting and resource efficiency over landfill.

A suitable condition is attached to ensure the provision of adequate waste and recycling facilities in accordance with the above requirements.

3.8 Energy, Sustainability, and Resources

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

London Plan Policy 5.2 'Minimising Carbon Dioxide Emissions' requires all residential developments to achieve a 40% reduction in carbon dioxide emissions on 2010 Part L Building Regulations. The London Plan Sustainable Design and Construction SPG 2014 updated this target of 35% on 2013 Part L 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. The Further London Plan Chapter 5 policies detail specific measures to be considered when designing schemes including decentralised energy generation (Policies 5.5 and 5.6), renewable energy (Policy 5.7), overheating and cooling (Policy 5.9), urban greening (Policy 5.10), flood risk management and sustainable drainage (Policies 5.13 and 5.15).

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 also expected to comply with the guidance set out in the council's Supplementary Planning Documents (SPD) in respect of the requirements of the Code for Sustainable Homes.

An Energy Report is included within the Environmental Statement which demonstrates that the proposal would meet this 35% target through fabric efficiency, block based communal heating and PV Panels. Site wide district heating was considered and discounted due to economies of scale and heat loss. This is considered acceptable to the Council but will be subject to eventual Stage 2 approval from the GLA.

BREEAM

The Sustainability Statement includes a BREEAM pre-assessment which demonstrates an 'Excellent' level can be achieved for the scheme. An appropriately

worded condition is recommended for assessment at the time of detailed assessment to reconfirm the target will be achieved.

3.9 Landscaping, Trees and biodiversity

The 'sustainable development' imperative of NPPF 2012 includes enhancing the natural environment and improving biodiversity (para 7). London Plan 2016 policy 7.19 states that development proposals, where possible, should make a positive contribution to the protection, enhancement, creation and management of biodiversity. Barnet Local Plan policy DM16 states that when it is considering development proposals the council will seek the retention, enhancement or creation of biodiversity.

Landscape and Open Space

The application masterplan includes the provision of three main public parks with an overall size of 22,680 sq.m out of a total open space provision of 25,375 sq m. The main parks consist of the lakeside park contained within the detailed Phase 1 part of the development and the Northern and Southern Central Parks contained within the Outline Elements of the proposal. This is considered an appropriate level of provision providing valuable amenity space for future residents of the development as well as helping to frame and shape buildings through the site.

Trees

The applicant has submitted an amended Arboricultural Method Statement and Tree Protection Plan in February of this year. The report surveyed the existing trees on the site as follows:

Table 1: Summary of trees by category

	Individual Trees	Total	Groups of Trees	Total
Category U - Unsuitable	T25, T28, T29, T63, T64, T74	6	TG38	1
Category A (High Quality / Value)	T66	1		0
Category B (Moderate Quality / Value)	T1, T2, T3, T4, T5, T7, T8, T9, T10, T12, T13, T16, T20, T21, T22, T23, T24, T30, T32, T35, T37, T38, T39, T40, T41, T42, T46, T47, T48, T53, T55, T56, T60, T61, T62, T67, T68, T71, T72, T75, T76, T81, T82, T83, T84, T85, T86, T88, T89, T90, T91	51	TG1, TG2, TG3, TG4, TG5, TG6, TG7, TG8, TG10, TG11, TG13, TG15, TG16, TG18, TG19, TG20, TG21, TG22, TG24, TG25, TG27, TG32, TG33, TG37, TG41, TG43, TG45, TG47, TG48, TG49, TG52, TG55, TG56, TG58, TG59	35
Category C (Low Quality / Value)	T6, T11, T14, T15, T17, T18, T19, T26, T27, T31, T33, T34, T36, T43, T44, T45, T49, T50, T51, T52, T54, T57, T58, T59, T65, T69, T70, T73, T77, T78, T79, T80, T87	33	TG9, TG12, TG14, TG17, TG23, TG26, TG28, TG29, TG30, TG31, TG34, TG35, TG36, TG39, TG40, TG42, TG44, TG46, TG50, TG51, TG53, TG54, TG57, H1, H2, H3, H4, H5	28

As can be seen from the above the majority of the trees on the Site are Category B and C with only 1 Category A Tree (A Copper Beach Tree located near the entrance to Oakleigh Road South). The latest tree protection plans aims to retain a greater number of trees than were shown to be retained on the original submission including the Category A tree and as far as is possible trees sited within the proposed parks and along the periphery of the site. To compensate for the trees which are proposed to be removed the application proposes a significant amount of new tree planting both in linear form along roads and within the new parks and other green spaces.

Overall it is considered that the proposed tree removal is considered acceptable in this instance in order to allow for the development of the site. Parks and areas of landscaping have been arranged in order to take maximise tree retention, and in numerical terms the quantity of replacement planting is greater than the number of trees proposed and is considered acceptable.

Biodiversity

The applicant has submitted an Ecological Appraisal together with Bat, Badger, Reptile, Great Crested Newt surveys in support of their Planning Application.

The ecological appraisal and surveys conclude that habitats within the site are of limited conservation value due to the dominance of buildings, hardstanding and well managed amenity grassland. Tree groups and the limited hedgerows provided some potential for commuting and foraging, however these lacked structural and

botanical diversity. The reports evaluated that the current habitats on site are of negligible conservation value. The proposed development will have biodiversity enhancements, which will include native planting of hedgerows and trees, but also areas of wildflower grassland which will be included within the public parks and reptile receptor site. These will create a nectar source for invertebrates and increased foraging potential for other wildlife species. It is thought that such enhancements would have a minor beneficial effect at site level in the long term.

Fauna within the site was limited due to poor habitat availability. Evidence of badgers using the site was located within the semi-improved grassland compartment at the north of site where a number of snuffle holes and a squeeze were identified. It is recommended that sufficient precautions are taken during the construction phase.

Relatively low levels of bat activity were recorded during both activity and static surveys, with common pipistrelles being the most frequently recorded species. A total of five species recorded, however the majority consisted of no more than five contacts; it was therefore assessed that the site was of negligible value to local bat populations. The buildings and trees to be lost to the development have no roosting opportunities and/or no evidence was recorded, therefore there are no constraints concerning roosting bats.

The inclusion of appropriately designed GI within the proposed development will create additional navigational and foraging opportunities, especially as invertebrates will be encouraged to the development through more native planting and increased nectar sources. The habitat enhancements and creation will have a long term minor beneficial effect for foraging bats at a site level.

In relation to the pond, this is a large manmade water body, constructed in the 1980's, that lacked aquatic vegetation but had fish and a large number of waterfowl present. The HSI assessed this waterbody as poor suitability for Great Crested Newts (GCNs) . The location of the pond within an urbanised area, isolated from any records of GCNs, meant that colonisation is unlikely to have occurred. These combined factors have concluded that GCNs are absent, and no further surveys are required, hence there is no constraint to the development concerning GCNs.

A 'good' population of slow worms were found within the north western parts of the site, these will be translocated to a nearby receptor site during the construction works to avoid any offence under the Wildlife & Countryside Act 1981 (as amended). The GI will be designed to incorporate new suitable habitats for reptiles, ensuring that a favourable conservation status can be maintained into the future. This will have at least minor beneficial effects in the long term for reptile populations within the site.

In conclusion the submitted ecological reports demonstrate that the current site is of poor conservation value due to the intense management practises and the built environments; this is reflected by the habitats and fauna found during the surveys. Areas in the north had a higher value due to the absence of any recent management and given that slow worms were found and bats were recorded around tree groups in this area. The mitigation measures proposed will ensure that the conservation status of species are maintained and enhanced through habitat

creation, incorporation of hibernacula and the provision of bat and bird boxes. The possible habitats to be created within the site will provide more opportunities for biodiversity, however due to the context of the development, isolated within a highly urban area, it is thought that there would only be a minor beneficial effect in the long term at a site level.

Conditions are attached requiring the provision of Bat and Bird Boxes and a scheme of ecological enhancements.

Flood risk, Water Resources, Drainage and SUDs

In support these considerations Flood Risk is considered within the submitted Environmental Statement

In respect of flood risk, the site is within Flood Zone 1 which is classified as being of low risk of flooding. The proposed development is acceptable in this zone and there is no requirement for exception and sequential testing of the acceptability of the scheme.

In line with policy requirements the proposed development proposes to restrict runoff from the site to the equivalent greenfield runoff rates. This will enable a significant reduction in surface water runoff being discharged off-site, freeing up capacity within Thames Waters surface water sewers and thus reducing flood risk within the downstream catchment. The proposed drainage strategy promotes the use of rainwater harvesting. This will reduce the demand for potable water supply and will help to capture the first 5mm of runoff, reducing the level of pollutants being discharged off-site. The inclusion of a SuDS attenuation pond will offer water quality enhancement as well as other ecological and biodiversity benefits.

Exceedance flows beyond the 100 year plus 30% critical storm event will be routed towards convenient holding points within the confines of the development area, away from properties and primary access routes.

Foul flows from the development will discharge to the existing foul sewerage network beneath Brunswick Park Road.

The Environment Agency and Thames Water have been consulted on the application. No in principle objection has been raised, however Thames Water have requested the imposition of a Grampian Style Condition which is included in the list of suggested conditions.

3.10 Other matters

Utilities

In support of the application a Utilities report has been submitted in support of the application. The utility report ascertains that the site has live connections to all primary services. A review of the asset record plans for each utility provider has confirmed that existing on-site services could be diverted to accommodate any future development phase, without disruption to any off-site networks.

It is concluded that each phase of the proposed redevelopment scheme can be delivered without any abnormal utility constraints. Furthermore, given the inclusion of renewable energies and rainwater harvesting within the proposed redevelopment scheme, there are not expected to be any future capacity restrictions or abnormal reinforcement requirements.

In regards to sewer infrastructure, Thames Water have requested a Grampian style condition is imposed requiring the drainage strategy to be agreed which is included in the list of suggested conditions.

Ground conditions and Contamination

In regards to potential contamination, the submitted Environmental Statement acknowledges that remediation will be required due to the previous historic industrial use of the site. The council's Environmental Health Team have also recommended appropriate contamination remediation conditions.

3.11 Viability, Planning Obligations & CIL

S106 obligations & viability

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.

The full list of planning obligations is set out in the heads of terms to this report.

In summary the scheme includes **10%** affordable housing by unit number with an affordable housing review mechanism and other contributions such as the provision of a serviced site for the new school and requirements to address the transport impacts of the proposal in the form of securing the proposed minibuss shuttle bus provision and off site highway works.

LB Barnet CIL

As noted in SPD para 2.2.11, the purpose of Barnet's CIL is to secure capital funding to help address the gap in funding for local infrastructure. The money raised by Barnet's CIL will be used to pay for infrastructure required to mitigate the impact of development across the Borough.

Pursuant to the LB Barnet Planning Obligations SPD, the CIL charging rate is £135 per sqm. In the case of Barnet's CIL, ancillary car parking space is not chargeable (SPD Para 2.2.14).

Mayoral CIL

Pursuant to the Table 3: Mayoral CIL Charging Rates of the Mayor's April 2013

SPG 'Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy', a flat rate charge of £35 applies to the application, this

In total approximately the applicant's supporting documents indicate that £21,832,947 will be payable under both Barnet and Mayoral Cil.

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 grant planning permission for this proposed development will comply with the Council's statutory duty under this important legislation.

The site is accessible by various modes of transport, including by foot, bicycle, public transport and private car, thus providing a range of transport choices for all users of the site.

A minimum of 10% of units will be wheelchair adaptable.

The development includes level, step-free pedestrian approaches to the main entrances to the building to ensure that all occupiers and visitors of the development can move freely in and around the public and private communal spaces.

Dedicated parking spaces for people with a disability will be provided in locations convenient to the entrances to the parking area.

The proposals are considered to be in accordance with national, regional and local

policy by establishing an inclusive design, providing an environment which is accessible to all.

7. CONCLUSION

In conclusion, the scheme is considered acceptable on balance having regard to relevant national, regional and local planning policies and guidance. The principle of the redevelopment of the site is considered acceptable and accords with the adopted Policy Framework and the adopted North London Business Park Planning Brief.

An ES has been submitted which robustly assesses the proposed development against a full range of topics and identifies appropriate mitigation such that there are no significant adverse impacts posed by the scheme. The proposed detailed design for Phase 1 is considered to be high quality with appropriate levels of amenity space, public open space and residential standards achieved for future occupiers reflecting a development of this intensity and balanced with the need to optimize the use of the site. The proposal would also provide a purpose built Secondary School which would replace the existing substandard accommodation which St Andrew's the Apostle is utilising at the moment as well as helping to meet Barnet's Education Needs.

The amenities of neighbouring residential occupiers are not considered to be unduly impacted by the proposals.

The potential transport impacts of the scheme have been considered and appropriate mitigation proposed including the provision of the proposed shuttle bus service, provision of a detailed travel plan as well as improvements to access and connectivity as part of the proposal.

The scheme deals with its waste and recycling requirements and in terms of energy and sustainability, a range of measures are proposed achieving a 35% reduction in CO2 emissions.

A suitable approach is taken to landscaping and biodiversity with retention of trees where possible as well as enhancement of the biodiversity values within the site with appropriate treatments and species and mitigation.

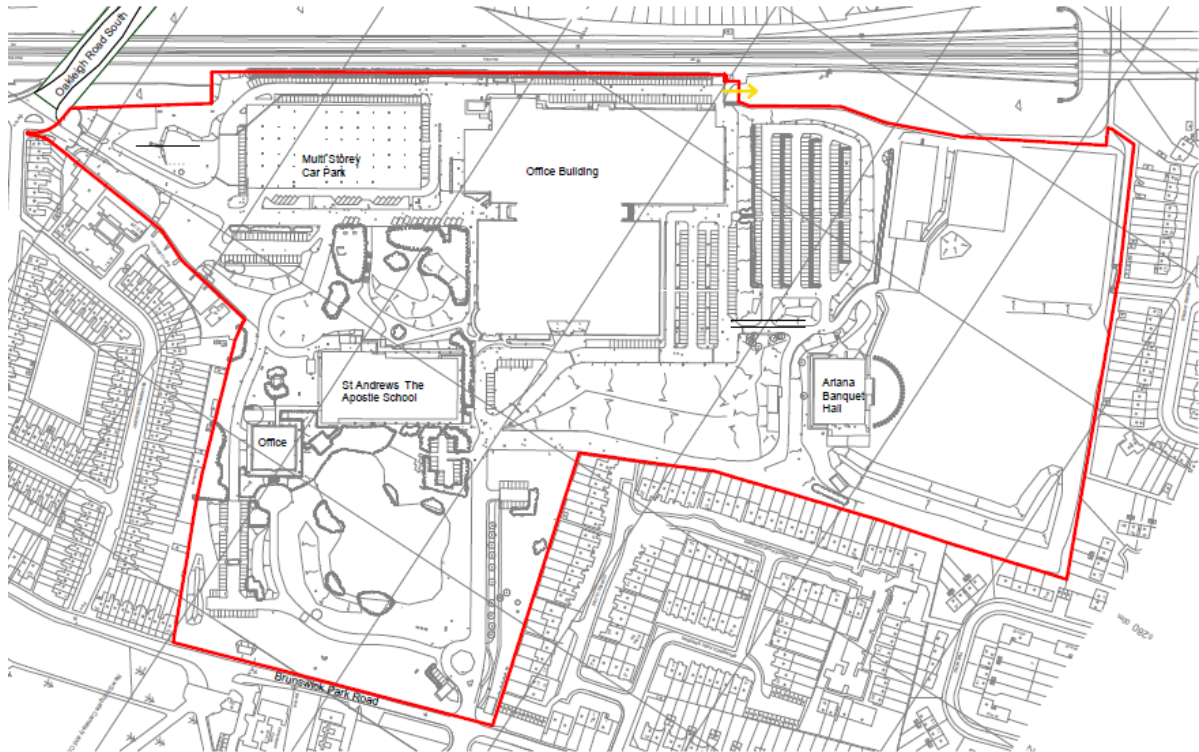
The scheme has also considered utilities provision and contamination and appropriately worded conditions are recommended. The scheme is considered to be appropriate and acceptable having regard to the full range of considerations in this report including the stated policies and guidance.

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 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 referral to the Mayor of London, a decision not to call in the application by the Secretary of State (in light of the objection by Sport England) and subject to the satisfactory completion of the Section 106 Agreement, **APPROVAL** is recommended subject to conditions as set out above.

SITE LOCATION PLAN: North London Business Park, Oakleigh Road South, London N11 1GN

REFERENCE: 15/07932/OUT



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Location **Victoria Park Ballards Lane London N3**

Reference: **17/1030/FUL**

Received: 20th February 2017

AGENDA ITEM 8

Accepted: 20th February 2017

Ward: West Finchley

Expiry 17th April 2017

Applicant: Mrs Mia Freedman

Proposal: Use of land for weekly food market on Sundays.

Recommendation: Approve subject to conditions

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

P01 - Existing Site Plan; Proposed Site Plan; Ballards Lane Finchley Food Market - Design report; Clarification Notes (19.04.17)

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

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

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

- 3 Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and agreed by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved Delivery Service Plan.

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.

- 4 No motor vehicle engines should be left idling or generators used for the purposes of storing, cooling or heating foods relating to the market.

Reason: To ensure that the amenities of occupiers are protected from noise and poor air quality in the vicinity.

- 5 The use hereby permitted shall not operate before 11:00 or after 15:00 on on Sundays and on no other day.

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

- 6 Prior to the implementation of the market hereby approved starts a Market Management Plan shall be submitted to and agreed by the Local Planning Authority. The Plan shall include, but not be limited to, details of:
 - Set up and take down operations;
 - Noise management;
 - Refuse collection;
 - Servicing and deliveries (including frequency and swept paths for vehicles entering the site);
 - A community liaison point of contact.The market use shall be operated in accordance with the approved Market Management Plan.

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.

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The applicant is advised that no furniture such as temporary signs for example 'A boards' or any stock items shall be placed on public footway to avoid obstruction to pedestrian movement. A minimum clearance of 2 metres for pedestrians access should be maintained at all times. Location of any existing street furniture in the vicinity of the site must be taken into consideration to ensure that the minimum clearance required for pedestrians is not compromised.

Officer's Assessment

1. Site Description

The application site is located on the southern side of Ballards Lane within the Finchley Church End Town Centre and West Finchley ward.

The application site is the entrance to Victoria Park adjacent to Ballards Lane, before the entrance to the bowling green.

To the west of the application site the rear gardens of properties along The Ridgeway are sited, in particular Nos. 1a, 1 and 3 about the position of the proposed market.

To the east of the site the rear gardens of properties along Seymour Road are sited, in particular Nos. 2 and 4, however, these properties are separated from the market position by an existing Electricity Sub-Station and Public Convenience.

Opposite the park flatted developments are sited .

2. Site History

Nil.

3. Proposal

This application seeks consent for use of the Council land fronting Ballards Lane for a weekly food market to be held on Sundays between 11am and 3pm.

The proposed market stalls would be demountable gazebos measuring 3.5m by 3.5m which would be erected and removed on the same day.

Pedestrian access to the site would be via the existing tarmacked walkways, with stalls located on the adjacent grass.

New bins would be set up at appropriate locations to ensure no evidence of the market would be visible after hours.

4. Public Consultation

Site Notice: 2nd March 2017

104 consultation letters were sent to neighbouring properties.

81 responses have been received; comprising of 48 objections and 30 letters of support.

The views of objectors can be summarised as follows;

- Market will take away custom from local food shops and park café
- Noise disturbance to neighbours and church goers
- Needs to be set delivery / arrival times
- Increased litter
- Noise disturbance to park users
- Pollution and smells
- Impact on wildlife

- Parking in the park will urbanise the green space
- Market not needed
- Park should be quiet refuge for relaxation and exercise
- Park provides only place of fresh air for many flats in the area
- Proposals ruin park for commercial greed
- Land is not un-used
- Time should be limited so parking not affected
- Vermin issue should be addressed
- Market should be held less frequently for trial period
- Food market was not successful at Avenue House
- Weekly market in North Finchley fails to attract many users
- Finchley Central Station car park would be better location for market
- Erosion of existing green space
- Vehicular access should be carefully controlled and monitored
- Condition should be applied that if the green space is damaged

The letters of support can be summarised as follows;

- Need the improvement to retail options, especially fresh foods
- This working hours event will not generate out of hours noise
- Will bring shoppers to Finchley and this will benefit existing shops
- Creates community hub for the area
- Makes adventurous street food more accessible
- Gives locals an opportunity to have a stall
- Access to healthier food for the community
- Additional facility for the neighbourhood
- Pilot scheme should go ahead and be reviewed

Internal / other consultations:

Greenspaces: Support application

Highways: No objection subject to suggested condition and informative

Environmental Health: No objection subject to suggested condition and informative

Business, Employment and Skills: No objection

Metropolitan Police: No comment

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan July 2015

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM03, DM11, DM13, DM14, DM17

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

This application seeks consent to use the entrance of Victoria Park on Ballards Lane, Finchley Central as weekly food market to be held every Sunday between the hours of 11am and 3pm.

The agent has arranged to lease the park land from the Council's Greenspaces department who have commented that they support the proposals.

The main considerations in this case are therefore the acceptability of the proposals to the site in the context of the vitality and viability of the Finchley Church End Town Centre and the amenities of the occupiers of adjoining residential properties.

Impact on Finchley Church End Town Centre

The proposed development is not considered to result in any loss of amenity to existing businesses in the locality, given that the market is only proposed to be held once a week. There is the potential that the proposed market would bring an increased footfall to the high street with visitors to the market taking the opportunity to visit local shops. The Business, Employment and Skills department have reviewed the submitted information and do not consider that the potential increased footfall would be detrimental or result in any direct competition with the High Street.

In addition, it could be considered that the provision of new Sunday market results in a positive addition to the local community.

Impact on Character of the Area

The proposals are not considered to have any detrimental impact on the character and appearance of the application site or this part of Ballards Lane.

A Management Plan Condition is suggested to ensure that the proposed development does not result in any detrimental impact to the character of the area. The Plan will include the requirement for further details relating to;

- Set up and take down operations;
- Noise management;
- Refuse collection;
- Servicing and deliveries (including frequency and swept paths for vehicles entering the site);
- A community liaison point of contact.

Impact on Residential amenity

Concerns have been raised by residents that the proposals would result in additional noise and disturbance due to increased footfall and vehicle movements. However, the site lies within an established town centre, which already experiences high levels of background noise and general movement during the day and it is not considered that the introduction of Sunday market will result in unacceptable disturbance to neighbouring occupiers.

Overall, it is considered that the proposed use would not result in a detrimental impact on the amenities of neighbouring residents by way of noise and disturbance, and subject to a condition restricting hours of use it is considered that it would be appropriate for the use of the entrance of the park to commence between the hours of 10.00 hours and end at 17.00 hours on Sundays to accommodate setting up and packing up times. These restrictions

are considered to strike an appropriate balance between the amenities of neighbouring residents and the function of the proposed market use.

Furthermore a condition preventing the use of generators has been applied to the permission on the advice of the Environmental Health department to further restrict potential noise disturbance to the locality.

In regards to potential additional litter caused by the proposed market use, the agent has confirmed that additional refuse bins will be utilised on the market day to prevent unnecessary littering and a team of cleaners will be on hand after the event to ensure that the site is cleaner than it started. This should help to reduce the existing vermin problem that the park is suffering from. A Management Plan Condition is suggested to provide additional details of how the organisers of the market will ensure that it does not result in detrimental harm to amenities of neighbouring occupiers.

Impact on function of the Open Space

The proposed development is limited to the open grassed area between Ballards Lane the fenced off bowling green, beyond which lies the main open space of Victoria Park. Given the area of the proposed development it is not considered that the weekly market will have any detrimental impact on the function of the park which will be easily available for users who are not interested in the market use.

As the proposed market is separated from the main park by the bowling green, any users of the park who enter from the rear, for example along Park View Road would not experience any disturbance to their enjoyment of the park from the market.

Traffic and Highways matters

There are no parking restrictions in the area on Sunday's and it is envisioned that the market will be mainly utilised by local people walking to the market. It should be noted that the Council's Highways department have raised no objection to the proposals subject to the imposition of a full Delivery and Servicing Plan condition and informative which restricts any obstruction to the public footpaths.

5.4 Response to Public Consultation

The concerns raised by objectors are noted.

Issues relating to noise disturbance, litter and vermin have been addressed in the above report and a Management Plan Condition is suggested to address these issues.

A condition restricting the hours of use has been applied to the permission in order to ensure proposals have limited impact on neighbouring amenity.

It is not considered that the market will take away custom from local food shops and the park café since it proposes limited hours of operation.

The proposed market is not considered to have a detrimental impact on existing wildlife, especially as it is of limited size and restricted to a limited location.

There is not proposed to be any vehicular parking within the park as a result of the proposed market use.

The comments made that the market is not needed is not considered to be a material planning consideration. Planning Policy does not state that proposals for markets need to demonstrate need. However, it must be noted that there is both significant support and opposition to the proposals.

It is not considered that the use of the front of the park site will take away from residents using the park for quiet refuge for relaxation and exercise, or for residents of flatted developments who do not have their own private amenity space. IT will be for a limited number of hours a week and will not prejudice wider enjoyment of the park.

It is not considered that the proposals will ruin park for commercial greed as the majority of the park site will be retained for usual park use.

The concerns raised that the proposed land is not un-used is noted. However, this part of the park does not have a specific use compared to the Bowling Green or children's play areas for example.

The comments made that the market should be held less frequently for trial period are noted. However, it is not considered necessary to do this where the proposals are considered to be acceptable in their own right.

The concerns raised that markets at both Avenue House and North Finchley were not successful are noted. However, perhaps as these markets were not so visible within the town centre and this proposal will abut the main road, it will be more successful.

The comments that Finchley Central Station car park would be better location for market are noted, however, this application does not include this proposal and therefore it cannot be considered. Only the proposals before officers and Members of the Committee can be considered.

The proposals are not considered to result in the erosion of existing green space, as the majority of the park will remain untouched by the proposals.

6. 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;
- 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.

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed weekly food market, to be held on Sundays would have an acceptable impact on the character and appearance of the application site, the street scene and the Finchley Town Centre locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. The proposals are not considered to detrimentally impact on the health of trees of high amenity value. This application is therefore recommended for approval.

LOCATION: Brent Cross Cricklewood Regeneration Area
NW9 AGENDA ITEM 9

REFERENCE: 17/2694/CON **Received:** 25 Apr 2017

WARD: Golders Green, Child's Hill, Hendon **Accepted:** 25 Apr 2017
Expiry:

APPLICANT: BXS Limited Partnership acting by its general partner
BXS GP Limited

PROPOSAL: Submission of information pursuant to Conditions 4.2, 2.4 and 2.5 of planning permission F/04687/13 dated 23 July 2014 for the comprehensive mixed use redevelopment of the Brent Cross Cricklewood regeneration area. Conditions submitted to re-phase infrastructure items and development plots within and between phases: 1A (South), 1B (South), 1C and 2 (South) and to make consequential minor amendments to the approved Revised Design Guide, Revised Development Specification Framework and Revised Design and Access Statement as a result of the phase changes.

RECOMMENDATION

That delegated powers be given to the Brent Cross Planning and Transport Manager to APPROVE the Conditions Application subject to:

Part 1:

The completion of a satisfactory Deed of Variation to make the necessary amendments to the existing Section 106 Agreement dated 22nd July 2014 attached to planning permission F/04687/13, to secure the following:

- 1) Amendments to Definitions and Primary Development Package to accord with submissions against agreed definition changes under section 96A applications and changes resulting from conditions 2.4 and 2.5;
- 2) Amendments to Schedule 8 (Drawings) references in the Section 106 Agreement to delete and accord with all the necessary amendments;
- 3) Amendments to references in the Section 106 Agreement relating to the definition of Primary Development package.

and,

Part 2:

That officers be authorised to negotiate and agree the detailed drafting of the proposed Deed of Variation agreement.

1. APPLICATION SUMMARY

The application is made pursuant to Conditions 4.2, 2.4 and 2.5 of the section 73 planning permission for the Brent Cross Cricklewood Regeneration (reference F/04687/13) (the 's73 Permission'). Condition 4.2 allows for amendments to be made to the indicative phasing of the approved s73 development. Conditions 2.4 and 2.5 allow for updates to be made to the relevant control documents within the s73 Permission.

This re-phasing application has been submitted to facilitate the delivery of the early phases of Brent Cross South ('BXS'), which requires a revised approach to the order of delivery of plots, to respond to the key constraints of the site. The s73 Permission anticipated the first substantive phase in BXS to be centred on Plots 18, 25 and 28 (as identified on Parameter Plan 029 of the s73 Permission) which lie immediately to the south of the Holiday Inn and in the northern part of the Whitefield Estate, respectively. However, much of this area will be needed for the construction of critical infrastructure by the Northern Developer, Hammerson and Standard Life, in relation to the delivery of Brent Cross North ('BXN'), including the Living Bridge and the Tempelhof Bridge and Link Road.

The proposed re-phasing therefore seeks to establish the first phase of plot development within BXS, by commencing to the south of the proposed High Street South and on land fronting on to Claremont Park and the new Claremont Park Road (i.e. Plots 11, 12 and 13). In this instance, from a place-making, logistical and practical perspective it is considered more appropriate to bring forward the plots further to the south of the High Street first. An Environmental Statement of Compliance was submitted in support of the Re-Phasing application under Condition 4.2 demonstrating that the re-phasing of these items and plots is unlikely to result in any new or different significant effects from those reported in the s73 Permission Environmental Statement.

It is worth drawing the attention of members of the Planning Committee to the fact that applications under condition 4.2 can only seek to re-sequence the order of the items for which planning permission has been granted. The amendments to phasing will not change the triggers for the delivery of the community benefits as set out in the Conditions of the s73 Permission and secured in the associated Section 106 agreement (s106).

In addition, it is worth noting that approval of the current application will not result in any increases, decreases, deletions or alterations in the approved parameters, including the number of items or plots approved as part of the existing s73 Permission. Likewise, the current application does not seek to change any of the designs approved by previous Reserved Matters Applications (RMAs) or Other Matters Applications (OMAs).

Therefore, the current application seeks approval to re-arrange the existing indicative phasing sequence of a number of infrastructure items and plots currently set for delivery within the Sub-Phases of Phase 1 South and Phase 2 South, only.

The application also includes an associated submission under Conditions 2.4 and 2.5 of s73 Permission proposing consequential modifications to the Revised Development Specification and Framework (RDSF) and to the Revised Design Guide (RDG) and Revised Design and Access Statement (RDAS). Detailed tracked changes of these consequential amendments are set out in the attached Appendix 3.

In this instance, it is considered that, as set out in the Condition 4.2 requirements, the applicant has effectively demonstrated;

1. That the proposed rephasing of the items and plots, subject of this application, accord with the EIA process whilst ensuring an orderly and satisfactory development of the site in accordance with the assumptions that underpinned the s73 Permission Environmental Statement; and,
2. That the proposed indicative sequence of delivery of the plots and infrastructure items, subject to this rephasing application, would continue to, positively, assist in achieving the planning benefits of the comprehensive development of the Regeneration Scheme.

Therefore, it is recommended that the application to re-phase the infrastructure items and plots, within the sub-phases of Phase 1 South and Phase 2 South, is approved subject to the satisfactory completion of a section 106 Legal Agreement (Deed of Variation), securing the consequential amendment to accord with the submissions and associated changes resulting from conditions 2.4 and 2.5.

2. RELEVANT PLANNING HISTORY

Outline Planning Consent

Outline Consent was granted in 2010. This was accompanied by a Section 106 agreement (S106) and an approved Environmental Statement (ES).

The s73 Permission, granted in July 2014 with reference F/04687/13, was accompanied by a revised S106 and an ES addendum.

The s73 permission includes 7 Phases which are, in part, further broken down into sub-phases. Reserved Matters have been approved for Phase 1A (North) and 1A (South).

Previous Condition 4.2 Re-Phasing Applications

Two Re-Phasing applications under Condition 4.2 have been considered to date in relation to the s73 Permission.

The Re-Phasing of plots 53 and 54 from Phase 1 (South) to Phase 1 (North); and associated changes were approved under reference F/05552/14. These changes were approved on 02 February 2015. Relevant consequential amendments to the RDSF and RDAS were also approved under separate applications under conditions 2.4 and 2.5.

The Planning Committee resolved to Grant the re-phasing of 6 items of infrastructure from Phase 1A (North) to Phase 1B (South) with reference 16/7489/CON on 22 February 2017. Relevant consequential amendments to the RDSF and RDAS will be approved under a separate associated application pursuant to conditions 2.4 and 2.5.

Previous Conditions 2.4 and 2.5 applications

Previous applications under Conditions 2.4 and 2.5 for minor changes to the DSF, DAS and DG which were approved can be summarised as follows:

- 16/7490/CON - minor amendments relating to the parameters/principles resulting from the amended design of Bridge Structure B1 (Replacement A406 Tempelhof Bridge) and to the re-phasing of six items of infrastructure. Further changes relate to minor amendments to the parameters/principles and definitions of Clarefield Park Temporary Replacement Open Space and Community Facilities (Clitterhouse Playing Fields Zone).
- 15/00834/CON – minor updates to the scale thresholds for buildings in Building Zone BT1;
- 15/00664/CON – minor updates to the parameters relating to Clitterhouse Playing Fields and Claremont Park;
- 15/05040/CON – minor updates to the parameters relating to specific infrastructure items including Bridge Structure B1; and
- 15/07802/CON – minor updates to the parameters to reflect the alternative at-grade pedestrian and cycle crossings at the M1/A406 and A5/A406 Gateway Junction.

Compulsory Purchase Orders

Compulsory Purchase Orders 1 and 2 were made in 2015 by Barnet Council to acquire land for the northern and southern developments and a Public Inquiry took place in summer 2016 for which the Inspectors report is expected at the end of June 2017.

A Compulsory Purchase Order (CPO3) was also made in September 2016 to acquire the land to deliver the new Thameslink station as part of the

development for which a public inquiry is scheduled in September 2017.

3. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL

3.1 Site Description and Surroundings

The s73 Permission for the Brent Cross Cricklewood development relates to a 151 hectare site which is defined to the west by the Edgware Road (A5) and the Midland mainline railway line and to the east by the A41, and is bisected east to west by the A406 North Circular Road. It is adjacent to Junction 1 of the M1 (Staples Corner) and includes the existing Brent Cross Shopping Centre and Bus Station to the north of the North Circular as well as the existing Sturgess Park.

To the south of the North Circular Road the area contains the Brent South Shopping Park, existing Tesco store and Toys 'R' Us store, the Whitefield estate (approximately 220 units), Whitefield Secondary School, Mapledown Special School and Claremont Primary School; Hendon Leisure Centre, Brent Cross London Underground Station to the east; Clarefield and Claremont Parks and Clitterhouse Playing Fields (Metropolitan Open Land); the Hendon Waste Transfer Station, Claremont Way Industrial Estate and Cricklewood Railway Station to the far south. The application site includes parts of Cricklewood Lane, including the open space in front of the B & Q store.

The Tempelhof Bridge and the A41 flyover provide the only existing direct north-south link across the North Circular Road within the site. A section of the River Brent, contained within a concrete channel, flows east to west through the site to the south of the shopping centre.

The London Borough of Brent is located to the immediate west of the application site, on the opposite side of the A5 Edgware Road. The London Borough of Camden adjoins the site to the south at Cricklewood Town Centre.

The site is dominated and constrained by the existing road network and rail infrastructure. It contains industrial land, former railway land, retail 'sheds' and large areas of surface car parking.

To the north, east and south, the site is surrounded by traditional low rise suburban development, predominantly two storey semi-detached houses. These areas of existing housing - with the exception of the Whitefield Estate - are not directly subject to the proposals as they are not contained within the planning application boundary.

The application site currently has a public transport accessibility level (PTAL) varying between 1 and 5, where 1 is low and 6 is high. It includes key parts of the Transport for London Road Network (TLRN) at Hendon Way (A41) and the North Circular Road (A406).

3.2 Proposal

This application has been made pursuant to Conditions 4.2, 2.4 and 2.5 of the s73 Permission and seeks permission to reorder the indicative phasing of infrastructure items and development plots within the sub- phases of Phase 1 (South) and within Phase 2 (South).

The plots and items to be re-phased by virtue of the submission made pursuant to Condition 4.2, include: School Lane, School Green Corridor, Market Square, Brent Terrace Green Corridor, Community Facilities (Market Quarter) and Plots: 12, 18, 21, 25, 28, 30, 45, 46 (Claremont Primary School), 58, 59 & 93. These items and plots are identified in the s73 planning permission for delivery within Sub Phase 1A South, Sub Phase 1B South, Sub Phase 1C, and Phase 2. An itemised sequence of the timings for the delivery of the relevant infrastructure items and plots is provided in the Phase Definitions attached to this report in Appendix 5.

The application also comprises of details pursuant to Condition 2.4 and 2.5 of the s73 Permission. These details have been submitted to give effect to the changes proposed under Condition 4.2 and comprise of minor revisions to the Development Specification and Framework (DSF), Design and Access Statement (DAS), and Design Guidelines (DG) approved by the s73 Permission.

A number of items to be re-phased are designated within the Primary Development Package and therefore the Primary Development Package Plan (Parameter Plan 019) together with the Indicative Phasing Plan (Parameter Plan 029) are also proposed to be amended as part of the application under Conditions 2.4 and 2.5.

Conditions 2.4 and 2.5 allow such changes to be made subject to confirmation being provided that no significant adverse environmental effects would be brought forward by the changes. Tracked changes and details of the proposed consequential amendments sought under Condition 2.4 and 2.5 are provided in Appendix 3, attached to this report.

Deed of Variation to S106

Approval of the re-phasing application would result in necessary consequential amendments to be made to the existing S106 Agreement attached to the s73 Permission. A draft deed of variation has been prepared and agreed with lawyers and is ready to be executed subject to the decision of the Committee.

Subsequent Consequential Applications

The approval of the re-phasing application will subsequently require a number of consequential non material amendments to be made to the s73 Permission. These amendments will be secured through the submission of a separate s96A application. A comprehensive list of conditions requiring consequential

amendments is set out in the Explanatory Report submitted in support of this application.

Similarly, an exchange of Letters in accordance with Condition 1.30 of the s73 Permission will give effect to the amendments required to the definitions set out within the decision notice.

4. MATERIAL CONSIDERATIONS

4.1 Public Consultations and Views Expressed

Public Consultation

Some 423 neighbouring households, amenity groups, and local businesses were notified of the proposal by letter on 1st May 2017 with the consultation period ending on 28th May 2017.

At the time of writing this report 6 letters and 1 Petition with 53 signatures objecting to the proposals were received in response to this consultation.

The letters and petition submitted as an objection against this re-phasing application principally seek clarification over the terms and conditions for the rehousing of leaseholders and the Council's Secure Tenants of the Whitefield Estate.

The content is however not material to this re-phasing application and the queries raised are being addressed as a part of a wider engagement with Whitefield Estate residents and their relocation strategy.

A detailed summary of the objections received and officer comments in response can be found under **Appendix 4** of this report.

It should be noted that this application has been made pursuant to a planning condition attached to the s73 Permission and as such there is no statutory requirement for a public consultation exercise on the proposed re-phasing. However, given the proposals include the re-sequencing of plots sited where the Whitefield Estate Replacement Units (Part 2) residents are due to be relocated, Officers considered it appropriate, in this instance to consult on the application. As a result of the number of objections received, it is necessary to report the application to the Planning Committee.

5. PLANNING ASSESSMENT

5.1 Need for Rephasing

The s73 Permission is supported by a suite of documents which together provide the parameters, principles and controlling framework to facilitate delivery of the Brent Cross Cricklewood Regeneration Scheme. The s73

Permission is also subject to a S106 Agreement which, along with relevant Planning Conditions, provides a further layer of control for the implementation of the development.

The proposed re-phasing application seeks to allow the southern development of BXC to start on site concurrently with the works for BXC North. Under the current sequence of phases in the s73 Permission there would be a conflict between the sequence of delivery for the southern plots and the provision of the Whitefield Estate Replacement Units (Part 2) and the items of critical infrastructure associated with the northern development.

Under the approved Indicative Phasing Plan (Parameter Plan 029), the first phase in BX South would be delivering Plots 18, 25 and 28 and associated infrastructure. However, a considerable part of this area will be required for the construction of the critical infrastructure for Phase 1A (North) by the Northern Developer, including the Living Bridge, Tempelhof Bridge and Link Road. Therefore under the current sequence of phasing, the BX South development would have to wait for the Northern Developer to complete the construction of infrastructure and vacate the land before the first southern development plots could commence.

Therefore in order for the first Southern development phase to be able to commence concurrently with the works for the delivery of infrastructure in connection with BX North, the BXS development will need to commence on different plots, hence this application has been submitted pursuant to condition 4.2, to enable the re-phasing of the Phase 1 (South) plots.

As proposed, the resulting first phase within BX south would be formed by plots 11, 12 and 13. These plots are positioned mainly to the south of the High Street and alongside Claremont Park and the new Claremont Park Road. Plots 18, 25 and 28 would be moved to Phase 2 (South).

The resulting first phase would form the core of the future southern development and would deliver a number of items of critical infrastructure, including part of High Street South, enhancements to Claremont Park, the Whitefield Estate Replacement Units (Part 2) and enhancements to Clitterhouse Playing Fields.

The Whitefield Estate Replacement Units (Part 2) will be delivered first within Plot 12 alongside the first market residential units, together with a temporary open space that will assist in mitigating against the closure of Clarefield Park, surrounding streets, Claremont Park Road (Part 1) and the enhanced Claremont Park.

The amended sequence of delivery would therefore ensure that the first plots to be delivered would benefit from enhanced open space to the South, proximity to established residential areas and frontages to the new section of the southern High Street, allowing the establishment of a 'place' from the beginning.

5.2 Principle of the Proposed Changes

CONDITION 4.2 OF THE s73 PERMISSION

Condition 4.2 reads as follows:

The Indicative Phasing Parameter Plan and/or Phase 1A(North) Phase 1A (South), Phase 1B (North), Phase 1B (South) and Phase 1C may be amended from time to time to reflect changes to the phasing of the development on written application and subject to obtaining the prior written approval of the LPA in respect of the definition of (a) any amendment to the Phases shown on Parameter Plan 029 or any subsequently approved Phasing Parameter Plan or (b) any part of a Phase as an approved Sub-Phase, but provided always that such approval to an amended Phase or Sub-Phase shall not be given unless and until any such proposed amendments or changes or the definition of any Sub-Phases shall have been demonstrated to be unlikely to

4.2.1. have significant adverse environmental effects compared to the assessments contained in the EIA Process unless and to the extent that such changes are validly approved by the LPA after they have been assessed by a subsequent new or revised Environmental Statement and an appropriate EIA process; and/or

4.2.2. significantly undermine comprehensive delivery of the mixed use town centre development in accordance with Saved Policy C1 of the LPA's UDP 2006.

And Provided that any application for approval of any amendments or changes under this Condition shall (in accordance with Clause 14 of the S106 Agreement) clearly specify any consequential changes to (a) the Critical Infrastructure to be delivered as part of such Phase or (as the case may be) Sub-Phase and/or (b) the payments to be made to the LPA for the purposes of the Consolidated Transport Fund under the CTF Schedule in respect of such Phase or (as the case may be) Sub-Phase and (c) the relevant Phase Details to be approved pursuant to the detailed requirements for pre-commencement approvals in accordance with Conditions 13.1, 14.1, 15.1, 16.1, 17.1, 18.1, 19.1 and Conditions 20,21, 22, 23, 24, 25, and 26.

PROVIDED FURTHER THAT any proposed change to reassign Plots 53 and 54 from Phase 1 (South) to Phase 1 (North) and/or other appropriate phase changes to facilitate delivery of the Whitefield Estate Replacement Units (Part 1) and/or Plot 113 from Phase 1 (North) to Phase 1 (South) may be submitted and approved in accordance with this Condition in advance of submission and approval of the A5 Corridor Study and/or any other applications for Other Matters Approvals.

Reason: To ensure the orderly and satisfactory development of the Site in accordance with the assumptions which underpinned the EIA Process,

in the interests of highway safety and to assist in achieving the planning benefits of the comprehensive development scheme, whilst allowing sufficient flexibility to enable the development to be delivered in a manner which accords with the EIA process.

As such, condition 4.2 purposefully provides the ability for changes to be made to the phasing of the s.73 Permission subject to confirmation that the changes:

- a) do not have any significant adverse environmental effects; and
- b) do not undermine comprehensive redevelopment.

In this instance, in principle, there should be a presumption in favour of the current proposals provided that the submission meets each of these tests. Sections 5.3 and 5.4 of this report provide an assessment against these key tests.

CONDITIONS 2.4 & 2.5 OF THE s73 PERMISSION

The s73 Permission is supported by a suite of documents which together provide the parameters, principles and controlling framework to facilitate delivery of the Brent Cross Cricklewood Regeneration Scheme. The s73 Permission is also subject to a S106 Agreement which, along with relevant Planning Conditions, provides a further layer of control for the implementation of the development.

Planning Condition 2.4 of the s73 Permission states:

The DSF shall be revised by the Developer (subject to obtaining approval in accordance with this Condition) from time to time in order to incorporate approved revisions into the Reconciliation Mechanism reflecting any changes brought about through:

- 2.4.1.1 Reserved Matters Approvals, Other Matters Approvals or best practice guidance, or any other matters; and/or*
- 2.4.1.2 any Further Section 73 Permission and/or Alternative Energy Permission and/or any Additional Planning Permission; and/or*
- 2.4.1.3 any consequential changes as a result of any approved variation of the Phases in accordance with condition 4.2.*
- 2.4.2 Any application for a proposed revision pursuant to condition 2.4 will be determined in accordance with the requirements of the EIA Directive.*
- 2.4.3 The development of each Plot or other part of the Development approved thereafter shall be designed and carried out in accordance*

with such approved revised Development Specification and Framework.

Planning Condition 2.5 of the s73 Permission states:

The Design and Access Statement and Design Guidelines shall be revised by the Developer (subject to obtaining approval in accordance with this Condition) from time to time to incorporate approved revisions into the Reconciliation Mechanism reflecting any changes brought about through:

2.5.1.1 Reserved Matters Approvals, Other Matters Approvals or best practice guidance, or any other matters; and/or

2.5.1.2 any Further Section 73 Permission and/or Alternative Energy Permission and/or any Additional Planning Permission and/or

2.5.1.3 any consequential changes as a result of any approved variation of the Phases in accordance with condition 4.2.

2.5.2 Any application for a proposed revision pursuant to condition 2.5 will be determined in accordance with the requirements of the EIA Directive as appropriate.

2.5.3 The development of each Plot or other part of the Development shall thereafter be designed and carried out in accordance with such approved revised Design and Access Statement.

As such, Conditions 2.4 and 2.5 of the s73 Permission are therefore structured specifically to enable minor amendments and changes to the RDSF, the RDAS and RDG subject to confirmation that the proposed amendments will not give rise to significant adverse environmental effects.

It is worth noting that under Condition 1.16, the s73 Permission requires Reserved Matters approvals to be in accordance with the parameters and principles described, mentioned or referred to in the RDSF including all of the Parameter Plans and the principles described mentioned or referred to in the D&A Statement and the Design Guidelines.

Condition 1.16 also seeks to permit changes to the parameters and principles of the s73 Permission via the submission of “revised or amended documents”. In order to give effect to these changes it requires that the proposed alterations are in accordance with Conditions 2.4 and 2.5 so long as those changes are unlikely to cause any significant adverse environmental impacts beyond those already assessed in the Environmental Statement.

Therefore, Condition 1.16 of the s73 Permission requires all RMAs to be in accordance with the parameters and principles contained in the RDSF, the RDAS and RDG or such revised or amended documents as may have been approved in accordance with Conditions 2.4 and 2.5.

The application is supported by a revised Indicative Phasing Plan (Parameter Plan 029 Rev. 04) and a Primary Development Package (PDP) Plan (Parameter Plan 019 Rev. A) that reflect the changes to the phasing sought with the current submission. The revisions to these plans enable the application to comply with this limb of the Conditions 1.6, 2.4 and 2.5.

In conclusion, in principle, there should be a presumption in favour of the current proposals under conditions 2.4, 2.5 and 4.2 provided that the submission meets each of these tests, as it will be assessed further on in this report.

5.3 Environmental Statement of Compliance

This conditions application is supported by the submission of an Environmental Statement of Compliance (ESC) Report to demonstrate the continued acceptability of the ES associated with the s73 Permission in the context of the re-phasing exercise. The ESC therefore assesses whether the proposed delivery phase changes of the infrastructure items and plots are likely to result in any significant adverse environmental effects not previously identified, or changes to the likely significance of the previously reported effects.

The information assessed within the ESC is based upon the proposals within the s73 Permission, as well as the information submitted in support of reserved matters applications approved to date and any amendments secured through condition submissions, including previous re-phasing exercises, non-material and minor material amendments secured through their appropriate mechanisms.

The EIA procedure in the UK is directed by the provisions in the recently adopted Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the 'Regulations') having regard to the Transitional Provisions set out in para 77, the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 (the 'Regulations'), the EIA Directive 2011/92/EU (as amended by Directive 2014/52/EU), as well as the National Planning Practice Guidance (2014).

Section 3 of the EIA Regulations in particular requires local planning authorities to consider whether or not the environmental information already before them (i.e. the ES submitted with the 2013 Section 73 application F/04687/13 and any additional environmental information) is adequate to assess the environmental effects of the development.

The impacts assessed in the ESC include; Archaeology and Cultural Heritage, Carbon Dioxide Emissions, Ecology and Nature Conservation, Ground Contamination, Landscape and Visual Effects, Microclimate, Socio-Economic, TV/ Radio & Mobile Reception, Waste, Water Resources and Flood Risk, Traffic Based Effects, and the Combined Cumulative Impacts of the proposed re-phasing changes.

The ESC establishes that the proposed amendments would not result in any new or different likely significant impacts from those previously reported in the existing EIA Documentation. It reaches this conclusion, *inter alia*, on the broad basis that as there is no change in the quanta of development there is unlikely to be any material change to the environmental impacts from those reported in the S73 Permission Environmental Statement (s73 ES).

The ESC covers all aspects of the re-phasing proposals, and includes a detailed assessment of impacts on Construction, during the Intermediate Years. The construction impact assessment undertaken in the ESC takes into account the revised indicative ICP, which presents the proposed sequence the Development would be built out and provides a full assessment of the operational impacts and the environmental impacts during construction in terms of the end state of the development and during the intermediate years. This is a requirement of the ES in order to assess likely significant environmental effects as it provides a realistic interpretation for the undertaking of the development.

Bearing in mind the ICP submitted in support of the s73 Permission ES did not break down the assessment of construction effects into sub-phases, the likely impact of movement of development plots within a phase, i.e., between sub-phases 1A, 1B and 1C, is considered negligible as the effects reported in the ES would experience no change.

The construction effects reported in the ES are therefore likely to remain valid or could possibly be less than those quantified in the ES, as although a significant part of the Phase 1 construction effects are being moved to Phase 2, there would be less overlap of construction activity with the BX North programme compared to the intensive construction period during the consented Phase 1, which was assessed as the worst case scenario in the ES.

As such, the ESC establishes that the assessment of effects from the s73 ES remains valid and the amendments to phasing sought through this condition 4.2 application do not have any new or different significant effects so as to warrant changes to the relevant parts of the approved ES.

These conclusions are also valid with respect to the consequential amendments to be incorporated onto the RDSF and RDAS under the submissions pursuant to condition 2.4 and 2.5.

Moreover, the mitigation proposed by the 2014 Permission and ES including the Code of Construction Practice, Global Remediation Strategy, Construction Transport Management Plans, Construction Environmental Management Plans, and Demolition and Site Waste Management Plans remain valid.

Accordingly, the existing Environmental Statement associated with the s73 Permission, supplemented by the ESC and the other additional environmental information previously submitted, satisfactorily assess and address the impacts of the development for the purposes of determining the re-phasing of

the relevant infrastructure items and plots.

5.4 Comprehensive Development

The appointment of Argent Related as LBB's delivery partner for the southern development of BXC represented a significant step toward the realisation of development south of the A406 and combined with the securing of Reserved Matters Approval Ref No: 15/06518/RMA for Phase 1A (South), and on-going pre-application discussions relating to Phase 1B (South) provides assurance that comprehensive development to the south of the A406 will be forthcoming.

On 22nd February 2017 this Committee resolved to grant permission for a re-phasing application (with ref. 16/7489/CON) to transfer the responsibility for delivering a number of infrastructure works (which lie south of the A406) to Phase 1B (South) with significant logistical and practical benefits due to the close proximity and relationship between the infrastructure works and plot delivery within the southern development. This re-phasing application sought to ensure that the northern and southern delivery partners would be able to organise the delivery of their respective developments independently and unencumbered by logistical practicalities associated with the delivery of infrastructure items and plots outside their zones of influence.

The re-phasing of the infrastructure items and Plots across Phases 1 and 2 (South) sought under this application pursuant to condition 4.2 provides continuity to this re-organisation of the delivery sequence in a logical manner which will also seek to provide the conditions that will enable critical infrastructure development to be delivered concurrently with plot development.

The proposed re-phasing seeks to create the first functional phase of plot development within BXS, by commencing to the south of the proposed High Street South on land fronting on to Claremont Park (i.e. Plots 11, 12 and 13). As the proposed re-phasing allows BXS to start on site alongside BXN works it will act as a trigger for comprehensive development both north and south of the A406.

The resulting Phase 1BS will incorporate a number of items of critical infrastructure, including part of High Street South, enhancements to Claremont Park and the Whitefield Estate Replacement Units (Part 2). The provision of such infrastructure benefits the wider development of BXS by providing part of an important East-West route and extensive areas of open space for new and existing residents, supporting rather than undermining comprehensive development.

The re-phasing proposals have no impact on the overall quantum of floorspace proposed through the 2014 Permission as the changes wholly relate to the sequence in which development will come forward and hence do not impact or undermine comprehensive development.

There is no change resulting from the re-phasing to the overall level of

community, education and health facilities to be provided as part of the BXS masterplan. The amendments will not undermine comprehensive redevelopment of BXC, and will in fact assist in ensuring its long-term successful delivery by permitting a more appropriate phasing.

It is considered that the proposed re-phasing exercise will not undermine comprehensive redevelopment but will instead enable an order of delivery of infrastructure items and plots that will ensure that other aspects of the scheme can be delivered concurrently and in a more logical manner.

As such, the re-phasing exercise will assist the longer term comprehensive development of BXC in accordance with saved Policy C1 of the UDP and other policies in the development plan.

5.5 Planning Assessment Conclusion

The proposed re-phasing of a number of plots and items will make a substantial contribution towards enabling and facilitating the wider comprehensive regeneration of the area to the south of the A406 in accordance with the key tests set out in Condition 4.2 of the s73 Permission. The submissions under conditions 2.4 and 2.5 will give effect to these alterations through the consequential amendments to the RDSF and RDAS and are set out in Appendix 3.

Overall, it is considered that the proposed re-phasing of the infrastructure items and plots, subject of this application, would result in a comprehensive regeneration scheme.

As such, in planning terms, the proposed re-phasing application under condition 4.2, subject to the sequence considered in the ICP and ESC submitted in support of this application, is considered to be consistent with key tests set out in this condition.

6. 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 approve the phasing application under Condition 4.2 will comply with the Council's statutory duty under this important legislation.

7. CONCLUSION

The Brent Cross Cricklewood regeneration scheme will be implemented over the next fifteen to twenty years. As a result the planning permission includes a series of mechanisms that allow the phasing to be amended to reflect changes in requirements and for the control documents to be updated. These mechanisms, such as conditions 4.2, 2.4 and 2.5 continue to ensure that the forthcoming applications for plot development and/or individual buildings under the s73 permission will be required to be designed to a high standard and comply with the parameters and principles established as part of the framework of control under the permission by reference to the DSF and Design and Access Statement.

The proposals have no bearing on the overall quantum of floorspace proposed through the s73 Permission as the changes only relate to the sequence in which development will come forward and hence do not impact or undermine comprehensive development. Likewise, there is no change resulting from the re-phasing to the overall level of community, education and health facilities to be provided as part of the BXS masterplan. As such, the amendments will not undermine comprehensive redevelopment of BXC.

The Environmental Statement of Compliance accompanying this application has addressed all relevant environmental issues and concluded that there are not likely to be any adverse, significant different effects from those assessed in the s73 Permission Environmental Statement. Any mitigation measures secured in the s73 Permission Environmental Statement are controlled by conditions and obligations in the s73 Permission itself.

The applicant has produced a series of consequent amendments to the delivery sequence and principles set out in the Revised Development Specification and Framework, the Revised Design and Access Statement and the Design Guidelines of the s73 Permission, which continues to ensure the relevance of the s73 Permission framework for control.

These amendments, together with the existing conditions and associated planning obligations will continue to ensure that the quality of future

development and regeneration area develops as anticipated in the masterplan.

The proposed amendments and updates are acceptable and therefore APPROVAL is recommended.

APPENDICES

- 1. APPENDIX 1: SITE PLAN**
- 2. APPENDIX 2: INFORMATIVES**
- 3. APPENDIX 3: ASSOCIATED AMENDMENTS UNDER CONDITIONS
2.4 AND 2.5**
- 4. APPENDIX 4: OBJECTIONS AND OFFICER RESPONSE**
- 5. APPENDIX 5: PHASE AND SUB-PHASE DEFINITION
AMENDMENTS**

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APPENDIX 2

INFORMATIVES

- 1) The plans and documents accompanying this application are:
 - Explanatory Report – Re-phasing Application. April 2017.
 - Environmental Statement of Compliance (Condition 4.2) – Re-phasing Application. April 2017.
 - Conditions 2.4 and 2.5 Submission. Re-phasing Application. April 2017
 - Parameter Plan 019 Rev.P10
 - Parameter Plan 029 Rev.P4

- 2) In accordance with the transitional provisions set out in Regulation 8 and Paragraph 77, *inter alia*, of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and having regard to Reg 3 (4) and Reg 8 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, it is considered that:

this submission of conditions reveals, with regard to the subject matter of the application, that there are no additional or different likely significant environmental effects than is considered in the environmental information already before the Council (the Environmental Statement (ES) (BXC02) submitted with the Section 73 application (F/04687/13) and any further and/or other information previously submitted; and

the environmental information already before the Council (the Environmental Statement (ES) (BXC02) submitted with the Section 73 application (F/04687/13), and any further and/or other information previously submitted) remains adequate to assess the environmental effects of the development.

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APPENDIX 3

CONDITIONS 2.4 AND 2.5

1. APPLICATION SUMMARY

A submission has been made under Conditions 2.4 and 2.5 of the 2014 Section 73 planning permission Ref: F/04687/13 (the 's73 Permission') to make minor modifications to the Revised Development Specification and Framework (RDSF) and to the Revised Design Guide (RDG) and Revised Design and Access Statement (RDAS).

The details pursuant to conditions 2.4 and 2.5 were submitted as part of an application required in connection with the approval process set out in the s73 Permission whereby Re-phasing Applications are expected to be preceded or submitted in conjunction with detailed information pursuant to a reconciliation mechanism. The set of conditions that enables this process was purposefully included in the s73 Permission decision notice to allow acceptable adjustments to be made to the specifications, parameters and definitions of the s73 Permission.

In the case of this particular submission, the application details were submitted as part of application with reference 17/2694/CON for amendments to the re-phasing under condition 4.2 of the s73 Permission to allow a number of plots and items of critical infrastructure to be re-phased from sub-phases within Phase 1 South and Phase 2 South. Details of the application under Condition 4.2 are provided in the main section of this report.

The amendments sought under Conditions 2.4 and 2.5, if approved, will align the documents approved as part of the s73 Permission with the documents in the re-phasing application under Condition 4.2 (reference 17/2694/CON).

The proposed alterations to the RDSF and RDAS are minor in nature and, in their essence, seek to ensure that the permission documents are adjusted to reflect the alterations to the plots and infrastructure items to be rephased as part of the submission under condition 4.2

The modifications have been assessed in relation to the s73 Permission and its attendant supporting documents and, due to their minor nature and alignment with the aims and objectives of the original consent, are considered to be acceptable.

2. AMENDMENTS AND VARIATIONS PROPOSED

2.1 Revisions to DSF – Condition 2.4

Description of proposed revisions to the Revised Development Specification & Framework (RDSF)

Primary Development Package (PDP)

The Primary Development Package (PDP) is currently defined as those elements/ Plots identified as Phase 1. However, a number of items within the PDP will be re-phased into Phase 2 but still in accordance with the pre-phase requirements set out in condition 5.1 of the s73 Permission. The definition of the PDP is therefore amended to reflect that critical infrastructure will be delivered over different phases.

As such, it is proposed to amend paragraphs 6.26, 6.27, 6.29, 6.29b, 6.29c of the DSF, as follows:-

Paragraph 6.26

*The delivery of the development in the **extended amended PDP** (~~ie Phase 1~~) will be governed by a detailed ~~phase 1~~ delivery programme to be approved before commencement of the relevant phase and will be controlled and mitigated by the infrastructure triggers (~~Appendix 7 by the relevant conditions within the Decision Notice~~). The **extended amended PDP** will comprise development both north and south of the A406 and will straddle a number of Development Zones. An Indicative Primary Development Package Layout Plan is shown on Parameter Plan 019 and Table 11 set out the proportions of floorspace anticipated from each zone with Table 11a providing a comparison against the PDP in the 2010 Permission). Multi-storey car parks are not identified in this table, but the PDP will include a new facility to the east of Brent Cross Shopping Centre (within Brent Cross East zone) extending to in the region of 34,000sq.m, as well as other multi storey facilities. The **extended amended PDP** represents **includes** plots as shown on Parameter Plan 029 019.*

Table 11a:

***Phase 1 PDP** Floorspace by Development Zone and Remaining Floorspace in each Development Zone Post **Phase 1 PDP** for the 2010 Permission and current application (table not in track changes for clarity).*

Paragraph 6.27

The principal differences in the amended PDP is the inclusion of the entire Brent Cross East zone, rather than being split across 2 phases. Although forming part of a single phase, as set out in the Revised Indicative Construction Programme which accompanies the Construction Impact Assessment Addendum (BXC21), the duration for the delivery of this floorspace will be over a broadly similar timescale to that set out in the programme that supported the 2010 Permission when it was split over two phases. One of the benefits of the zone's full inclusion into the enlarged

~~PDP is the commitment to deliver certain critical infrastructure items that were previously in a later phases.~~

The scope of the southern sub-phases to Phase 1 have been revised to better coordinate northern and southern works. As detailed elsewhere in this document and the s73 Permission, the scope of Phases 1A (South), 1B (South) and 1C have been revised with consequential revisions to Phase 2 (South). The amended PDP includes plots as shown on Parameter Plan 019.

Paragraph 6.28

Key elements of the PDP include the following:

- *Redevelopment of areas of surface level car parking to the east and west of the shopping centre for new retail and mixed use plots, and a multi storey car parks;*
- *Creation of new Brent Cross and Market Squares (Ref M2 and M3 on Parameter Plan 003) to act as anchors to the development, linked by the new (B1) and the Living Bridge (B7);*
- *Removal of Clarefield Park, compensated by improvements to Claremont Park and Clitterhouse Playing Fields and temporary open space;*
- *Modifications and improvements to the River Brent as well as beneath the two internal vehicular roundabouts, and associated Brent Riverside Park works including the Nature Park (ref NP4 on Parameter Plan 003);*
- *Re-provision and expansion of Claremont Primary School;*
- *Residential development adjacent to Brent Terrace;*
- *Creation of a new foodstore, representing a replacement to the existing facility in the Eastern Lands;*
- *Replacement of A406 Templehof Bridge (B1);*
- *Living Bridge (B7);*
- *A406 Brent Cross Ingress/Egress junction works;*
- *A41/A406 junction works;*
- *M1/A406/A5 junction works;*
- *Brent Cross Bus Station;*
- *Improvements to BX pedestrian underpass;*

- *Diversion of Prince Charles Drive;*
- *The entire mixed use development in Brent Cross East Zone;*
- *1,998 sq.m of flexible community space within Brent Cross East and 1,000sq.m in Market Quarter zones;*
- *Temporary health centre in the Market Quarter zone;*
- *Neighbourhood policing unit in the Market Quarter;*
- *Brent Terrace Green Corridor (Ref GC7 in Parameter Plan 003);*
- *Claremont Avenue linking Claremont Road with Tilling Road;*
- *Claremont Road junction north;*
- *Cricklewood Road/Claremont Road junction works;*
- *Scheme wide CHP facility (where individual buildings are brought forward in advance of this facility, individual CHP or other facilities may be employed and connected to the scheme wide facility at a later date). In accordance with Note 3 to Table 1 of this document, Table 11 excludes specific floorspace for energy infrastructure, but as set out in Appendix 10 the building will have a maximum and minimum footprint of 60 x 60m and 20 x 20m respectively;*
- *Cricklewood Lane A407/A5 junction works;*
- *WHF and new junction with the A5;*

Paragraph 6.29

*The delivery of infrastructure listed above will be governed by a detailed phase delivery programme to be approved before commencement of the relevant phase and will be controlled by the triggers set out in Appendix 7 **the Decision Notice.***

NB: Bold text represents the changes and additions relevant to this application.

Paragraph 6.29b

*Sub Phase 1A (North) contains a substantial infrastructure package which not only facilitates the delivery of plot development in Brent Cross East Zone in Phase 1B North, but also includes infrastructure necessary to enable the realisation of plot development south of the A406 in Phase 1B (South) and the remainder of the town centre south, such as the A5/Cricklewood Lane and Cricklewood Lane/Claremont Road Junctions; **Claremont Avenue; Claremont Road North Junction;** Claremont Avenue Junction with Tilling Road, etc. This infrastructure is necessary to*

enable development south of the A406 to commence. Ensuring its commitment as part of Phase 1A (North) therefore provides a significant start on the comprehensive development of the application site. **Sub Phase 1A (South) also contains Critical Infrastructure, including Claremont Park Road (Part 1) to enable the delivery of the first substantive phase of plot development within Brent Cross South.**

Paragraph 6.29c

Sub Phase 1B (North) contains the development plots in Brent Cross East Zone and other related items of critical infrastructure. ~~Phase 1B (South) and Phase 1C contain plots south of the A406, the main critical infrastructure for which will have already been provided in Phase 1A (North). Further details are provided within the Planning Statement Addendum (BXC4).~~ Sub Phase 2 North covers the residential development in Brent Cross West Development Zone.

The revised Sub Phase 1B (South) includes both Critical Infrastructure and Plot Development and is comprised of Plot Development in relation to Plots 12 (subject to compliance with Conditions 35.3, 35.4 and 35.6 of this Permission) and 51 and 82, Clarefield Park Temporary Replacement Open Space, Whitefield Estate Replacement Units (Part 2), Claremont Park, Clitterhouse Playing Fields (Part 1), Claremont Avenue, Claremont Road Junction North, High Street South (East Works), Community Facilities (Market Quarter Zone) (in either 1B or 1C), Temporary Health Centre, and Orchard Lane.

Sub Phase 1C also contains Plot Development and Critical Infrastructure, including Plot Development in relation to Plots 11 and 13, and Neighbourhood Police Unit (Market Quarter).

As aforementioned the proposed changes seek to remove reference to specific phases from the definition of the PDP. Amending the definition of PDP in this manner ensures the integrity of the PDP and enables the parts of the RDSF that describe the constituent parts of the PDP, such as Table 11 and Table 11a, to remain unchanged. However, Table 11b, which sets out the items within the PDP in accordance with a delivery sequence requires reconciliation, as follows:-

Table 11b

Phase 1	2010 Permission	Section 73 Application	Re-phasing application (2017)
Sub Phase 1A	<ul style="list-style-type: none"> - Site Engineering and Preparation Works insofar as these are comprised in Phase 1; - A406 Brent Cross Ingress/Egress Junction Improvements; - A41/A406 Junction 	<ul style="list-style-type: none"> - A406 Brent Cross Ingress/Egress Junction Improvements (N) - A41/A406 Junction Improvements (N) - A407 Cricklewood 	<ul style="list-style-type: none"> -A406 Brent Cross Ingress/Egress Junction Improvements (N) - A41/A406 Junction Improvements (N) - A407 Cricklewood

<p>Improvements;</p> <ul style="list-style-type: none"> - A407 Cricklewood Lane/Claremont Road Junction Improvements; - A5/Diverted Geron Way (Waste Handling Facility) Junction. - A5/A407 Cricklewood Lane Junction Improvements. - Claremont Avenue - Claremont Road Junction North; - Claremont Park Road (Part 1); - Templehof Avenue and Templehof Link Road - Tilling Road West Re-alignment and Diversion (Part 1) - Claremont Avenue Junction with Tilling Road - Brent Cross Pedestrian Underpass Works; - Prince Charles Drive Diversion; - Bus Station Temporary Enhancement Works - Clarefield Park Temporary Replacement Open Space - Clitterhouse Playing Fields Improvements Part 1 - Eastern River Brent Alteration & Diversion Works. - Bridge Structure B1 (Replacement A406 Templehof Bridge) - River Brent Bridges (as relevant to the Eastern River Brent Alteration and Diversion Works) 	<p>Lane/Claremont Road Junction Improvements (N)</p> <ul style="list-style-type: none"> - A5/Diverted Geron Way (Waste Handling Facility) Junction (S) - A5/A407 Cricklewood Lane Junction Improvements (N) - Claremont Avenue (N) - Claremont Road Junction North (N) - Claremont Park Road (Part 1) (S) - Templehof Avenue and Templehof Link Road (N) - Tilling Road West Re-alignment and Diversion (Part 1) (N) - Claremont Avenue Junction with Tilling Road (N) - Brent Cross Pedestrian Underpass Works (N) - Prince Charles Drive Diversion (N) - Clitterhouse Playing Fields Improvements Part 1 (N) - Eastern River Brent Alteration & Diversion Works (N) - Bridge Structure B1 (Replacement A406 Templehof Bridge) (N) - River Brent Bridges (as relevant to the Eastern River Brent Alteration and Diversion Works) (N) - M1/A406 and A5/A406 Junction Improvements (N) - Central River Brent 	<p>Lane/Claremont Road Junction Improvements (N)</p> <ul style="list-style-type: none"> - A5/Diverted Geron Way (Waste Handling Facility) Junction (S) -A5/A407 Cricklewood Lane Junction Improvements (N) - Claremont Avenue (N) -Claremont Road Junction North (N) -Claremont Park Road (Part 1) (S) -Templehof Avenue and Templehof Link Road (N) -Tilling Road West Re-alignment and Diversion (Part 1) (N) -Claremont Avenue Junction with Tilling Road (N) -Brent Cross Pedestrian Underpass Works (N) -Prince Charles Drive Diversion (N) -Eastern River Brent Alteration & Diversion Works (N) -Bridge Structure B1 (Replacement A406 Templehof Bridge) (N) -River Brent Bridges (as relevant to the Eastern River Brent Alteration and Diversion Works) (N) -M1/A406 and A5/A406 Junction Improvements (N) -Central River Brent Alteration &
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		<ul style="list-style-type: none"> Alteration & Diversion Works (N) - Bridge Structure B6 (M1 Junction 1 Pedestrian and Cycle Bridge) (N) - River Brent Bridges (as relevant to the Central River Brent Alteration and Diversion Works) (N) - Living Bridge (N) - Whitefield Estate Replacement Units (Part 1) (N) - Western River Brent Alteration & Diversion Works (N) - Claremont Park Improvements (N) - Plots 53 and 54 (N) 	<ul style="list-style-type: none"> Diversion Works (N) -Bridge Structure B6 (M1 Junction 1 Pedestrian and Cycle Bridge) (N) -River Brent Bridges (as relevant to the Central River Brent Alteration and Diversion Works) (N) - Living Bridge (N) -Whitefield Estate Replacement Units (Part 1) (N) -Western River Brent Alteration & Diversion Works (N) - Plots 53 and 54 (N) - Plot 28 Access (Tilling Road (east))
Sub Phase 1B	<ul style="list-style-type: none"> - Southern Plots 18, 25, 28, 46, 59 (subject to compliance with Conditions 35.3, 35.4 and 35.6) and 63 - Brent Cross Main Square - River Brent Nature Park - Eastern Brent Riverside Park - School Green Corridor - Claremont Park Improvements - Market Square - Brent Terrace Green Corridor - Whitefield Estate Replacement Units 	<ul style="list-style-type: none"> - Southern Plots 18, 25, 28, 46, 59 (subject to Compliance with Conditions 35.3, 35.4 and 35.6) and 63 - Brent Cross Main Square - River Brent Nature Park - Eastern Brent Riverside Park - School Green Corridor - Claremont Park Improvements - Market Square - Brent Terrace Green Corridor - Whitefield Estate Replacement Units 	<ul style="list-style-type: none"> - Clarefield Park Temporary Replacement Open Space (S) - Plot Development in relation to Plots 12 (subject to compliance with Conditions 35.3, 35.4 and 35.6) 51 and 82 - Transport Interchange T2 (Replacement Brent Cross Bus Station) (N) - Whitefield Estate Replacement Units (Part 2) (S) - All Northern Development Plots (N) - Brent Cross Main Square (N) - River Brent Nature Park (N) - Eastern Brent Riverside Park (N) - Central Brent Riverside Park (N) - Community Facilities (Brent Cross East) (N)

			<ul style="list-style-type: none"> - Sturgess Park Improvements (N) - High Street North (N) - River Brent Bridges (as relevant to the Western River Brent Alteration and Diversion Works) (N) - Western Brent Riverside Park (N) -Claremont Park (S) -Clitterhouse Playing Fields (Part 1) (S) -Claremont Avenue (S) -Claremont Road Junction North (S) -High Street South (East Works) (S) -Orchard Lane (S) -Clarefield Park Temporary Replacement Open Space (S) -Community Facilities (Market Quarter Zone) (S)
Sub Phase 1C	- all Plot Development and other Critical Infrastructure within Phase 1 (but not including Phases 1A and 1B)	- All Other Southern Development Plots (less Plots 53 and 54) - Temporary Health Centre - Neighbourhood Police Unit (Market Quarter)	<ul style="list-style-type: none"> -Plot Development in relation to Plots 11 and 13 -Community Facilities (Market Quarter Zone) - Temporary Health Centre (S) - Neighbourhood Police Unit (Market Quarter) (S)

Consequential amendments to Appendix 2 of the RDSF required in connection with the PDP

Parameter Plan 029 is amended to reflect the latest iterations, as follows:-

Parameter Plan 029 Rev 4

An amendment is also required to the Indicative Phasing Plan 029, as follows:-

Indicative Phasing 029:

1. *The Indicative Phasing Plan identifies one way in which the scheme may be delivered. ~~Phase 1~~ The Primary Development Package is shown **is consistent with that shown** in the Primary Development Package Indicative Layout Parameter Plan 019 and **is** described in Section 6 of this document.*
2. *The Indicative Phasing Plan is accompanied by an indicative schedule of plots. This identifies the anticipated primary use of each plot based on the Indicative Layout Parameter Plan and consistent with Parameter Plans 004, 005 and 014. This plot schedule will be updated in conjunction with updates to the Indicative Phasing Plan. The use of each building which will form part of future reserved matter applications is controlled by Parameter Plans 004, 005 and 014. As such provided reserved matters applications comply with these parameters it will not be a requirement to demonstrate compliance with the indicative schedule of plots (or any update to it).*

Plot re-phasing

It is proposed to amend table 8a of the Appendix 2 of the DSF to reflect the amended plot schedule, as follows:-

Table 8a: Indicative Plot Schedule

Building Plot	Anticipated Primary Use	Illustrative Phase
1	Residential and Retail	5
2	Business	6
3	New Thameslink Train Station	5
4	Hotel and Conference and Leisure and Car Park	6
5	Business and Retail	
6	Business and Retail	
7	Business and Retail	
8	Business and Retail	
9	Business and Retail	
10	Business	
11	Residential and Retail	1
12	Residential and Retail	
13	Residential and Retail	
14	Residential	2
15	Residential	
16	Residential and Retail	
17	Residential and Retail	

18	Residential and Retail and Leisure	4 2
19	Business and Retail	5
20	Business and Retail	
21	Hotel Extension	4 2
22	Residential and Retail	2
23	Residential and Retail	
24	Residential and Retail	
25	Community Use and Retail	4 2
26	Business & Retail & Car Park	7
27	New Whitefield Secondary School	2
28	Residential & Superstore	4-2
29	Spare	N/A
30	Residential & Retail	4-2
31	Residential	4
32	Residential & Retail	
33	Residential & Retail	
34	Residential	
35	Residential	
36	Residential	
37	School (Children's Centre)	2
38	Residential	5
39	Residential & Creche & Retail	
40	Residential & Retail	
41	Residential	
42	Residential	
43	Residential	
44	Residential & Retail	
45	Sub-station	4 2
46	Replacement Claremont Primary School	4-2
47	Residential	5
48	Residential	
49	Spare	N/A
50	Spare	
51	Park Pavilion & Facilities	1
52	Retail Neighbourhood	5
53	Terraced Houses	1
54	Terraced Houses	
55	Residential	5
56	Residential	3
57	Residential	
58	Residential & Retail & Community	4 2
59	Combined Heat/Power	4 2
60	Rail Freight Facility	4
61	Rail Stabling Admin	

62	Business 1	1
63	Waste Handling Facility	1
64	Residential	2
65	New Special Needs School	
66	Terraced Houses	
67	Terraced Houses	
68	Residential & Retail	
69	Residential & Retail	3
70	Residential & PFS	
71	Residential & Retail & Crèche	
72	Residential	
73	Residential	2
74	Residential & Retail & Business	
75	Residential	
76	Residential & Business	
77	Residential & Retail & Business	3
78	Private Hospital & Public Car Park	
79	Residential	
80	Leisure, Health and Community	2
81	Kiosk	1
82	Park Maintenance Depot	
83	Business & Retail	7
84	Business & Retail	
85	Business & Retail	
86	Business & Retail	
87	Business	
88	Business	
89	Business	
90	Neighbourhood Retail	
91	Spare	N/A
92	Spare	N/A
93	Residential & Retail	4 2
94	Spare	N/A
95	Spare	N/A
96	Spare	N/A
97	Spare	N/A
98	Spare	N/A
99	Spare	N/A
100	Spare	1
101	Residential & Leisure	1
102	Retail	1
103	Retail & Leisure	1
104	Business & Hotel & Retail & Bus Station	1
105	Car Park	

106	Retail & Leisure	1
107	Retail	
108	Retail Hotel	
109	Car Park	
110	Retail	
111	Leisure & Community	
112	Retail	1
113	Residential	
114	Residential	

Amendments to Appendix 7 of the RDSF

The triggers contained within Appendix 7 of the RDSF were set out prior to the s73 Permission and have since been superseded by condition on the 2014 Decision Notice which set out triggers for the relevant infrastructure. As such the following paragraph will be added to Appendix 7:

The infrastructure triggers within this appendix have been superseded by conditions placed on the 2014 Decision Notice.

Amendments to Appendix 1 (Definitions) of the RDSF

Existing and proposed wording reflects proposed changes in BXN de-coupling application (ref: 16/7489/CON).

Existing S73 Phase Definition	Proposed
<p>“Phase 1” shall have precisely the same meaning as the Primary Development Package (and for the avoidance of doubt any reference to “Phase 1” shall include the whole of Phase 1 including Phases 1A, 1B and 1C unless stated otherwise);</p>	<p>“Phase 1” shall include the whole of Phase 1 including Phases 1A, 1B and 1C (unless stated otherwise);</p>
<p>“Phase 1A” means:</p> <p>(a) Phase 1A (North) as shown for indicative purposes on Plan 8 in Schedule 8 to the S106 Agreement; and</p> <p>(b) Phase 1A (South) as shown for indicative purposes on Plan 9 in Schedule 8 to the S106 Agreement;</p>	<p>“Phase 1A” means:</p> <p>(a) Phase 1A (North) as shown for indicative purposes on Plan 8 in Schedule 8 to the S106 Agreement; and</p> <p>(b) Phase 1A (South) Plot Development and Critical Infrastructure as defined under “Phase 1A (South)”;</p>
<p>“Phase 1A (South)” means the following Critical Infrastructure comprised in Phase 1 as shown for indicative purposes on Plan 9 in Schedule 8 to the S106 Agreement in accordance with the Primary Development Delivery Programme pursuant to the relevant Overarching Delivery Obligations and all</p>	<p>“Phase 1A (South)” means the following Critical Infrastructure comprised in Phase 1 in accordance with the Primary Development Delivery Programme pursuant to the relevant Overarching Delivery Obligations and all relevant Phase 1A (South) Necessary Consents and the</p>

<p>relevant Phase 1A (South)_Necessary Consents and the relevant Phase 1A (South) Details (subject to any amendments approved in accordance with Condition 4.2 of this Permission):</p> <p>(a) A5/Diverted Geron Way (Waste Handling Facility) Junction;</p> <p>(b) Claremont Park Road (Part 1); and</p> <p>(c) School Lane;</p>	<p>relevant Phase 1A (South) Details (subject to any amendments approved in accordance with Condition 4.2 of this Permission):</p> <p>(a) A5/Diverted Geron Way (Waste Handling Facility) Junction; and</p> <p>(b) Claremont Park Road (Part 1).</p>
<p>“Phase 1B” means:</p> <p>(a) Phase 1B (North) as shown for indicative purposes on Plan 10 in Schedule 8; and</p> <p>(b) Phase 1B (South) as shown for indicative purposes on Plan 11 in Schedule 8;</p>	<p>“Phase 1B” means:</p> <p>(a) Phase 1B (North) as shown for indicative purposes on Plan 10 in Schedule 8; and</p> <p>(b) Phase 1B (South) Plot Development and Critical Infrastructure as defined under “Phase 1B (South)”;</p>
<p>“Phase 1B (South)” means the Plot Development and the Critical Infrastructure listed below as shown for indicative purposes on Plan 11 in Schedule 8 to the S106 Agreement all of which Critical Infrastructure shall be in accordance with the Primary Development Delivery Programme pursuant to the relevant Overarching Delivery Obligations and all relevant Phase 1B (South) Necessary Consents and the relevant Phase 1B (South) Details (subject to any amendments approved in accordance with Condition 4.2 of this Permission):</p> <p>(a) Plot Development in relation to Plots 18, 25, 28, 46, 51, 59 (subject to compliance with Conditions 35.3, 35.4 and 35.6 of this Permission) 63 and 82;</p> <p>(b) Clarefield Park Temporary Replacement Open Space;</p> <p>(c) School Green Corridor;</p> <p>(d) Market Square;</p> <p>(e) Brent Terrace Green Corridor;</p> <p>(f) Community Facilities (Market Quarter Zone); and</p> <p>(g) Whitefield Estate Replacement Units (Part 2);</p>	<p>“Phase 1B (South)” means the following Plot Development and the Critical Infrastructure all of which Critical Infrastructure shall be in accordance with the Primary Development Delivery Programme pursuant to the relevant Overarching Delivery Obligations and all relevant Phase 1B (South) Necessary Consents and the relevant Phase 1B (South) Details (subject to any amendments approved in accordance with Condition 4.2 of this Permission):</p> <p>(a) Plot Development in relation to Plots 12 (subject to compliance with Conditions 35.3, 35.4 and 35.6 of this Permission), 51, 63 and 82;</p> <p>(b) Clarefield Park Temporary Replacement Open Space;</p> <p>(c) Whitefield Estate Replacement Units (Part 2);</p> <p>(d) Claremont Park;</p> <p>(e) Clitterhouse Playing Fields (Part 1);</p> <p>(f) Claremont Avenue;</p> <p>(g) Claremont Road Junction North;</p> <p>(h) High Street South (East Works);</p> <p>(i) Orchard Lane; and</p> <p>(j) Community Facilities (Market Quarter Zone) (if not provided as part of Phase 1C);</p>

<p>"Phase 1C" means: all Plot Development; and other Critical Infrastructure and works, forming part of the Southern Development within Phase 1 as shown for indicative purposes on Plan 12 in Schedule 8 to the S106 Agreement (but not including anything within Phases 1A or 1B) the Critical Infrastructure element of which shall be delivered in accordance with the Primary Development Delivery Programme pursuant to the relevant Overarching Delivery Obligations and all relevant Phase 1C Necessary Consents and the relevant Phase 1C Details (subject to any amendments approved in accordance with Condition 4.2);</p>	<p>"Phase 1C" means the following Plot Development and the Critical Infrastructure, the Critical Infrastructure element of which shall be delivered in accordance with the Primary Development Delivery Programme pursuant to the relevant Overarching Delivery Obligations and all relevant Phase 1C Necessary Consents and the relevant Phase 1C Details (subject to any amendments approved in accordance with Condition 4.2):</p> <ul style="list-style-type: none"> (a) Plot Development in relation to Plots 11,13 and 62; (b) Community Facilities (Market Quarter Zone) (if not provided as part of Phase 1B (South)); (c) Temporary Health Centre; and (d) Neighbourhood Police Unit (Market Quarter);
<p>"Phase 2 (South)" means:</p> <ul style="list-style-type: none"> a) all Plot Development in relation to Plots 14, 15, 16, 17, 22, 23, 24, 27, 37, 64, 65, 66, 67, 68, 73, 74, 75, 76 and 80; and b) Critical Infrastructure and works, forming part of Phase 2 (South) the Critical Infrastructure element of which shall be delivered in accordance with the Detailed Delivery (Non-PDP) Programme in accordance with the relevant Overarching Delivery Obligations and all relevant Necessary Consents and the relevant Phase 2 (South) Details (subject to any amendments approved in accordance with Condition 4.2); 	<p>"Phase 2 (South)" means</p> <ul style="list-style-type: none"> a) all Plot Development in relation to 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 27, 28, 30, 37, 45, 46, 58, 59, 64, 65, 66, 67, 68, 73, 74, 75, 76, 80, 93; and b) Critical Infrastructure and works (including School Green Corridor, School Lane; Brent Terrace Green Corridor; Clitterhouse Playing Fields (Part 2), Claremont Park Road (Part 2) and Market Square) <p>forming part of Phase 2 (South) the Critical Infrastructure element of which shall be delivered in accordance with the Detailed Delivery (Non-PDP) Programme in accordance with the relevant Overarching Delivery Obligations and all relevant Necessary Consents and the relevant Phase 2 (South) Details (subject to any amendments approved in accordance with Condition 4.2);</p>

RDSF Consequential Glossary Changes

Existing S73 Phase Definition	Proposed

<p>“Community Facilities (Market Quarter Zone)” means 1,000 sq m gross external floorspace of the multi-use flexible floorspace to be provided as part of Phase 1C (South) and shown as Item K29 on Plan 11 in Schedule 8 to the S106 Agreement) in the Market Quarter Zone illustratively shown within the vicinity of Plot 25 on the Indicative Phasing Parameter Plan and outlined by reference to its anticipated primary use in Table 8a of Appendix 2 of the DSF and to be provided in accordance with paragraphs 2.35 to 2.36, and Table 11 of the DSF and to be used for the purpose of providing community facilities which may include multi-functional space meeting rooms play space recreation cooking and dining areas and arts and cultural activities available for use by residents of the Development;</p>	<p>“Community Facilities (Market Quarter Zone)” means 1,000 sq m gross external floorspace of the multi-use flexible floorspace to be provided as part of either Phase 1B (South) or Phase 1C in the Market Quarter Zone illustratively shown within the vicinity of Plots 11, 12 and 13 on the Indicative Phasing Parameter Plan and outlined by reference to its anticipated primary use in Table 8a of Appendix 2 of the DSF and to be provided in accordance with paragraphs 2.35 to 2.36, and Table 11 of the DSF and to be used for the purpose of providing community facilities which may include multi-functional space meeting rooms play space recreation cooking and dining areas and arts and cultural activities available for use by residents of the Development;</p>
<p>“Detailed Delivery (Non-PDP) Programme” means the detailed delivery programme relating to the delivery of Critical Infrastructure in the Phases or Sub-Phases which are outside the Primary Development Package (Phase 1) and which is to be approved in accordance with Condition 5.2 of this Permission and includes any subsequent variations of such programme approved in accordance with Condition 5.2, 5.3 and 5.4 of this Permission;</p>	<p>“Detailed Delivery (Non-PDP) Programme” means the detailed delivery programme relating to the delivery of Critical Infrastructure in the Phases or Sub-Phases which are outside the Primary Development Package and which is to be approved in accordance with Condition 5.2 of this Permission and includes any subsequent variations of such programme approved in accordance with Condition 5.2, 5.3 and 5.4 of this Permission;</p>
<p>"Market Square" means the new market square of 0.68 ha to be provided (as part of Phase 2 (South) and shown as item K27 on Plan 11 in Schedule 8) in the Market Quarter Zone in accordance with the parameters and principles set out in (a) paragraph 5.30 and Table 5 of the DSF in the general vicinity of the location marked "M2" on Parameter Plan 003 and the indicative layout showing how such square could be carried out as part of the Market Quarter Zone in accordance with the parameters and principles approved under this Permission is shown on the Indicative Zonal Layout Parameter Plan 020 (b) the description and principles in the text at page 136, 138 and 139 of the PROSS and (c) Section 3.2 of the Design Guidelines and with an illustrative space typology diagram shown in 3.2.5;</p>	<p>"Market Square" means the new market square of 0.68 ha to be provided in the Market Quarter Zone in accordance with the parameters and principles set out in (a) paragraph 5.30 and Table 5 of the DSF in the general vicinity of the location marked "M2" on Parameter Plan 003 and the indicative layout showing how such square could be carried out as part of the Market Quarter Zone in accordance with the parameters and principles approved under this Permission is shown on the Indicative Zonal Layout Parameter Plan 020 (b) the description and principles in the text at page 136, 138 and 139 of the PROSS and (c) Section 3.2 of the Design Guidelines and with an illustrative space typology diagram shown in 3.2.5;</p>

	diagram shown in 3.2.5;
<p>“Primary Development Delivery Programme” means a detailed delivery programme relating to Critical Infrastructure in the whole or any part of the Primary Development Package (Phase 1) to be approved under Condition 5.1 of this Permission and any subsequent variations approved in accordance with the relevant Condition of this Permission;</p>	<p>“Primary Development Delivery Programme” means a detailed delivery programme relating to Critical Infrastructure in the whole or any part of the Primary Development Package to be approved under Condition 5.1 of this Permission and any subsequent variations approved in accordance with the relevant Condition of this Permission;</p>
<p>“Primary Development Package” means those elements of the Development identified in Parameter Plan 019 and described in Section 6 (and paragraphs 6.26 to 6.31 in particular) of the DSF and those Plots identified as Phase 1 within the Indicative Phasing Parameter Plan;</p>	<p>“Primary Development Package” means those elements of the Development identified in Parameter Plan 019 and described in Section 6 (and paragraphs 6.26 to 6.31 in particular) of the DSF;</p>
<p>"School Lane" means the part of School Lane that runs East from Market Square and identified as K46 on Plan 9 (and indicated for illustrative purposes only on Plan 17) in Schedule 8 to the S106 Agreement;</p>	<p>"School Lane" means the part of School Lane that runs East from Market Square;</p>
<p>"School Green Corridor" means new green corridor with a width of 3 m to be provided as part of Phase 1B (South) (and shown as Item K25 on Plan 11 in Schedule 8) in accordance with the parameters and principles set out in (a) paragraph 5.58 of the DSF in the Brent Terrace Zone in the general vicinity of the north western boundary of the existing Claremont Primary School site and approximate location marked "GC6" on Parameter Plan 003 and in respect of which the indicative layout showing how such green corridor could be carried out as part of the Brent Terrace Zone in accordance with the parameters and principles approved under this Permission is shown on Indicative Zonal Layout Parameter Plan 23;</p>	<p>"School Green Corridor" means new green corridor with a width of 3 m to be provided in accordance with the parameters and principles set out in (a) paragraph 5.58 of the DSF in the Brent Terrace Zone in the general vicinity of the north western boundary of the existing Claremont Primary School site and approximate location marked "GC6" on Parameter Plan 003 and in respect of which the indicative layout showing how such green corridor could be carried out as part of the Brent Terrace Zone in accordance with the parameters and principles approved under this Permission is shown on Indicative Zonal Layout Parameter Plan 23;</p>
<p>“Southern Development” means those parts of the Development comprising the majority of the Development located south of the A406 and associated works for roads, other ways bridges and Critical Infrastructure and other associated works and operational development forming part of the Development (whether located south of the A406 or otherwise) comprised in Phase 1 (South), Phase 2 (South) and Phases 3 to 7 the location of which are illustrated on the following plans:</p>	<p>“Southern Development” means those parts of the Development comprising the majority of the Development located south of the A406 and associated works for roads, other ways bridges and Critical Infrastructure and other associated works and operational development forming part of the Development (whether located south of the A406 or otherwise) comprised in Phase 1 (South), Phase 2 (South) and Phases</p>

<p>(a) within the areas south of the A406 shaded yellow on the attached "Northern / Southern Development" plan numbered 4 in Schedule 8 to the S106 Agreement (including such parts of the Development as is indicated on the Indicative Phasing Parameter Plan) and which in relation to the Critical Infrastructure in in Phase 1A (South), Phase 1B (South) and Phase 1C is illustrated on Plans 9, 11 and 12 in Schedule 8 to the S106 Agreement respectively; and</p> <p>(b) within the Clitterhouse Playing Fields shown cross hatched yellow and blue on Plan 4 in Schedule 8 to the S106 Agreement,</p> <p>except for the Clitterhouse Playing Fields Improvements (Part 1) the Claremont Park Improvements and the Replacement Whitefield Estate Units (Part 1) which are to be provided as part of the Northern Development;</p>	<p>3 to 7 the location of which are illustrated on the following plans:</p> <p>(a) within the areas south of the A406 shaded yellow on the attached "Northern / Southern Development" plan numbered 4 in Schedule 8 to the S106 Agreement (including such parts of the Development as is indicated on the Indicative Phasing Parameter Plan); and</p> <p>(b) within the Clitterhouse Playing Fields shown cross hatched yellow and blue on Plan 4 in Schedule 8 to the S106 Agreement,</p> <p>except for the Replacement Whitefield Estate Units (Part 1) which are to be provided as part of the Northern Development;</p>
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2.2 Revision to DAS and RDG - Condition 2.5

Description of proposed revisions to the Revised Design and Access Statement (RDAS) and Revised Design Guidelines (RDG)

Preface:

The introduction of the Living Bridge is a beneficial addition to the Critical Infrastructure to be delivered by the scheme, further breaking down barriers across the A406 North Circular Road and providing enhanced integration between the northern and southern sides of the town centre. The phasing of the scheme is proposed to be amended to enlarge the Primary Development Package (~~ie phase 1~~) from that previously consented. This is fully explained in the Planning Statement Addendum (BXC4), but the principal change is the delivery of the Brent Cross East Development Zone in full (rather than being split over 2 phases) together with an expanded commitment to deliver major items of Critical Infrastructure ~~which are currently included in Phases 2 and 3 under the 2010 Permission~~- the additional Phase 1 infrastructure linked to development in Brent Cross East Zone will facilitate delivery of the town centre south of the A406 North Circular Road as well as enabling the full Brent Cross East Zone to be delivered in the first phase. A table at the end of this Preface identifies the changes to floorspace in Phase 1 by Development Zone, and also shows the remaining floorspace in each Development Zone post Phase 1 which will be delivered in a subsequent phase.

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*In view of this flexible approach to phasing it is recognised that it will be important to provide assurances that the relevant physical and social infrastructure required as a result of the scheme will be delivered at the correct stage throughout the entire regeneration process. To achieve ~~this the developers are proposing~~ a series of triggers (which **will** act as preconditions attached to the delivery of packages of development) ~~These are set out in the Revised Development Specification & Framework have been set out as conditions within the 2014 Permission.~~*

Sub Phase 1A (North) contains a substantial infrastructure package which not only facilitates the delivery of plot development in Brent Cross East Zone in Phase 1B North, but also includes infrastructure necessary to enable the realisation of plot development south of the A406 in Phase 1B (South) and the remainder of the town centre south, such as the A5/Cricklewood Lane and Cricklewood Lane/Claremont Road Junctions; ~~Claremont Avenue; Claremont Road North Junction~~; Claremont Avenue Junction with Tilling Road, etc. This infrastructure is necessary to enable development south of the A406 to commence. Ensuring its commitment as part of Phase 1A (North) therefore provides a significant start on the comprehensive development of the application site.

Sub Phase 1A (South) also contains Critical Infrastructure, including Claremont Park Road (Part 1), to enable to the delivery of the first substantive phase of plot development within Brent Cross South.

Sub Phase 1B (North) contains the development plots in Brent Cross East Zone and other related items of critical infrastructure. ~~Phase 1B (South) and Phase 1C contain plots south of the A406, the main critical infrastructure for which will have already been provided in Phase 1A (North). Further details are provided within the Planning Statement Addendum (BXC4).~~ Sub Phase 2 North covers the residential development in Brent Cross West Development Zone.

The revised Sub Phase 1B (South) includes both Critical Infrastructure and Plot Development and is comprised of Plot Development in relation to Plots 12 (subject to compliance with Conditions 35.3, 35.4 and 35.6 of this Permission) and 51 and 82, Clarefield Park Temporary Replacement Open Space, Whitefield Estate Replacement Units (Part 2), Claremont Park, Clitterhouse Playing Fields (Part 1), Claremont Avenue, Claremont Road Junction North, High Street South (East Works), Community Facilities (Market Quarter Zone), Temporary Health Centre (in either 1B or 1C), and Orchard Lane.

Sub Phase 1C also contains Plot Development and Critical Infrastructure, including Plot Development in relation to Plots 11 and 13, and Neighbourhood Police Unit (Market Quarter).

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*The Primary Development Package is separated into Phase 1A (North and South), Phase 1B (North and South), **and** Phase 1C, **and** Phase 2 (South). The extent of each are described in full in the Revised Development Specification & Framework and these can be viewed in Appendix 2 of this document.*

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*South of the A406 new development will move east and west of Market Square in the form of new residential fabric which will have a mix of uses at ground floor lining the new High Street. A new Whitefield Secondary School will be built adjacent Clitterhouse Playing Fields on the site formerly occupied by the Whitefield Residential Estate. New connections are also made between the site and its surrounds in the form of a new road junction off the A41 and a new pedestrian bridge that will cross the A41 and link pedestrians into Brent Cross London Underground Station and areas beyond. The first half of the new Eastern Park will also be established. **Other critical infrastructure including School Green Corridor, School Lane; Brent Terrace Green Corridor; Clitterhouse Playing Fields (Part 2), and Claremont Park Road (Part 2) will also be provided.***

3. CONCLUSION

It is considered that the proposed alterations under conditions 2.4 and 2.5 will not materially affect the conclusions of the October 2013 Section 73 Environmental Statement and they have been properly addressed under the revised Environmental Statement of Compliance. Moreover, it is considered that the rephrasing proposed for

the Infrastructure Items do not raise significant impacts relating to the Environmental Impact Assessment submitted with the S73 application or have implications relating to the comprehensive delivery of the Brent Cross Cricklewood Regeneration Project.

The proposed re-phasing of the plots and Infrastructure Items listed with this application is considered acceptable in planning terms and the alterations are considered, individually and in combination, to be minor and non-material in planning terms.

Therefore these amended proposals are considered to be in conformity with the parameters and specifications of the 2014 Section 73 planning permission.

The proposed amendments and updates are acceptable and therefore APPROVAL is recommended.

APPENDIX 4 CONSULTATION RESPONSES

RESIDENTS' OBJECTIONS

Residents' Objections	Officer Comments
<p>Objections have been received on the grounds that the Whitefield Estate residents have not been contacted or consulted with respect to concerns over the relocation, or on alternatives to the relocation, in connection with Compulsory Purchase Order (CPO) 1 and CPO 2.</p> <p>Residents also raised concerns with the existing "Relocation Resident Strategy" document and the "Summary Shared Equity Offer for CPO 2 Leaseholders" document, which do not satisfactorily address the residents' queries and concerns.</p> <p>The objections received also comprised a series of requests for clarification in connection with the relocation arrangements, protection and process that residents would expect to see a response to.</p>	<p>Whilst the concerns of the Whitefield Estate Residents are noted, the application under consideration and consulted upon is a Conditions Application (pursuant to Conditions 4.2, 2.4 and 2.5) to amend the indicative phasing of development and as such the information has been submitted to clear specific conditions applied to the s73 Permission.</p> <p>Although this application seeks to re-phase the plot within which replacement homes for the Whitefield Estate (Part 2) residents are expected to be provided, the application does not make any proposal regarding the design of the replacement homes.</p> <p>Planning details concerning the siting, layout, scale, external appearance, means of access and hard and soft landscaping for the Whitefield Estate (Part 2) replacement units will be addressed through the submission of a Reserved Matters application for Phase 1B (South).</p> <p>Moreover, a Residential Relocation Strategy was approved under application reference 15/00659/CON in 03rd December 2015 pursuant to condition 1.10. The strategy sets out the principles of relocation and appropriate arrangements for the satisfactory relocation of the residents in the Whitefield Estate and the sheltered housing units at Rosa Freedman Centre to the Replacement Whitefield Units in accordance with the parameters and principles contained in the RDSF and relevant planning obligations contained in paragraph 1 of Schedule 2 and principles contained in Schedule 24 of the S106 Agreement. In essence, this document establishes the principles of how to facilitate the provision</p>

	<p>of replacement homes for eligible residents within the Whitefield Estate and their relocation.</p> <p>The BXN (CPO1) and BXS (CPO2) Development partners have consulted and engaged with residents directly throughout the regeneration process as well as through the Whitefield Estate Steering Group, Open Meetings and Information Briefings, Residents Surgeries and through other organised meetings including the Cricklewood Community Forum.</p> <p>This engagement is on-going and includes presentations of the design proposals which are being prepared for the forthcoming Reserved Matters proposal expected in September.</p> <p>Consultation Engagement with Residents of the Whitefield Estate:</p> <ul style="list-style-type: none">• The BXN and BXS Development Partners held a special surgery with residents on the Residential Relocation Strategy in March 2016.• The Development Partners prepared a Frequently Raised Concerns document to address concerns raised by residents about the relocation and this document was sent to residents in November 2016.• In June 2017, the BXN and BXS Development Partners produced a Regeneration Update for residents and this also contained information on relocation arrangements e.g. 'rent' and service charges' etc.• The BXS Development Partners are also undertaking a series of consultation events with residents on the Whitefield Estate and in
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the wider community. This includes holding a series of design workshops with the Whitefield residents in May and June 2017.

- The Council has commissioned 'Open City' to hold independent design training for residents on 7th June 2017.

The Summary Shared Equity Offer is a matter related to CPO 2 and the associated legal processes. Such issues are currently under discussion between the residents of Whitefield Estate, the Council's Regeneration Officers, Development Partners and the selected Affordable Housing Providers. Engagement is taking the form of both wider meetings and tailored individual meetings to discuss individual circumstance.

In this instance, the matters raised concerning the relocation of these residents are not subject to consideration under the current application and, as such, are not a material consideration in the determination of this application. Conditions 4.2, 2.4 and 2.5 clearly set out the matters that are to be taken into account in the consideration of submissions made under these conditions, namely,

(i) compliance of the proposed re-phased development to the approved Environmental Statement (as submitted with the s73 Outline Permission F/04687/13); and, (ii) the re-phasing not having a detrimental impact upon the comprehensive delivery of the wider regeneration scheme. These matters are fully addressed within the main body of the planning report before this Planning Committee.

It should be noted that objections on the basis of the wider planning proposals, beyond the re-phasing changes sought with this application, are not considered to have any material weight in relation to this Conditions Application, given its specific nature relating to re-phasing and consequential minor amendments.

	<p>It should also be noted that extensive representations have already been made both in writing and in person by residents of the Whitefield Estate at the CPO 1 and CPO 2 Public Inquiry.</p>
<p>Objections have been received concerning the 'resultant lack of greenery'; pollution from 'proximity to traffic and a waste handling facility' and its consequences on health, including children's health.</p> <p>In addition, concerns have been raised over impacts on the environment and ecology of the area, trees and sustainability credentials of the scheme as well as the impacts from the demolition and construction works.</p>	<p>While the application seeks a change to the phasing of the delivery of a number of infrastructure items and plots there is no amendment to the quanta or mix of development, or to the total expected open space provision, or to the location of residential development within this Conditions application.</p> <p>It is worth noting that overall, the Brent Cross Cricklewood Regeneration scheme is expected to deliver an uplift in green space provision.</p> <p>The impact of the re-phasing proposals on highways, traffic generation and construction traffic have been accounted for within the Environmental Statement of Compliance, which is fully assessed within the main body of the report.</p> <p>The principle of redevelopment has been established by the 2010 Outline Permission and the 2014 Section 73 Permission. In the circumstances, it is worth drawing attention to the fact that the effects of the development, as addressed by the objectors, in terms of 'pollution', 'lack of greenery', environment, sustainability and during construction works have already been assessed as part of the process of determination of the s73 Permission.</p> <p>The appropriate mitigation measures, where deemed necessary and appropriate, have been secured as part of a suite of conditions and planning obligations in the decision notice of the s73 Permission and s106 legal agreement, respectively.</p>

<p>Objectors also raised concerns regarding the position of the ‘proposed new building’ which will be surrounded by private blocks, lack of access to open space and subject to ‘increased congestion’ and ‘loss of views’.</p>	<p>The application is submitted under condition 4.2 of the s73 Permission, which allows for items of infrastructure and plots to be re-phased provided that the criteria (as set out above) is met.</p> <p>The application does not seek to approve the position of any building or any relationship of a building with other existing or proposed development.</p> <p>Such provision will be subject to an application for Reserved Matters approval as discussed above, rather than a Conditions application such as the one under consideration by the Planning Committee.</p>
<p>The objections submitted engage the issue of whether the right under Article 8 of the Human Rights Act (HRA) applies (Respect for Home and Family Life).</p>	<p>The grant of planning permission for development may affect rights protected under Article 8 of the HRA.</p> <p>Article 8(2) of the HRA allows public authorities to interfere with the right to respect the home if it is “in accordance with the law” and “to the extent necessary in a democratic society” in the interest of “the well-being” of the area.</p> <p>Under s70 of the 1990 Planning Act, Parliament has entrusted planning authorities with the statutory duty to determine planning applications, and has said (s70(2)) that in dealing with such an application the authority “shall have regard” to the development plan and to “any other material considerations” - which will include HRA issues.</p> <p>The courts have held that a “balance” has to be struck in planning decisions between the rights of the developer and the rights of those affected by the proposed development. This involves the balance between: (a) on the one hand the specific interests of the individual objector as documented (see above), and (b) on the other hand, the interests of the applicant to obtain the planning permission he has</p>

	<p>applied for, and lastly (c) the interests of the wider community, as expressed in Lough (2004) in the following terms “in an urban setting it must be anticipated that development may take place” and that it “is in the public interest that residential developments take place in urban areas if possible”.</p> <p>It is worth noting that planning permission has been granted for the BXC regeneration scheme, including the redevelopment of the Whitefield Estate and the decision to grant the s 73 permission had appropriate regard to HRA considerations. The approval of re-phasing conditions is not considered to give rise to any additional HRA considerations and officers therefore consider that any interference with individual rights is justified and the balance should be struck in favour of the approval of this re-phasing condition application.</p>
<p>Request for Financial Transparency and Information on; (a) Consultations; and, (b) Executive Committee Meetings</p>	<p>There are no financial considerations relating to this report.</p> <p>All relevant responses and representations received with respect to the Conditions Application before this Committee are accounted for in the main body of the report.</p>
<p>The objections and representations received also include a number of requests for the Council to undertake a number of actions in connection with the relocation and replacement homes process plus residents relocation questionnaires.</p>	<p>As aforementioned, the actions requested do not fall within the material planning considerations for the determination of the Conditions application, and as such, the Local Planning Authority is unable to give effect to these requests.</p> <p>However, the content of the petition and letters of objection have been forwarded to the Council’s Regeneration Services to continue the process of engagement with residents.</p>
<p>A number of representations include references to information/ data relating to health and</p>	<p>The council therefore have been obliged to account for the full contents</p>

personal circumstances which is considered to be of a private or sensitive nature.	of the letters of objection/ representation. However, these objections do not include material planning issues that can carry material weight in the considerations of this re-phasing application.
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STATUTORY CONSULTEE AND INTEREST GROUP RESPONSES

Consultee	Response
Transport for London (TfL)	TfL does not object to the re-phasing proposed under condition 4.2.
London Borough of Barnet Transport and Regeneration	Highways and Transport Officers raised no objections to the re-phasing application submitted under Condition 4.2.
London Borough of Barnet Trees Officer	No comments to the re-phasing application being considered under Condition 4.2.

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APPENDIX 5

PHASE AND SUB-PHASE DEFINITION AMENDMENTS

BXS Rephasing Summary	
Existing S73 Phase Definition¹	Proposed Definition
<p>“Phase 1” shall have precisely the same meaning as the Primary Development Package (and for the avoidance of doubt any reference to “Phase 1” shall include the whole of Phase 1 including Phases 1A, 1B and 1C unless stated otherwise);</p>	<p>“Phase 1” shall include the whole of Phase 1 including Phases 1A, 1B and 1C (unless stated otherwise);</p>
<p>“Phase 1A (South)” means the following Critical Infrastructure comprised in Phase 1 as shown for indicative purposes on Plan 9 in Schedule 8 to the S106 Agreement in accordance with the Primary Development Delivery Programme pursuant to the relevant Overarching Delivery Obligations and all relevant Phase 1A (South)_Necessary Consents and the relevant Phase 1A (South) Details (subject to any amendments approved in accordance with Condition 4.2 of this Permission):</p> <p>(a) A5/Diverted Geron Way (Waste Handling Facility) Junction;</p> <p>(b) Claremont Park Road (Part 1); and</p> <p>(c) School Lane;</p>	<p>“Phase 1A (South)” means the following Critical Infrastructure comprised in Phase 1 in accordance with the Primary Development Delivery Programme pursuant to the relevant Overarching Delivery Obligations and all relevant Phase 1A (South)_Necessary Consents and the relevant Phase 1A (South) Details (subject to any amendments approved in accordance with Condition 4.2 of this Permission):</p> <p>(a) A5/Diverted Geron Way (Waste Handling Facility) Junction; and</p> <p>(b) Claremont Park Road (Part 1).</p>
<p>“Phase 1B (South)” means the Plot Development and the Critical Infrastructure listed below as shown for indicative purposes on Plan 11 in Schedule 8 to the S106 Agreement all of which Critical Infrastructure shall be in accordance with the Primary Development Delivery Programme pursuant to the relevant Overarching Delivery Obligations and all relevant Phase 1B (South) Necessary Consents and the relevant Phase 1B (South) Details (subject to any amendments approved in accordance with Condition 4.2 of this Permission):</p> <p>(a) Plot Development in relation to Plots 18, 25, 28, 46, 59 (subject to compliance with Conditions 35.3, 35.4 and 35.6 of this Permission) and 63;</p> <p>(b) Clarefield Park Temporary Replacement Open Space;</p> <p>(c) School Green Corridor;</p> <p>(d) Market Square;</p> <p>(e) Brent Terrace Green Corridor;</p> <p>(f) Community Facilities (Market Quarter Zone); and</p> <p>(g) Whitefield Estate Replacement Units (Part 2);</p>	<p>“Phase 1B (South)” means the following Plot Development and the Critical Infrastructure all of which Critical Infrastructure shall be in accordance with the Primary Development Delivery Programme pursuant to the relevant Overarching Delivery Obligations and all relevant Phase 1B (South) Necessary Consents and the relevant Phase 1B (South) Details (subject to any amendments approved in accordance with Condition 4.2 of this Permission):</p> <p>(a) Plot Development in relation to Plots 12 (subject to compliance with Conditions 35.3, 35.4 and 35.6 of this Permission), 51, 63 and 82;</p> <p>(b) Clarefield Park Temporary Replacement Open Space;</p> <p>(c) Whitefield Estate Replacement Units (Part 2);</p> <p>(d) Claremont Park;</p> <p>(e) Clitterhouse Playing Fields (Part 1);</p> <p>(f) Claremont Avenue;</p> <p>(g) Claremont Road Junction North;</p> <p>(h) High Street South (East Works);</p> <p>(i) Orchard Lane; and</p> <p>(j) Community Facilities (Market Quarter Zone) (if not provided as part of Phase</p>

¹ Existing/proposed wording reflects proposed changes in BXN de-coupling application (ref: 16/7489/CON)

<p>"Phase 1C" means: all Plot Development; and other Critical Infrastructure and works, forming part of the Southern Development within Phase 1 as shown for indicative purposes on Plan 12 in Schedule 8 to the S106 Agreement (but not including anything within Phases 1A or 1B) the Critical Infrastructure element of which shall be delivered in accordance with the Primary Development Delivery Programme pursuant to the relevant Overarching Delivery Obligations and all relevant Phase 1C Necessary Consents and the relevant Phase 1C Details (subject to any amendments approved in accordance with Condition 4.2);</p>	<p>1C);</p> <p>"Phase 1C" means the following Plot Development and the Critical Infrastructure, the Critical Infrastructure element of which shall be delivered in accordance with the Primary Development Delivery Programme pursuant to the relevant Overarching Delivery Obligations and all relevant Phase 1C Necessary Consents and the relevant Phase 1C Details (subject to any amendments approved in accordance with Condition 4.2):</p> <ul style="list-style-type: none"> (a) Plot Development in relation to Plots 11, 13 & 62; (b) Community Facilities (Market Quarter Zone) (if not provided as part of Phase 1B (South)); (c) Temporary Health Centre; and (d) Neighbourhood Police Unit (Market Quarter).
<p>"Phase 2 (South)" means:</p> <ul style="list-style-type: none"> a) all Plot Development in relation to Plots 14, 15, 16, 17, 22, 23, 24, 27, 37, 64, 65, 66, 67, 68, 73, 74, 75, 76 and 80; and b) Critical Infrastructure and works, forming part of Phase 2 (South) the Critical Infrastructure element of which shall be delivered in accordance with the Detailed Delivery (Non-PDP) Programme in accordance with the relevant Overarching Delivery Obligations and all relevant Necessary Consents and the relevant Phase 2 (South) Details (subject to any amendments approved in accordance with Condition 4.2); 	<p>"Phase 2 (South)" means</p> <ul style="list-style-type: none"> a) all Plot Development in relation to 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 27, 28, 30, 37, 45, 46, 58, 59, 64, 65, 66, 67, 68, 73, 74, 75, 76, 80, 93; and b) Critical Infrastructure and works (including School Green Corridor, School Lane; Brent Terrace Green Corridor; Clitterhouse Playing Fields (Part 2), Claremont Park Road (Part 2) and Market Square) <p>forming part of Phase 2 (South) the Critical Infrastructure element of which shall be delivered in accordance with the Detailed Delivery (Non-PDP) Programme in accordance with the relevant Overarching Delivery Obligations and all relevant Necessary Consents and the relevant Phase 2 (South) Details (subject to any amendments approved in accordance with Condition 4.2);</p>

Location **Land Adj To 1 - 12 Norfolk Close London N2 8ET**

Reference: **17/1409/FUL**

Received: 6th March 2017

Accepted: 8th March 2017

Ward: East Finchley

Expiry 3rd May 2017

AGENDA ITEM 10

Applicant:

Proposal: Erection of four storey detached building comprising 8no residential units with 8no additional car parking spaces to existing provision, cycle storage, refuse storage and landscaping

Recommendation: Approve subject to conditions

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

- 15-290 D 14 001 rev. A
- 15-290 D 14 010 rev. A
- 15-290 D 14 011 rev. A
- 15-290 D 14 050 rev. A
- 15-290 D 14 100 rev. B
- 15-290 D 14 101 rev. B
- 15-290 D 14 102 rev. A
- 15-290 D 14 200 rev. B
- 15-290 D 14 201 rev. B
- 15-290 D 14 202 rev. A
- 15-290 D 14 210 rev. A
- 15-290 D 14 300 rev. A

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

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

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

- 3 No site works or works on this development including demolition or construction work shall commence until a Construction Management and Logistics Plan has been 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. The Demolition and 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 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 and CS14 of the Barnet Core Strategy, Policies DM01, DM04 and DM17 of the Barnet Development Management Policies DPD and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan 2016.

- 4 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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

- 5 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD

(adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

6 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

Part 2

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

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

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

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

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

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

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

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted October 2016), Policy DM01 of the Development Management Policies DPD (adopted October 2016) and Policy 7.21 of the London Plan 2015).

9 Before the development hereby permitted is occupied, details of the appearance, materials and means of securing cycle storage, which shall be in accordance with London Plan cycle parking standards, shall have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason: To ensure and promote easier access for disabled persons to the approved building in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012 which in turn refers to London Plan Parking Standards.

10 The development shall not be occupied until the vehicular access and car parking spaces have been laid out within the site in accordance with the approved plans, and shall not be used for any other purpose other than the manoeuvring and parking of vehicles in connection with the approved development.

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

11 Prior to the first occupation of the building, it shall have been constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 35% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate

requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

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

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

- 13 a) No external lighting shall be installed and used until details of the appearance and luminance of the proposed lighting has been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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

- 14 a) Before the development hereby permitted is first occupied, details of the subdivision of the amenity areas shall be submitted to and approved in writing by the Local Planning Authority. This approved details shall include clarification of the areas within the development which are for the communal use of all residents.

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

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

- 15 a) Before the development hereby permitted is first occupied, details of any privacy screens around private terraces and balconies to be installed shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- 16 The development shall not be occupied until details of the electronically controlled access to the building have been submitted to and approved in writing by the Local Planning Authority and the approved details have implemented.

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

- 17 The development shall not be occupied until "dirty" storage areas for each flat have been provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be retained as such.

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

- 18 a) Before the development hereby permitted is first occupied, details of the appearance of the enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 1 This permission is subject to a section 106 agreement dated ---- that sets a requirement for retention of the two wheelchair units as part of Open Door Housing's provision of a minimum of 10% of all development units across the sum of their current housing development.
- 2 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 3 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

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

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

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

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will

incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

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

5 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;

6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

- 6 Any details submitted in respect of the Construction and Logistics Management Plan shall control the hours, routes taken by delivery and construction vehicles, delivery arrangements, means of access and security procedures for construction traffic to and from the site and for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.
- 7 The Air Quality Stage 4 Review and Assessment for the London Borough of Barnet and further reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. Possible options for mitigating poor air quality in this development are:

- 1) Use of passive or active air conditioning;
- 2) Use of acoustic ventilators.

For developments that require an Air Quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance:

- 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, May 2015);
- 2) Environment Act 1995 Air Quality Regulations;
- 3) Local Air Quality Management Technical Guidance LAQM.TG(16);
- 4) London Councils Air Quality and Planning Guidance (2007)
- 5) London Local Air Quality Management Technical Guidance LLAQM.TG(16),
- 6) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014) and
- 7) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions'.

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

- 8 In addition to the required Highways information, the submitted Construction Method Statement shall include as a minimum the following additional details as requested by the Environmental Health Officer:
 - Site hoarding
 - Wheel washing
 - Dust suppression methods and kit to be used

- Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
- Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.

- 9 The applicant is advised that A1000 High Road N2 is Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. 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.
- 10 The applicant is advised that due to the large number of schools and school children in the area that site deliveries during the construction period should not take place between 0800 hrs to 0900hrs and 1500 hrs to 1600 hrs. 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.

Officer's Assessment

1. Site Description

The application site comprises an area of amenity land associated with surrounding apartment development, located directly to the west of the A1000 High Road in East Finchley. Park Road forms its rear (western) boundary, Norfolk Close is to the north, and the three storey buildings at Chapel Court form the southern boundary of the land. The area is partially enclosed by the existing flats, most of which are three storeys high although to the rear of the site the 11 storey building to the rear (13-56 Norfolk Close) forms a prominent element of the site's setting.

Development on the adjacent part of the High Road also is mainly three storeys on both sides, although there are four-storey flats opposite at Mulberry Court, which are located to the north of the junction of the High Road and Bedford Road. To the south and within 100m of the site, the character of the High Road changes from predominantly residential to mixed uses, largely retail, with some flats above ground floor level.

Within this larger area, the part of the site intended for development in this application comprises the open area between the two existing apartment buildings closest to the High Road frontage. These are 1-12 Norfolk Close which is the building aligned to the street frontage to the north, and 29-40 Chapel Court to the south. These buildings are predominantly three storeys high, although there is a single storey element linking 29-40 Chapel Court with 17-28 Chapel Court which is set further back from the High Road frontage and is perpendicular to it.

The site is not located in a conservation area and the buildings situated immediately adjacent to the site are not listed or locally listed. There are no tree preservation orders in place at the site, although there are street trees along High Road.

2. Site History

The site has no relevant planning history.

3. Proposal

The application is for the provision of 8no. 2 bedroom flats within a four storey building, which would be aligned to the established building line of flatted blocks along the High Road. Each flat would be provided with a balcony overlooking the High Road or, in the case of the ground floor flats, a garden terrace.

Car parking would be provided within an existing car park to the immediate northwest which would be reorganised to provide an additional eight spaces, giving a total of 20 spaces to serving both the new flats and those existing at Norfolk Close. The new spaces would include two spaces disabled spaces, which would be located closest to the proposed building. Secure cycle storage and refuse / recycling stores would also be provided to the rear of the building.

As the proposal would result in the loss of approximately 400 sqm of the open space within the site, including both the buildings and its surroundings. While the site area as given in the application form amounts to 0.39 ha, the area of contiguous and usable open space within this is about 0.24 ha (2400 sqm), so the proportion of this which would be lost amounts to about 15% of the total. The application does however provide for the

enhancement of the existing open space, with the principal improvements as put forward by the application being the provision of a landscaped area to the front of the eleven storey building towards the rear of the site. Additional and replacement tree planting could also be provided elsewhere within the site.

4. Public Consultation

Consultation letters were sent to 114 neighbouring properties.

Two letters have been received. One of these requested further information about the development, while the other was from the Hendon and District Archaeological Society and noted the site's location in an Area of Special Archaeological Significance. It requests that Historic England's Greater London Advisory service should be asked to advise whether an archaeological condition should be imposed.

These issues are considered in sections 5.3 and 5.4 of this report.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital for the next 20 to 25 years. It forms part of the development plan for Greater London and is recognised in the NPPF as such.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life. The following are relevant to this scheme:

Policy 2.18 - Green Infrastructure

Policy 3.3 - Increasing Housing Supply
 Policy 3.4 - Optimising Housing Potential
 Policy 3.5 - Quality and Design of Housing Developments
 Policy 3.6 - Children and young people's play and informal recreation
 Policy 3.8 - Housing Choice
 Policy 3.9 - Mixed and Balanced Communities
 Policy 5.2 - Minimising carbon dioxide emissions
 Policy 5.3 - Sustainable design and construction
 Policy 6.9 - Cycling
 Policy 6.10 - Walking
 Policy 6.13 - Parking
 Policy 7.2 - An Inclusive Environment
 Policy 7.3 - Designing Out Crime
 Policy 7.4 - Local Character
 Policy 7.5 - Public Realm
 Policy 7.6 - Architecture
 Policy 8.1 - Implementation
 Policy 8.2 - Planning Obligations
 Policy 8.3 - Community Infrastructure Levy

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy DPD Policies:

CS NPPF National Planning Policy Framework - Presumption in favour of sustainable development
 CS1 Barnet's place shaping strategy - 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
 CS13 Ensuring the efficient use of natural resources
 CS14 Dealing with our waste
 CS15 Delivering the Core Strategy

- Relevant Development Management Policies DPD:

DM01 Protecting Barnet's character and amenity
 DM02 Development standards
 DM03 Accessibility and inclusive design
 DM06 Barnet's Heritage and Conservation
 DM08 Ensuring a variety of sizes of new homes to meet housing need
 DM09 Specialist housing: Houses in Multiple Occupation, student accommodation and housing choice for older people
 DM10 Affordable housing
 DM11 Development principles for Barnet's town centres
 DM12 Maintaining our local centres and parades
 DM17 Travel impact and parking standards

The Council's approach to development as set out in Policy DM01 is to minimise impacts on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Mayor of London's Housing SPG

- This sets out a range of Standards for residential development in London.

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to assist in the design of new residential development. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- In respect of amenity, development should not be overbearing or unduly obtrusive and care should be taken to ensure that it does not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet. The SPD approach includes providing building sustainability measures over and above those required by the minimum Building Regulations standards, provision for on-site renewable energy sources, and retention and enhancements of biodiversity within development sites.

Other relevant planning documents

London Borough of Barnet Characterisation Study (2011)

- This provides a valuable analysis of urban and suburban typologies with detailed descriptions of the main residential types within the Borough.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The context of the development in the applicant's affordable housing programme.
- Whether the loss of this open area of amenity space is acceptable in principle
- Whether harm would be caused to the character and appearance of the street scene and the wider locality.
- Whether harm would be caused to the living conditions of neighbouring residents.

- Whether the living conditions of future occupiers would be acceptable.
- Whether the proposal would result in any unacceptable impacts on archaeology.
- Whether the proposal is acceptable in terms of impacts on the highway network and sustainable transport.
- Whether the loss of trees on the application site is acceptable.
- Building sustainability

5.3 Assessment of proposals

The context of the development within the applicant's affordable housing programme

This development has been proposed by Barnet Homes, the Council's Arms Length (ALMO) social housing provider. Barnet Homes through agreement with the Council is in the process of acquiring land for the purposes of developing social housing for affordable rent including specialist accommodation for disabled people, and aim to deliver 720 units by 2020. The separate development arm known as Open Door Housing has now been registered with the HCA to deliver these units.

In acquiring the sites Open Door housing will deliver properties for affordable rent. These units will be let at a rental level of 65% and as such, will fall within the current National Planning Policy Guidance definition of affordable rent. Smaller schemes such as this one will generally not be secured through the planning system, but this benefit as a legal obligation imposed on the acquisition of the land. The occupation of these units will be for residents of the London Borough of Barnet using their adopted nominations procedures.

This approach has been adopted by Members at the Planning and Environment Committee in 2016, as well as by HB Law.

The provision of new housing including affordable housing is therefore acceptable in principle.

Whether the loss of this open area of amenity space is acceptable in principle

The proposed development would be located on an area of grassed amenity land between existing buildings on the High Road and the tall building in Norfolk Close to the rear. The area measures approximately 0.23ha. The land is not designated open space in the Local Plan, but rather is primarily an amenity area for the benefit of local residents within the estate. The London Plan sets out a hierarchy of small open spaces comprising gardens, sitting out areas, children's play spaces or other areas of a specialist nature, including nature conservation areas. It is considered that the open space land within and around the existing buildings here falls under this designation. Policy DM15 generally protects such spaces, although where a development proposal is a small scale ancillary use that supports the better use of an open space, and / or an equivalent or better quality open space provision can be made elsewhere, the loss of this type of space can be accepted. It is also noted that the site is located in an area deficient in open space as defined by Barnet Open Space, Sports and Recreational Facilities Assessment 2009, and the loss of this area would only be contrary if a sufficiently enhanced quality of open space or compensatory open space is provided. The proposal includes enhanced landscape planting and amenity within an area close to the front entrance of (the 11 storey tower block).

The open space lost would amount to approximately 200sq.m, which is around 10% of the land area situated between Park Road and High Road. Given this small proportion of land

area used up by the proposed development and the opportunity to improve this space and the overwhelming need to provide additional affordable housing, it is considered that the weight of the decision making process should fall in favour of the proposed development. The proposals would improve the quality of this open space; however, given the area available within the site for further enhancement, it is considered that further improvements would need to be secured in order for the development to be considered fully acceptable. This is recommended in a condition requiring further details of landscaping to be submitted and approved prior to the commencement of the development.

Character and appearance

The proposed development at four storeys would be a storey higher than the surrounding buildings. However the general form of the development would be reflective of that of most of the adjacent three-storey residential buildings on the western side of the High Road, and the dominant element in this resident townscape would continue to be the 11 storey apartment building to the rear of the site. As noted in the Site Description above, there are four storey buildings opposite the site on the High Road. The scale of the built environment in the surroundings is varied, and it is considered therefore that the proposed building would provide an appropriate scale in these surroundings.

As already noted, the proposal will result in the loss of part of the open space between the existing residential developments, including the most visible part of this space as viewed from the High Road. It is noted that while this area is publically accessible, its use is however associated mainly with the existing residential development rather than being a designated open space as such. Views from the High Road across the north side of the building will continue to give glimpses of the space in public views from the street frontage, and this can be enhanced by the provision of new plantings at the front of the building. Provided that the building is constructed with good quality materials in a colour palette that is compatible with the streetscape, and that appropriate new planting at both the front and rear of the building is provided, the development would be compatible with the character of the area and would not be detrimental to it. This can be provided for in the recommended conditions.

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

The proposed building would be well separated from its neighbours. The adjacent flats in the building comprising 17-28 Chapel Court would be the closest, with a minimum separation of approximately 5m between the buildings, measured corner to corner. This would place minimum distances between habitable room windows at about 7m apart; however, as the existing and proposed buildings would be sited perpendicular to each other, the acute angle of the views would provide adequate protection against any mutual impacts on privacy.

Flank wall windows would be 9m from those at 1-12 Norfolk Close on the northern side, and 10m from those at 29-40 Chapel Court to the south. They would be slightly off-set from each other as viewed in plan, with some also displaced on the vertical. Taken together, this would be sufficient to protect the amenities of neighbouring occupiers, although those with the more direct views could be protected by requiring obscure glazing in line with the recommended condition. Subject to this condition, it is considered that the living conditions of neighbouring residents will be adequately protected.

Whether the living conditions of future occupiers would be acceptable

The internal spaces within the flats are designed to comply with standards within the London Plan, and either meet the minimum internal area requirements as set out in in Table 3.3 at Policy 3.5 of the London Plan, or exceed them. London Plan and Barnet SPG minimum internal floor areas are as follows:

- 1-bedroom flat for two people (1B2P) 50 sqm
- 2-bedroom flat for three people (2B3P) 61 sqm
- 2-bedroom flat for four people (2B4P) 70 sqm

Based on habitable room numbers, minimum amenity spaces should be 10 - 15 sqm for the single bedroom flats and 15 - 20 sqm for the two bedroom flats (the higher figures are based on larger living rooms being counted as two rooms, in accordance with SPD guidance).

The proposed flats provide the following internal and external spaces:

Ground floor unit 01 (1B2P)	61.5 sqm internal floor area, 17 sqm private terrace
Ground floor unit 02 (2B3P)	76 sqm internal floor area, 19 sqm private terrace
First floor unit 01 (2B4P)	72 sqm internal floor area, 7 sqm balcony
First floor unit 02 (2B4P)	73 sqm internal floor area, 7 sqm balcony
Second floor unit 01 (2B4P)	72 sqm internal floor area, 7 sqm balcony
Second floor unit 02 (2B4P)	73 sqm internal floor area, 7 sqm balcony
Third floor unit 01 (2B4P)	71 sqm internal floor area, 7 sqm balcony
Third floor unit 02 (2B4P)	71 sqm internal floor area, 7 sqm balcony

The units would all exceed the London Plan's minimum internal space standards; however, amenity space standards for Units 3 - 8 would be reliant on ground floor external areas to provide the requisite 5 sqm per habitable room. This would be acceptable provided that an additional landscaped area is provided close to the new building, which would provide a more defined shared amenity space that could be used by residents. This is provided for in the recommended condition.

Three points in the proposals are however still under consideration in regards to providing an improved level of amenity for future occupiers of the ground floor flats. These are the location of the ground floor terraces, the proximity of the front entrance path to one of the ground floor flats and the proximity of the cycle store to the rear window of a ground floor flat. While it is considered acceptable for the balconies at first floor level and above to be provided facing the High Road, the ground floor terraces would be somewhat exposed to disturbance on this side from the street, and their relocation at the rear of the building would give these terraces a more private aspect in this respect. They would also be on the sunnier side of the building. The location of the access path to the front would door would also impact to a greater extent on the privacy of occupiers of one of the ground floor flats than would be the case if the entrance path runs straight in from the street, and the location of the cycle store as submitted would result in a loss of outlook for the same flat. While any further changes at the rear of the building would need to be carefully designed to ensure that the ground floor flat was not subject to other adverse impacts on the privacy of future occupiers, it is considered that a better standard of amenity could well be provided by the careful re-design of these areas; any amended drawings will therefore be reported on in the Addendum report.

With regards to the aspect for amenity spaces at first floor level and above, while the balconies would also benefit from a sunnier rear aspect, this would be unacceptable in this case as it would result in direct views into habitable room windows at in the closest flats at

Chapel Court. This dictates against the balconies being located on this elevation. As the balconies would be less subject to potential disturbance from passers-by than would be the case for terraces at ground level, the front elevation location of these balconies is considered acceptable.

Further details of individual "dirty" storage spaces in compliance with the minimum standards of the London Plan and the Council's Sustainable Design and Construction SPD would need to be secured by condition, as recommended.

Standard 13 requires that any access core serving 4 or more dwellings should provide an access control system with entry phones in all dwellings linked to a main front door with electronic lock release. This can also be provided for by way of a suitably worded condition.

Whether an appropriate mix of residential accommodation would be provided

The accommodation mix would include two wheelchair accessible flats on the ground floor, 1 one of which would have one bedroom and the other two. The remaining six flats would all be two bedroom units with walk-up access.

Standard 11 in the Mayor's Housing SPG requires that 90 per cent of new build housing should meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings' with the remaining 10 per cent meeting Building Regulation requirement M4(3) 'wheelchair user dwellings'. Paragraph 2.3.10 of the Housing SPG acknowledges that "...in certain specific cases, the provision of a lift where necessary to achieve this aim, may cause practical difficulties, make developments unviable and/or have significant implications for the affordability of service charges for intended residents". In this application, 25% of the units would be wheelchair accessible, but the remaining units would not meet the M4(2) requirement for the remaining units to be fully accessible due to the lack of a lift. The applicant has provided information on build costs that demonstrate that the project's viability would be prejudiced by requiring M4(2) compliance on the six non-wheelchair units. Given the proportion of wheel chair accessible flats, it is considered that in this case the M4(2) compliance can be foregone.

The provision of well in excess of the required number of units to wheelchair user standards raises one other point to be considered. The applicant has committed to providing 10% wheelchair standards flats across all of its new developments, but there are cases on other sites where there this is less easy to achieve than is the case here.

Overall, the development would secure a satisfactory level of amenity for future occupiers.

Whether the proposal would result in any unacceptable impacts on archaeology

Historic England was consulted, as the site is within an Archaeological Priority Area. This is due to the presence of the historic settlement which is however considered to have been located on the west side of the Market Place with little or no development along its east side, where this site is located. Historic England comments that it appears therefore that the Archaeological Priority Area needs to be revised to correctly identify the area of greater potential for medieval settlement archaeology. There are therefore no objections on archaeological grounds.

Impact on car parking at and highways safety

The site is within walking distance of a town centre location. There are two Controlled Parking Zones (CPZ) in the vicinity of the site. The Highways Officer advises that this will require the provision of 7 to 11.5 parking spaces, and taking into account the Public Transport Accessibility Level (PTAL) value for the site which is 3, the parking provision required is 10 spaces. The existing residential buildings have a dedicated parking area that is accessed from Norfolk Close, and this will be rearranged and extended to facilitate an additional eight car parking spaces to serve the new flats, which means that there is a shortfall of two spaces.

A transport assessment was submitted that included a parking survey. This demonstrates that the surrounding roads would be able to accommodate the additional demand of two spaces that this development would generate, and this is considered to be acceptable by the Highways Officer.

A secure communal cycle store would provide the required 15 cycle spaces (one per bedroom in accordance with the relevant standard). Additional detailed drawings would be required to demonstrate that acceptable access to the store and stands are provided, as recommended in the relevant condition in Section 1 of this report.

Refuse collection will be collected from the bin store that operates with the existing building. This is within 10m of the public highway and is therefore acceptable on highway grounds.

Subject to conditions, there are no objections on highways grounds.

Impacts on trees

A number of trees would be removed to facilitate the proposed development including six 'B' category trees. The Tree Officer has commented on the application, and considers that the loss of these trees could be mitigated by transplanting some of the smaller trees that would otherwise be lost, and through replanting. This would be provided for by the recommended landscaping condition.

Building sustainability

The applicant's Sustainability Report has demonstrated that the proposed development would result in a decrease of over 35% of carbon dioxide above and beyond the requirements of the 2013 building regulations. The substantial part of the proposed saving arises from the use of roof-mounted photovoltaic panels. The photovoltaic are illustrated on a roof plan that was provided with the application.

The Sustainability Report also confirms that the proposed development would accord with the London Plan and Barnet SPD standards in relation to water usage per occupant.

Both emission savings and water usage can be secured by appropriate conditions.

The Sustainability Report also sets out that all homes would meet Level 4 of the Code for Sustainable Homes (CSH) in terms of overall building sustainability. While this high standard would be welcomed, the CSH has been cancelled by the government, and it would not therefore be appropriate for this standard to be imposed by a condition.

The Environmental Health Officer has commented that there is potential of land contamination and that air quality is likely to fall below minimum standards on occasions.

Appropriate conditions were requested for any planning permission, and these are included in those recommended in this report.

5.4 Response to Public Consultation

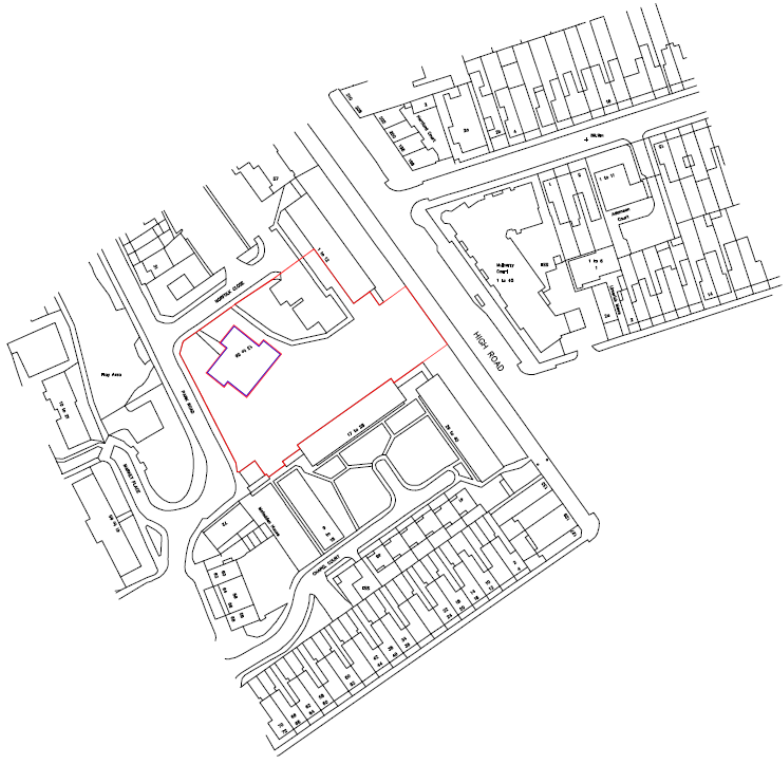
The issues referred to in neighbour letters and also in the Council's other consultations are addressed in the above discussion.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site and the locality, and provided that sufficient landscaping is provided both at the road frontage and to the rear of the site, it is considered that the loss of amenity space can be sufficiently mitigated. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. It can be concluded that the proposal complies with the key policies of the development plan, and the application is therefore recommended for approval, subject to conditions.



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COMMITTEE REPORT

- LOCATION:** HASMONEAN HIGH SCHOOL, 2-4 PAGE STREET, LONDON, NW7 2EU and ADJACENT FIELDS CHAMPIONS WAY
- REFERENCE:** 17/TPO/003
- WARD:** Mill Hill
- PROPOSAL:** To seek authority for confirmation of Tree Preservation Order, without modification.
- RECOMMENDATION:**
1. That the Council, under Regulation 7 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 confirms the London Borough of Barnet Hasmane High School, 2-4 Page Street, London NW7 2EU and Adjacent Fields Champions Way Tree Preservation Order 2017 without modification.
 2. That the person(s) making representations be advised of the reasons.

1. MATERIAL CONSIDERATIONS

Relevant Planning Policies and Guidance Adopted

- Local Plan – Core Strategy (Adopted September 2012) – Policy CS7
- Local Plan – Development Management Policies (Adopted September 2012) – Policy DM01

Relevant Planning History

- Report of Planning Performance and Business Development Manager dated 30th January 2017
- 16/6662/FUL – Hasmane High School 2 - 4 Page Street, London, NW7 2EU – Demolition of existing Girls school and construction of a new combined Boys and Girls school with vehicular access from Champions Way including 167 car parking spaces and 220 cycle parking spaces, three pedestrian accesses north, east and south of the site, along with associated landscaping (including swales), sports and recreational areas and ancillary buildings for energy centre and service yard, security gatehouse. School drop-off and pick-up space will be set out adjoining land
The application was heard by members at the Planning Committee dated 22nd February 2017.

A vote was taken on the Officer's recommendation to REFUSE the application for the reasons detailed in the report:

- For (refusal) 5
- Against (refusal) 6
- Abstained 0

It was moved by Councillor Cohen and seconded by Councillor Greenspan that the application be APPROVED for the following reasons:

- RECOMMENDATION 1: The application being one of strategic importance to London and also due to its location within the Metropolitan Green Belt must be referred to the Mayor of London and the Secretary of State. As such any resolution by the committee will be subject to no direction to call in the application being received from the Mayor of London and the Secretary of State.
- RECOMMENDATION 2: Prior to submission to the Mayor and Secretary of State the conditions, S106 Heads of Terms and any informative attached to the planning permission be agreed by the Head of Strategic Planning in consultation with the Chairman.
- RECOMMENDATION 3: That subject to Recommendations 1 and 2, the Head of Strategic Planning approve the final planning application reference 16/6662/FUL under delegated powers.

Reasons for Approval

1. Members are of the view that if the playing fields did not actually form part of the application site the impact on loss of publicly accessible open space would be lessened. This could be covered by an informative.
2. Members are of the view that contrary to officer opinion there are indeed very special circumstances here to warrant exception to Green Belt policy.
 - (a) Operationally there is a need for the two schools to be conjoined the application is for one school.
 - (b) The applicants have made significant efforts to find other sites to accommodate both schools together over some 20 years without success.
3. The London Plan allows in Policy 7.18 that applicants can be required to improve the quality of a nearby area of open space at its own expense. Given the special circumstance of this proposal. LBB can require a significant monetary contribution to improve the quality of existing nearby open space.
4. London Plan allows in Policy 7.19 that applicants make appropriate compensation for the loss of biodiversity elsewhere in the Borough.
5. In relation to the trees taken out currently protected by a TPO Members are of the view that the applicant can provide additional tree planting of suitably mature species on the application site.

- For (approval) 7
- Against (approval) 3
- Abstained 1

RESOLVED that the application be APPROVED for the reasons detailed above.

Background Information/Officers Comments

The Town and Country Planning Act 1990 (as amended) at section 197 states:

“It shall be the duty of the local planning authority—

- (a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and
- (b) to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.”

Section 198 of the Act empowers a local planning authority to make a Tree Preservation Order if it appears to be ‘expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area’.

National Planning Practice Guidance clarifies that:

“Authorities can either initiate this process themselves or in response to a request made by any other party. When deciding whether an Order is appropriate, authorities are advised to take into consideration what ‘amenity’ means in practice, what to take into account when assessing amenity value, what ‘expedient’ means in practice, what trees can be protected and how they can be identified.”

- The Guidance states that “‘Amenity’ is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order. Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.”
- The Guidance suggests the following criteria should be taken into account: “*Visibility* - The extent to which the trees or woodlands can be seen by the public will inform the authority’s assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public. *Individual, collective and wider impact* - Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:
 - size and form;
 - future potential as an amenity;
 - rarity, cultural or historic value;
 - contribution to, and relationship with, the landscape; and
 - contribution to the character or appearance of a conservation area.
- In terms of expediency, the Guidance notes “It may be expedient to make an Order if the authority believes there is a risk of trees being felled,

pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.”

“When granting planning permission authorities have a duty to ensure, whenever appropriate, that planning conditions are used to provide for tree preservation and planting. Orders should be made in respect of trees where it appears necessary in connection with the grant of permission.”

A Tree Preservation Order was made on 1st February 2017 in the interest of public amenity in the light of a planning application for redevelopment at the site (16/6662/FUL). The making of the Order was considered justifiable both on grounds of amenity and expediency. As set out below, the trees are considered to be of significant public amenity value – visually and environmentally.

An “Arboricultural Assessment and Method Statement Hasmorean Boys’ and Girls’ School, Hendon and Mill Hill, Barnet, London” by Andy Sherlock of Barrell Tree Consultancy dated 2nd September 2016 was submitted with application 16/6662/FUL. This Arboricultural Report includes a survey of the trees at and immediately adjacent to the application site (the current Hasmorean High School site and three fields which are owned by the Local Authority to the east, south-east and south of the current school site). The survey schedule included details of 44 individual and 30 groups of trees, plus 3 woodlands – comprising 20 different species and ranging in age from young to mature.

The arboricultural survey included within the Arboricultural Assessment and Method Statement indicates that there are a number of good quality individual and groups of trees at the site (most of the surveyed trees are classified as A or B in accordance with the cascade chart for tree quality assessment recommended by the British Standard BS5837:2012 *Trees in relation to design, demolition and construction – Recommendations*).

The Arboricultural Assessment and Method Statement report indicates that a large number of trees would need to be removed to accommodate the new school subject of the application.

The development proposal was reviewed by an Arboricultural Consultant employed by RE Ltd to assess the arboricultural aspects of the application on behalf of the Planning Department. In his comments the Arboricultural Consultant acting on behalf of the Planning Department recommended that the application be refused “*on the grounds of unacceptable loss of valuable trees, visual tree amenity, wildlife habitat and open space.*” He also commented that “*A large number of valuable trees will be removed to achieve this development that will have a significant negative impact on local visual tree amenity, wildlife habitat and public open space that is unacceptable,*” also “*there are a large number of mature and over mature oak trees to be removed which are irreplaceable.*” Given his

concerns about loss of trees as part of the development proposals the Arboricultural Consultant acting on behalf of the Planning Department requested that consideration be given to the making of a Tree Preservation Order.

Officers in the Major Projects Team (who dealt with the planning application); CSG Estates (responsible for the administration of Council owned property); and the Council's Greenspaces and Streets Team (who have responsibility for Council owned/maintained Trees and currently maintain the trees in the three Council owned fields adjacent to the existing school site) supported the making of a Tree Preservation Order at the site.

There were many representations from members of the public in respect of the development scheme (both in support of and objection to the scheme). Many of those who objected referred to the loss of green space and detriment to the environment and local wildlife.

The three Council owned fields that form part of the development site are collectively known as the Copthall South Fields and are a site of local importance for nature conservation. In Nature Conservation in Barnet Ecology Handbook 28, by Hewlett et al, published by the London Ecology Unit 1997 it is stated that: *"This small group of fields, close to the pounding traffic on the A1 road in Hendon, has a surprisingly rural quality. It belongs to Barnet Council and is part of the Copthall Playing Fields complex, although it is screened off from the sports pitches by tall hedges. These hedgerows contain a good diversity of species typical of old form hedges in Barnet, and are undoubtedly relics from agricultural days. Mature oak, ash and field maple are present, together with Midland and common hawthorns, blackthorn, grey willow...several other hedges, some with associated damp ditches which provide another element of wildlife habitat, divide the fields one from another...In the northern field a plantation of mostly native trees including oak, silver birch, wild cherry, willows, pine and larch has recently been created under the Watling Chase Community Forest initiative...This site is of value in providing a pocket of countryside "at their doorstep" for people in this rather densely built up, traffic ridden part of the Borough...Free public access is available from a kissing gate in Page Street and from the public footpath on Copthall Playing Fields."*

There are a number of high quality mature and maturing trees and woodland blocks on the development site which contribute to public amenity helping to soften the urban appearance of this *"rather densely built up, traffic ridden part of the Borough"* when viewed from the adjacent roadways and from within the Council owned fields – which at present have free public access. These trees are capable of contributing to public amenity for a number of decades. It should also be noted that the amenity value of the maturing trees is likely to increase as they age – especially the plantation created under the Watling Chase Community Forest initiative. The trees are important to the site of local importance for nature conservation providing habitat for local wildlife and in many cases denoting the boundaries of the fields (along with the hedges mentioned in the Ecology Handbook).

Given the quality of the trees at this site, the contribution that they make to public amenity and the significant concerns about tree loss/damage as part of development proposals subject of application 16/6662/FUL it was considered both appropriate in the interests of amenity and expedient to include the trees in a new Tree Preservation Order. This would render the trees a material consideration for application 16/6662/FUL (and any future planning applications) as well as lend force to any tree protection conditions in the event of a planning approval.

The majority of the trees are of a good quality and make a significant contribution to public amenity – either individually, or as part of a wider group or woodland block. Because the trees that are of lesser quality are so interspersed with those of good quality, it was considered appropriate to make an Area designated Tree Preservation Order to include all of the trees. For ease of identification on site, the boundaries of the Area aligned with the red line of the planning application site (excluding the small triangular car park to the north), slightly adjusted where necessary to correspond with fence-lines and pathways actually on the ground. The Area Tree Preservation Order would also mean that the protected trees would have a range of ages allowing for public amenity to be maintained in the longer term – as, with time, the younger trees will mature and make an increased contribution to amenity helping to mitigate against any natural loss of old trees.

Notices were served on the persons affected by the Order in accordance with paragraph 1(a) of Regulation 5 of the Town and Country Planning (Tree Preservation) (England) Regulations.

The Tree Preservation Order secures the protection of the tree on a provisional basis for up to six months from the date of making, but an Order needs to be formally confirmed for it to have long-term effect. The Council is required to take into account all duly made objections and representations before deciding whether to confirm the TPO.

The following representation was received from a local resident in support of the Tree Preservation Order:

- “I have received a copy of the TPO through my letter box, which is good to see, thank you for acting so swiftly, I assume you are aware of the planning application to build on this site.

Comments on the Formal Notice pages of the TPO say what we as residents here all feel - they 'contribute to the character and scenic interest of the area', and its destruction would be a terrible loss for residents of Barnet.”

A letter of representation objecting to the Tree Preservation Order has been received from a firm of Solicitors acting on behalf of Hasmorean High School. The representation on behalf of the school can be summarised as:

- The Council’s Planning Committee resolved on 22nd February 2017 to grant permission for application 16/6662/FUL. “The draft minutes for that meeting state that *“In relation to the trees taken out currently protected by a TPO members are of the view that the applicant can provide additional tree planting of suitably mature species on the application site.”*
- “Regulation 14(1)(a)(vii) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 states that prohibited activities should not apply to *“so far as such work is necessary to implement a planning permission.”*”
- “It would be entirely unnecessary and inappropriate for the TPO to be confirmed – the Council is in the process of granting permission for the redevelopment of the

School (and such permission will override the TPO), and members clearly considered the impact on the relevant trees when making their decision.”

- Application 16/6662/FUL was accompanied by a full environmental statement which included an arboricultural assessment of the trees at the school. “The assessment concluded that, subject to adequate precautionary measures. *“the development proposal will only have a limited impact on the contribution of trees to character in the wider setting. Indeed the new sustainable planting proposals will increase the potential of the site to contribute to local character well beyond the short term.”*”
- “Despite our repeated requests, the Council has failed to provide any details as to why they disagree with this assessment, or indeed a full justification for making the TPO in the first instance.”
- “We therefore remain of the view, as stated by members, that the amenity of the area will be preserved by the development.”
- “In order for the School to be able to manage its property, it will need to be able to carry out appropriate works to trees on site where necessary. It is unnecessarily cumbersome for the School to be forced to apply to the Council whenever such works are proposed.”

In response the Council's Tree and Environment Officer comments as follows:

- (i) The representation in support suggests that residents, too, consider that the trees have high public amenity value and their “destruction would be a terrible loss for residents of Barnet.”
- (ii) The confirmation of the Tree Preservation Order and assessment of planning application for redevelopment are separate procedures. Confirmation of the Order would render the trees an ongoing material consideration in any planning application - the merit of trees and appropriateness of retention would be taken into account when assessing the planning application(s).
- (iii) Notwithstanding Members’ recommendation in respect of the planning application for redevelopment 16/6662/FUL, as the application is one of strategic importance to London and the site is located within the Metropolitan Green Belt, it must be referred to the Mayor of London and the Secretary of State. The referral to the Mayor is still in process – it could take a considerable period and there is no certainty as to the outcome. In accordance with TPO legislation, a provisional Order lapses if it is not confirmed within six months of being made. As the referral process may extend beyond the six months period, the decision whether or not to confirm the Order needs to be made independently of the timing of the planning application.
- (iv) It is inaccurate to suggest that ‘permission will override the TPO’. Whilst the TPO legislation may provide an exemption for treeworks necessary to implement a planning permission, this would only extend “so far as such work is necessary” – however, it would not encompass treeworks that might

facilitate but not be necessary (e.g. to provide temporary access for construction). Confirmation of the Tree Preservation Order would allow the imposition of conditions for the preservation and planting of trees ('adequate precautionary measures' and 'new sustainable planting proposals') should development occur.

- (v) As noted above, the submitted Barrell Tree Consultancy arboricultural assessment itself indicates that there are a number of good quality individual and groups of trees at the site (most classified as BS5837 category A or B), and also that a large number of trees would need to be removed to accommodate the new school. Council Officers agree with this assessment and requested / supported the making of the Tree Preservation Order, believing it to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.
- (vi) Officers do not consider that the amenity of the area will be preserved by the proposed development:
- As indicated above, the Arboricultural Consultant advising the Planning Department noted that "A large number of valuable trees will be removed to achieve this development that will have a significant negative impact on local visual tree amenity, wildlife habitat and public open space that is unacceptable," also "there are a large number of mature and over mature oak trees to be removed which are irreplaceable."
 - In May 2017, Greenspaces Arboricultural Officers undertook a survey of 48 trees in the three Council fields (Cophall South Fields) that were closest to the school site and likely to be affected by the redevelopment. They identified the trees - mainly Oak, with some Field Maple and Ash - to have a CAVAT valuation of almost £1.3 million (£1,298,875), (the two highest individually valued trees being £181,867 and £111,094).
- (vii) The contention that the Tree Preservation Order should not be confirmed because "It is unnecessarily cumbersome for the School to be forced to apply to the Council whenever [treeworks] are proposed" is considered unreasonable. There are some 700 TPOs in the borough, ranging in size from individual to thousands of trees – including Orders on large school and college sites (e.g. Mill Hill School, Oakhill College, The Sternberg Centre and associated buildings at 80 East End Road); churchyards (e.g. St Mary at Finchley, St Mary the Virgin Barnet, and Holy Trinity East Finchley); cemeteries and crematoria (e.g. Mill Hill, East Finchley and Golders Green); historic ornamental grounds (e.g. Avenue House and Grounds); and parkland (e.g. Windsor Open Space). TPO treework submissions are currently received from such diverse applicants as individual householders, estates bursars, churchwardens, and arboricultural agents, in addition, Greenspaces Arboricultural and CSG Estates Officers submit applications for works to TPO trees on Council owned / maintained land in accordance with legislation.
- (viii) If trees are unprotected, there would be no control over treatment – however, there is no reason to believe that consent would be refused for treatment in

accordance with good arboricultural practice (and, in any event, there is an appeal procedure as well as exemption provisions for e.g. removal of deadwood).

The letter of objection concludes “Please could you therefore provide written confirmation that the TPO will not be confirmed. Please note that, should the TPO be confirmed, the School reserves its right to formally challenge this decision by way of judicial review, based on the Council’s unreasonable behaviour in ignoring the resolution to grant planning permission, and its failure to properly justify the making of a TPO.”

It should be noted that there have been a number of requests for information from the firm of Solicitors acting on behalf of Hasmonian High School – some of which appear to demonstrate confusion about, and conflation of, the separate procedures for making Tree Preservation Orders (in accordance with s198 of Act and the Town & Country Planning (Tree Preservation) (England) Regulations 2012) and the determination of the redevelopment application. In addition to more general replies, extensive correspondence and documents were sent in response to a formal ‘Freedom of Information’ request.

It is considered that the making of the Order fully accords with the duty imposed on the Council as local planning authority as being ‘expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area’. Notwithstanding Members’ recommendation, the planning application must be referred to the Mayor of London and the Secretary of State. The referral to the Mayor is still in process – it could take a considerable period and there is no certainty as to the outcome. In accordance with TPO legislation, a provisional Order lapses if it is not confirmed within six months of being made. As the referral process may extend beyond the six months period, the decision whether or not to confirm the Order needs to be made independently of the timing of the planning application. Confirmation of the Tree Preservation Order would allow the imposition of conditions for the preservation and planting of trees if planning permission is granted for the redevelopment, and would provide some measure of control over inappropriate treeworks into the future.

2. EQUALITIES AND DIVERSITY ISSUES

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies requires the Council to have due regard to the need to eliminate discrimination and promote equality in relation to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

The Council have considered the Act but do not believe that the confirmation of the Order would have a significant impact on any of the groups as noted in the Act.

3. CONCLUSION

The confirmation of the Tree Preservation Order is considered appropriate in the interests of public amenity and would allow the local planning authority some measure of control over treework that is considered excessive. As set out above, it is considered the trees within the boundary of area A1 identified in the Order contribute significantly to public

amenity and given normal arboricultural attention are capable of providing amenity value for a considerable time. It is therefore recommended that the Order be confirmed without modification.



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LOCATION: Barnet and Southgate College, Grahame Park Way, Colindale, NW9 5RA
REFERENCE: H/03551/14
WARD: Colindale
APPLICANT: Barratt North London and Barnet and Southgate College
PROPOSAL: Deed of variation – Barnet and Southgate College, Grahame Park Way, Colindale, NW9 5RA

AGENDA ITEM 12
Received:
Accepted:
Expiry:
Final Revisions:

It is proposed to vary the wording contained within schedule 9 to the section 106 agreement dated 6th May 2015 by agreement between London Borough of Barnet, Barnet and Southgate College and Barratts in relation to the planning permission which was granted for:

Demolition of all existing buildings; redevelopment to provide 396 residential units (266 flats, 56 maisonettes and 74 dwelling houses) in buildings ranging from 3 to 9 storeys; access from Grahame Park Way and Corner Mead; associated internal street network, open space, landscaping, parking refuse/cycle storage and amenity space provision; provision of 1.6 hectare site for educational use (subject to separate future planning application)

Background

This report relates to the need to vary a section 106 agreement pertaining to application: H/03551/14, dated 6th May 2015 between the landowner, developer and local planning authority. The amendment found to be necessary is to remove the words “a primary school” at paragraphs 1 and 3 of schedule 9 and replace them with the words “an education use”.

Legal Basis

The government guidance suggests that:

Planning obligations can be renegotiated at any point, where the local planning authority and developer wish to do so. Where there is no agreement to voluntarily renegotiate, and the planning obligation predates April 2010 or is over 5 years old, an application may be made to the local planning authority to change the obligation where it “no longer serves a useful purpose” or would continue to serve a useful purpose in a modified way (see section 106A of the Town and Country Planning Act 1990).

Paragraph: 009 Reference ID: 23b-009-20160519

In practice there is no set process for varying a section 106 by agreement. Section 106 agreements are normally varied when a later planning permission is granted which varies the original planning approval resulting in the need to revise the original section 106; in this current situation there is no revised planning application requiring a revision to the original Section 106, however, there is a need to revise the wording of the original Section 106 on the basis that there is a change in the type of development to be brought forward.

Consequently a Section 106a application is not an appropriate vehicle in this case, as The Barnet and Southgate College s106 was signed in May 2015 which is less than 5 years ago.

Therefore the requirement is to vary the agreement by agreement between all parties against whom the section 106 would be enforceable against. In this case the agreement was made between - The Mayor and Burgesses of the London Borough of Barnet, Barnet & Southgate College and BDW Trading Limited (a subsidiary of Barratt).

The text that needs amending is set out below.

SCHEDULE 9

SCHOOL SITE

1. The Owner shall transfer the School Site to the Council for the provision of a primary school, or any meanwhile uses deemed acceptable by paragraph 2 below, subject to the below:
 - (a) The School Site shall be transferred at nil consideration to the Council as a Serviced Plot;
 - (b) The transfer shall take place prior to occupation of the 350th Residential Unit

2. The Council shall use the School Site only for the provision of a primary school, subject to obtaining all necessary consents, along with any uses that the School Site can be put to in the meantime, including open space, recreation, sports or community uses (including temporary healthcare facilities), subject to obtaining all requisite consents

Further background / history

Prior to the legal agreement being signed on the 6th May 2015, enabling the development of the Trinity Square site, Barnet council and Barnet and Southgate College entered into a land swap arrangement in 2014.

Part of this land swap agreement secured an area of 1.6 hectares for a school/educational use. The general requirements in relation to the 1.6h site are:

- The site is to be used for a minimum two form entry school or other educational use
- The operator is to be a state-funded organisation providing or being established to provide education (which may be the Council)
- The school is to be designed and built to DfE (or its successor) standards
- The site is not to be used for any purpose other than state-funded education until 31 Dec 2033.

As part of the planning application to develop the whole site; comprising mainly residential accommodation, a section 106 agreement was entered into which, alongside other requirements stipulated that the 1.6 hectare site be transferred to the council at a particular date for the provision of a primary school.

This requirement is at schedule 9 to the section 106 agreement. The description of development for the planning permission only refers to the “provision of a 1.6 hectare site for educational use” and makes clear that this will be subject to separate future planning application.

The committee report assessing the planning application referred to the need to utilise the site for a primary school, as set out in the Colindale Area Action Plan.

Since the signing of the Section 106 agreement there have been several developments in relation to school organisation in the area:

- Central Government has approved the opening of a new three form entry primary school at the Peel Centre site, located very close to the Trinity Square site. The Peel Centre residential development is anticipated to produce a child yield sufficient for around 1.5 forms of primary entry, leaving capacity to meet primary-aged child yield for other housing developments.
- The council is funding the expansion and re-location of Blessed Dominic primary school for primary-aged pupils to a site adjacent to Trinity Square site.
- There is a pressing need for secondary provision in the local area. In recent years, several local primary schools have expanded along with new primary provision. These primary aged pupils will require secondary schooling from September 2018 onwards. Saracens High School Trust has been given permission by central government to open a new secondary free school to meet the educational needs of children and young people in the Colindale area.
- The borough is experiencing a shortfall in places for children with special educational needs across the borough.

Given these developments, the Council’s education department, supported by the other parties to the section 106 agreement have requested a variation to the Section

106 that would enable the site to be used for a more appropriate educational use relevant to the needs of the area as envisaged in the original land swap agreement between the council and Barnet and Southgate College. It is anticipated that this would be educational provision for secondary aged pupils to meet the needs of the growing number of Colindale primary aged pupils and will be more relevant, appropriate and better meet the pressing needs of the area than further primary provision.

Policy Background Colindale AAP

The Colindale AAP was adopted in 2010. While the AAP, alongside the Core Strategy and the London Plan still comprise the Statutory Development Plan, the Council are in the early stages of reviewing these documents to write a new Local Plan that will cover the whole of the Borough.

Policy 7.6 Learning in Colindale of the AAP states “Development will deliver at least 4 new forms of entry in primary schools within Colindale, either through new schools or expansion/relocation of existing schools. The Barnet College site (subject to the College relocating) and Peel Centre East site are identified to each provide a 2 form entry primary school (420 pupils per school). Developers will be required to meet the costs associated with meeting the additional need for nursery and school places generated by their development proposals in line with the Council’s Contribution to Education SPD. New buildings for education uses in Colindale will be of the highest quality of design befitting their important community function. They will be prominent buildings and fully integrated into the local environment and where potential exists they will be ‘exemplars’ in sustainability and green education building design.”

At the time of writing the AAP therefore it was anticipated that at least 4 forms of entry of primary provision would be provided. The Orion School has already been re-located and expanded to provide 2 additional forms of primary entry. The new primary school at the Peel Centre will provide an additional 3 forms of primary entry and the expansion and relocation of Blessed Dominic primary school will provide a further 1 form of entry. This means that the requirement set out in policy terms in the AAP for primary schools in the area is met. The AAP anticipated that secondary school need would be met through existing secondary school provision and that financial contributions would be made by development towards any works necessary to accommodate increased numbers of pupils. Since the AAP was developed, spare capacity in Barnet’s secondary schools has reduced due to the demographic growth in London. Although St James Catholic School is planned to expand, significant additional secondary school places are now required to meet the needs of Colindale pupils as they move through to the secondary sector.

Barnet Core Strategy 2012

Barnet’s Core Strategy was adopted in 2012. New schools are covered by Policy CS10: Enabling inclusive and integrated community facilities and uses. The policy states:

In addressing educational needs within Barnet and responding to the need for parental choice we will support proposals for parent promoted schools or ‘Free Schools’ that:

- conform with DfE guidance on becoming a new school and
- meet parental demand for school places and
- provide educational facilities that conform with basic school requirements as set out in relevant DfE guidance.

Development Management policies DPD

The relevant development management policy is DM13 Community and Education Uses. The policy requires that new educational uses should be located where they are accessible by public transport, walking and cycling and preferably in town centres or local centres. New educational uses should ensure that there is no significant impact on the free flow of traffic or road safety. New educational uses will be expected to protect the amenity of residential properties.

Grahame Park SPD – Adopted 2016

The school site is referenced within the adopted SPD. The SPD does not specify that the school site needs to be used as a primary school.

Assessment

In pure planning policy land use terms the proposal to use the Barnet and Southgate College site for part provision of a secondary school rather than a primary school is considered acceptable given that the required level of primary provision, as set out in the AAP, has been secured within the Colindale area on the Peel Site and through the expansion of Blessed Dominic School.

However a secondary school has different planning impacts, in terms of amenity to surrounding residents and transport impacts to a primary school. These would need to be fully considered and assessed, as set out in Development Management policy 13 Community and Education Uses as part of a future application for development of the school site (as would the impacts of a primary school).

The proposal for the school would be also need to considered and assessed against policy CS10 of the Core Strategy. It is understood that local parents are supportive of proposals to bring forward a secondary school to provide additional secondary school places in the area which is one element of the policy.

Amending the agreement at this stage would provide Barnet's education department and the Department for Education with a greater level of confidence in working up the details of their future proposals as they would know that the school site was not bound within the section 106 to only be used as a primary school. A broader range of education uses would therefore be possible, subject to planning permission being granted. Barnet's education department therefore requests that the words "a primary school" at paragraphs 1 and 3 of schedule 9 are removed and replaced with the words "an education use".

Barratts and Barnet and Southgate College (the other parties to the section 106 agreement) have confirmed that they are happy to vary the section 106 agreement in this way.

Officers have considered the education department's request and have concluded that the proposed change to the section 106 agreement is acceptable, given that a

full planning application will be required for any proposed education use and given that a primary school is no longer required on the site for the reasons set out in the further background/history section above.

Recommendation

That all parties to the agreement dated 6th May 2015 and any other person having a requisite interest in the site be invited to enter into a Deed of Variation, varying the extant section 106 Agreement dated 6th May 2015 by:

removing the words “a primary school” at paragraphs 1 and 3 of schedule 9 and replacing them with the words “an education use”.