

MEETING

PLANNING COMMITTEE

DATE AND TIME

THURSDAY 28TH SEPTEMBER, 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
Philip Cohen
John Marshall

Dr Devra Kay
Gabriel Rozenberg
Arjun Mittra

Sury Khatri
Hugh Rayner
Shimon Ryde

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.	Absence of Members	
2.	Minutes of the Last Meeting To follow.	
3.	Declarations of Members' disclosable pecuniary interests and non-pecuniary interests	
4.	Report of the Monitoring Officer (if any)	
5.	Addendum (if applicable)	
6.	Plot 299, 128 Colindale Avenue, London, NW9 4AX (Colindale Ward)	5 - 20
7.	Silkstream Park And Montrose Playing Fields Montrose Avenue Colindale NW9 5BY (Burnt Oak Ward)	21 - 56
8.	Phoenix Canoe Club Cool Oak Lane London NW9 7ND (West Hendon Ward)	57 - 88
9.	Land to Rear of 1-24 Underhill Court, Barnet, EN5 2BD (Underhill Ward)	89 - 110
10.	British Library Newspaper Library, 130 Colindale Avenue, NW9 4HE (Colindale Ward)	111 - 134
11.	The Former Peel Centre, Colindale, London (Colindale Ward)	135 - 140
12.	Any item(s) that the Chairman decides are urgent	

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LOCATION: Plot 299, 128 Colindale Avenue, London, NW9 4AX

REFERENCE: 17/2248/FUL **Registered:** 06/04/2017 **AGENDA ITEM 6**

WARD: Colindale

APPLICANT: Planning Potential Ltd

PROPOSAL: Change of use of 97sqm of Plot 299 of 128 Colindale Avenue from flexible A1/A2/A3 use to a betting shop (Sui Generis use)

Recommendation

Approve subject to the following conditions:

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 15817-11; 15817-10; Planning Statement: Plot 299, 128 Colindale Avenue, NW9 4AX.

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 commenced within three years from the date of this permission.

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

- 3) The use hereby permitted shall not be open to members of the public before 08:00am or after 10:00pm on weekdays and Saturdays or before 09:00am or after 09:00pm on Sundays and Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

- 4) Before the development hereby permitted is first occupied, the name and contact number of manager shall be displayed on the outside of the building.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

- 5) None of the windows of the development hereby permitted shall be obscure glazed.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

6) a) No development shall take place until a scheme of hard and soft landscaping to the front of this unit, including details of planting heights, densities and positions of any soft landscaping, has been submitted to and agreed in writing by the Local Planning Authority.

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.

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

b) The CCTV 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 the amenity of existing and future residents is not compromised 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 2016)

MATERIAL CONSIDERATIONS

Key Relevant Planning Policy

Introduction

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

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

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

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

The London Plan

The London Plan (2016) is the development plan in terms of strategic planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The London Plan policies (arranged by chapter) most relevant to the determination of this application are:

Context and Strategy

1.1 (Delivering the Strategic Vision and Objectives for London)

London's Places:

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

London's People:

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

London's Economy:

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

London's Response to Climate Change

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

London's Transport

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

London's Living Places and Spaces

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

Implementation, Monitoring and Review:

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

Barnet Local Plan

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

Core Strategy (Adopted 2012):

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

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

CS3 (Distribution of growth in meeting housing aspirations)

CS4 (Providing quality homes and housing choice in Barnet)

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

CS6 (Promoting Barnet's Town Centres)

CS7 (Enhancing and protecting Barnet's open spaces)

CS8 (Promoting a strong and prosperous Barnet)

CS9 (Providing safe, effective and efficient travel)
CS10 (Enabling inclusive and integrated community facilities and uses)
CS11 (Improving health and well-being in Barnet)
CS12 (Making Barnet a safer place)
CS13 (Ensuring the efficient use of natural resources)
CS14 (Dealing with our waste)
CS15 (Delivering the Core Strategy)

Development Management Policies (Adopted 2012):

DM01 (Protecting Barnet's character and amenity)
DM02 (Development standards)
DM03 (Accessibility and inclusive design)
DM04 (Environmental considerations for development)
DM05 (Tall Buildings)
DM06 (Barnet's Heritage and Conservation)
DM08 (Ensuring a variety of sizes of new homes to meet housing need)
DM10 (Affordable housing contributions)
DM11 (Development principles for Barnet's town centres)
DM13 (Community and education uses)
DM14 (New and existing employment space)
DM15 (Green belt and open spaces)
DM16 (Biodiversity)
DM17 (Travel impact and parking standards)

Supplementary Planning Guidance and Documents:

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

Local Supplementary Planning Documents:

Sustainable Design and Construction (October 2016)
Residential Design Guidance (April 2013)
Planning Obligations (April 2013)
Affordable Housing (February 2007 with updates in August 2010)
Strategic Supplementary Planning Documents and Guidance: Accessible London: Achieving an Inclusive Environment (April 2004)
Sustainable Design and Construction (May 2006)
Health Issues in Planning (June 2007)
Wheelchair Accessible Housing (September 2007)
Planning for Equality and Diversity in London (October 2007)
All London Green Grid (March 2012)
Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
Housing (November 2012)

National Planning Guidance:

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published in March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance.

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

The Community Infrastructure Levy Regulations 2010:

Planning obligations need to meet the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) to be lawful. Were permission to be granted, obligations would be attached to mitigate the impact of development which are set out in Section 10 of this report.

Colindale Area Action Plan (CAAP)

Relevant Planning History

Details of site history are listed in Appendix 2 of this report.

Public Consultations and Views Expressed

As part of the consultation procedure, 379 letters were sent to local residents. A site notice was also displayed on 27/04/2017.

183 responses were received by the council, all of which were objections.

Objections

- 1) Proposal will lead to crime and anti-social behaviour
- 2) The premises will be open late
- 3) Increase noise and disturbance for local residents and detrimental impact on residential amenity
- 4) Increase in litter
- 5) Information in shop front about application not displayed for long enough
- 6) Proposal fails to comply with planning policies including DM12 (iii) and (iv).
- 7) This use not appropriate in a residential area
- 8) Not appropriate to have a bettering shop opposite a college
- 9) Does not promote jobs or help the community
- 10) Proposal does not meet local needs - convenience shops/ cafes / restaurant day care facility would be more appropriate
- 11) There are balconies above the betting shop which will be disturbed
- 12) The application site is close to a playground
- 13) There are already multiple betting shops close to the site
- 14) Will lead to increase in gambling addiction

- 15) Increase in parking
- 16) Proposal would go against local communities diverse religious beliefs
- 17) Will detrimentally impact on local property prices
- 18) There has not been enough consultation with local community
- 19) Betting shop will be in an area with a high number of vulnerable people
- 20) Previous application had been refused

Officer Response

The Metropolitan police have been consulted as part of the appraisal procedure process. They have recommended some conditions be attached. Conditions restricting the use of obscure glazing; requesting details of CCTV to be implemented; restricting the opening hours of the betting shop unit and details of hard and soft landscaping measures have been attached to this permission. Other conditions recommended by the Metropolitan Police do not relate to planning matters and do not meet the conditions tests as stated in the regulations. These therefore cannot be attached.

The Local Planning Authority cannot consider the betting shops influence on student or young people's lifestyle choices as this is not a material planning consideration. Furthermore, it is illegal to permit any person under the age of 18 to enter a licensed gambling premise, and therefore any users of the Betting shop will be responsible adults above the age of 18. This is regulated by the Trading Standards & Licencing Authority.

There are currently no betting shops in this part of the Colindale Area, with the nearest betting shop located on Burnt Oak Broadway. There are currently retail uses in close proximity to other retail units including a Sainsbury's Local and newsagents. The proposed change of use of this flexible A1/A2/A3 unit is not considered to have a detrimental impact on retail provision in this part of Colindale. There are no restrictions in local or national policies regarding the implementation of a betting shop use as part of a mixed use development.

A condition restricting the opening hours of the betting shop means that there should not be any disturbance during anti-social hours. It is not considered that this use should result in a detrimental increase in litter. As part of the appraisal procedure, the Council's Highways Department was consulted. They raised no objection to the change of use on highways grounds. The impact of a proposal on local property prices is not a planning material consideration.

In the event that anti-social behaviour directly results from the premises and/or the proposed betting premise is operated in breach of their licence, enforcement can be carried out by the appropriate authorities, either the licencing authority or the gambling commission.

The council has followed the appropriate consultation procedures which is

compliant with planning regulations. The council published their site notices around the site on 27/04/2017 as per standard consultation procedures.

The applicant has confirmed in the submitted planning statement that 7 new jobs will be created through the implementation of the Betting Shop use including a full time manager, a full time assistant manager, a senior cashier, 3 part time cashiers and a cleaning position. These jobs will be available to local people.

A previous application was submitted to change the use of this unit under a S73 application, but this was withdrawn. Compliance of the proposal with planning policy is addressed in the appraisal section of this report.

Statutory Consultation responses

LB Barnet Highways

No objection to change of use.

Metropolitan Police

The Metropolitan Police Service have raised concerns about the location of a betting shop at this venue. They have stated that there is the potential for this site to become a generator for crime/anti-social behaviour.

Historically these operations have extended hours of activity which when located in close proximity to residential entrances may reduce the effectiveness of their access control strategy and this combined with readily available public seating within the vicinity of available alcohol (Sainsbury's Local 90m away) increases the likelihood for it to have a negative impact on the quality of life for the local residents.

The police are unable to support this application at this present time. They have stated in their response that if the Local Authority is minded to grant planning permission for this use, the following conditions are attached:

1. Hours of operation 9am until 6pm. Monday to Saturday - closed Sundays.
2. No seating outside.
3. No obscuring of the windows.
4. Defensive planting under all curtain walling.
5. Full CCTV coverage inside the venue which is to be extended outside to cover the public footway.

6. Entrance doors to the shop to be positioned as far as possible from the corner and any other residential doors. Additionally consideration should be given to a defensive planting strip to clearly define both uses.
7. Toilet facilities to be open at all times - if they close the venue closes.
8. Office to be located within 5m of the main entrance with direct field of vision.
9. Entry into the venue to be controlled via the office- with an electronically operated lock
10. Name and contact number of manager displayed on the outside of the building.

Officer Response to Metropolitan Police Objection

The vast majority of betting shops are located in town centres and parades with residential units above or nearby to these uses. The location of the residential units above this proposed betting shop does not represent a significantly different arrangement. There is no public seating directly outside the premises and any applications for new seating would be resisted. Conditions have been implemented in accordance with the Metropolitan Police's comments requiring restricted hours of opening, that windows are not obscure glazed and that a scheme of CCTV and hard and soft landscaping provision be submitted to the Local Authority for approval. The hours of opening restrictions are longer than those proposed by the Police. It is considered that as there are nearby shops, restaurants, bars and pubs open in the evening, it would be unreasonable to restrict opening hours of the betting shop to 6pm. The other condition recommendations outlined in the Police's response do not relate to planning material considerations and do not meet the condition's test as outlined in the Regulations. Therefore, these cannot be implemented.

Site Description

The application site is situated on the ground floor of a new residential development (Application Reference: H/05856/13) on Colindale Avenue, which comprises of 395 flats across 6 separate blocks of 4-11 storeys. The development is substantially complete.

The application site does not lie in a conservation area, but does however fall within the Colindale Area Action Plan (CAAP) area which seeks the creation of a new neighbourhood centre on Colindale Avenue.

Proposal

This application seeks to change the use of 97 sqm of Plot 299 located at the

ground floor of 128 Colindale Avenue from flexible A1/A2/A3 to sui genesis, specifically a betting shop. The other 145.5sqm of the unit will remain for A1/A2/A3 use.

PLANNING CONSIDERATIONS

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, CS5, CS6.
- Relevant Development Management Policies: DM01, DM12

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.

Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of a change of use from flexible A1/A2/A3 to a Betting shop (Sui Generis) is acceptable;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality and
- Whether harm would be caused to the living conditions of neighbouring residents.

ASSESSMENT OF PROPOSALS

Principle of a change of use

The existing site premises are currently unoccupied. Therefore, it should be noted that the A1/A2/A3 use is the site's approved rather than existing use.

The Core Strategy identifies that 'Colindale Avenue will provide the vibrant heart and gateway of Colindale as a sustainable mixed-use neighbourhood centre anchored by a new public transport interchange with pedestrian piazza'

The Local Planning Authority have considered the Development Management policies within the adopted Local Plan (Development Management Policies) Development Plan Document (September 2012) and note that there are no specific policies that restrict the implementation of Sui Generis uses. Although these policies do protect retail uses in primary or secondary retail frontage in an established town centre and in shopping parades, this unit does not lie in either of these land designations.

Policy DM12: Maintaining local centres and parades states that *'the council will protect all retail uses (Class A1) in the existing local centres, parades and isolated shops unless it can be demonstrated that:*

- i. there will be no significant reduction of shopping facilities as a result; and*
- ii. that alternative shopping facilities that are similarly accessible by walking, cycling or public transport exist to meet the needs of the area; and*
- iii. the proposed use is within Class A2, A3, A4, A5 or meets an identified local need; and*
- iv. there is no demand for continued Class A1 use, and that the site has been marketed effectively for such use.*

It is considered that the loss of 97sqm of floorspace proposed under this application does not represent a significant reduction of shopping facilities.

There are a range of retail facilities close to the site. These include a newsagents at Colindale Station (35 metres from the site) and a Sainsbury's Local on Charcot Avenue (90 metres from the site) which are accessible by walking. There is also a Boots (The Hyde, 7 minute walk from the site), a Tesco Express (Heritage Avenue, 10 minute walk) a Morrisons (Edgware Road, 10 minute walk) and Asda Superstore (off Edgware Road, 10 minute walk) nearby. The Brent Cross Shopping Centre is a 20 minute journey from the site by public transport.

There is a lack of betting shops in this area, with the nearest betting shop being located on Burnt Oak Broadway (0.5 miles from the site). It is noted that the unit is not currently occupied by an A1 use and instead has received permission to be flexible A1/A2/A3. The proposal will therefore not definitely result in the loss of an A1 unit. Furthermore, as demonstrated above there is sufficient retail provision in the local area. In these circumstances it is considered that the requirement of marketing evidence is onerous.

At the time that the application was approved, betting shop uses were classified as A2. Subsequent to the approval of planning permission H/05856/13, the classification of this use was changed. It is however considered that this use would add to the vitality of this small parade as this new use would maintain an active frontage. As such, this use is not considered detrimental to the usability of this parade.

In addition to local planning policies, the Local Planning Authority also has regard for the Mayor's London Plan (2016) Policy 4.8, paragraph 4.50A which states that the planning system should be used to help manage clusters of uses - in specific, avoiding over-concentrations of betting shops and hot food takeaways. There is not considered to be an 'over-concentration' of either betting shops or hot food takeaways in the Colindale area. Furthermore, this policy is primarily focused on Town Centre locations, which the proposed site does not lie in. Therefore the proposal does comply with London Plan policy 4.8.

Overall it is considered that a betting shop in this location would not be inappropriate, and that the proposals would not lead to the loss of an A1 unit or an over concentration of sui generis uses or betting shops within this out-of-centre shopping area.

Condition 9 of application H/05856/13 did restrict the uses of the ground floor commercial units to Class A uses. A betting shop is considered to have a positive contribution of the activity of this parade and as such it is considered that this use is appropriate. Furthermore, at the time that this permission was granted betting shops were considered to be a Class A2 use.

Impact on character and appearance of the existing building, the street scene and the wider locality

No changes to the appearance of the building are proposed in this application, thus it is considered that the proposals will not result in unacceptable harm to

the character and appearance of the host building, street scene or wider locality, in accordance with Policy DM01.

Separate application for new shop signage and shopfront were approved earlier this year (see details of these applications under Appendix 2 of this report).

Impact on the living conditions of neighbouring residents

As there are residential units above the proposed betting shop, consideration has to be given to how the proposed use will impact on nearby residential units. The proposed use is not considered to give rise to demonstrable undesirable living conditions for the neighbouring and nearby residential units to an extent that would warrant the applications acceptable reason for refusal. The majority of betting shops units are located in town centres and parades with residential units above and/or nearby.

Opening hours of the new Betting Shop will be controlled by condition to ensure that the use is not in operation past unsocial hours (before 08:00am or after 22:00pm). These opening hours are comparable with other shops, restaurants, bars and pubs in the local area (e.g. Sainsbury's Local on Charcot Avenue is open 7am-11pm daily). In addition a betting shop operating around these hours will increase the level of natural surveillance and may actually deter criminal behaviour along the locality. A condition has been implemented requiring a scheme of CCTV to be submitted which will further increase natural surveillance and security in this area.

Licencing of the premises

On 4th July 2017 license was granted for betting premises (other than track).

The Police and the applicant agreed the following 3 conditions:

1. CCTV shall be installed to Home Office Guidance standards and recordings shall be kept for 31 days and shall be made available to the police and licensing officers if requested. The CCTV system will cover the entry and exit point and the main customer area to include the machine areas and staff area of the premises. External cameras to be installed to cover the outside areas including the front door and along the boundary of the premises.
2. A maglock will be fitted to the front door of the premises and shall be controlled by staff.
3. An incident record shall be kept and made available to the Police and Responsible Authorities.

The licensing Sub-Committee imposed the following additional conditions:

1. There is to be at least two members of staff on duty at all times.
2. Posters will be prominently displayed in the premises which advise customers that no anti-social behaviour will be tolerated.

In the event that anti-social behaviour directly results from the premises and/or the proposed betting premise is operated in breach of their licence, enforcement can be carried out by the appropriate authorities, either the licencing authority or the gambling commission.

EQUALITY AND DIVERSITY ISSUES

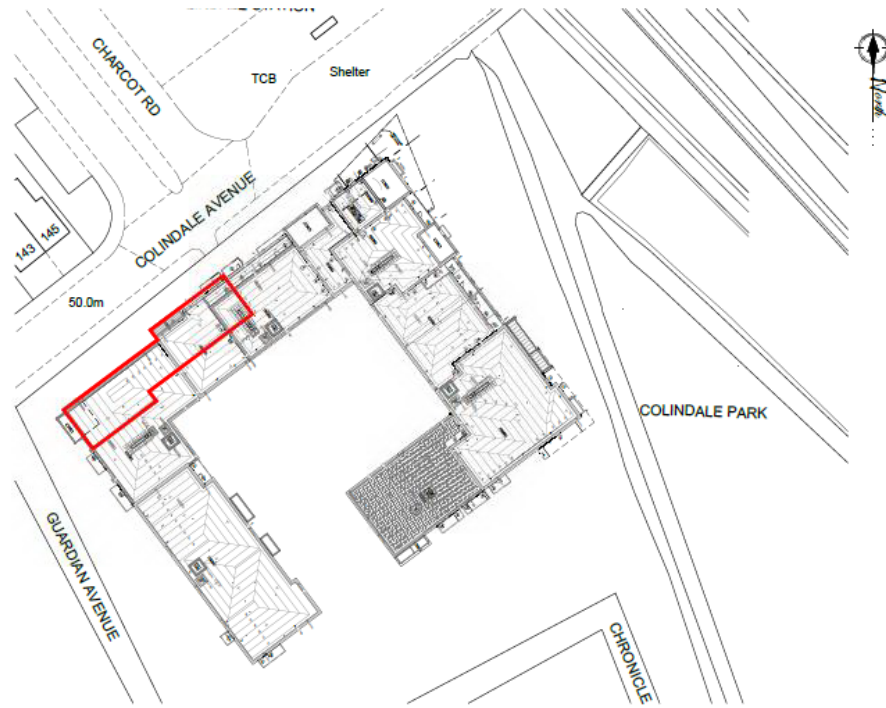
The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

CONCLUSION

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. Furthermore, the proposal is not considered detrimental to the functionality or activity of this new parade. This application is therefore recommended for approval.

APPENDICES

Appendix 1: Site Plan



Appendix 2: Planning History

Description: Demolition of all existing buildings; redevelopment to provide 395 flats, 772sqm of retail/financial/professional/restaurant/café uses (Use Classes A1/A2/A3) and 112sqm of floorspace for retail/financial/professional/restaurant/café uses (Use Classes A1/A2/A3) or community use (Use Class D1) in six blocks ranging from 4 to 11 storeys; associated highways and public realm works including formation of piazza adjacent to Colindale Avenue and Colindale Park; associated access from Colindale Avenue, internal street network, car and cycle parking, refuse storage, landscaping and amenity space provision; associated plant and relocation of existing substation

Planning Reference: H/05856/13

Decision: Approve following legal agreement

Decision Date: 23/12/2017

Description: Installation of 3no internally illuminated fascia signs and 2no internally illuminated hanging signs

Planning Reference: 17/2508/ADV

Decision: Approve subject to conditions

Decision Date: 08/06/2017

Description: New Shop Front

Planning Reference: 17/2507/FUL

Decision: Approve subject to conditions

Decision Date: 05/06/2017

LOCATION: Montrose Playing Fields, Montrose Avenue, Colindale, NW9 5BY

REFERENCE: 17/1929/FUL **Registered:** 16/03/2017 **AGENDA ITEM 7**

WARD: Burnt Oak

APPLICANT: Jon Sheaff and Associates

PROPOSAL: The refurbishment of Silkstream Park and Montrose Playing Fields; the creation of new entrances; the installation of new footpaths and cycleways with 9 racks which would accommodate 18 bicycles; the installation of new hard paved public realm areas; the installation of new bridges and refurbishment of an existing bridge; the creation of a new pedestrian and cycle crossing of Montrose Avenue; the installation of new road surfaces and road design details on Montrose Avenue; the demolition of the existing pavilion building; the refurbishment of the existing tramshed building; the creation of new flood attenuation areas through amendments to levels and cut and fill operations; the installation of new playground facilities; the installation of new skateboarding facilities; the installation of new outdoor sports facilities including a multi-use games area, tennis courts, a green gym and basketball hoops; the provision of two no. 9 x 9 grass football pitches; the installation of occasional play equipment; new tree planting; new soft landscape planting

Application Summary

This application is proposing a range of improvements to Silkstream Park and Montrose Playing Fields which are designed to improve accessibility to and use of these green spaces.

RECOMMENDATION

Approve the application subject to conditions:

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

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

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents unless otherwise agreed in writing by the Local Planning Authority:

A1749-JSA-L001; A1749-JSA-L010; A1749-JSA-L050; A1749-JSA-L051; A1749-JSA-L052; A1749-JSA-L053; A1749-JSA-L054; A1749-JSA-L055; A1749-JSA-L100; A1749-JSA-L101; A1749-JSA-L102; A1749-JSA-L103;

A1749-JSA-L104; A1749-JSA-L105; A1749-JSA-L110; A1749-JSA-L111;
A1749-JSA-L112; A1749-JSA-L113; A1749-JSA-L114; A1749-JSA-L115;
A1749-JSA-L200; A1749-JSA-L201; A1749-JSA-L202; A1749-JSA-L203;
A1749-JSA-L204; A1749-JSA-L205; A1749-JSA-L300; A1749-JSA-L301;
A1749-JSA-L302; A1749-JSA-L303; A1749-JSA-L304; A1749-JSA-L305;
A1749-JSA-L400; A1749-JSA-L401; A1749-JSA-L402; A1749-JSA-L403;
A1749-JSA-L404; A1749-JSA-L405; A1749-JSA-L406; A1749-JSA-L407;
A1749-JSA-L408; A1749-JSA-L409; A1749-JSA-L410; A1749-JSA-L411;
A1749-JSA-L420; A1749-JSA-L421; A1749-JSA-L422; A1749-JSA-L423;
A1749-JSA-L424; A1749-JSA-L425; A1749-JSA-L430; A1749-JSA-L431;
A1749-JSA-L432; A1749-JSA-L433; A1749-JSA-L434; A1749-JSA-L435;
A1749-JSA-L500; A1749-JSA-L501; A1749-JSA-L502; A1749-JSA-L503;
A1749-JSA-L504; A1749-JSA-L505; A1749-JSA-L506; A1749-JSA-L507;
A1749-JSA-L508; A1749-JSA-L509; A1749-JSA-L600; A1749-JSA-S001;
A1749-JSA-S002; A1749-JSA-S003; A1749-JSA-S004; A1749-JSA-S010;
A1749-JSA-S011; A1749-JSA-S012; A1749-JSA-S020; A1749-JSA-S021;
A1749-JSA-S022; A1749-JSA-S023; A1749-JSA-S024; A1749-JSA-S025;
A1749-JSA-S030; A1749-JSA-S031; A1749-JSA-E001; A1749-JSA-E002;
A1749-JSA-E003; A1749-JSA-E004; A1749-JSA-E005; A1749-JSA-E006;
A1749-JSA-E007; A1749-JSA-E009; A1749-JSA-SK010; A1749-JSA-SK020;
A1749-JSA-SK030; A1749-JSA-SK031; A1749-JSA-SK032; A1749-JSA-
SK032; A1749-JSA-SK033; A1749-JSA-SK034; A1749-JSA-SK035; A1749-
JSA-SK036; A1749-JSA-SK037; A1749-JSA-SK038; A1749-JSA-SK039;
A1749-JSA-SK040; A1749-JSA-SK041; A1749-JSA-SK042; ; A1749-JSA-
SC001; A1749-JSA-DOC01; A1749-JSA-DOC02; A1749-JSA-DOC03; ;
A1749-JSA-APP_1; A1749-JSA-APP_2; A1749-JSA-APP_3.1; A1749-JSA-
APP_3.2; A1749-JSA-APP_3.3; A1749-JSA-APP_3.4; A1749-JSA-APP3.5

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the application as assessed in accordance with policies CS1, CS4, CS5, DM01 and DM02 of the Barnet Local Plan and policy 1.1 of the London Plan.

3) 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.

4) a) Prior to commencement details of the soft landscaping, plants and trees species proposed for the scheme along with a full and detailed management programme for the establishment of these plants shall be 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 protect visual tree amenity in the local area in accordance with DM01

5) No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. The planning application lies in an area of archaeological interest.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place.

Reason: The planning authority wishes to secure the recording of these historic buildings 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.

6) The development permitted by this planning permission shall be carried out in accordance with the approved flood risk assessment (FRA) 'Silkstream and Montrose Parks: Flood Risk Assessment August 2016', specifically in regards to the compensatory flood storage measures detailed within the FRA. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reasons: To prevent flooding on site and elsewhere by ensuring that compensatory storage of flood water is provided. The proposal will provide a betterment of flood storage capacity on the site, with attenuation areas and wetland meadows created.

- 7) No development shall take place until a detailed method statement for removing or the long-term control of Japanese Knotweed (and other Wildlife and Countryside Act listed knotweed) on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include measures that will be used to prevent the spread of Japanese Knotweed and other identified invasive plants during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

Reasons: Two species of Japanese knotweed have been identified on site. This condition is necessary to prevent the spread of Japanese Knotweed and other invasive species. Without it, avoidable damage could be caused to the nature conservation value of the site contrary to paragraph 109 of National Planning Policy Framework, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

The Thames River Basin Management Plan (RBMP) also requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the ecological impact of Japanese Knotweed could lead to deterioration of the Silkstream watercourse through interfering with bank stability, altering the habitat diversity of the riparian zone, and undermining the river restoration achieved through the proposal.

- 8) No development shall take place until a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:
- Details demonstrating how a minimum 5 metre undeveloped and naturalised buffer zone to the Silkstream will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan. The buffer zone should be free from built development.
 - Details should be provided of any proposed footpaths and bridge crossings, including within the buffer zone.
 - Detail of the extent and type of new planting, including within the buffer zone (planting to be of native species only, of local genetic provenance).
 - Details of habitat establishment and maintenance regimes, with details of any new habitat created on site.

- Details of treatment of site boundaries and/or buffers around water bodies.
- Details of management responsibilities and a long term management plan.
- Details of retained vegetation and trees.
- Plans showing no light spill from external artificial lighting into the watercourse or adjacent river corridor habitat (to achieve this the specifications, location and direction of external artificial lights should be such that the lighting levels within 8 metres of the top of bank of the watercourse are maintained at background levels which are considered to be a Lux level of 0-2).

Reason: Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. This condition is supported by paragraph 109 of the National Planning Policy Framework (NPPF), which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

It is also particularly important to minimise light spill from the new development into the watercourse and the adjacent river corridor habitat, as artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat.

- 9) Notwithstanding the details submitted with the application and otherwise hereby approved, before the development hereby permitted is brought into use or occupied the following information shall be submitted to and approved in writing by the Local Planning Authority:
- i. A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider.
 - ii. Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable.
 - iii. Plans showing satisfactory points of collection for refuse and recycling.

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

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

10) In line with the existing and proposed highways ownership details, the development hereby permitted shall ensure that integrated access with the proposed Montrose Youth Zone development proposals access is retained and maintained at all times, from Montrose Avenue as created for the development.

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.

11) The developer to ensure that the detailed plans for the proposals are undertaken in collaboration with the Montrose Youth Zone masterplan developers, and an integrated plan showing how the two development sites will interact to be submitted to the Council for approval. Such details will include stopping up and diversion of the existing footpath to ensure a safe, convenient and an integrated connection for pedestrians into the existing surrounding facilities, and from Montrose Avenue.

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).

12) Before the development hereby permitted is occupied; details of cycle parking and cycle storage facilities in accordance with the London Plan should be submitted to and approved by the Local Planning Authority and such spaces shall be permanently retained thereafter. Minimum aisle widths, as set out in London Cycling Design Standards, must be met and 5% of space should be provided for the storage of non-standard cycles.

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, Policy DM17 of Development Management Policies (Adopted) September 2012 and the London Cycling Design Standards 2016.

13) Before the development hereby is occupied; details to show entry and egress arrangements and pedestrian walkways / cycleways are to be submitted to and approved in writing by the Local Planning Authority. Submission shall include road safety audits, proposed introduction of highway features on, stopping up and land ownership plans will need to be revised showing the proposed layouts and footways in association with the new accesses to both the Montrose Youth Zone and the Montrose Park. Stopping up details will be required and agreed. The details of the

proposed works to be undertaken to the existing public highways shall have been approved in writing by the Local Planning Authority and implemented prior to the formal opening of the development. The development shall thereafter be implemented in full in accordance with the approved details.

Reason: To ensure that the access is satisfactory in terms of highway safety 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.

14) Prior to Ground Works and Site Preparation Works, no development shall commence 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 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 (specifically any proposed temporary construction accesses 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 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.

- 15) 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, Policy DM17 of Development Management Policies (Adopted) September 2012 and London Plan policy 6.14 'Freight'.

- 16) Prior to the commencement of the development hereby approved, details of any highways to be stopped under Section 247 of the Town and Country Planning Act 1990 in relation the Montrose Youth Zone shall be submitted to and agreed with the Local Planning Authority.

Reason: To ensure that adequate public access is provided throughout the development.

17) No part of the development shall come into operation until the access roads and highways works (on and off-site) associated with the new access are made available for use.

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

18) Prior to the occupation of the development, the works to be undertaken to the existing public highways and unadopted road layouts shall have been approved in writing by the Local Planning Authority and implemented prior to the formal opening of the development. The details of the works will cover the newly proposed raised crossing points, any access points and road features, car parking areas, new footways and footpaths, along with any supporting Road Safety Audits.

Reason: To ensure that adequate and satisfactory provision is made for 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.

19) In the event that the Gaelic Football Club and pitch displaced by the Copthall Leisure Centre redevelopment are unable to be accommodated within the National Institute of Medical Research or another robustly identified site, a Gaelic Football pitch, and ancillary facilities, that meets Sport England or National Governing body approval shall be made on Montrose Playing Fields in addition to the playing pitches indicated in the masterplan hereby permitted. In this event, before first use of the Gaelic Football playing pitch on the Montrose Playing Fields, a management plan should be submitted to the Local Planning Authority detailing the hours of use and activities associated with the Gaelic Football Club.

Reason: To safeguard the character and visual amenities of the site and wider area in accordance with policies CS5 and DM01 of the Barnet Local Plan and to support use of green spaces and sports activities in line with policies 2.18 and 7.18 of the London Plan and CS7 and DM15 of the Barnet Local Plan.

20) Prior to first occupation of the refurbished tram shed hereby permitted a Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include, but not be limited to the following:

- Hours of opening for the tram shed;
- Management arrangements for the site and facilities;
- Scale and frequency of events taking place on a weekly, monthly and annual basis and how these events will be managed;
- Code of conduct for users of the site;

The tram shed shall thereafter operate in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy.

1. MATERIAL CONSIDERATIONS

Key Relevant Planning Policy

Introduction

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

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

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

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

The London Plan

The London Plan (2016) is the development plan in terms of strategic planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The London Plan policies (arranged by chapter) most relevant to the determination of this application are:

Context and Strategy:

1.1 (Delivering the Strategic Vision and Objectives for London)

London's Places:

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

London's People:

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

London's Economy:

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

London's Response to Climate Change

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

London's Transport

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

London's Living Places and Spaces

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

Implementation, Monitoring and Review:

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

Barnet Local Plan

The development plan documents in the Barnet Local Plan constitute the development plan in terms of local planning policy for the purposes of the

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

Core Strategy (Adopted 2012):

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

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

CS3 (Distribution of growth in meeting housing aspirations)

CS4 (Providing quality homes and housing choice in Barnet)

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

CS6 (Promoting Barnet’s Town Centres)

CS7 (Enhancing and protecting Barnet’s open spaces)

CS8 (Promoting a strong and prosperous Barnet)

CS9 (Providing safe, effective and efficient travel)

CS10 (Enabling inclusive and integrated community facilities and uses)

CS11 (Improving health and well-being in Barnet)

CS12 (Making Barnet a safer place)

CS13 (Ensuring the efficient use of natural resources)

CS14 (Dealing with our waste)

CS15 (Delivering the Core Strategy)

Development Management Policies (Adopted 2012):

DM01 (Protecting Barnet’s character and amenity)

DM02 (Development standards)

DM03 (Accessibility and inclusive design)

DM04 (Environmental considerations for development)

DM05 (Tall Buildings)

DM06 (Barnet’s Heritage and Conservation)

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

DM10 (Affordable housing contributions)

DM11 (Development principles for Barnet’s town centres)

DM13 (Community and education uses)

DM14 (New and existing employment space)

DM15 (Green belt and open spaces)

DM16 (Biodiversity)

DM17 (Travel impact and parking standards)

Supplementary Planning Guidance and Documents:

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

Local Supplementary Planning Documents:

Sustainable Design and Construction (October 2016)

Residential Design Guidance (April 2013)

Planning Obligations (April 2013)
Affordable Housing (February 2007 with updates in August 2010)
Strategic Supplementary Planning Documents and Guidance: Accessible
London: Achieving an Inclusive Environment (April 2004)
Sustainable Design and Construction (May 2006)
Health Issues in Planning (June 2007)
Wheelchair Accessible Housing (September 2007)
Planning for Equality and Diversity in London (October 2007)
All London Green Grid (March 2012)
Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
Housing (November 2012)

National Planning Guidance:

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published in March 2012 and replaced 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance.

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

The Community Infrastructure Levy Regulations 2010:

Planning obligations need to meet the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) to be lawful. Were permission to be granted, obligations would be attached to mitigate the impact of development which are set out in Section 10 of this report.

Colindale Area Action Plan (CAAP)

Watling Estate Conservation Area Character Appraisal Statement (Adopted 2012)

Silkstream Park Draft Landscape Masterplan April 2016

Draft Stage D of the Playing Pitch Strategy 2016

Draft Green Infrastructure SPD 2017

1.2 Relevant Planning History

Details of site history are listed in Appendix 2 of this report.

1.3 Public Consultations and Views Expressed

As part of the consultation procedure, 1499 letters were sent to local residents. Site notices were also displayed on 27/04/2017 and the application was published in the local press on 25/04/2017.

9 responses were received by the council, of which 1 was an objection, 4 were letters of support and 4 were comments. Details of these consultation responses are outlined below.

Support

- Acoustic fencing along the Montrose boundary would significantly boost enjoyment of the park as the London Underground trains are noisy.
- The proposals would support healthy lifestyles.
- The proposals would benefit nearby residents.
- This is a much needed development.
- Development will bring local community together

Objection

- Can the flood alleviation scheme be looked at in detail to make sure homes on The Greenway are protected? The redevelopment of this park is an opportunity for flooding issues in this area to be addressed.

Third Party Comments

- I would like to ask if a metal bar fence can be installed at the edges of Silkstream Park, similar to Montrose Park and Watling Park. The reason for this is to ensure the general public's safety and security.
- Will proposed facilities be free for all to use?
- Will there be overspill parking during the construction phase on The Greenway?
- Is it possible to have table tennis table.
- What plans are there to protect nearby homes from extreme weather – particularly flooding?

Officer Response to public objections

The proposal has been reviewed by the Environmental Agency who considers the impacts of the proposal to be acceptable.

1.4 Internal Statutory Consultation Responses

Trees

The application is for the refurbishment/renovation of parks which are located in a high density housing area. This density has increased considerably with a large development in close proximity to Montrose Park.

The proposed works will improve the overall structure of and facilities within the parks for local people. The plans take account of ecology and important riverside margins through both parks.

The applicant has provided tree plans, however the colouring of trees does not relate those set out in BS5837:2012. This is confusing as it shows category C trees in red instead of grey, Category B trees in yellow instead of blue and category U trees in red.

Tree removals:

X 2 Cat A

X 5 Cat B trees and 5 Cat B groups (Group G15 is to be selectively cleared, not completely removed.)

X 104 Cat C trees and 30 Cat C groups.

X 31 Cat U trees and 3 Cat U groups

In total: 142 trees and 38 groups of trees.

There will be a loss of visual tree amenity in the local area which will be offset by a significant level of new planting shown on landscape plans.

The loss of trees within the parks is offset by new tree planting, wet areas and other environmental improvements around the parks. This will improve the facilities for users of the parks.

Recommendations: No objection.

Officer Comments

Conditions have been attached as requested.

Highways

Based on recent additional information submitted by the applicant, Transport and Regeneration (T&R) have reviewed the planning application and have no objections to the proposals. The application is recommended for approval but with the attached planning conditions to ensure that the development proposals are sound and acceptable.

Full analysis of the highways impact is detailed in the Highways section (para 3.6) of this committee report.

1.5 External Statutory consultation responses

Historic England

Although this application does not lie within an Archaeological Priority Area the two parks cover a large area (over 15 hectares) of undeveloped land within which the proposals envisage extensive earthmoving for flood attenuation and recreational facilities. Although there are no recorded archaeological finds within the park this may simply reflect a lack of previous investigation. There is no evidence of historic settlement but the location close to Roman Watling

Street and along an historic stream may have been attractive to Roman or prehistoric occupation. On balance these factors indicate moderate potential for new discoveries of archaeological interest being revealed and potentially harmed by groundworks.

Framework and GLAAS Charter.

The National Planning Policy Framework (Section 12) and the London Plan (2011 Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should submit desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development. This information should be supplied to inform the planning decision. If planning consent is granted paragraph 141 of the NPPF says that applicants should be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence publicly available.

Appraisal of this application using the Greater London Historic Environment Record and information submitted with the application indicates the need for field evaluation to determine appropriate mitigation. However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that a condition could provide an acceptable safeguard. A condition is therefore recommended to require a two stage process of archaeological investigation comprising: first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation. The archaeological interest should therefore be conserved by attaching a condition.

Officer Response

Condition attached as requested.

Environmental Agency

Following the Environment Agency's initial objections, we had a site meeting on 5th July at which time we were able to discuss our concerns with the applicant. As a result of these discussions, we are now able to **remove our objections** to this planning application as we are confident that our concerns can be addressed.

On the whole, we are highly supportive of the objective to naturalise the watercourse and to restore natural processes as best feasible, yet also incorporate elements that allow public interaction and enjoyment. We do however recommend that planning permission could only be granted if conditions are attached relating to flood risk, Japanese Knotweed and landscaping. Without these conditions, the proposed development poses an unacceptable risk to the environment and we would object to the application.

Officer response

Condition attached as requested.

Thames Water

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

The depth of excavation above sewers and water mains must not exceed 0.6 metres unless the actual depth of apparatus has been checked in advance (by trial holes). In any event there should be at least 300mm clear between the top of our apparatus and the underside of any excavation. Where there is less than 300 mm clear margin between the top of our apparatus and the underside of any excavation, then machine excavation should cease. Any excavation below that to be hand-dug to expose the pipe at its crown but no further than waist-level.

Unless empirical evidence suggests that our pipework is not at a recommended depth in general accordance with HAUC recommendations, the presumption is that diversionary works are not warranted. Specific for water mains, if road reconstruction extends to below this along straight lengths only, the main can be undermined in short lengths only (exposing only one joint at a time and without destroying any thrust blocks) so that a concrete haunching can be placed in stages to support the pipe.

Trial holes should be dug by hand at locations where you intend to erect signal posts, bollards, columns or other street furniture. Please ensure that posts, guard-railing and bollards are not erected directly over, or within close proximity to, our mains and that they are not placed so as to restrict access to valves/hydrant boxes and/or manholes/covers, etc for maintenance.

Thames Water recognizes the environmental benefits of trees and encourages the planting of them. However, the indiscriminate planting of trees and shrubs can cause serious damage to the public sewerage system. In order for these public sewers to operate satisfactorily, trees and shrubs should not be planted over the route of the sewers.

Water supply 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.

Sports England

Sports England have raised the following objections:

- 1) The provision of changing accommodation in the new hub building is welcomed but the hub building is not shown on the masterplan? As the plans are developing and there is a commitment to provide changing rooms, Sports England is satisfied to have this secured (including design being agreed) via a condition if possible.
- 2) Gaelic Football – The PPS states that should the NIMR site not come forward then Gaelic Football would be located to Montrose Park. Since the NIMR application has not permitted Sport England would not be able to lift its objection in relation to this element at this stage. Sport England will need more certainty with relation to the Gaelic Football pitch before being able to remove its objection.
- 3) The construction of high quality playing pitches and high standard of pitch maintenance would produce good pitches to point and is welcomed but the ability to shift pitches around allows the more used areas to be ‘rested’ which is also a considerable factor of maintaining high standard playing pitches. Also, uninterrupted areas of playing field, as is currently at Montrose Park, gives more flexibility for playing pitch provision in the future.
- 4) Sport England welcomes the acknowledgement that funfairs and similar should not be located on the pitches.

Officer response

- 1) The new building to be included within the refurbished Montrose Playing Field is still in its design phase and will be the subject of a future application for planning consent. An informative has been attached to this permission stating that any future proposal for the hub building should include changing rooms.
- 2) At present the ability to relocate St Kiernan’s Gaelic Football Club to the former NIMR is to be determined by the GLA. However, a condition has been attached to this permission stating that the relocation of the Gaelic Football Club to Montrose Park would be acceptable if it cannot be located on either NIMR or West Hendon, subject to a submission of a management plan.
- 3) A condition has been implemented requiring details of the layout of paths be submitted. These will then be agreed with the Green Spaces Team and Sports England to ensure the layout of any paths has an acceptable impact on the sports pitches and their orientation.

- 4) The restriction of funfairs on sports pitches has been controlled by condition.

2.0 SITE CHARACTERISTICS

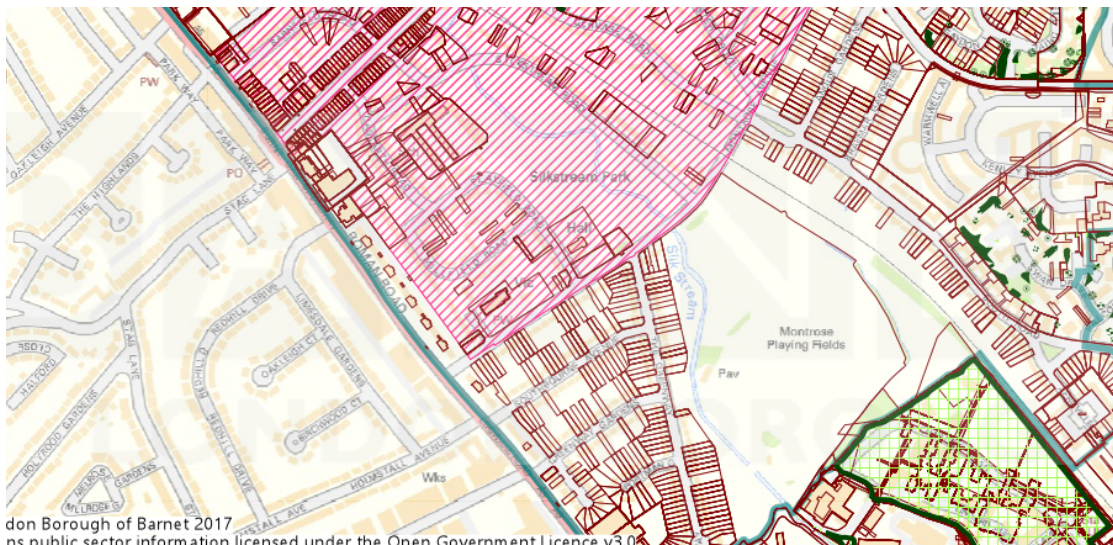
2.1 Site Description

The site is located in the Burnt Oak ward in the western part of the London Borough of Barnet. The application site has an area of 5.2 hectares. It is bounded by Silkstream Road, Playfield Road and the Greenway to the west and by Silkstream Road and Booth Road to the north and east. The Colindale Hospital development site lies at the southern boundary to the site. Montrose Avenue separates Silkstream Park to the north from Montrose Playing Fields to the south, but this application includes this intersecting road within the application site.

The site is not within an area identified and protected as a Site of Importance for Nature Conservation. The site is not located in an area of the borough that is considered deficient in public open space (as identified on Map 10 of LBB Core Strategy DPD 2012).

The proposed site sits within the boundaries of the Colindale regeneration and development area and the Colindale Area Action Plan (CAAP) recognises that Colindale has an important role to play in the borough-wide strategy to protect the most important open and green spaces.

Silkstream Park lies in the Watling Estate Conservation Area (Conservation Area shown by pink hash on plan below). On Montrose Avenue or the surrounding area there are no statutory or locally listed buildings. There are no areas of special archaeological interest, with the nearest one found east of Burnt Oak station to the north of the site. Burnt Oak Broadway is the nearest road that forms part of the strategic road network.



London Borough of Barnet 2017
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Figure 1: Application site boundary (outlined in red) and Watling Estate Conservation Area (pink hash)

2.2 Proposal

This application seeks to carry out a series of improvements and renovations to Silkstream Park and Montrose Playing Fields. These are detailed below:

- The creation of new entrances;
- The installation of new footpaths and cycleways;
- The installation of 9 cycle racks which would accommodate 18 bicycles;
- The installation of new hard paved public realm areas; new bridges and refurbishment of an existing bridge;
- The creation of a new pedestrian and cycle crossing of Montrose Avenue;
- The installation of new road surfaces and road design details on Montrose Avenue;
- The demolition of the existing pavilion building;
- The refurbishment of the existing tram shed building;
- The creation of new flood attenuation areas through amendments to levels and cut and fill operations;
- The installation of new playground facilities and the installation of new skateboarding facilities;
- The installation of new outdoor sports facilities including a multi-use games area, tennis courts, a green gym and basketball hoops;
- The provision of two No. 9 x 9 grass football pitches;
- The installation of occasional play equipment; new tree planting; and new soft landscape planting.

3.0 PRINCIPLE OF THE REDEVELOPMENT OF THE PARKS

3.1 Policy Appraisal

National Planning Policy Framework (NPPF)

Para 73 of the NPPF states that '*Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities*'. It is considered that the proposal is improving the quality of the open spaces of Silkstream Park and Montrose Playing Fields and improving the opportunities for sport and recreation. The proposal will therefore have a beneficial impact on the health and wellbeing of the Burnt Oak community.

London Plan (2016)

Colindale/Burnt Oak is identified as an opportunity area where a minimum 12,500 new homes will be provided through mainly residential-led mixed use development.

Policy 7.18 identifies the need for '*protecting local open spaces and addressing local deficiency*'. The policy sets out the requirement for LDFs to: '*ensure that future open space needs are planned for in areas with the*

potential for substantial change such as opportunity areas, regeneration areas, intensification areas and other local areas' and to 'ensure that open space needs are planned in accordance with green infrastructure strategies to deliver multiple benefits'.

Green infrastructure is considered as a multifunctional network that will *'secure benefits including, but not limited to: biodiversity; natural and historic landscapes; culture; building a sense of place; the economy; sport; recreation; local food production; mitigating and adapting to climate change; water management; and the social benefits that promote individual and community health and well-being'.*

The proposal is not resulting in the loss of any local open space. On the contrary, the works proposed will significantly improve its functionality and usability by securing a range of benefits. These benefits will support sport and recreational uses, improve Silk Stream and soft and hard landscaping. As such the proposal is considered to comply with London Plan policies.

Barnet Council Core Strategy (2012)

CS7: Enhancing and protecting Barnet's open spaces states that Barnet will secure improvements to open spaces including provision for children's play, sports facilities and better access arrangements.

CS11: Improving health and wellbeing states that Barnet will improve health by ensuring increased access to Barnet's green spaces and opportunities for higher levels of physical activity through the Green Infrastructure SPD.

The proposal is creating new children's play areas with new play equipment, new park entrances and improvements to sports facilities within the playing fields. As such, the proposal complies with policy CS7 and CS11.

Barnet Council Development Management Policies (2012)

DM15: Green Belt and Open Space states that *'Open space will be protected from development. In exceptional circumstances loss of open space will be permitted where the following can be satisfied:*

- a. The development proposal is a small scale ancillary use which supports the use of the open space or*
- b. Equivalent or better quality open space provision can be made.*

Any exception will need to ensure that it does not create further public open space deficiency and has no significant impact on biodiversity.'

The proposed refurbishment works are considered to create better quality open space. As such, the proposal is considered to comply with policy DM16.

Green Infrastructure SPD (2017)

This document identifies that *'the provision of Green Infrastructure in and around urban areas contributes towards creating places where people want to live, work and invest; delivering benefits not only to the environment but also to the development of better places. Green infrastructure planning enables a co-ordinated and cross-sectorial approach to be taken across many different sectors. It can increase access to open spaces, contribute to urban cooling, allow greater appreciation of valued landscapes and support healthy living'*.

This document states *'The improvement and enhancement of parks in Colindale will deliver significant support to the Council's regeneration initiatives in that area. In support of the Council's regeneration area policies new investment in the parks and open spaces of Colindale and Burnt Oak includes improvements to Montrose Playing Fields, Silkstream Park, Heybourne Park and Colindale Park to be completed by 2021'*.

The **Colindale Open Spaces Strategy (2013)** proposes a number of initiatives for green space:

- High intensity, high quality open spaces that are accessible, welcoming, attractive, well used, shared by all groups, well maintained and managed.
- Larger individual local parks with a range of uses including cafés and changing facilities nature conservation areas, playgrounds and sports facilities to allow increased usage for all ages.
- Existing park facilities including sport pitches upgraded and intensified including shared use of open space and school sport facilities to maximise use of the open space resource within Colindale.
- Linked greenways for walking and cycling to promote health and wellbeing with high quality integrated wayfinding, trim trails, public art and public transport connections.
- Enhanced visual links to provide increased visibility of, and inter-visibility between open and public spaces to increase legibility and provide a greater feeling of security.

The proposal will improve the quality of these two green spaces and will implement new and improve existing uses. The proposal will also improve routes for walking and cycling as well as legibility. All of this will increase the usability of Silkstream Park and Montrose Playing Fields. As such, the proposed complies with Colindale Open Spaces Strategy (2013).

Barnet Parks and Open Spaces Strategy (2016)

The strategy proposes that parks and open spaces can deliver a range of positive benefits for the borough and its residents in respect of economic, social and environmental outcomes.

This strategy 'recognises that a clear vision is needed to deliver a whole range of benefits for people who live and work in the borough.'

The benefits identified in this document include:

- enhancing the physical and mental health of residents
- making Barnet a better place to live, work, learn and play
- joining communities together by creating new green links between different parts of the borough
- preparing the borough for the impacts of climate change by controlling flooding,
- reducing pollution and moderating temperatures
- protecting and enhancing the borough's cultural and natural heritage

The proposal complies with the aims of this strategy as it creates new pedestrian and cycle links through this green space, makes improvements to water courses, increases accessibility to green spaces and preserves and enhances the character and appearance of the Watling Estate Conservation Area,

Outdoor Playing Pitch Strategy (2017)

Barnet's Outdoor Playing Pitch Strategy was adopted by the council in March 2017. The strategy will be considered for adoption by Sport England during the determination period for this application and Sport England as a statutory consultee have referred to the OPPS to develop their response to this application.

This strategy assesses the London Borough of Barnet's current quantity and quality of outdoor playing pitch provision and makes recommendations in respect of future provision.

Proposals for outdoor playing pitch provision in this application reflect the findings and recommendations of the strategy in respect of Silkstream Park and Montrose Playing Fields.

3.2 Key components of proposal

3.2.1 New entrances

This application proposes several new entrances to both Silkstream Park and Montrose Playing Fields. The details of these new entrances are outlined below:

Silkstream Park:

- 4 new entrances from Silkstream Road
- 2 new entrances from Montrose Avenue
- 2 new entrances from Playfield Road

Montrose Playing Fields:

- 2 new entrances from Montrose Avenue
- 1 new entrance from Greenway Gardens
- 1 improved and widened entrance from Booth Road
- 1 new entrance from former Colindale Hospital site

The Silkstream Avenue entrance will be paved in brick and will incorporate ornamental planting, seating and signage. Primary and secondary routes will connect this entrance to the public open space beyond.

The Booth Road entrance is currently constricted by fencing preventing access to the TfL tube line embankment. Where this land is in the ownership of the London Borough of Barnet on the south-west side of the underpass access to the playing fields, the entranceway will be widened to create an open and welcoming approach to the open space.

Where accesses to the open spaces are implemented along road edges (i.e. along Silkstream Road and Playfield Road), the existing edge will be de-cluttered by clearing sight lines interrupted by stands of new trees and areas of short and long grass. Timber bollards will be however implemented along these edges as necessary to prevent unlicensed vehicular ingress.

The connection of Silkstream Park and Montrose Playing Fields across Montrose Avenue will be simplified to create a sense of continuous open space. The installation of a raised table along the existing boundary in Montrose Avenue will create the sense of a level connection between these two green spaces. This connection will be strengthened by the removal of boundary railings that currently act as a barrier between these two open spaces. Access to the road crossing will be made through ramped footpaths and steps. As part of the consultation process, Highways have been consulted regarding the new treatments to this part of Montrose Avenue. They have raised no objection to this treatment.

3.2.2 New bridge crossings

This application seeks permission for five new bridges to be included, two within Silkstream Park and three within Montrose Playing Fields.

The submitted Design and Access Statement states that *'the bridges are intentional interruptions of materiality and stand out from distance in white'*.

These new bridges improves access into and throughout the site and is therefore considered to represent a positive addition.

The walking surface of the decks is formed from bright-galvanised perforated steel planks. The finish to the steel is red oxide anti-corrosive primer with a polysiloxane finish coat in traffic white. The raised and lowered profile of the perforations give grip to the deck surface and allow water to pass through to a

drainage layer below the walking surface.

The balustrades will be of solid steel tubes, rising out of an edging plate with upstand to prevent accidental kick damage to the bottom of the balustrade material. The vertical infill will be of perforated steel, finished in powder coated traffic white. The fixing detail at top and bottom of the robust steel sheets will allow the balustrade to be repaired if damaged or replaced when beyond repair.

3.2.3 The refurbishment of the existing tram shed

The tram shed building lies in the south-west area of Montrose Playing Fields. It is a distinctive, historic building and, as such, its refurbishment is considered appropriate. The refurbishment will provide this building with power and water. It is proposed that the refurbished tram shed building will be converted for use as a volunteer base and store. The Council has no objection to this use being accommodated within this building.

A condition has been attached to this permission requiring that a management plan be submitted for this tram shed, specifying the hours of use, this building's management. Any extensions or external changes to this building (e.g. implementation of new windows or doors) will be subject to a separate planning application.

3.2.4 New playgrounds

Play opportunities within both green spaces are currently limited. The proposed refurbishment seeks to introduce a variety of play equipment to serve the local community and improve the current deficiency.

A new equipment-based playground will be re-provided on the current site in Silkstream Park. The new playground will include fixed play equipment for children between the ages of 4 and 12 years of age.

A second playground will be provided in Montrose Playing Fields in close proximity to the proposed café building. This playground will be targeted at a younger age range (2-9 years) with a variety of more traditional play equipment being proposed. This playground edge will be defined by playable planting and bunding but will be open to the rest of the park.

This application also proposes a variety of incidental play opportunities to be installed at different positions around the site, including the eastern edge of Montrose Playing Fields.

3.2.5 New skateboarding facilities

The refurbishment project proposes a new skateboarding facility close to the Youth Zone building approved under application 17/1713/FUL. The skateboard facility will include a variety of skating features in a purpose-designed contoured landscape. The public realm area between the formal

skateboard area and the Youth Zone will be constructed to support skateboard use.

This proposed facility is considered appropriate for a park as it is a recreational use. The proposed skateboarding area is located far enough from residential units to not have a detrimental impact in terms of noise and disturbance. Its location by the Youth Zone building is considered appropriate.

3.2.6 New sports facilities and fitness equipment

The Council's new Outdoor Playing Pitch Strategy will propose a low level of demand for outdoor playing pitches on Montrose Playing Fields. The strategy proposes the retention of a single 9 x 9 grass pitch and this will be re-provided on the existing Gaelic football pitch which is a levelled surface with incorporated drainage. The refurbishment scheme does not include any further allocation of formal grass pitches but opportunities for informal ball games play across the site will be retained. Following consultation with Sports England, the proposed pathways which originally cut through the sports pitch will be reviewed under condition.

The scheme proposes the provision of a range of hard-surface sports opportunities along the northern boundary of the site close to the Youth Zone hub. This will include two new tennis courts, a free sports area with basketball, a free style soccer area, an outdoor gym and concrete bench seating for participants and spectators. These proposed new surfaces provide a range of opportunities for sport and therefore are supported by the Local Planning Authority. A condition has been attached requiring details of hardsurfacing materials be submitted for approval to the Local Authority. This will ensure the materials proposed are of a high quality and the appearance of the new hard surfaces will not have a detrimental impact on the character of the park.

3.2.7 The demolition of the existing pavilion building and the provision of a new park hub and café building

The current pavilion building lies in the south-west area of Montrose Playing Fields. It is currently under-used and this application seeks to demolish this building and replace it with a new park hub and café building. The building is positioned within Flood Zone 3b and a consequent presumption against development (including change of use) will restrict the uses to which it can be put.

The Council's emerging Outdoor Playing Pitch Strategy has established a low level of demand for playing pitches in Montrose Park, insufficient to justify the retention or re-provision of changing facilities on this site. Given these factors, the refurbishment project proposes the demolition of the existing changing room building and the provision of a new park café and hub building towards the centre of the site. This building will be the subject of a future application but the proposed site is indicated in the park masterplan.

The Council does not consider the loss of the pavilion to be detrimental to the character of the park or local area. Furthermore, it is considered that the proposed cafe use would be ancillary to the park. As such, the Council is open to the proposal of a new café hub building. However, a separate application would need to be submitted in order to agree the size and design of this facility.

3.2.8 New park furniture and lighting

A range of different types of seating have been proposed under this application. This includes a single bench type of varying lengths (in steel with a timber slat) which has been selected for ease of maintenance and armchair style seating. Seating is proposed to be concentrated at entrances, at key nodes and activity areas. Concrete seating walls will be installed in playgrounds and in the active sports zone. Other parks furniture will consist of cycle racks, litter bins, bollards and signage. All of this is required to ensure the functionality and usability of these green spaces.

Signage will conform to Legible London guidelines and will be provided through fingerpost directional signage and a number of interpretative information and map panels both at entrances and at strategic points across the site. Litter bins will be fabricated in powder coated steel with a capacity of 45 litres. Bins will have a hinged door and an internal emptying bin in galvanised steel. Bins will be located at strategic locations – entrances, key nodes and areas of intensive use, next to benches and around the events area. Details of refuse storage will need to be submitted under a condition (see full details in the conditions section of this report).

The use of bollards will be limited to edges of both green spaces (specifically Playfield Road, the western end of Montrose Avenue and sections of Silkstream Road) where there is a risk of vehicular ingress and unlicensed occupation of the sites.

The submitted design and access statement states that *'the range of furniture selected is intended to provide consistency and coherence across the site using appropriate high quality and robust materials suited to an urban park environment'*. A condition has been attached requesting details of the proposed furniture and materials be submitted. This will ensure these additions are of a high quality.

3.3 Impact on surrounding residential amenities

The proposed new playground areas and new features which will be the focus of activity are located at a distance (e.g. Silkstream Park play area will be circa 17 metres to the front boundary and 23 metres to the front elevations of these properties) from neighbouring residential properties. The proposed Montrose play ground is located a significant distance from residential properties. This separation distance is considered sufficient to mitigate any disturbance resulting from the increased activity in these areas. As per current arrangements, the park will be locked during at night, meaning that there

should not be any noise or disturbance in the park during potentially anti-social hours.

The new community hub building will require planning permission. Therefore, the scale and design of this new facility and its impact on nearby residential units will be considered during the application appraisal stage.

A management plan for the refurbished tram has been requested under condition. This will ensure its hour of use and activities will not have a detrimental impact on nearby residential units.

3.4 Impact on the Watling Estate Conservation Area

The Watling Estate Conservation area cover lies in Burnt Oak between Edgware, Mill Hill and Colindale in the northwest part of the London Borough of Barnet. It covers an area of 158 hectares. There are a number of other significant places in the vicinity, including the Hendon RAF museum to the south. Silkstream Park lies fully within the conservation area and Montrose Playing Field's northern boundary adjoins the conservation area.

Section 4.3 of the Watling Estate Conservation Area Character Appraisal states the following regarding Montrose and Silkstream Playing fields:

'There is a large tract of open space running through the middle of the estate. This follows the meandering lines of the Silk Stream and its tributary from the north of the estate to the south. There are three distinct parts of this tract, The Meads (3.5 hectares) to the north of Deansbrook Road, Watling Park (10 hectares) between Deansbrook Road and Watling Avenue, and Silkstream Park (10 hectares) in the south. Each area has its own character'.

Section 4.3 also states:

'All the parks, playing fields and open spaces are key features and offer an important amenity in the area. The relationship between open spaces and buildings was an important part of Garden Suburb planning. The views afforded both from and to the parks, the way buildings bound the open spaces and the link created by the open space across the area all help to define the estate's character'.

Section 6.2 of the Character appraisal identifies a principal negative feature as:

'the link way to the Silk Stream is very poor. Whilst some attempts have been made to improve this route by means of low key enhancements, it remains dirty, unpleasant and has no lighting. The water in the Silk Stream is stagnant at this point. There is however great potential to provide a pedestrian link into green spaces to the south and to the rear of the station to the north.'

The Character appraisal does not identify any particular developments to these open spaces which would be detrimental to the character of the Conservation Area. It is considered that the works proposed under this

application, by means of the types of development and their design, will not have a detrimental impact on the character and appearance of the Conservation Area. There will be no negative impact on the relationship between open spaces and the surrounding buildings as identified in Section 4.3 of the character appraisal. The improvements will enhance this existing amenity and the appearance of Silk Stream itself.

3.5 Relationship of parks improvements with the Youth Zone

Earlier this year a single storey Youth Zone building was approved to be constructed in the northern part of Montrose Playing Fields (planning reference: 17/1713/FUL, approved 14/08/2017).

Although the Youth Zone lies outside the red line boundary of this application, the two schemes do interact and conditions and accesses to the Youth Zone site does overlap with the application for the parks improvements. To ensure consistency with these two applications, a condition has been implemented requiring that an integrated plan be submitted to the Local Planning Authority for approval showing how the two development sites will interact.

3.6 Highways

Details of the predicted traffic and transportation implications are summarised below.

3.6.1 Trip generation and impact

The development site is a combination of the two existing parks of Montrose Playing Fields and Silkstream Park for refurbishment and development into a comprehensive contiguous landscaped public open space and park that can be integrated and used as one.

In term of vehicular traffic generation, it is considered that there will be negligible impact on the surrounding roads as a result of the new site, in comparison with the existing uses. Therefore, no further assessment was needed in this regard. However, the applicant proposed to undertake general improvements to accessibility footpaths and cycleways and connectivity between the two spaces, and these are discussed in the subsequent paragraphs.

3.6.2 Public transport

The site has a range of PTAL between 3 and 5, which implies that the public transport accessibility is high. Whilst this may not be up to the high end of PTAL level 6, there are nearby buses which are expected to be actively and positively used by the visitors to the site. Daily trips using public transport will be made by the bus and rail during the highway peak hours.

Public transport is provided by the following local bus routes accessed from nearby bus stops located approximately within 400m from the application site

with existing high frequency bus routes. The nearest bus stop is located on the eastern side of Lanacre Avenue, 400m from the application site, served by bus routes 186 and 204. Three additional bus route services can be found along Burnt Oak Broadway. The following are some available routes that can be used to access the site:

Route 186 (Lanacre): Hospital - Harrow Town Centre - Harrow & Wealdstone Station - Belmont Health Centre - Canons Park Station - Edgware Station - Mill Hill Circus - Mill Hill Broadway Station - Hendon Central Station - Brent Cross Shopping Centre

Route 204 (Lanacre): Sudbury Town Station - Wembley Central Station - Preston Road Station - Kingsbury Station - Colindale Station - Burnt Oak Leisure Centre - Burnt Oak Station - Edgware Community Hospital - Edgware Station

Route 32 (Burnt Oak): Kilburn Park Station - Brondesbury Station - Cricklewood Broadway - Hendon Magistrates Court - The Greenway - Montrose Avenue - Burnt Oak Broadway - Edgware Community Hospital - Edgware Station

Route 142 (Burnt Oak): Watford Junction Rail Station - Watford High Street Station - Bushey Station - Red Lion Pub - Common Road - Stanmore Station - Park Grove - Edgware Station - Montrose Avenue - Park Road - Etheridge Road - Brent Cross Shopping Centre

Route 292 (Burnt Oak): Colindale Superstores - Montrose Avenue - Burnt Oak Broadway - Edgware Community Hospital - Edgware Station - The Fairway - Elstree Studios - Elstree & Borehamwood Station - Rissington Avenue

The closest rail station is Mill Hill Broadway, approximately 1.77km away and serving areas such as Hendon, Cricklewood, West Hampstead Thameslink, London St Pancras, St Albans, and Wimbledon. The closest London Underground station is at Burnt Oak on the Northern line, at a walking distance of 700m or nine minutes from the site.

3.6.3 Parking and accessibility

The development scheme is not expected to generate excessive cars trips to the site, in order to push the demand for parking higher than already exists. Hence, there is no dedicated general parking on the site, and this is acceptable to the Council. However, there will be need for disabled parking, and drop-offs and pick-ups. A drop-off/pick-up zone can be created on the highway immediately adjacent the development site, along Montrose Avenue.

It will thus be required that the highway treatment proposed for the section of Montrose Avenue lying between the two open spaces is rationalized and improved for parking to enhance visibility along the highway and the safety of pedestrians and cyclists making use of the proposed new crossing. A new

crossing would also be beneficial to the proposed Montrose Youth Zone, and therefore welcomed. Condition 11 therefore suggested that both schemes should ensure that there is integration in order for the benefits to be widely realized.

A new raised table will be installed on Montrose Avenue between the two open spaces and a new road crossing installed. Boundary railings will also be removed and bollards installed (to prevent unlicensed incursions) and parking rationalised to provide clear sight lines and to enhance a sense of connectivity between the two spaces. These works will be undertaken by the Council upon approval of details.

The proposed hierarchy of footpath routes to be created for a continuous combined footpath and cycleway running north-west to south-east across both sites is laudable. The proposals will also ensure that all new footpaths is Disability Discrimination Act (DDA) compliant. Details will be approved under Condition 13 to ensure that Council standards are maintained across the site.

In term of cycle infrastructure the proposed development provides a new combined pedestrian and cycle route linking the Barnfield Road/Silkstream Road park entrance with the new entrance connecting Montrose Playing Fields with the Colindale Hospital regeneration site. This intervention fulfills the requirements of the 'Quietways' scheme and the aspiration to create an off-road route connecting Brent Cross with West Hendon. The development also proposed to install cycle stands at key locations including at entrances, adjacent to existing and proposed buildings, adjacent to play areas and sports facilities.

3.6.4 Access (Vehicular, pedestrians and cyclists)

The Silkstream Road entrance provides access and a connection to Watling Avenue, and this is proposed to be quality primary and secondary routes that will connect this entrance to the public open space and beyond.

Condition 10 is required to retain access to the adjacent Montrose Park site – which is also subject to planning (ref 17/1713/FUL Montrose Youth Zone). In view of proximity of the access, the developer of the Youth Zone has been asked to build a new improved access to the park. This access will also serve as a pedestrian access into Montrose Park.

The existing site also has a footpath used by park visitors to access Montrose Park. This is proposed to be relocated adjacent to the Youth Zone's boundary. Since the layout needs to be agreed in conjunction with the Montrose Youth Zone developer, Condition 10 ensures that the detailed plans for this will be undertaken in collaboration with the Montrose Park and Silk Stream masterplan developers. Details will include stopping up and diversion of this footpath to ensure a safe, convenient and an integrated connection for pedestrians into the existing surrounding facilities.

There will be a requirement for a Road Safety Audit (RSA) to check visibility is sufficient and that no safety issues will be introduced due to the location of the

proposed accesses and new crossings on Montrose Avenue, specifically in regards to the introduction of official parking bays within the visibility splays Condition 18.

In terms of highways, stopping up and land ownership plans will need to be revised showing the proposed layouts and footways in association with the new accesses to both the Montrose Youth Zone and the Montrose Park. Stopping up details will be required and agreed via Condition 13. The requirement that details of the proposed works to be undertaken to the existing public highways and un-adopted road layouts shall have been approved in writing by the Local Planning Authority and implemented prior to the formal opening of the development will be included in this condition.

3.6.5 Management Plans

A full Delivery and Servicing Plan (Condition 15) and also a Construction Environmental Management Plan (Condition 14) will be provided which is expected to be used to control and minimize any impact of construction and delivery services. Construction staff parking will be provided within the site and managed with controls to ensure that overspill parking at non-restricted parking areas is avoided. Waste collection is also proposed to be controlled via a Refuse and Recycling Collection Strategy (Condition 9).

4.0 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.

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.

5.0 CONCLUSION

In conclusion, the scheme is considered acceptable and has regard to relevant policies and guidance. This application is therefore recommended for approval.

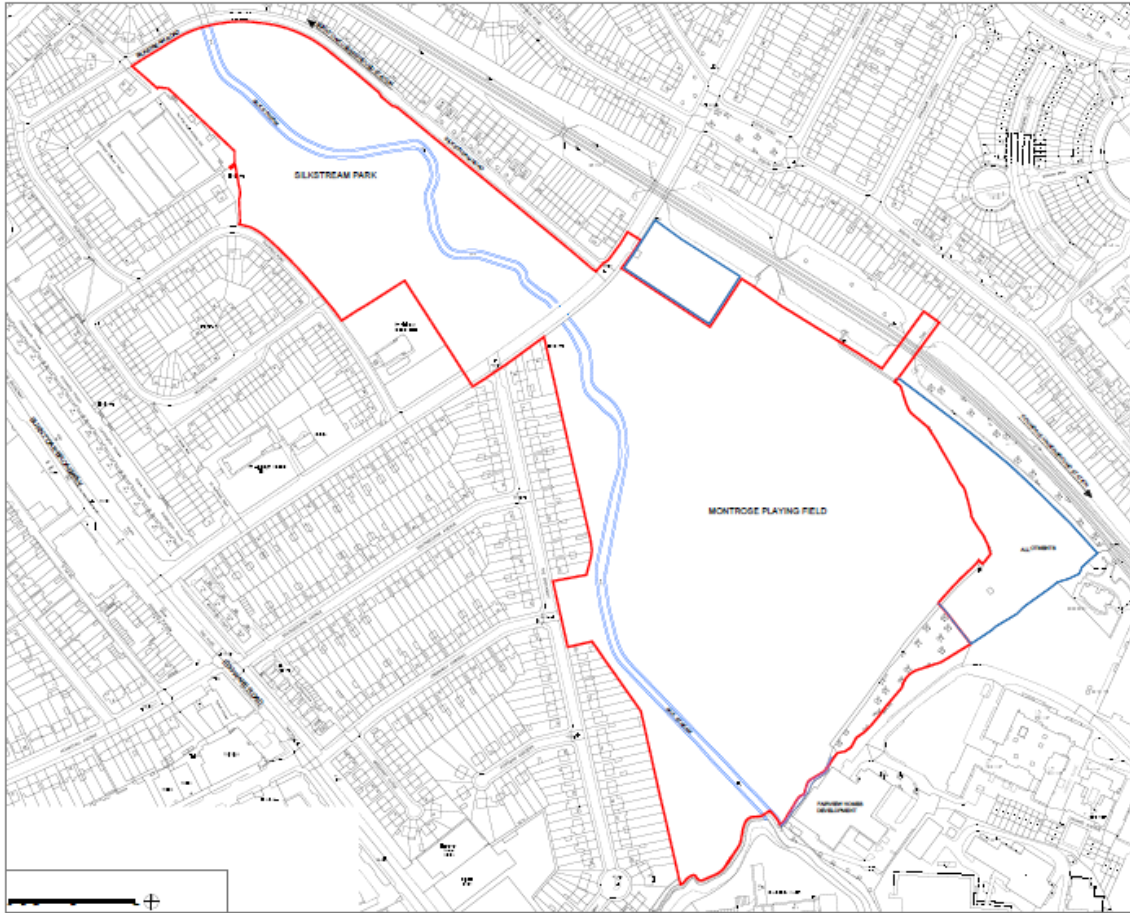
6.0 INFORMATIVES

- 1) Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

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

- 2) Under the terms of the Environmental Permitting Regulations, a Flood Risk Activity Permit is required from the Environment Agency for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Silkstream, designated a 'main river'. Details of lower risk activities that may be Excluded or Exempt from the Permitting Regulations can be found on the gov.uk website. A permit will definitely be required for this particular development proposal, including for any morphological enhancement work and temporary works during preparatory stages. Please contact us at PSO-Thames@environment-agency.gov.uk for more information.
- 3) For use of herbicides in or near to water, prior consultation and approval from the Environment Agency is required before the first application. This is to ensure that the herbicides will not have a detrimental effect on the riverine habitat.
- 4) This permission relates to the works outlined in the application description and does not include the construction of a new 'café hub' building. The construction of a new café hub building will have to be appraised under a separate planning application.
- 5) Any new café hub building application will be expected to include changing facilities in line with Sports England comments.
- 6) Any new buildings or structures required to support sports uses which are not detailed in this application (e.g. floodlighting, changing rooms, sports equipment storage building) will require planning permission.

APPENDIX 1: SITE LOCATION PLAN



APPENDIX 2: PLANNING HISTORY

Reference number: 17/1713/FUL

Description: Erection of part single storey, part two storey Youth Zone including multiuse sports hall, floodlit roof level MUGA/kick pitch, music suite, indoor/outdoor recreation areas, and café/kitchen

Decision: Approve subject to conditions

Decision date: 14/08/2017

AGENDA ITEM 8

LOCATION: Phoenix Canoe Club, Cool Oak Lane, London NW9 7ND.

REFERENCE: 17/2076/FUL **Received:** 30 May 2017
Accepted: 4 April 2017

WARD: West Hendon **Expiry:** 30 May 2017

APPLICANT: Phoenix Canoe Club

PROPOSAL: Demolition of existing buildings and erection of a new two-storey building, containing multi-function club house (Class D2) and ancillary community cafe (Class A3), and associated vehicle and cycle parking, landscaping, highway works, plant and works to provide a new cesspit/sewage treatment, erection of a climbing wall and retrospective planning permission for floating pontoons.

APPLICATION SUMMARY

The application seeks planning permission for the redevelopment of the existing Phoenix Canoe Club building and land. The application has been brought to Committee due to the land falling within the ownership of the Council.

The application follows on from the approval of several strategic planning applications for the redevelopment of land and buildings to the south west of the Broadway, West Hendon, in particular; planning permission H/01054/13 formed the Masterplan for the area.

This permission gave approval for the demolition of a large number of existing substandard homes and their subsequent redevelopment providing up to 2000 new homes; a primary school; community buildings; up to 3870m² of commercial floor space as well as a new pedestrian bridge across the Walsh Harp. The scheme of redevelopment works are currently underway, with some residential blocks having been completed and sold or rented.

The club itself was founded in 2004 after the previous youth sailing base was closed. Prior to the current position of the site and the redevelopment works on the Hendon estate, the base was situated on the north-west side of Cool Oak Lane Bridge which later became the Barratt's Sales Suite for the larger West Hendon works. To make way for the sales suite, the Club's Buildings were demolished and relocated on the opposite side of the Welsh Harp in its current position.

In keeping with Barrett's aims to apply a more holistic approach to the redevelopment of West Hendon, the application subject to consideration was prepared and submitted by Barrett London in close association with the Canoe Club Director.

The redevelopment of the club's buildings and associated curtilage forms part of the club's vision to provide a borough wide training, outdoor and adventure centre.

However, the application area falls within a Site of Special Scientific Interest (SSSI) and therefore holds significant importance in terms of local wildlife and biodiversity. It also holds particular challenges for foul water drainage from the main buildings. Thought has however been given to sustainable building practices and a number of key stakeholders have been consulted in regard to this issue, with a view to resolving the best way forward with foul drainage.

It is concluded that all relevant policies contained within the Barnet Development Plan, as well as other relevant supplementary guidance have been carefully considered and taken into account by officers and found to accord with Barnet Council's Development Plan.

In consequence to the above, there are clear material planning considerations which justify the grant of planning permission for the development. Accordingly, the proposal is recommended for approval subject to conditions outlined in Appendix 1.

RECOMMENDATION

Recommendation 1

The Head of Development Management approve the planning application reference 17/2076/FUL under delegated powers, subject to the recommended conditions outlined in Appendix 1 and any subsequent changes to the wording of the conditions by Committee or by the Head of Strategic Planning.

Recommendation 2

RESOLVED that the Committee grants delegated authority to the Head of Planning to make any minor alterations, additions or deletions to the recommended conditions and obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

OFFICER'S REPORT

1. SITE AND SURROUNDINGS

The application site is located within the Woodfield Park Recreational Ground next to the Brent (Welsh Harp) Reservoir, between West Hendon and Wembley. The area around the site is bordered by the Silk Stream River, Cool Oak Lane Road (which is a public walkway) and the Welsh Harp reservoir. The application site is located to the south of the Borough within the West Hendon Ward and shares a border with Brent Council. The site is owned by Barnet Council and has been leased to the Phoenix Canoe club for a number of years.

At present, the site comprises a series of weathered timber clad buildings dating back to the 1960s. The total floor space of the existing buildings is 206 square metres with the total boundary area being 0.83 hectares. The area is currently used by The Phoenix Canoe Club (Class D2) as changing rooms, meeting rooms, a kitchen, toilet facilities and storage for the canoes. There is also an existing pontoon on the reservoir that is secured and used for the club's sporting and training activities. However, it has been established that the current pontoon does not benefit from planning permission and this current application seeks retrospective consent.

The Phoenix Canoe Club was founded in May 2004 by a number of volunteers after the closure of the Welsh Harp Youth Sailing Base. The club is affiliated with the British Canoe Union and Canoe England (South East) and accredited by Sports England. The club operates a number of training activities including river trips, whitewater, kayaking and surf training for adults, schools and junior members of nine years old.

The club is a registered charity employing a number of part-time and volunteer staff members. The catchment areas for the club includes New Barnet, East Barnet, Barnet, Friern Barnet, Finchley, West Finchley, East Finchley, Brent Cross, Brent, Golders Green, Highgate, Totteridge, Arkley, Hendon, West Hendon, Mill Hill, Burnt Oak, Edgware, Cricklewood, Colindale, Stanmore, Harrow, Harrow Weald, South Harrow, Pinner, Greenford, Headstone, Eastcote, Hatch End, Sudbury, Kenton, Wembley, North Wembley, Wembley Park, Sudbury, Alperton, Neasden, Surbiton, Willesden, Kilburn, West Hampsted, Hampstead, Swiss Cottage, Chalk Farm, St. Johns Wood, Belsize Park, Kentish Town, Potters Bar, London Colney, Boreham Wood, Elstree, Watford, Bushey Heath, Aldenham, Radlett, Brooksmans Park, Little Heath, Cockfosters, Oakwood, Southgate and Enfield. Over recent years the club has reported significant growth in attendance with membership increasing from 1,576 in 2011 to 4,418 in 2014.

The application is part of the club's vision to *"provide a borough-wide hub for training and adventure for all sections of the community, linked to partnerships with running, cycling, climbing and orienteering clubs, and agencies such as London Sport (LS)."* The club currently benefits from its own parking facilities that are able to hold 8 car parking spaces.

The application site is within an area identified as a Site of Special Scientific Interest (SSSI) owing to its popularity with breeding wetland birds such as the Great Crested Grebe, Pochard, Tufted Duck and Common Tern. In this respect, it is also designated as a Local Nature Reserve (LNR), Metropolitan Open Land and a Site of Metropolitan Importance for Nature Conservation (SMINC). The site has also been designated by Brent Council for recreational use and wildlife conservation.

2. PROPOSAL

Planning permission is being sought for the following works:

- The demolition of the existing on-site single storey shed buildings totalling 206sqm.
- Erection of a new two-storey building with outdoor sports facility for use as a canoe and climbing club, with terrace. The proposed leisure floor space is to be used as Class D2 indoor and outdoor sports facilities and would measure 990 square metres in total floor space.
- An ancillary internal (Class A3) café use is proposed. The proposed café will measure 73 square metres and could be used by club members and members of the public.
- There are currently 4 staff members (2 full-time and 2 part-time). This will increase to 7(4 full-time and 3 part-time). See below formal breakdown.
- 12 car parking spaces, including 2 disabled spaces and 2 spaces equipped with electric charging points are proposed.
- Erection of climbing wall to east elevation.
- Upgrading of existing access road from a 'dirt track' to an asphalt or concrete finish. The road would also be widened from its existing width of 2.2-2.8 metres to 3.7 metres.
- 10 cycle parking spaces installed using the Sheffield cycle design
- Retrospective permission for the existing floating pontoon.
- The upgrading or replacement of the existing onsite cesspit.

3. RELEVANT SITE HISTORY

Phoenix Canoe Club, Cool Oak Lane

- **H/02629/12:** Two-storey rear extension to the building.- **Approved with conditions, Jul 2012**
- **W13937A/05:** Environmental Impact Assessment Scoping Opinion. – **Environmental Statement Scope, Jul 2005**
- **W01315D/03:** Installation of Bird Hide with associated access paths alongside Welsh Harp Reservoir. - **Approved with conditions, June 2003**
- **W01162E:** Replacement of existing chain link fence and gates with 2.4 metre high steel palisa defense and matching gate. - **Approved with conditions, Nov 1995**
- **W01162D:** Installation of relocatable building and metal storage container. - **Approved with conditions, Jan 1993**
- **W00701J:** New H Q Building. - **Approved with conditions, Jan 1991**
- **W00701H:** Vehicular Crossover. - **Approved with conditions, Nov 1990**
- **W00701G:** Use of premises as Montessori nursery school for 24 children aged 3-5 years old between the hours of 9.30am-12.30pm and 1.45pm-4.00 pm on Monday to Friday. - **Approved with conditions, Feb 1989**
- **W00701E:** Erection of front, side and rear extensions to existing H.Q. (Renewal of planning permission ref. W701D dated 21.08.85). – **Approved, July 1988**
- **W01162C:** Prefabricated container for storage of sails. Council Development, Regulation 4(5). – **Approved, Jan 1988**
- **W04411C:** Erection of changing rooms and construction of cesspool. **Approved with conditions, April 1986**
- **W00701D:** Erection of front, side and rear extensions to existing headquarters building. **Approved with conditions, Feb 1985**
- **W01162B:** Erection of a sail store, lecture room and safety look-out together with jetty, pontoons and associated external works. – **Approved, Oct 1983**
- **W00701C:** Erection of a Nissan Hut. - **Approved, with conditions, Sept 1983**
- **W00701B:** Porch. - **Approved with conditions, July 1979**
- **W00701A:** Addition of closed porch to main entrance. - **Approved with conditions, April 1979**
- **W01162:** Landing stage at youth sailing base. – **Approved, May 1971**

West Hendon

H/01054/13: Hybrid planning application for the demolition and redevelopment of the West Hendon Estate to accommodate up to 2000 residential units, a new 2 form entry primary school, community building and commercial uses and associated open space and infrastructure comprising: Outline submission for the demolition of existing buildings and the construction of up to 1642 new residential units (Class C3); up to 3,870m² (GEA) of D1 Class floorspace comprising nursery and primary school and community centre uses and up to 1,635m² (GEA) Class A1/A2/A3/A4/A5/B1 floorspace, within buildings ranging from 2 to 29 stories, associated cycle and car parking provision including basement level parking, landscaping and public realm works, interim works, associated highway works, and two

pedestrian bridges across the Welsh Harp. Full planning submission (Phase 3 Blocks G1, G2, E1, E2, E3, E4) for the construction of 358 new residential units (Class C3), and 131m² (GEA) Class A1/A2/A3/A4/A5/B1 floorspace, within buildings ranging from 5 to 26 stories, cycle and car parking provision including basement level parking, associated landscaping and public realm works, associated highway works, energy centre, and interim works. Submission of Environmental Statement. – **Approved with conditions, 20/12/2013**

4. PUBLIC CONSULTATIONS AND VIEWS EXPRESSED

The application was advertised via a Site Notice displayed at the site for a period of 21 days from the 21st April 2017.

The application was also publicised via direct neighbour letters to 8 neighbouring properties. No neighbour comments have been received.

5. STATUTORY AND INTERNAL BODIES

- **The Community Hub Gadwall House, Perryfield Way:** Support development and state that:-

The entire partnership board, which is composed of local residents and community representatives and the regeneration partners, fully supports this application. We believe that the proposals in it will provide a valuable community resource and addition to the regeneration of the area.

- **Environment Agency:** Originally objected to the proposal on the grounds that no Flood Risk Assessment had been submitted. However the objection was withdrawn on 29th June 2017 on receipt and review of the Phoenix Canoe Club Flood Risk Assessment (FRA), v. 01, dated June 2017.
- **Natural England:** Originally objected to the proposal due to insufficient information regarding impact on birds and Drainage Strategy. This objection was withdrawn on 24/08/2017 subject to conditions.
- **Canal and River Trust:** Support principle of development; however have stated that further information is required pertaining to drainage, flooding and bats. This is subject to conditions.
- **Sports England:** No objection. Comments are as follows:-

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/part of a playing field, unless one or more of the five exceptions stated in its policy apply....the proposed development results in a minor encroachment onto the playing field. However, having considered the nature of the playing field and its ability to accommodate a range of pitches, it is not considered that the development would reduce the sporting capability of the site. As such, Sport England is satisfied that the proposed development broadly meets the intention of the following Sport England Policy exception:

E3 - The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site.

As such, Sport England **does not wish to raise an objection** to this application.

- **Metropolitan Police:** No comment
- **London Wildlife Trust:** No comment
- **Network Rail:** No comment
- **Barnet Council's Waste and Refuse Officer:** No objection.
- **Barnet Council's Property services:** No comment.
- **Barnet Council's Ecology Officer:** Insufficient information to confirm that the existing timber clad buildings do not harbour bats presently has been submitted. Therefore a Preliminary Roost Assessment should be undertaken. However the acceptability of the scheme is subject to comments from Natural England.
- **Barnet Council's Drainage Officer:** No objection. They have commented as follows:-
 - The permission of the EA still may be required to discharge surface water to the Brent Reservoir.
 - It is assumed that the Canoe Club accept the responsibility for managing the proposed SuDS features. If this is not the case then an 'adopting authority' should be found for the SuDS features. Proof should be provided that either the Canoe Club or another 'adopting authority' accept responsibility for the proper maintenance of the proposed SuDS features.
 - Rainwater harvesting is proposed as part of the drainage strategy. It is recommended that you ensure this forms part of the final development, as this the preferred option for use of surface water under the London Plan.
 - It is recommended that filter strips and swales are included to the maximum extent possible within the final design
 - The EA Flood Defence Consent will not be required until work is to start on site, so could be requested as part of the detailed design stage, however these often take a considerable amount of time to process so it is recommended that the permit is requested at the earliest possible opportunity
- **Barnet Council's Highways Officer:** No objection subject to a contribution towards the Travel Plan monitoring of £5000 and conditions.
- **Barnet Council's Lighting Officer:** No objection subject to further lighting design details. To be conditioned.
- **Barnet Council's Arboricultural Officer:** No objection subject to conditions. The submitted Arboricultural report by MJC ref 17-0117 has been reviewed. The Officer has commented as follows:-
 - The proposed scheme provides for an increase in the size of the buildings and car parking for the canoe club. Currently the club is very well screened by trees and high hedges from the rest of Woodside Park.
 - The proposal seeks to remove these established trees and hedges and replace them around the edge of the larger footprint. This will have an impact on visual tree amenity in the local area particularly from the park. The canoe club has no screening along the water edge.
 - The need for recreational facilities needs to be balanced against loss of visual tree amenity. T7 category B oak tree is proposed for removal, it is a prominent tree currently in the boundary hedge. The scheme proposes car parking and boat

storage in the area of this tree. With the use of no dig surfacing retaining this tree will have significant landscape benefits without jeopardising the overall scheme.

- Other trees of quality (T1 and T3 applicants plan) are located on the footprint of the proposed building and without a significant redesign these will be lost to development.
- The submitted landscape scheme does not provide any detailed species or maintenance schedules. The proposed trees around the edge of the scheme will not help soften the new building into the landscape. An extensive planting programme extending up the slope of Woodside Park is required to achieve in the long term sustainable development at this location.

6. KEY PLANNING POLICY

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

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

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

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

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

6.1 National Planning Policy Framework

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

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

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

- 7. Requiring good design
- 9. Protecting Green Belt land
- 10. Meeting the challenge of climate change, flooding and coastal change
- 11. Conserving and enhancing the natural environment
- 12. Conserving and enhancing the historic environment

6.2 *The Mayor's London Plan 2017*

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. The Relevant Policies are as follows:

- Policy 1.1 - Delivering the Strategic Vision and Objectives for London
- Policy 3.16 - Protection and Enhancement of Social Infrastructure
- Policy 3.19 - Sports Facilities
- Policy 4.6 - Support For and Enhancement of Arts, Culture, Sport and Entertainment
- Policy 5.1 - Climate Change Mitigation
- Policy 5.2 - Minimising Carbon Dioxide Emissions
- Policy 5.3 - Sustainable Design and Construction
- Policy 5.7 - Renewable Energy
- Policy 5.12 - Flood Risk Management
- Policy 5.13 - Sustainable Drainage
- Policy 5.15 - Water Use and Supplies
- Policy 5.16 - Waste net Self-Sufficiency
- Policy 5.17 – Waste Capacity
- Policy 5.21 - Contaminated Land
- Policy 6.1 - Strategic Approach
- Policy 6.2 - Promoting Public Transport Capacity and Safeguarding Land for Transport
- Policy 6.3 - Assessing Effects of Development on Transport Capacity
- Policy 6.5 - Funding Crossrail and Other Strategically Important Transport Infrastructure
- Policy 6.9 - Cycling
- Policy 6.10 - Walking
- Policy 6.11 - Smoothing Traffic Flow and Tackling Congestion
- Policy 6.13 - Parking
- Policy 7.4 - Local Character
- Policy 7.6 - Architecture
- Policy 7.8 - Heritage Assets and Archaeology
- Policy 7.15 - Reducing and Managing Noise
- Policy 7.17 - Metropolitan Open Land
- Policy 7.18 - Protecting Open Space and Addressing Deficiency
- Policy 7.19 - Biodiversity and Access to Nature
- Policy 7.21 - Trees and Woodlands
- Policy 7.30 - London's Canals and Other Rivers and Waterspaces

6.3 *Barnet London Borough Local Plan*

The development plan documents in the Barnet Local Plan constitute the development plan in terms of local planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The relevant documents comprise the Core Strategy and Development Management Policies documents, which were both adopted in September

2012. The Local Plan policies are most relevance to the determination of this application are set out below.

6.3.1 *Core Strategy (Adopted 2012):*

- Policy CS NPPF - (National Planning Policy Framework–Presumption in favour of sustainable development)
- Policy CS1 - (Barnet's Place Shaping Strategy – Protection, enhancement and consolidated growth – The three strands approach)
- Policy CS5 - (Protecting and enhancing Barnet's character to create high quality places)
- Policy CS7 - (Enhancing and Protecting Barnet's Open Spaces)
- Policy CS9 - (Providing safe, effective and efficient travel)
- Policy CS10 - (Enabling inclusive integrated community facilities and uses)
- Policy CS11 - (Improving health and wellbeing in Barnet)
- Policy CS13 - (Ensuring the efficient use of natural resources)
- Policy CS14 - (Dealing with our waste)
- Policy CS15 - (Delivering the Core Strategy)

6.3.2 *Development Management Policies (Adopted 2012):*

- Policy DM01 - (Protecting Barnet's character and amenity)
- Policy DM02 - (Development standards)
- Policy DM03 - (Accessibility and Inclusive Design)
- Policy DM04 - (Environmental considerations for development)
- Policy DM06 - (Barnet's Heritage and Conservation)
- Policy DM13 - (Community and education uses)
- Policy DM15 - (Green Belt and open spaces)
- Policy DM16 - (Biodiversity)
- Policy DM17 - (Travel impact and parking standards)

6.4 *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 developments within Barnet meets sufficiently high environmental and design standards.

- *Sustainable Design and Construction (May 2016)*
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, it aims to encourage boroughs, developers, and communities to collectively increase the delivery of green infrastructure for London.

7. PLANNING CONSIDERATIONS

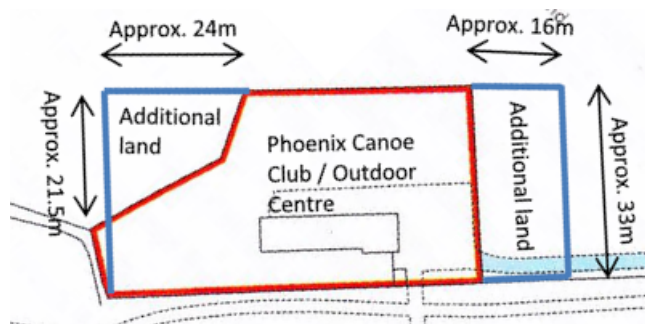
The main areas for consideration are:

- Principle of Development
- Design
- Impact on Neighbouring Amenity
- Biodiversity
- Trees
- Sustainability
- BREEAM
- Highways
- Refuse and Recycling Storage

7.1 *Principle of Development*

The scheme proposes a more intensive use of land, a greater number of staff and a new building.

The application proposes to increase the size of the existing land used by the canoe club as detailed in the below image. The new area would include the existing trees that border the site. This proposed increase forms part of a separate legal agreement with the Council. The area has been included to better rationalise the site.



The principle to build for recreational use within the SSSI and MOL site and use it as a canoe club has already been established, this existing use would simply be continued. In addition, this form of use falls under the Council's definition of a recognised community use. Under Policy DM13, these uses are to be protected. Policy CS7 also states that the Council will look to enhance the green infrastructure in the Borough by protecting existing open spaces, such as children's play areas and sports facilities, and by securing improvements to them. Greater importance is being placed on existing Nature Conservation and biodiversity. As such, the continued use of the site and the upgrading of the existing sports facilities is policy compliant and welcomed.

These works are also compliant with Policy 4.6 of the London Plan, which states under point 'B' that developments should:

- fulfil the sequential approach and where necessary, complete an impact assessment (see Policy 4.7)
- be located on sites where there is good existing or planned access by public transport
- be accessible to all sections of the community, including disabled and older people

d) address deficiencies in facilities and provide a cultural focus to foster more sustainable local communities.

Given the café use would be ancillary to the main D2 use, it is considered acceptable and compliant with guidance detailing what is acceptable within the Metropolitan Open Land.

A discussion on the acceptability of the proposed building is detailed below in the section titled 'Design'.

In light of the above, the proposal is on balance considered acceptable in principle as it is compliant with all relevant policies.

7.2 Design The National Planning Policy Framework (published 2012) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document states that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It identifies that good design involves integrating development into the natural, built and historic environment and also points out that although visual appearance and the architecture of buildings are important factors, securing high quality design goes beyond aesthetic considerations.

The London Plan also contains a number of relevant policies on character, design and landscaping. Policy 7.1 of the London Plan further emphasises the need for a good quality environment, with the design of new buildings supporting character and legibility of a neighbourhood. Policy 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment. Architectural design criteria are set out at Policy 7.6.

Policy CS5 of Barnet Council's policy framework seeks to ensure that all development in Barnet respects local context and distinctive local character, creating places and buildings of high quality design. In this regard Policy CS5 is clear in mandating that new development should improve the quality of buildings, landscaping and the street environment and in turn enhance the experience of Barnet for residents, workers and visitors alike. Policy DM01 also requires that all developments should seek to ensure a high standard of urban and architectural design for all new development and high quality design, demonstrating high levels of environmental awareness of their location by way of character, scale, mass, height and pattern of surrounding buildings, spaces and streets. Proposals should preserve or enhance local character and respect the appearance. Policy DM03 seeks to create a positive and inclusive environment that also encourages high quality distinctive developments. The above policies form the basis for the assessment on design.

At present the site comprises a number of single storey timber clad units with a total internal floor space of 206 square metres. The existing units have a height of approximately 4 metres. They also have a dilapidated appearance both internally and externally. The units have also been built in the middle of the site creating a disconnection between the open spaces that remain in and around the building. The newly proposed club house would be part-single and part two-storey, have an angled roof measuring between 5 metres and 12.5 metres.

The building its exterior would be finished in timber to better relate to its wooded surroundings. The applicant's supporting documents state that the design of the proposed clubhouse has been inspired by other such buildings in the US and UK. In particular, the

building roof which has sharp pitched edges (known as 'saw tooth' roof forms) and timber cladding.

The building has an L-shaped footprint built close to the edge of the site boundary and enclosed by heavy planting. The building looks onto an open boatyard, referred to in the submitted documents as a "courtyard" and provides views onto the Welsh Harp. From the proposed building it would be possible to view the activities taking place on the river and the general activity of the site at large. The climbing frame wall would be to the north of the site near the disabled parking bays. A wrap-around terrace area is proposed at first floor. In assessing the appropriateness of proposed scale and massing, due regard must be given to the existing environment urban fabric of the immediately surrounding area and general locality. However the site is some distance away from much of the urban and built landscape.

It is considered that the height, form and massing of the building represents a considered response to a number of issues – from the SSSI site, to the location of the unit being with a parkland, as well as views from across the river. It is also considered that the scheme would not compromise the openness of the Metropolitan Open Land. Care has also been taken to arrive at a choice of construction material palettes that, while assuming its own identity, also carefully makes referencing to the woodland setting and natural environment.

The detailed design of the windows makes use of natural light and views of the river. When viewed from across the river or on approach of the site the design and materials would sit comfortably within its surroundings, responding with a scale that would not dominate the landscape.

The position of the new building makes better use of the Site allowing a greater open courtyard feel. It should also be noted that permission was given for a two storey building in the MOL for the previous Hendon Cadet Corps in 2012 (see planning permission H/02629/12). Therefore the two-storey structure has previously been deemed suitable for the MOL (subject to its use).

On balance, the proposal to erect a building of a greater height and increased footprint is considered acceptable in principle given the location of the site, the existing condition of the timber clad buildings and the necessity to improve the facilities of the community sports use if it is to survive long term and better serve the area. The development is also in keeping with what is considered acceptable in the MOL. In light of the above, the proposed development is considered to comply with policies governing design.

7.3 Impact on Neighbouring Amenity

At a national level, the NPPF has an approach based on the central principle of sustainability through the pursuit of amenity improvements, developments driven by context, long term improvements to the environment and high quality design. Amenity is also an important consideration of The London Plan (2017) Chapter 7.

Under the Local Plan, the protection of existing amenity arrangements in any area is considered to be an important aspect of determining whether a proposal is acceptable or otherwise. The protection of existing residential amenity is required through good design in new developments which in turn promotes quality environments. More specifically Policy DM01 states that proposals should seek to manage the impact of new developments to ensure that there is not an excessive loss of amenity in terms of daylight/sunlight, outlook and privacy for existing occupiers. While Policy DM04 under point 'd', states that proposals that are likely to generate an excessive level of noise close to noise sensitive uses, such as residential dwellings, will not normally be permitted.

This is further supported by Barnet's Adopted Residential Design Guidance SPD (adopted April 2013) which provides further guidance on safeguarding the amenities of neighbouring and surrounding residential occupiers. This includes the requirement that there should be a

minimum inter-looking distance of around 21 metres between windows of existing habitable rooms and newly proposed facing windows, as well as a distance of 10.5 metres between new windows and any neighbouring garden to avoid overlooking.

Privacy, overlooking and outlook

The application proposes windows within all its elevations aside of its north elevation and a first floor terrace at its south elevation. None of the windows or terraces would directly face any habitable rooms of neighbouring residential rooms. The nearest residential property to the proposed new club house would be over 200 metres away. This is significantly greater than the stipulated 21 metres detailed in the above guidance. There would be no views to neighbouring residential units and therefore no impact on their amenity. Therefore the development is more than compliant with the required policies governing loss of privacy, outlook and overlooking to neighbouring amenity.

Noise and general disturbances

The Environmental Health Officer has commented that there are no significant issues with the development and they do not object to the proposal. However the Council's Lighting Officer has requested that further details pertaining to the exact location of the lighting and its likely spillage to be submitted in order to ascertain the level of light pollution likely from the proposal. This includes an overlay of the isolux diagrams of the report with the parking areas, public areas and the surrounding houses and roads showing as a minimum 3, 5 and 10 lux lines. It is also required that details be submitted as to the highest and average point on the surrounding properties at 2m and 4m heights and everything above 10 lux. Intrusive light calculations to nearby properties will also be required. This will be dealt with under condition.

Whilst the application would be an intensification of the use at the site, owing to the upgrading of the sports facilities and the introduction of new sports activities such as climbing, the general use is consistent with the existing character of the site and nearby playing fields. Any noise generated would also be in keeping with this character. Given the situation of the site (being over 200metres away from the nearest residential unit) it is not considered that any noise generated from the use would carry to nearby residential units in such a way as to create an unacceptable level of harm to their amenity. No significant new or cumulative operational noise impacts are identified for neighbours as a consequence of the proposed development. Furthermore, no objections have been raised by neighbouring properties pertaining to harmful noise.

Therefore Officers do not consider that would be any impact on the existing residential amenity at the location due to the development being some distance away from its nearest residential unit. In light of the above the development is acceptable on amenity grounds.

7.4 Biodiversity

The 'sustainable development' imperative of NPPF 2012 includes enhancing the natural environment and improving biodiversity (para 7). London Plan 2017 Policy 7.19 states that development proposals, where possible, should make a positive contribution to the protection, enhancement, creation and management of biodiversity.

The applicant has submitted an Ecological Appraisal (March 2017) detailing the impact of the development on local birds life, bats and biodiversity at the site.

The Ecological Appraisal includes a ecological site walkover and as ornithological survey. It concludes that there are important ecological features associated with the Site that may be affected by the development proposals if implemented. This includes the foraging and commuting bats using the SSSI site, breeding winter birds and other wildlife that benefit from the Brent Reservoir. However that any impact can be managed via a Demolition and Construction Management Statement detailing how the proposed works would be undertaken with minimal disruption to the local wildlife as well as Landscape and Ecology Management Plan. Together these should ensure that there are no significant effects on the

important ecology of the local. A commitment to ecological enhancement through additional wildlife planting and inclusion of features for roosting bats will also go some way to delivering relevant and effective ecological enhancements. The submitted report notes the following:

Habitats:

- Loss of trees/hedges: the habitats present within the Site are not considered to be 'important ecological features' when valued in accordance with CIEEM guidance (CIEEM, 2016). As such, the felling of trees or reduction in hedgerow from within the Site is not considered to be significant in terms of loss of intrinsic ecological value.
- Change of trees/hedges: A Landscape and Ecology Management Plan will set out the approach to new planting; this will include replacement tree and hedgerow planting, new areas of native scrub, and establishment of marginal and aquatic vegetation at the water's edge.

Bat life:

- Demolition: it is very unlikely that bat roosts would be found in the areas to be demolished. However ahead of any works an inspection of internal and external areas of each of the buildings will be undertaken. This is a precautionary approach to establish any steps required to ensure demolition results in no breach of the legislation that protects bats and their roosts.
- Loss of Trees/hedges: seven trees and a length of the hawthorn hedgerow in the west of the site are likely to be felled/cleared ahead of construction. Some of these trees have features typically used by tree roosting bats. However, as the bat assemblage associated with the reservoir is dominated by pipistrelle species, which are not strongly associated with tree roosts, the presence of a tree roost is highly unlikely. However, as a precautionary measure, following the grant of planning permission and in good time ahead of felling or significant arboricultural work, any tree to be affected by works will be inspected by an experienced ecologist in order to determine whether any dedicated measures are required to manage the risk of a breach of the legislation that protects bats and their roosts
- Detailed design will minimise lighting to that required to meet security requirements. It will be specified to ensure light spill across the Brent Reservoir SSSI, the vegetation that borders the reservoir and the trees and hedgerow habitat around the clubhouse is minimised, and will not exceed 0.5lux.

Birds:

- Bird surveys completed during the 2012 breeding and non-breeding season to inform the West Hendon ES (appendix 10.1 of the ES. BSG, 2013) found that two bird species were present on the reservoir in numbers exceeding 1% of their respective national population. The species and their valuation was set out in the West Hendon ES (Barratt, 2013) and are:
 - Gadwall – non-breeding population of **County** importance (Greater London)
 - Shoveler – non-breeding population of **Borough** importance (Barnet/ Brent).
- Non-breeding duck species, including gadwall and shoveler, did not typically exhibit significant responses to recreational activity.
- The report also looked at the claim made by the West Hendon ES (Barratt, 2013) which predicted that birds using the SSSI had become habituated to the existing noise profile in the local area and therefore would not be significantly affected by the additional noise associated with the demolition of the building. The assertion was based on data collected over the period between 2014-2016 and looked at the expanse across the northern arm of the reservoir, which is the area closest to the construction works on the adjacent West Hendon Estate. The acoustic monitoring undertaken as part of the Ecological Appraisal found that due to the existing high background noise levels in the area, the *“proposed the noise associated with construction works did not dominate the noise profile across the SSSI”*. These findings

have been shared with Natural England who raised no objections to them. The appraisal therefore confirms that “*no evidence of significant disturbance to waterfowl attributable to construction noise was recorded during the monitoring period, nor is disturbance likely to occur during the ongoing works on the West Hendon Estate*”. Table 4.1 (below) provides a summary of the findings of the appraisal.

Table 4.1: Evaluation and impact assessment summary

Ecological Feature	Importance	Important Ecological Feature	Significant Effects	Further Considerations
Brent Reservoir SSSI	National	Yes	No significant effects	Details of precautionary construction measures, operational management activities and enhancements are set out in Section 5
Amenity grassland, hardstanding	Negligible	No	N/A	N/A
Trees and hedgerow	Site	No	N/A	Details of embedded mitigation and enhancements are set out in Section 5

Ecological Feature	Importance	Important Ecological Feature	Significant Effects	Further Considerations
Great crested grebe	National	Yes	No significant effects	Details of precautionary construction measures, operational management activities and enhancements are set out in Section 5
Gadwall	County	Yes	No significant effects	Details of precautionary construction measures, operational management activities and enhancements are set out in Section 5
Shoveler	Borough	Yes	No significant effects	Details of precautionary construction measures, operational management activities and enhancements are set out in Section 5
Waterfowl assemblage of Brent Reservoir SSSI	Borough	Yes	No significant effects	Details of precautionary construction measures, operational management activities and enhancements are set out in Section 5
Bats	Site	Yes	No significant effects	Details of embedded mitigation, precautionary construction measures and enhancement are set out in Section 5

The report concludes:

Based on the ecological information and assessment rationale set out above, and assuming implementation of the measures described, important ecological features associated with the

Site will be protected and enhanced as required by national and local planning policy and wildlife legislation. As such there is no overriding reason relating to ecological resources that planning permission should not be granted for these proposals.

The Council's Ecology Officer previously raised concerns that there is insufficient information to confirm that the existing timber clad buildings do not harbour bats presently. Therefore a Preliminary Roost Assessment should be undertaken. This will be dealt with under condition. Subject to this, the acceptability of the scheme relies on comments received by Natural England. Natural England have been consulted and have requested that conditions be attached requiring a Construction Environmental Management Plan to protect the birds during works and that works to trees and shrubs should be done outside of the breeding period. Subject to these conditions they have no objection. Should members be minded to grant permission these conditions will be attached.

In light of the above, the submitted ecological appraisal demonstrates that there are important ecological benefits to the site that have value and require conservation. Bird species, bats as well as the river's own ecological systems are all present at the SSSI site.

However with the proper mitigation measures the proposed works are unlikely to have a harmful impact on the wildlife habitat. These measures would ensure that species are maintained and protected.

Therefore subject to conditions the proposed works comply with policies governing biodiversity.

7.5 Trees

Policy DM01 requires that proposals should include hard and soft landscaping that:

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

DM01 further states that trees should be safeguarded and when protected trees are to be felled the Council will, where appropriate, require replanting with trees of an appropriate size and species. This is also supported by the Barnet Local Plan Policy DM16, which elaborates that when considering development proposals, the Council will seek the retention, enhancement or creation of biodiversity.

The applicants has submitted an Arboricultural Impact Assessment and Tree Protection Plan (February 2017) which has been reviewed by the Council's Arboricultural Officer. This report states that there are no TPO or significant trees on the site but that the landscaping proposed for the site is considered to include an adequate balance of hard and soft surfaces. It concludes that:

...there are no substantive arboricultural reasons to refuse planning permission for the proposed development, provided tree protection measures suggested in the Arboricultural Impact Assessment Plan and detailed in the Tree Protection Plan are undertaken, along with adequate planting of new trees and hedges as suggested and illustrated in the Arboricultural Impact Assessment Plan.

The Council's Arboricultural Officer has commented that currently the canoe club is well screened by trees and hedges. However the proposed works would lead to the removal of most of these, thereby having an impact on the visual amenity of the site. In particular, concerns have also been raised regarding the loss of tree T7, a Category B tree and trees T1 and T3, which are thought to be trees of some quality. Given the design of the site it is not possible to protect these trees from removal. However a balanced approach must be taken in considering the need for recreational facilities in the area against the loss of visual tree amenity.

Officers have assessed the loss of trees and note that the applicant aims to make provisions for the replanting of six new trees and hedges along the boundary of the new site area. Mention is made in the report that a Hawthorn Hedges and UK nursery grown Common Oaks (size to be agreed by the LPA) may be used. Nevertheless, details provided in the report fail to fully confirm the species of trees and how they would be installed. As such, If Members are minded to approve the scheme conditions will be attached to ensure that the final landscaping details are of an appropriate design and quality and makes a positive contribution to the area, including assisting in the creation of a safe and secure environment. Matters relating to access, parking biodiversity and habitat provision are addressed in other sections of this report in full. However, in each of these regards the landscaping proposed is found to be acceptable subject to conditions.

It is concluded that the scheme is acceptable and compliant with development plan policy in respect of tree and landscaping matters.

7.6 Sustainability

In keeping with the fundamental practices of the NPPF, the Council's Local Development Plan provides policies to enforce sustainable practices. In particular, Policy CS NPPF states that a positive approach will be taken for developments that have been built to sustainable methods. Policy DM01 of the Local Plan states that all developments should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. This approach is also echoed by the London Plan at Policy 5.3 where it states that the highest sustainability standards should be met by all developments. Therefore developments should demonstrate that sustainable design standards have been considered as part of the proposal, construction and day-to-day running of the new building.

The applicant has submitted a Sustainability and Energy Statement undertaken by Whitecode Design Associates. The submitted statement identifies the following measures:

- Reducing of CO2 emissions by 21.64% over Part L2A 2013 of the Building Regulations, achieved through enhanced building fabric specification and Air Source Heat Pumps, 20m2 of photovoltaic array and Mechanical Ventilation with Heat Recovery.
- Low energy internal and external lighting design.
- The site will register with the Considerate Constructors Scheme with an aim to achieve a score significantly exceeding 'compliance' with the scheme.
- A Building User Guide will be developed and training will be provided for the building occupiers/premises managers to ensure efficient use of the building systems.
- Use of low environmental impact materials.
- Reducing water usage by installing flow restrictors to kitchen, WC and shower facilities.
- Providing recyclable waste storage and implementing a Resource Management Plan (RMP).
- Enhancing the health and safety of occupants/visitors by improving day lighting, thermal comfort, internal air quality, internal and external noise quality.

The above measures are welcomed. However the report identifies the main sustainability challenge to be the use of water as part of the daily club activity primarily for showering. Under the current proposal there would be 16 shower cubicles that could be used simultaneously four times a day or more. Therefore the reduction of water wastage is an important challenge. Policy 5.15 of the London Plan under point 'd' states that local planning authorities should protect and conserve water supplies by "minimising the amount of energy consumed" by its use.

The applicant's submitted report states that the development has been designed to *"...ensure that water efficient appliances are specified to reduce the water consumption by 25%, when compared to BREEAM's notional baseline performance. Flow control devices will be [used]... within the shower, WC and kitchen facilities to regulate the water supply and minimise water leaks and wastage ...showers will be restricted to 8 litres per minute."* In addition, *"...water consumption will be monitored using a water meter and a water leak detection system will also be installed on the incoming mains to the building; therefore, minimising water waste..."*

The applicant's report demonstrates that clear thought has been given to future water usage. These water and energy reduction measures are considered appropriate to the proposed use and would go some way in reducing water waste in keeping with the London Plan policies. Should permission be granted a condition requiring that these measures be implemented would be attached to ensure compliance.

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

The supporting text states that it is required that “Carbon dioxide emissions from new development should be reduced by sustainable use of energy in accordance with the Mayor’s energy hierarchy. The first step in the hierarchy, to reduce energy demand, should be met through adopting sustainable design principles outlined in Policy 5.3. The second step, to supply energy efficiently, should be met by prioritising decentralised energy, as outlined in Policies 5.5 and 5.6. The third step, to use renewable energy, is outlined in Policy 5.7.”

To help aid this, Policy 5.2 (B) sets minimum targets for the carbon dioxide emissions reduction in buildings that are non-residential. This policy states that non-domestic building developments should meet these targets as per the building regulations requirements. Regulation 26 of the building regulations states that “Where a building is erected, it shall not exceed the target CO2 emission rate for the building...”. Policy CS13 of the Local Plan supports this aim by expecting all developments to be energy efficient and seek to minimise any wasted heat or power. In order to meet these targets it is required that the development submit detailed calculations to the Building Inspector in order for Officers to determine the building emission rate (BER). In the event that members are minded to approve the scheme, a condition will be attached to this effect.

7.7 BREEAM

As the development is characterised as a minor development, it is not required that BREEAM standards be met. Nevertheless, the applicant has submitted a BREEAM pre-assessment which indicates that the scheme would be able to meet BREEAM ‘Very Good’ can be achieved.

7.8 Highways

Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) states that the Council will promote the delivery of appropriate transport measures to relieve pressure on the existing infrastructure and support growth, whilst maintaining the level of freedom in terms of public access to these facilities. The Council is also driven by the objective to ensure that any proposed use or development would match the current transport capacity and capabilities at the local. If necessary these will be undertaken via the use of the Community Infrastructure Levy or S106 Legal Agreements. In doing so, the following measures will be prioritised:

- The reduction congestion
- Continued investment in the highways network
- Working with TFL
- The management of parking
- Maintaining road safety
- Encouraging sustainable modes of transport

Policy DM17 states that the Council will ensure that there is safety for all road users and will refuse applications that may lead to safety concerns on the highway or increase risk to vulnerable users. In considering new developments the Council will require the submission of a Transport Assessment where the proposed development is anticipated to have significant transport implications. Developments should be located close to existing public transport links and should encourage their use and if necessary, new routes and services should be created. Cycle and parking provisions should be proposed in line with the London Plan standards.

The applicant has supported by a Transport Statement prepared by CH2M. The applicant is proposing to install 10 cycle parking units, 12 car parking spaces, widen and pave the existing dirt track off Cool Oak lane onto the site.

An assessment of the public transport accessibility for the Phoenix Club identifies a PTAL index of 0 (worst). The PTAL index is 0 due to the site being located within the middle of both the Welsh Harp and the Woodfield Park, away from roads and railway stations along which public transport services could travel. The closest railway station is Hendon, which is measured 1.36km away from the Phoenix Canoe Club building. This station is located upon the Thames link service, which links towns south of London via central London and St Pancras to Bedford in the north. There nearest bus stop is 973 metres (13mins walk) away from the site. However, there is a good bus service that operates along the West Hendon Broadway from which the site can be accessed via foot. The site also benefits from a public footpath accessed from cool Oak Lane.

Currently, there are two vehicular access roads into the site both via Cool Oak Lane. These current access roads will be maintained and continue to provide access for both ingress and egress for the site. However the main access is via a gated track road off Cool Oak Lane. This area is currently a “dirt road”. Under the current application, it is proposed to repave this area with an asphalt or concrete finish. In addition, the track itself will be modified to accommodate a new width of 3.7m as based on Manual for Streets guidance for minimum Fire Appliance Access. The track will also provide two ‘passing places’ therefore allowing vehicle flows in both directions. The applicant has stated in their submission that there will be no upgrades to the public footpath. However the Highways Officer has commented that the existing access from Cool Oak Lane is of poor quality and it is requires to be upgraded with a dropped crossing, kerb and Heavy Duty Crossover and this will be secured under a S184 Highway Agreement.

The London Plan Policies 6.1 and 6.9 detail the requirements for car and cycle parking. The application complies with these requirements.

Car Parking and Cycle Parking

The application would provide 12 onsite car parking spaces including two disabled bays and 2 electric charging points. The Highways Officer has commented that this is in accordance with the London Plan parking standards.

A total of 10 cycle parking spaces are being provided. The Transport Statement also states that 1 long stay will be provided for the café for staff. However in keeping with the London Plan the total number of cycle parking spaces required is 11 - Ten for the Café and sports use and two for the A3 use. Plans submitted with the application demonstrate that there are sufficient spaces to include another Sheffield stand. As such, this will be required under condition.

Table 1.1 (below) provides a more detailed look at the parking requirements for the development as set out under the London Plan.

Table 1.1

Requirement type	Note	Requirement	Total Proposed	Fail/Comply
Electric vehicles	<i>London Plan:</i> 20% of all spaces must be for electric vehicles with an additional 20 per cent passive provision for electric vehicles in the future.	2	2 (see p.12 of Sustainability statement)	Complies

	<i>Barnet SPD</i> : Proposed development to ensure that every 1 car parking space in 5 has provision or is future proofed to provide a suitable electrical charging point or as agreed in a Travel Plan.			
Disabled parking	Disabled parking spaces as per London Plan and Sport England publication 'Accessible Sports Facilities' dated 2010 (see London Plan Policy 6.15)	2	2	Complies
Cycle Parking A3 use	Table 6.3 Cycle Parking minimum standards for A2- A5 uses- <ul style="list-style-type: none"> • from a threshold of 100 sqm: 1 space per 175 sqm • from a threshold of 100 s sqm: 1 space per cafes & restaurants 40 sqm 	2	10	Complies
Cycle Parking D2 use	Table 6.3 Cycle Parking minimum standards for D2 use - <ul style="list-style-type: none"> • 1 space per 8 staff Long stay (a total of 7 staff members proposed) • 1 space per 100 sqm- Short 	9	10	Complies, however the total space require together with the A3 use is 11.*
Car parking requirements	None required for sports facilities. The existing facility currently has 8.	0	12	Complies

Safety

In terms of safety concerns, the applicant has analysed data for the last 5 years obtained from TfL. The details submitted do not show that there are any significant safety concerns associated with the site or use. See below table from applicant's transport statement.

TABLE 3.5
Personal Injury Accident Summary

Severity	Accident (Date Range)					Total
	2012	2013	2014	2015	2016	
Slight	2	1	0	1	2	6
Serious	1	0	0	0	0	1
Fatal	0	0	0	0	0	0
Total	3	1	0	1	2	7

The London Fire and Emergency Planning Authority and Metropolitan Police Service have not raised any objection to the proposal or requested that conditions are placed upon any grant of consent.

The proposal is deemed to be acceptable in respect of providing a safe and secure development with an environment which reduces opportunities for crime and the fear of crime.

Travel Plan

The Highways Officer has commented that The Transport Statement submitted by the applicant sets out the requirements for a Travel Plan Statement in accordance with the LBB SPD Planning Obligations. A contribution of £5,000 towards the management of the Travel Plan will also be required. This will be secured via a Grampian condition.

Drainage

Policy DM04 states that developments should demonstrate compliance with the London Plan water hierarchy for run off especially in areas identified as prone to flooding from surface water runoff. All new development in areas at risk from fluvial flooding must demonstrate application of the sequential approach set out in the NPPF (paras 100 to 104) and provide information on the known flood risk potential of the application site.

The applicant has submitted a Drainage Strategy that has been reviewed by all parties concerned. While it makes some provisions for drainage concerns have been raised that further assessments and more suitable methods with greater sensitivity to the SSSI site is required. In particular, Natural England have requested that other means of waste management be considered. As such, it is considered that the current waste strategy falls short of what is required and should be revisited. Natural England have requested conditions to this end. This will be attached in the event of an approval.

7.9 Refuse and Recycling Storage

Under Policy CS14 of the Local Plan Core Strategy, the Council has taken a proactive approach to dealing with waste production and disposal. It notes that a key component of dealing with waste in a more sustainable way is to find better ways of reducing the amount of waste and taking more responsibility for its disposal, instead of relying on landfill sites such as that in Bedfordshire. The London Borough of Barnet has one of the largest carbon footprints per head of population in London. However it was the first local authority to introduce compulsory recycling in March 2005. As such, it is clear that the Council employs a sustainable approach to refuse and recycling. This approach also forms part of The Mayor of London's objectives. The London Plan (see Policy 5.16 and 5.17) sets a target of working towards managing the equivalent of 100 per cent of London's waste within London by 2031. Meeting this target will require the use of new facilities and technologies.

In keeping with the above, Policy CS14 encourages sustainable waste management practices for all developments by way of waste prevention, re-use, recycling, composting and resource efficiency over landfill. All developments should seek to present waste disposal techniques which are able to meet future needs. The Sustainable Design and Construction

SPD provides a detailed minimum requirement for waste provisions stating that “*All non-residential developments should provide a minimum of 10m² designated waste storage space for materials for recycling, such as paper, glass bottles and jars, cans, cardboard, and plastic bottles*” (p.30). The application makes provisions for two central waste storage areas, one for the club use and the second for the café use.

The waste storage for the club is provided via a refuse enclosure situated northeast of the Canoe Club next to car parking space number 8 in the car parking zone. This area will accommodate 1x 1,100 litre four wheeled bin and recycling facilities. It is proposed that the community café serve hot and cold beverages as well as food. A separate bin store area has been allocated to the south of the site next to the terrace area and café. This will contain 1x 1,100 bin and recycling facilities. Details submitted with the application states that the Club Room at first floor, will also serve hot and cold beverages, confectionary and snacks, however no alcoholic drinks will not be served. It should be noted that should alcohol be served a separate alcohol licence will be required.

The existing refuse collection arrangements will remain as is with the waste being moved to the kerbside at Cool Oak Lane on collection day. No objection is raised to the proposed arrangements.

In the event that members are minded to approve the development, a condition will be attached requiring the proposed waste storage facilities to be implemented in accordance with the plans.

8. 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.

In recommending the application for approval, 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.

Details submitted with the application demonstrate that thought has been given towards wheelchair access, with the provision of two wheelchair spaces as required under Policy 6.2 of the London Plan. The development also includes step-free pedestrian access to the main entrances of the building to ensure that all occupiers and visitors, including wheelchair users of the development can move freely in and around the public and private communal spaces. A lift is provided via the ground floor lobby 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.

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.

9. CONCLUSION

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

For the reasons set out in the previous sections of this report it is concluded that on balance the proposed development accords with the relevant development plan policies and represents a sustainable form of development. It is therefore considered that there are no material planning considerations to justify withholding planning approval accordingly, the application is recommended for APPROVAL subject to conditions set out under Appendix 1.

RECOMMENDATION: GRANT WITH CONDITIONS.

APPENDIX 1: CONDITIONS AND INFORMATIVES

TIME LIMIT

1. 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.

APPROVED DRAWINGS

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

1102_07_001(Rev P3); 1102_07_050(Rev P3); 1102_07_100(Rev P4); 1102_07_101(Rev P3); 1102_07_102(Rev P3); 1102_07_110(Rev P3); 1102_07_200(Rev P3); 1102_07_201(Rev P3); 1102_07_202; 1102_07_203(Rev P3); 1102_07_300(Rev P3); Ecological Appraisal (March 2017), Transport Statement (March 2017), Sustainability and Energy Statement (March 2017); Arboricultural Impact Assessment and Tree Survey (March 2017); Drainage Strategy Statement (March 2017); Flood Risk Assessment (June 2017); 1102_SK0116; Topographical Survey; Nearest dwelling image.

Reason: For the avoidance of doubt and in the interests of proper planning.

CONSTRUCTION MATERIALS

3. Notwithstanding the details shown on the plans hereby approved the development shall not commence (other than for site preparatory or demolition purposes) until details of samples of the materials to be used for the external surfaces of the buildings and hard surfaced areas submitted to and approved in writing by the Local Planning Authority. The Development shall thereafter be implemented in accordance with such details as so approved before the dwellings approved are occupied.

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 Policy CS5 of the Barnet Local Plan Core Strategy (adopted) September 2012 and DM01 of the Development Management Policies (adopted) September 2012 and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

BOUNDARY TREATMENT

4. Notwithstanding the details submitted and hereby approved, no development shall be begun until details pertaining to boundary treatment to be used are submitted in writing to the Local Planning Authority. These details shall include materials, type and siting of all boundary treatments. The development shall be implemented in full accordance with the approved details and specifications and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of the future occupiers of the proposed residential dwellings and in the interests of the appearance of the development, in accordance with Policies DM01 and DM02 of the Development Management Policies (adopted) September 2012.

USE CLASS

5. The approved Class D2 (sports and recreational use) hereby approved (together with any ancillary uses) shall not be used for any other purpose, including any other use within Use Class D2 of the Town and Country Planning (Use Classes) Order 2015 (as amended).

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the Use Class specified so that occupation of the premises is for community use only and does not prejudice the amenities of future residential occupiers in accordance with Policies DM01 and DM13 of the Barnet Local Plan.

PONTOON

6. Prior to the occupation of the development hereby permitted, details of the existing pontoon anchors shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that they are anchored suitably in order that they could withstand any flood situation without floating free or otherwise becoming a danger to craft on the reservoir.

TREES

7. No development shall take place on the site until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules, including replanting, for all landscaped areas within the application site boundary, shall be submitted to and approved in writing by the local planning authority.

Reason: This condition is necessary to ensure the protection of wildlife and the habitat which supports it and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy. This is also supported by your Local Plan Policy DM16 of the Development Management Policies (adopted) September 2012.

8. Prior to the commencement of any works on site a revised Arboricultural Assessment and Method Statement to retain tree T7 shall be submitted to and approved by the Local Planning Authority.

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.

9. No development shall take place until a tree planting scheme to improve the screening/softening of the new building and associated infrastructure is submitted to and approved by the Local Planning Authority. The approved tree planting scheme

shall be implemented during the first planting season following occupation of the property.

Reason: To offset the loss of visual tree amenity and provide longer term visual enhancement in the local area in accordance with DM01 of the Development Management Policies (adopted) September 2012.

CYCLE PROVISION

10. Prior to the occupation of the site hereby permitted, the approved development shall make provision for 12 cycle parking/cycle storage facilities in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority. Such spaces shall be permanently retained and made available for use thereafter.

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

EXTERNAL LIGHTING

11. Prior to the occupation of the site an External Lighting Assessment together with full details, specifications and plans of any proposed external lighting to be installed as part of the development shall be submitted and approved in writing to the Local Planning Authority. The development shall be implemented in full accordance with the approved details prior to the first occupation of the development and thereafter be maintained as such.

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

DRAINAGE STRATEGY

12. No works, including demolition, shall be commenced until a formal Drainage Strategy detailing all on and off site drainage works is submitted to and approved in writing by the Local Planning Authority and Natural England. This shall include:

- Details regarding the treatment and discharge of foul sewage
- Evidence to demonstrate any pollutant levels of the foul water discharge from any Treatment Plant and the location of discharge
- The proposed future management plans
- Details of the proposed headwall structure
- Confirmation that the proposed drainage will not have a detrimental impact on the SSSI
- Confirmation that works to implement the drainage method would be undertaken without damage to the SSSI

The development shall be undertaken in accordance with the approved Drainage Strategy.

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 SSSI site in compliance with Policy CS13 of the Barnet Local Plan Core Strategy adopted September 2012 and Policies 5.13 and 5.14 of the London Plan.

ECOLOGY

13. No works, including demolition, shall take place until a Preliminary Roost Assessment on the existing buildings for bats has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the proposed development does not prejudice the adjacent SSSI and that onsite ecological features are protected, enhanced, created and managed in accordance with Policies DM16 of the Barnet Local Plan and 7.19 of the London Plan.

14. The clearance of trees and areas of scrub, or demolition of structures that may be used by breeding birds, shall take place outside the bird breeding season (March to August inclusive). If this is not possible then a detailed check of the site for active birds' nests must be undertaken by a suitably qualified ecologist and written confirmation submitted to the local planning authority that no birds will be harmed and that there are appropriate measures in place to protect nesting bird interest on the site.

Reason: To reduce the likelihood of harm to breeding birds which are protected in law, Part 1 of the Wildlife and Countryside Act 1981 (as amended) in keeping with Policy DM16 of the Development Management Policies (adopted) September 2012.

ENVIRONMENTAL CONSTRUCTION MANAGEMENT PLAN (CEMP)

15. No works in connection with the development (including demolition, ground works and vegetation clearance) shall commence until an Environmental Construction Management Plan (ECMP) has been submitted to and approved in writing by the planning authority. The ECMP will include the measures being undertaken to prevent run off and damage to the SSSI during construction.

Reason: In the interests of protecting the biodiversity of the SSSI.

DISABLED PARKING

16. Notwithstanding the plans submitted, 2 disabled parking space shall be provided and clearly marked with a British Standard disabled symbol where appropriate and permanently retained for the use of disabled persons and their vehicles and for no other purpose. Details of any revised parking spaces shall be submitted to and approved in writing by the Local Planning Authority. Such arrangements shall be completed to the Authority's satisfaction before the building is first occupied and shall thereafter be kept available/ maintained for such use.

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.

ELECTRIC VEHICLE CHARGING POINTS

17. Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing. These details shall include provision 2 parking spaces to be provided with electric vehicle charging facilities. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

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

CYCLE PARKING

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

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

REFUSE

19. Before the development commences details of the refuse collection arrangements 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.

TRAVEL PLAN

20. Prior to occupation of the site the applicant shall enter into a strategic level Travel Plan with the Local Planning Authority that seeks to reduce reliance on the use of the private car and to ensure the sustainability of the development. The document shall set out the development's transport policy to incorporate measures to reduce trips by the private car especially single occupancy and single passenger journeys and encourage non car modes such as walking, cycling and public transport and to reduce, consolidate or eliminate delivery trips. The Travel Plan shall also include the following obligations:

- a. £5000 contribution towards Council monitoring of the plan.
- b. Evidence based target for take up and provision of these incentives.

The Travel Plan shall be implemented in accordance with the details approved.

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

DEMOLITION AND CONSTRUCTION MANAGEMENT AND LOGISTICS PLAN

21. No site works or works on this development including demolition or construction work shall commence until a Demolition and 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 Core Strategy (adopted) September 2012 and Policies DM01, DM04 and DM17 of the Development Management Policies (adopted) September 2012 and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

INFORMATIVES

EA Advice to Applicant

1. Ecological assessments and surveys will need to be carried for any demolition and vegetation/tree removal within 8 metres of the Brent Reservoir SSSI, in order to inform any environmental permit for flood risk activities. This is in line with the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the Brent Reservoir SSSI. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.
2. There is the potential risk of introducing the invasive non-native species Oak Processionary Moth (OPM) from oak tree species supplied from an 'instant tree' stock. The applicant should take this potential for introduction and associated human health hazards arising from the moth seriously. It is strongly recommended that background checks and assurances are in place regarding the quality of biosecurity measures for imported oak. Furthermore, the applicant and landowner should incorporate a monitoring and eradication strategy for a potential OPM infestation. For further information on the current known extent of OPM through London please see: <https://www.forestry.gov.uk/oakprocessionarymoth>.
3. Please refer to our comments on non-mains drainage as written in our previous response (NE/2017/126840/01-L01, 10 May 2017). As stated, any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, in addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Canal and River Trust

4. The applicant/developer is advised to contact the CRT Works Engineering Team on 0330 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Trust's "Code of Practice for Works affecting Canal & River Trust". See <https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice> The applicant/developer is advised that use of the waterspace requires written consent from the Canal & River Trust, and they should contact the Canal & River Trust regarding the required agreement on 0203 204 4421.

5. The applicant/developer is advised to contact the Canal & River Trust Utilities Team at the Hatton Office on 01926 626100 to discuss the acceptability of discharging surface and or foul water from the site to the adjacent canal in order to ensure that any necessary consents are obtained. Please be advised that the Trust is not a land drainage authority, and such discharges are not granted as of right- where they are granted, they will usually be subject to completion of a commercial agreement.

Informative Arb Officer

6. Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below. "An overarching recommendation is to follow *BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations* and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine."

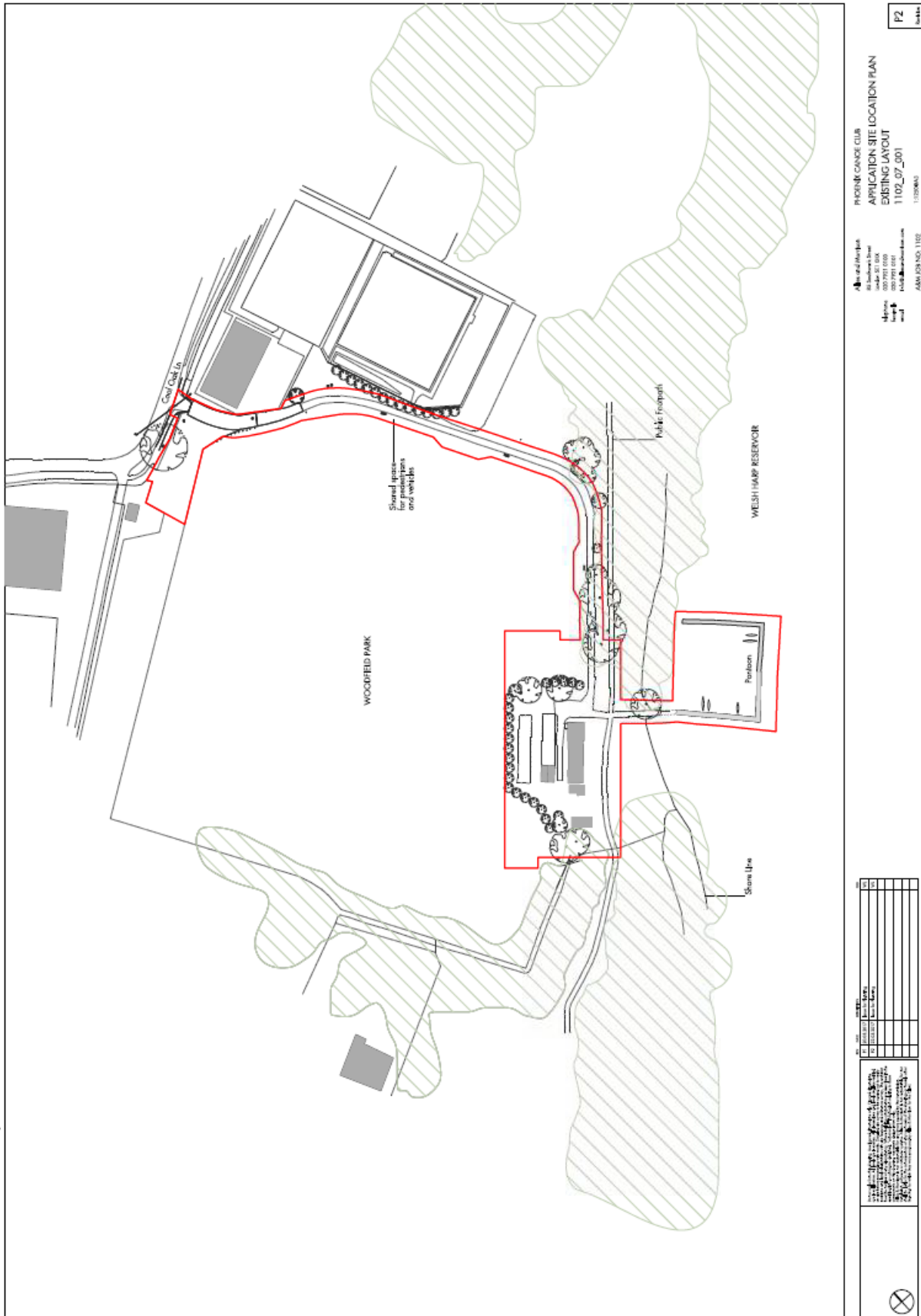
Highways

7. The applicant must submit an application under Section 184 of the Highways Act (1980) for the proposed vehicular access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.
8. The applicant is advised that due to location of the site deliveries during the construction period should not take place between 0800 hrs - 0930 hrs and 1630 hrs - 1800 hrs. Careful consideration must also be given to the optimum route(s) for construction traffic and Development and Regulatory Services should be consulted in this respect.

Background Documents

None.

**SITE LOCATION PLAN: Phoenix Canoe Club, Cool Oak Lane, London NW9 7ND.
REFERENCE: 17/2076/FUL**



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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 p15-290 D13 100 REV.Dlans 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 site works or development (including any temporary enabling works, site clearance and demolition) shall take place until the details required in (i) and (ii) have been submitted to and approved in writing by the Local Planning Authority:

i) An Arboricultural Method Statement and dimensioned tree protection plan in accordance with British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) .

ii) An assessment of the feasibility of retaining the field maple closest to the site boundary within the group identified as G2 in the tree survey submitted with the application.

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 part (a) 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.

c) Unless the assessment required in (a) (ii) above demonstrates that the protected field maple cannot be retained, the protected tree shall be retained as part of the development proposals.

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), Policy 7.21 of the London Plan 2016 and NPPF 118.

5 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).

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

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

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

Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 7
- a) No site works or works in connection with the development hereby approved shall be commenced until details of a survey for any protected wildlife that would be compromised by the development, protective measures to be implemented any wildlife identified and details of mitigation measures including the timing of development works, special techniques and mitigation and wildlife enhancement features to be provided alongside the development have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 8 Notwithstanding the details shown on the approved drawings:

- a) A scheme of hard and soft landscaping, including
- details of existing trees to be retained,
 - size, species, planting heights, densities and positions of soft landscaping including the location of advanced grade specimens and a native hedge along the southern boundary of the play area,
 - equipment and surfaces and outdoor furniture within the designated play area,
 - trees and hard landscaping materials for the within the designated amenity space and road frontage area and,
 - hard materials for the new drying area;

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 2016.

9 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 2016.

10 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.

11 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.

12 a) No development shall take place until details of the means of access to the development and boundary treatment at the Barnet Lane frontage of the site, including detailed drawings of the steps and access ramp (including gradients and step risers) and materials which shall be consistent with those to be used in the approved dwellings, shall be 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), Policies DM01, DM02 and DM03 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 3.8, 7.2, 7.4, 7.5 and 7.6 of the London Plan 2016.

13 a) No development shall take place until details of the materials to be used for the external surfaces of the building, which shall be consistent with those shown in Section 4.3 of the submitted Design and Access Statement, and for the hard surfaced areas in the proposals have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01

of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 14 The development hereby approved shall not commence until details of surface water drainage for the site designed using the principles of Sustainable Drainage Systems (SUDS), unless demonstrated to be inappropriate for the site, have been submitted to and approved in writing by the Local Planning Authority. The means of surface water drainage shall be implemented before first occupation of the development and shall be retained and maintained as such thereafter.

Reason: To ensure that the development manages surface water in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-statutory Technical Standards for Sustainable Drainage Systems).

- 15 Notwithstanding the approved layout plans, before the commencement of construction, details of the appearance, materials and means of secure cycle storage, which shall be in accordance with London Plan cycle parking standards and provided as part of an integrated layout for the front garden of each house using materials consistent with those used in the houses and boundary treatment, shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall then be provided prior to the first occupation of the dwellings and 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.

- 16 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.

- 17 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.

- 18 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.

- 19 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (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). 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 3.8, 7.2 and 7.6 of the London Plan (2016) and Policies DM02 and DM03 of the Barnet Development Management Policies DPD (2012).

- 20 Before the building hereby permitted is first occupied all windows serving bathrooms and WCs shall be fitted with obscure glazing, and the windows so fitted shall be permanently fixed shut with only a fanlight opening, and permanently retained as such.

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 October 2016).

- 21 The communal play space at Underhill Court shall remain available for the use of future residents at Underhill Court and the houses approved in this planning permission.

Reason: To ensure that children resident at the development have satisfactory access to communal play space, in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policy 3.6 of the London Plan 2016, the Residential Design Guidance SPD (adopted October 2016) and the Mayor of London's Shaping Neighbourhoods: Play and Informal Recreation SPG.

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.

Officer's Assessment

Officer's Assessment

1. Site Description

The site comprises a hard surfaced area and amenity space located to the rear of Underhill Court, which comprises 24 flats located on the south side of Underhill between its junctions with Barnet Lane and Fairfield Way to the east. Barnet Lane forms the main frontage to the application site. Numbers 9-33 Westcombe Drive are directly to the south, with their rear boundaries forming the application site's southern boundary.

In addition to Underhill Court, nearby three-storey development includes The Potteries on the opposite side of Barnet Lane, a terrace of four townhouses to the north of that on the western side of the junction of Barnet Lane with Underhill (1-7 Barnet Lane), and six new houses at Lion Court, to the east of Underhill Court near the junction of Underhill and Fairfield Way (the Old Red Lion site, planning permission reference 15/04536/FUL). Other buildings in the vicinity are mostly two-storied, and apart from flats at Marston Court (directly west of 1-7 Barnet Lane), two-storey semi-detached houses predominate further west in Barnet Lane, in Barnet Lane to the south of The Potteries, at the eastern end of Westcombe Drive, and further to the east of the site at Fairfield Way. The majority of the properties at Westcombe Drive are however short terraces, each with four houses.

Land on the north side of Underhill is open space, and the Northern Line is approximately 100m to the east. The High Barnet TfL station and the Chipping Barnet town centre are both about 500m to the north-west. There is also a bus stop adjacent to the site on its Barnet Lane frontage.

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 is a recently made tree preservation order in place at the site which covers trees within the site and adjacent to the Barnet Lane frontage, which forms the site's western boundary.

2. Site History

The site has no relevant planning history.

3. Proposal

The application is for the provision of a terrace of four two-storey houses, which would provide affordable rent accommodation, to be located partly on the existing clothes drying area serving Underhill Court and partly on existing amenity space. The houses would be two stories in height and have a small private south-facing garden. The fronts of the house would face the existing building at Underhill Court, and would have pedestrian access from the site's Barnet Lane frontage, where new steps and a new ramped access would be provided to street level.

The proposal will result in the loss of part of the amenity space for the existing flats along with the existing drying area, amounting to approximately 350sq.m. which is about a quarter of the land to the rear of Underhill Court. Amenity areas to be retained for the existing flats would be about 1020 sq.m. of communal amenity and play space to include

new landscaping, and 150 sq.m. for a new drying area. As proposed it would also result in the complete loss of a group of four protected trees on the site of the houses and rear gardens themselves (there is some potential for one of the four to be retained), and would result in potential impacts on protected trees towards the street frontage. The acceptability of these aspects of the scheme is discussed in Section 5 of this report.

4. Public Consultation

Consultation letters were sent to 103 neighbouring properties on 16th March and, following the receipt of amended drawings, neighbours were reconsulted on 11th July to provide an opportunity to comment on the amendments.

17 letters have been received, including 16 objections and one letter of support.

Objection letters raise the following issues:

- Invasion of privacy in private gardens
- Will affect our natural light into neighbouring gardens and properties.

- The light survey does not take into account proposed tree planting between the new development and Underhill Court and is therefore overstating the light received by ground floor residents of Underhill Court.

- No provision for deliveries or workmen to park.

- The proposal does not take any consideration of existing residents.
- Use of childrens' play space.
- Pollution from construction.
- Impact on property values and likely increase in the service charges for existing residents at the flats.
- Overcrowding.
- The existing flats will not be as safe as they will access at the side of the property which is currently not there.
- Impacts on health of existing residents, including anxiety impacts.
- Loss of green amenity space including play space used by the residents of Underhill Court. As such the proposal constitutes "garden grabbing".
- Danger of cars from the proposed new houses pulling out into Barnet Lane very close to the junction with Barnet Lane
- Lack of car parking.

- Will add to congestion in Barnet Lane approaching the junction. There are already high amounts of unnecessary pollution from stationary traffic. Primary schools in our surrounding area are already subjected to law-breaking levels of pollution..

- Residents regularly have motorists park in front of our driveways, blocking access.
- Lack of parking encourages nearby property owners to pave their front garden to provide their own car parking, as availability of on-street parking diminishes. However the cost of lowering the curb where neighbours wish to provide on-site car parking is prohibitive for some occupiers.
- Question the quality of the Transport Statement, as there are no parking restrictions on match days (there have been no matches for over five years).
- Impacts on drainage: Heavy rainfall drains into gardens at Westcombe Drive.
- Impacts of building works.
- The architecture of the proposal is out of keeping with the existing buildings in the area.

- It's a shame that many of the historic buildings like the Old Red Lion and Barnet FC in the area are being demolished in order to provide non-affordable properties which don't provide parking and neglect the current people living in the area.
- The proposed development is a direct contravention of Local Planning policy, which states that: "New residential developments should... Be well laid out in terms of access, car parking and landscaping."
- Underhill and Westcombe Drive are both heavily congested and often in a state of gridlock. Buses travelling in opposite directions meet and get stuck between the cars parked there. Lack of parking will compound this. The proposed development is for family homes and occupiers will undoubtedly own cars
 - Overdevelopment with inappropriate density and amenity standards.
 - Damage to environmental quality and quality of life.
 - We have enough troubles with neighbours without extra unsettled families living right in front of our windows.
 - Loss of the drying area.
- Overlooking to Underhill Court.
- Loss of light.
- Loss of trees and of the attractive spring bulbs that have been planted there.
- Residents do not have the same access to consultants and professional help as Barnet Homes and we cannot build the same case they can without help.
- Barnet Homes has other sites that they can build on.
- Difficulties of objecting online.
- It is vital to retain as much of the amenity space Underhill Court as possible.

Comments specific to the amended drawings are:

- The amendments do little to respond to the basic objections of the residents and neighbours of Underhill Court - don't see that angling the windows makes any difference to the objections of the people living at the Barnet Lane end of the block, or those in Westcombe Drive - they are still overlooked.
- The amended plans have no bearing on the parking and traffic considerations.

The letter of support made the following points:

- The Barnet Society has no objection to the design of the buildings themselves, but expressed concern about the lack of off-street car parking for visitors, disabled people and refuse / recycling collections, the dependence on Barnet Lane for these deliveries and future congestion as other nearby development comes forward.

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 October 2016.

- 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 harm would be caused to the character and appearance of the street scene and the wider locality.

Whether the loss of amenity space used by current residents is acceptable in principle

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

Whether the living conditions of future occupiers would be acceptable.

Whether an appropriate mix of residential accommodation would be provided

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 highways safety.

Whether the loss of and other impacts on protected 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 65% of market rentals 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 will be secured as a legal obligation imposed on the acquisition of the land. The occupation of the 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 from 2016 onwards.

The provision of new housing as affordable housing is therefore acceptable in principle. The delivery of affordable housing would accord with the objectives of policy DM10 of the Adopted Local Plan (2012).

Character and appearance

The character of the area is predominantly residential, and as noted in Section 1 of this report, this includes a mix of two and three-storey houses and flatted developments. However in respect to the site's most immediate surroundings, no one form of residential development predominates.

Density of Underhill Court is at present 63 units per hectare, and the proposal would increase this to 74 units / ha across the whole site. This is towards the middle of the range suggested as appropriate for more accessible areas in Table 1.1 in the Barnet Residential Design Guidance SPD). As such, the density of the proposed development is acceptable.

The proposed buildings would be approximately 8.5m in height, which is similar to the height of houses in Westcombe Drive but lower than Underhill Court (approximately 10.3m high). Natural ground levels drop between Underhill Court and Westcombe Drive and the proposed houses would be built on ground approximately 2m higher than those at Westcombe Drive. However, the subsidiary height of the development as compared to Underhill Court and the spacing from houses at Westcombe Drive (a minimum 21m to number 23 and 28m to number 33 on the Barnet Lane frontage) when taken together are considered in combination with the changes in natural ground levels to provide a satisfactory graduation in building heights that would be complimentary to the scale of the surrounding buildings. While the eastern end of the proposed terrace would be closer to the existing flats at Underhill Court, the minimum separation being 13m, the subservient scale of the proposed building and the opportunity to provide new landscaping on the eastern part of the site is considered to make the proposals acceptable in terms of its impact on the character of the site.

Varied elevational treatment includes use of angled windows at first floor level and feature first floor bay windows on the flank elevations would add visual interest to the design. Two different colour facing bricks are proposed, and careful selection of the shades chosen to reflect those of the surrounding buildings would be necessary, with a subtle rather than sharply contrasting difference in colours to be consistent with the illustrative material in the Design and Access Statement (DAS) for the application. The DAS also shows dark grey window frames, roof tiles and, for the walkway between the houses and Barnet Lane, the railings. This is provided for in the recommended condition 4. With this condition in place and in addition the provision of significant landscaping to provide an appropriate setting for the development, it is considered that the scale, siting and design quality of the proposal houses and setting of the new dwellings would result in an acceptable contribution to the character of the area.

Whether the loss of this open area of amenity space is acceptable in principle

As already noted, the proposal will result in the loss of part of the existing amenity space and the drying area for the existing flats. While the space lost would amount to about a quarter of the land at the rear of Underhill Court, the amenity areas to be retained for the

existing flats would however include over 1000 sq.m. of communal amenity and play space. This equates to over 40 sq.m. of shared amenity space for each of the 24 existing flats. This is significantly above the minimum space standard in the Residential Design Guidance SPD Table 1. While the internal provision of accommodation in the existing flats is unknown, as large flats with five habitable rooms would require a minimum provision of 25 sq.m. the higher figure retained in this development is therefore relatively generous.

An area of about 150 sq.m. would be provided for the new drying area.

In order to be fully acceptable, the opportunity to improve the balance amenity space as part of the proposals is required by condition 5 as recommended, which requires further details of landscaping to be submitted and approved prior to the commencement of the development.

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

The proposed houses would be separated from the existing building at Underhill Court by a minimum of 13m at the eastern end, and would be set at an acute angle to it. This gap would widen to 21m at the western end of the building. The houses have been designed so that, at first floor level, the majority of windows serving bedrooms would be angled to avoid direct views to adjacent properties at Underhill Court to the north and Westcombe Drive to the south, and include four of the eight first floor windows facing Underhill Court and on the south side all three bedroom facing Westcombe Drive. (The angling of windows on this southern elevation, towards Westcombe Drive, has been introduced in amended drawings which have been submitted during the course of the application in response to concerns raised by officers and in objections from neighbours.) Due in part to this arrangement of angled windows, which in the case of those facing Underhill Court are towards the eastern ends of each of the proposed houses (the ends further from the road frontage), the minimum distance between habitable rooms at the existing flats and proposed dwellings would be 16m. As already noted, any views between windows would be acutely angled, and because of the fall in natural ground levels the floor levels would also be vertically off-set. In combination, it is considered that these factors are sufficient to mitigate against loss of privacy. To the rear, the first floor level windows are either obscure glazed (for bathrooms) or angled to the south-west (the eastern-most of the house does not have a rear-facing window as it is served by two other windows). While separation at first floor level would be a minimum of 24m, the angling of these windows effectively increases the distances of any views between windows and into rear gardens. It is considered that this would be sufficient to protect the privacy of occupiers at Westcombe Drive, such that there would be no loss of amenity to these properties.

The application includes a daylight and sunlight study, which demonstrates that the development would not result in unacceptable impacts on natural light to the existing flats at Underhill Court. Some neighbour letters make the point that this does not take into account the impacts of proposed new tree plantings within the shared amenity space. It is agreed that new planting may be more appropriately provided along the site boundary. That concern can be addressed by requiring a landscaping strategy and plan to consider the locations for new planting in more details, as part of the provision of suitable equipment within the shared play space. This is discussed in more detail below with regards to impacts on trees. The daylight and sunlight study does not specifically address light for neighbouring houses, but as the proposed houses lie to north of them and on the basis of the satisfactory outcome of the study in regard to the existing flats which are closer to the proposed houses and also to the north of them, it can be seen that existing house on Westcombe Drive would not be detrimentally affected in respect to light impacts.

In summary, it is considered that the living conditions of neighbouring residents will be adequately protected in the proposals, and no objection is raised on these grounds.

Whether the living conditions of future occupiers would be acceptable

The proposal would provide 2no. 3-bedroom and 2 no. 2-bedroom houses. The internal spaces within the proposed houses are designed to comply with the standards within the London Plan at Policy 3.5, and which are also included in the Barnet Residential Design Guidance SPD a Table 2. All four houses comfortably exceed the minimum internal space standards, which are shown as follows:

- House type A - 3-bedroom house for 5 people (3B5P) 96.5 sq.m provided (93 sqm minimum);
- House type B - 2-bedroom house for 3 people (2B3P) 85.3 sq.m provided (79 sqm minimum).

Private amenity spaces would be between 27 and 44 sq.m. which is considerably less than the SPD standards which range from 55 to 70 sq.m. for houses with 5 - 6 habitable rooms. This is considered to be acceptable provided that that communal play space at Underhill Court is available for the use of future residents, and this is controlled by condition 21 as recommended.

The daylight and sunlight study noted above also considered internal light levels in the proposed dwellings, and shows that this would be acceptable and in accordance with Building Research Establishment standards.

It is noted that the bicycle stores shown in the back yards of three of the housing would be inaccessible other than through the houses. As this is not a practical arrangement, condition 15 as recommended would require details of stores to be provided at the front of the houses (unless accessible at the sides of the dwelling). In addition, details of enclosed bin stores to the front of each house are also required by this condition; while a bin store is shown on the road frontage, this would only better utilised as a location for bins to be brought to on bin collection days, as they would otherwise be inconvenient for day-to-day use by future residents.

Whether an appropriate mix of residential accommodation would be provided

The accommodation mix of four small family houses, 2 no. 2-bedroom and 2 no 3-bedroom, is in accordance with the aspirations for an appropriate mix of housing types in Barnet Policy CS4, and in addition contributes to the highest priority social-rental requirement in DM08. The units would all be compliant with Building Regulation requirement M4(2), as required by Standard 11 in the Mayor's Housing SPG.

Whether the proposal would result in any unacceptable impacts on archaeology

Historic England was consulted, and has commented that the site is not within an archaeological priority area and that the proposed works would be too small scale to result in an archaeological impact at this location. There are therefore no objections on archaeological grounds or any requirement for an archaeological condition.

Impact on car parking and highways safety

Public Transport Accessibility Level (PTAL) for the site is 5 which is considered to be very good accessibility. While the standard car parking requirement in this location would be for 4 parking spaces, the applicant's traffic consultants have assessed the traffic impact of the proposed development including a parking beat survey to ascertain the available parking in the vicinity of the development. The parking beat survey has indicated that there are ample parking spaces available on street on roads surrounding the site.

Taking this and the accessibility of the site to public transport and to the Town Centre into account, there are no objections to the lack of on-site car parking on highways grounds. There are also no objections on grounds of highways safety.

It is noted that a number of objectors have identified that the parking surveys were undertaken at night time, when commuter parking would not have been present on neighbouring streets. Parking beat surveys are generally carried out late at night and /or in the very early morning hours, as they seek to ascertain what the availability of car parking for additional residents to park overnight. This aspect of the survey therefore following the standard methodology used for such surveys.

Loss of and impacts on protected trees

A number of trees would be removed to facilitate the proposed development including a group of protected hawthorn and field maples on the site of the proposed houses. In addition protected trees close to the road frontage would be impacted by the construction of steps and a new ramped access to Barnet Lane.

Reference to old OS maps indicate an old hedgerow in the position of the hawthorn and field maples that are shown for removal, so the age of the trees may predate both Underhill Court and the houses on Westcombe Drive. NPPF 118 advises that planning permission should be refused for development resulting in the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss. In this case there is an acknowledged overwhelming need to provide additional affordable housing, and it is considered that the weight of the decision making process should therefore fall in favour of the proposed development. Condition 4 as recommended would require submission of an arboricultural method statement (AMS) to show how the road frontage trees would be protected as far as is possible from damage in the construction of the new steps and ramped access. In addition it appears that it may be possible that one of the field maples could be retained, and condition 4 requires a proper consideration of this to be included within the AMS. If it is possible to retain the maple closest to the boundary of the site, in order to comply with policies protecting aged trees at national, London wide and local levels it is considered that this should be provided for.

It is noted also that the balance area within the site is available for further landscape enhancement. The landscape strategy within the application includes new trees to be provided within the amenity space to the north of the houses. As this is on the southern side of the flats, any trees provided here would need to be of small stature to prevent future shading of the flats. Amended layout plans submitted during the course of the application also show additional trees within the space shown in the application as a new play area. New trees will go some way towards replacing those that would be lost and, in the case of the road frontage trees, possibly compromised in the application; however, it is considered that the relationship between the trees proposed and new play space requires further consideration and that this would be achieved through the landscaping condition recommended below. It is suggested that new plantings of advanced grade trees adjacent

to the play area are likely to be more appropriate along the site boundary, and planting these as part of a native hedge in this location would assist in improving the wildlife habitat value of the new planting. As land on the Barnet Lane is shown on the location plan as being within the site, new planting could also (or alternatively) be located here.

Building sustainability

The applicant's Sustainability Report has demonstrated that the proposed development would result in a decrease of 36.8% of carbon dioxide emissions 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. It is intended that each of the four dwellings would be provided with a photovoltaic panel array of approximately 16sqm, with the capacity to produce 1.25 kWp zero-carbon energy each.

The Report also confirms that the proposed development would accord with the London Plan and Barnet SPD standards in relation to water usage per occupant, and both the emission savings and water usage which would otherwise be provided with CSH certification can be secured by appropriate conditions.

The Environmental Health Officer has commented that there is potential for land contamination at the site, and that air quality is likely to fall below minimum standards on occasions. Appropriate conditions are requested for any planning permission, and these are included in those recommended in this report.

One objection letter has raised issues of surface water running off the site at present into neighbouring gardens. While the site area is under the threshold for which a drainage statement is part of the validation requirements for the application, details of site drainage based on the principles of Sustainable Urban Drainage Systems (SUDS) are recommended as condition 14.

Alongside the recommended landscape and tree protection conditions recommended, it is noted that some of the trees to be removed are ivy covered and that this as well as boundary vegetation could contain protected wildlife. It is therefore recommended that this be surveyed and that details of mitigation be provided before any site clearance takes place. Log piles and / or partially buried logs can provide a valuable form of wildlife enhancement, and this should be considered as part of the proposals as a sustainable way of utilising wood from trees removed at the site.

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. Other issues noted in representations are as follows:

- Demolition of historic buildings in the area to provide non-affordable properties: Other applications must be considered on their own merits. This proposal is for 100% affordable housing.

- Residents do not have the same access to consultants and professional help as Barnet Homes and difficulties of objecting online: Residents' concerns are assessed in considering planning applications, irrespective of how "polished" their representations are and whether made on line or by letter.

- Barnet Homes has other sites that they can build on: The overwhelming need for affordable housing means that all sites available for development of affordable housing must be assessed for their ability to provide affordable housing in the Borough.

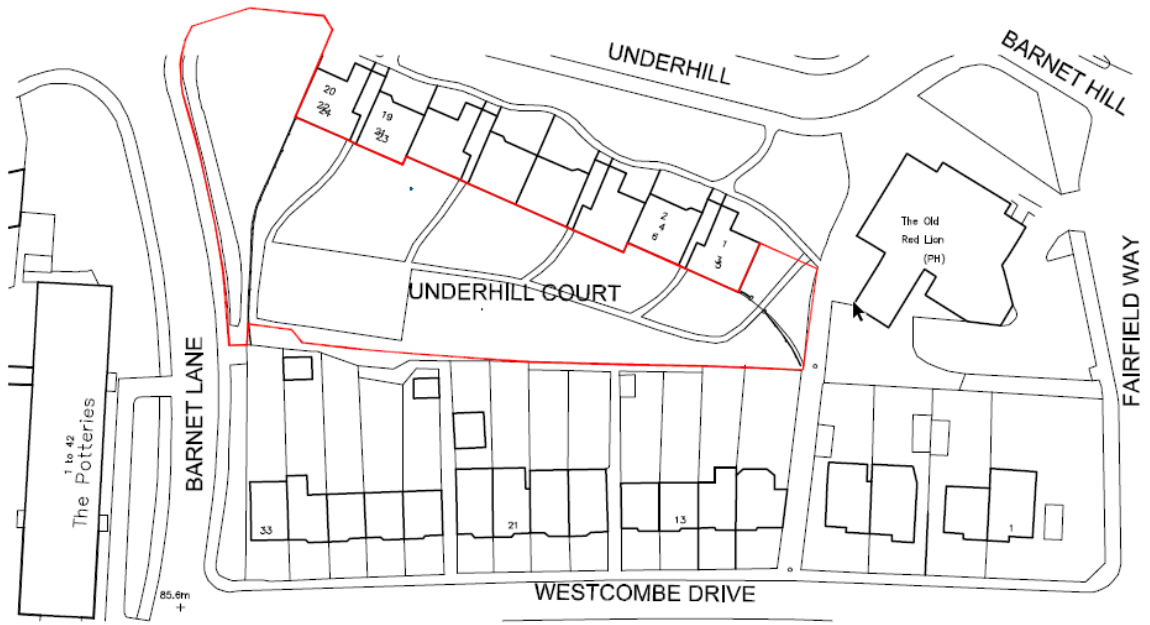
- Future residents may be difficult neighbours: While tenancy issues are not a material consideration in planning, any such issues will be managed by Open Door Homes.

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 and protected trees 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.



LOCATION: British Library, Newspaper Library, 130 Colindale Avenue, NW9 4HE

REFERENCE: 17/4799/S73

Received:

24th July 2017

AGENDA ITEM 10

Accepted:

26th July 2017

WARD: Colindale

Expiry:

25th October 2017

APPLICANT: Co-operative Food Group Ltd

PROPOSAL: tion of condition 13 (Hours of Use) of planning permission 16/8162/S73 dated 23/05/2017 for 'Variation to Condition 11 (Community Uses) pursuant to planning permission H/05856/13 dated 12/12/2013 for 'Demolition of all existing buildings; redevelopment to provide 395 flats, 772sqm of retail/financial/professional/restaurant/cafe uses (Use Classes A1/A2/A3) and 112sqm of floorspace for retail/financial/professional/restaurant/café uses (Use Classes A1/A2/A3) or community use (Use Class D1) in six blocks ranging from 4 to 11 storeys; associated highways and public realm works including formation of piazza adjacent to Colindale Avenue and Colindale Park; associated access from Colindale Avenue, internal street network, car and cycle parking, refuse storage, landscaping and amenity space provision; associated plant and relocation of existing substation`. Variation of Condition 11 with respect to permitted uses in order to provide for the operation of all uses falling within Class D1, in addition to uses falling within Class A3 (Restaurants and Cafes).' Variation to include amendment of the wording of the condition from 'The ground floor commercial units hereby permitted (Use Classes A1/A2/A3/D1) shall not be open to customers before 07.00 hours or after 23.00 hours from Monday to Saturday or before 10.00 hours or after 22.30 hours on Sundays or Bank Holidays.' to 'The ground floor commercial units hereby permitted (Use Classes A2/A3/D1) shall not be open outside of the hours of 07:00-23:00 Monday to Saturday and 10:00-22:30 on Sundays and Bank Holidays, while the Class A1(Shop) use shall not be open outside of the hours of 07:00- 23:00 Monday to Sunday, including Bank Holidays.'

APPLICATION SUMMARY

The application is for the variation of condition 13 of the original planning permission 16/8162/S73. This condition controls the hours of operation of the retail use approved as part of the scheme. The current Section 73 application looks to vary the operating hours for the Class A1 uses. The operating hours for the approved Class A2, A3 and D1 uses shall remain stipulated within the original condition (13).

The current operating hours for the Class A1 use are 07:00-23:00 Monday to Saturday and 10:00-22:30 hours Sunday and Bank Holidays. The application would extend the Sunday and Bank Holiday operating hours to 07:00-23:00. This would allow the unit to open three

hours earlier on Sundays and Bank Holidays and to close thirty minutes later than the current stipulated operation hours. Effectively the Monday to Saturday hours will remain unchanged.

The main concerns raised by neighbours have been regarding the possibility of large lorry deliveries being made early on Sunday mornings and on Bank Holidays to the disruption of local residents. Commercial deliveries for the Class A1 use is covered separately under condition 47 (currently the subject of an approval of details application under reference: 17/4797/CON). Details submitted under that discharge application state that on Sundays and Bank Holidays deliveries will be restricted to smaller delivery vans and the control of noise will be managed as part of a Management Plan. Therefore there would be minimal disruption to the amenity of neighbouring. This is in keeping with the aims of the original condition and would ensure residential is potential.

Having given due consideration to the applicant's proposal and concerns raised by residents, Officers have elected to recommend approval of the application as it accords with the Council's Development Management Plan and the principle established under the original permission.

RECOMMENDATIONS

Recommendation 1

The applicant and any other person having a requisite interest in the site be invited to enter into a Deed of Variation to amend the extant section 106 Agreement dated 31st March 2013 in accordance with the terms set out in then Application Summary section of this report.

Recommendation 2

Subject to recommendation 1, the Head of Development Management approves planning application reference 17/4799/S73 under delegated powers. *(Please see end of report to view conditions and informatives).*

Recommendation 3

RESOLVED that the Committee grants delegated authority to the Head of Planning to make any minor alterations, additions or deletions to the recommended conditions and obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

OFFICER REPORT

1. Site Description

The application site is located to the southwest of the Borough in the suburb of Colindale. The site is approximately 2.2 hectares and was formerly occupied by the British Library's Newspapers Library. The land slopes downwards towards the Silk Stream River.

The surrounding area is varied in character with a mix of land uses and built forms. The application site itself forms part of the comprehensive redevelopment of the area at large, as identified under the Colindale Area Action Plan. The plan also includes Grahame and Beaufort Park, both of which are located to the north east and east of the Site. Colindale Underground Station and piazza are situated opposite the site with the Former Colindale Hospital (Pulse) development beyond.

The area around the site, especially when looking towards Colindale Avenue (towards the Edgware Road), Rankin Close and Chequers Close is predominately residential in nature and is populated by traditional two-storey terraced dwelling houses. Immediately to the east of the site is Colindale Park with the Northern Line railway beyond. Residential properties on Chequers Close and Rankin Close are also located close to the south-west and south-east corners of the site respectively.

Edgware Road is approximately 450 metres to the west of the site and is host to a number of commercial units including shops, tailors, restaurants and large retail warehouses such as that at Colindale Retail Park. Further north (beyond the Pulse development) are Montrose and Silkstream Parks.

The site has no listed buildings and is not within a conservation area.

2. Proposal

The application seeks the variation of condition 13 which states:

The ground floor commercial units hereby permitted (Use Classes A1/A2/A3/D1) shall not be open to customers before 07.00 hours or after 23.00 hours from Monday to Saturday or before 10.00 hours or after 22.30 hours on Sundays or Bank Holidays.

The applicant seeks to amend the above to read:

The ground floor commercial units hereby permitted (Use Classes A1/A2/A3/D1) shall not be open to customers before 07.00 hours or after 23.00 hours from Monday to Saturday or before 10.00 hours or after 22.30 hours on Sundays or Bank Holidays apart from the Class A1 use, which shall not be open to customers before 07.00 hours or after 23.00 hours from Monday to Sunday including Bank Holidays

In essence, only the opening hours under the A1 use would be altered. The remaining uses A2/A3/D1 would still refer to the hours as existing.

No other changes are proposed.

Amendment

During the application's life cycle the proposed condition 13 wording was amended by officers as follows:

The ground floor commercial units hereby permitted (Use Classes A2/A3/D1) shall not be open outside of the hours of 07:00-23:00 Monday to Saturday and 10:00-22:30 on Sundays and Bank Holidays, while the Class A1(Shop) use shall not be

open outside of the hours of 07:00- 23:00 Monday to Sunday, including Bank Holidays.

This was done in the interest of clarity.

3. Relevant Site History

17/4797/CON: Submission of details of conditions 12 (Mechanical Plant) and 47 (Delivery and Servicing Plan) pursuant to planning permission 16/8162/S73 dated 19/05/2017.- ***Pending consideration***

16/8162/S73: Variation to Condition 11 (Community Uses) pursuant to planning permission H/05856/13 dated 12/12/2013 for `Demolition of all existing buildings; redevelopment to provide 395 flats, 772sqm of retail/financial/professional/restaurant/cafe uses (Use Classes A1/A2/A3) and 112sqm of floorspace for retail/financial/professional/restaurant/café uses (Use Classes A1/A2/A3) or community use (Use Class D1) in six blocks ranging from 4 to 11 storeys; associated highways and public realm works including formation of piazza adjacent to Colindale Avenue and Colindale Park; associated access from Colindale Avenue, internal street network, car and cycle parking, refuse storage, landscaping and amenity space provision; associated plant and relocation of existing substation`. Variation of Condition 11 with respect to permitted uses in order to provide for the operation of all uses falling within Class D1, in addition to uses falling within Class A3 (Restaurants and Cafes) – **Approved subject to conditions, 23/05/2017.**

H/05856/13: Demolition of all existing buildings; redevelopment to provide 395 flats, 772sqm of retail/financial/professional/restaurant/café uses (Use Classes A1/A2/A3) and 112sqm of floorspace for retail/financial/professional/restaurant/café uses (Use Classes A1/A2/A3) or community use (Use Class D1) in six blocks ranging from 4 to 11 storeys; associated highways and public realm works including formation of piazza adjacent to Colindale Avenue and Colindale Park; associated access from Colindale Avenue, internal street network, car and cycle parking, refuse storage, landscaping and amenity space provision; associated plant and relocation of existing substation. - **Approved following legal agreement, 23/12/2014.**

4. Public Consultations and Views Expressed

A Site Notice was displayed at the site for a period of 21 days between 03/08/2017-24/08/2017.

The application was also publicised via direct neighbour letters to 267 households. Comments have been received from the below addresses:

- 23 gazette court 1 observer close (Support)
- 41 Battalion House Heritage Avenue (Support)
- 35 Conrad Court 2 Needleman Close (Objection)

These comments can be summarised as follows:

Support

- I support the new shop use and the Co-ops ethical stance.

Objection

- There are enough shops in the area.
- Another major supermarket chain in the area would threaten independent shops.
- More suitable parking facilities for supply trucks are required.
- The new shop would lead to increased deliveries which would lead to greater fumes. Adding to the ever increasing air pollution problems that London already faces.

Officer Response: The principle of the A1 shop use has already been assessed (including impact on pollution levels in the area) under the original permission and deemed to be acceptable for the location. There would be increase to the previously agreed footprint and no new A1 shop space is being proposed under the current application.

Issues of parking have previously been assessed under the original application, however comments regarding deliveries are considered under the below section titled 'Highways'.

5. Statutory and Internal Bodies

- **Greater London Authority:** The Greater London Authority confirmed that given the scale and nature of the proposal, the proposed amendment to the original planning permission was not considered to give rise to any new strategic planning issues.
- **Environmental Health:** The proposed amendment is unlikely to have any significant impact on noise levels in the location. However lorries may cause a nuisance if deliveries are not conditioned.
- **Highways:** No objection.
- **Traffic:** No objection.
- **London Underground:** No comment.
- **Lead Local Flood:** No comment.
- **Metropolitan Police:** No comment.

6. Material Policy Consideration

6.1 Key Relevant Planning Policy

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

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

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

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

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

6.2 *National Planning Policy Framework*

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

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

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

- Building a strong, competitive economy
- Requiring good design

6.3 *The Mayor's London Plan 2011(as amended)*

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. The Relevant Policies are as follows:

- Policy 7.1 Lifetime neighbourhoods
- Policy 7.4 Local character
- Policy 7.5 Public realm
- Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

6.4 *Barnet London Borough Local Plan*

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

6.4.1 *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
- CS15 Delivering the Core Strategy

6.4.2 *Development Management Policies (Adopted 2012):*

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

6.5 *Colindale Area Action Plan*

The Colindale Area Action Plan (CAAP) was adopted in March 2010 and provides a planning and design framework to help guide and inform the redevelopment and regeneration of Colindale up to 2021. This follows its designation as an Opportunity Area under the London Plan. The CAAP identifies four character areas, known as the "Corridors of Change". It also identifies specific development sites with corresponding policy objectives for their redevelopment. The subject site falls within the Colindale Avenue Corridor of Change which seeks to provide for a sustainable mix of uses to create a new, vibrant neighbourhood centre for Colindale, with a range of retail and commercial provision, education, health and other community uses generate more interest in the area.

7. Assessment

The main areas for consideration are:

- Principle of Development

- Impact on Amenity
- Highways

7.1 *Principle of Development*

The principle of development has already been established under application H/05856/13. What is sought here is an amendment to the original permission and subsequent section 73 permission under reference 16/8162/S73.

7.2 *Impact on Amenity*

Under Policy CS NPPF, the Council has formally adopted the Government's approach in trying to make the planning system less complex, more accessible, transparent and placing sustainable development at the centre of all developments. The amenity impact of any development is considered an important element of this approach in order to build sustainable communities and green environments. Amenity is a consideration of Policy 7.6 of The London Plan (2011, as amended) and is implicit in Chapter 7 of the NPPF. Specifically, Policies CS5, DM01, DM02 DM04 of the Barnet Development Management Policies DPD. These policies seek to manage the impact of new developments to ensure that there is not an excessive loss of amenity in terms daylight/sunlight, outlook, privacy and other issues for existing residential occupiers or gardens.

The application seeks permission to extend the hours of use for the Class A1 shop use only. Currently, the Class A1 unit has permission to be open Monday to Saturday 07:00-23:00 & Sundays and Bank Holidays 10:00-22:30.

This permission would not affect the opening hours of the remaining approved uses under A2/A3/D1 which would have the same permitted opening hours as stipulated by the existing 2017 permission.

Neighbour comments have been received both in objection and support of the development. The objections received have raised concerns regarding early morning deliveries as a result of the earlier opening hours of the Class A1 use, especially on Sundays and Bank Holidays.

The Environmental Health Officer has commented that the increase in opening hours is unlikely to result in an unacceptable level of harm to existing amenity arrangements, particularly in relation to noise and disturbances. However, careful consideration should be given to possible disturbances created by early morning deliveries.

Officers note that condition 47 of the original planning permission controls delivery times. Therefore the opening hours of the unit would not necessarily impact delivery times. Condition 47 states :

Before the ground floor commercial units within the permitted development are occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall operate in accordance with the details approved unless otherwise agreed 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.

An application to discharge this condition (47) was submitted in July 2017 (17/4797/CON) and is currently pending consideration. Documents submitted in the support of the discharge application include a Delivery and Servicing Plan undertaken by ADL Traffic and Highways Engineering Limited. The plan confirms that deliveries will occur away from the main highway and adjacent to the convenient store in a manner that is compliant with health and safety measures detailed by the Co-Operative. Noise levels will be kept to a minimum during delivery and waste collection days and there will be strict control of the types of vehicles and their delivery times. There will be no large lorry deliveries used at any time. This will be managed by a Co-Operative Manager who will ensure compliance and oversee each delivery. This has been evaluated by the Highways Officer and deemed to be acceptable.

Therefore whilst there will be an increase in the opening hours for the Class A1 use, the use is consistent with the mixed use character of the site and wider area and as the deliveries is proposed to be restricted to smaller transit vehicle at all times, it is not considered that the proposed minor material amendment would have a harmful impact on the existing amenity arrangements in the area by way of noise and general disturbances. For information, the below table is taken from page 5 of the applicant's Delivery and Servicing document submitted as part of the discharge condition. It illustrates the proposed delivery arrangements.

Table 2A Delivery Details and Arrangements

Delivery Type	Source	Vehicle Maximum Size	Number of Deliveries	Delivery Window
Ambient	Co-op Depot	12.2m rigid vehicle	1 per day (each day)	07:00 – 23:00 hours
Fresh, Frozen, Milk	Co-op Depot	12.2m rigid vehicle	1 per day (each day)	07:00 – 23:00 hours
Bread	Supplier	12m rigid vehicle	1 – 2 per day (each day)	07:00 – 23:00 hours [Short Stay]
TOTAL RIGIDS			3 – 4 DELIVERIES	-
Newspapers & Magazines	Supplier	Transit sized van	1 per day	6:00am-9:00am (Mon-Sun) [Short Stay]
Sandwiches	Supplier	Transit sized van	1 per day	7:00am-10:00am (Mon-Sat) [Short Stay]
TOTAL VANS			2 DELIVERIES	-

7.3 Highways

Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) states that the Council will promote the delivery of appropriate transport measures to relieve pressure on the existing infrastructure and support growth, whilst maintaining the level of freedom in terms of public access to these facilities. The Council is also driven by the objective to ensure that any proposed use or development would match the current transport capacity and capabilities at the local. If necessary these will be undertaken via the use of the Community Infrastructure Levy or S106 Legal Agreements. In doing so, the following measures will be prioritised:

- The reduction of congestion

- Continued investment in the highways network
- Working with TFL
- The management of parking
- Maintaining road safety
- Encouraging sustainable modes of transport

Policy DM17 states that the Council will ensure that there is safety for all road users and will refuse applications that may lead to safety concerns on the highway or increase risk to vulnerable users. In considering new developments the Council will require the submission of a Transport Assessment where the proposed development is anticipated to have significant transport implications. Developments should be located close to existing public transport links and should encourage their use and if necessary, new routes and services should be created. Cycle and parking provisions should be proposed in line with the London Plan standards.

As detailed above the Highways Officer has been consulted and has confirmed that the development is acceptable as it would have no harmful impact on the highway.

8. DEED OF VARIATION

In the event that the Committee is minded to approve permission, it will be required that a Deed of Variation is entered into with the applicant to amend the original S106 in light of the amendment to the hours for the development under application 16/8162/S73.

9. EQUALITY AND DIVERSITY ISSUES

In making its decision the Council has had regard to its public sector equality duty (PSED) under s.149 of the Equalities Act. Including a duty to have regard to the following elements:

- 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.

In recommending the application for approval, Officers have in considering this application and preparing this report, had regard to the requirements of this section and Barnet Council's Equalities Policy and have concluded that a decision to grant planning permission for the proposed amendment will be compliant with the Council's statutory duty under this important legislation. The change in operating times for the commercial unit would not impact access provisions or isolated venerable communities.

It should also be considered that the decision has taken into account issues arising from the Human Rights Act 1998

10. CONCLUSION

In summary, Officers have fully considered the implications of the proposed minor material amendment including any impact it may have on the existing neighbouring amenity. Concerns regarding deliveries are to be considered separately under the discharge of the condition application governing the management of deliveries. Any amendment to condition 13 (operating hours) would not automatically mean that deliveries could be made at any time simply because the unit is open.

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. The proposed development is considered appropriate in terms of its proposal and will not result in an unacceptable loss of amenity to neighbouring properties. Therefore the development is in accordance with the requirements of all relevant parts of the Barnet Council's Local Plan Policies. It is therefore considered that there are material planning considerations which justify the grant of planning permission.

RECOMMENDATION: COMMITTEE TO GRANT WITH S106 (DEED OF VARIATION) AND THE FOLLOWING CONDITIONS.

1. See original permission H/05856/13.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

1301-P-1000
1301-P-1010
1301-P-1000
1301-P-1050 Rev P1
1301-P-1051 Rev P3
1301-P-1052
1301-P-1053
1301-P-1054
1301-P-1055
1301-P-1056
1301-P-1057
1301-P-1058 Rev P1
1301-P-1059 Rev P1
1301-P-1060
1301-P-1061
1301-P-3500 Rev P3
1301-P-3501 Rev P3
1301-P-3502
1301-P-3503 Rev P3
1301-P-3505
1301-P-3506

1301-P-3507
1301-P-3510 Rev P1
1301-P-3511
1301-P-3512 Rev P1
1301-P-3513 Rev P1

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).

3. Notwithstanding the details shown on the plans otherwise hereby approved the development hereby permitted shall not commence (other than for site preparatory or demolition purposes) unless and until details and appropriate samples of the materials to be used for the external surfaces of the buildings and hard surfaced areas shall have been submitted to and approved in writing by the Local Planning Authority. The Development shall thereafter be implemented in accordance with such details as so approved before the dwellings approved are occupied.

This condition has been discharged under Decision Notices 15/00799/CON issued 23 March 2015 and Decision Notice 15/03611/CON. Details relating to the specification of mortar colour to be used for the brickwork on the scheme remain outstanding and shall be submitted to and approved in writing by the Local Planning Authority.

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

4. The development shall be carried out and constructed in accordance with the detailed bay studies and schedules set out below. For the avoidance of doubt, any features shown on these bay studies (e.g. balconies, balcony frames, recessed balconies, skyrooms, window reveals, brick banding, core entrances) where they represent specific parts of the development shall be taken to represent all features of that type throughout the development.

List of drawings:

1301-P-4500
1301-P-4501
1301-P-4502
1301-P-4503
1301-P-4504
1301-P-4505
1301-P-5000
1301-P-5001
1301-P-5002
1301-P-5003
1301-P-5004
1301-P-5005
1301-P-5010
1301-P-5011
1301-P-5015 Rev P1
1301-P-5020
1301-P-5021
1301-P-5022

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.

5. The approved development hereby permitted shall be implemented in accordance with Decision Notice 15/00335/CON dated 31 March 2015 which discharged Condition 5 pursuant to planning permission H/05856/13 dated 23 December 2014.
6. The approved development hereby permitted shall be implemented in accordance with Decision Notice 15/07509/CON dated 25 January 2016 which discharged Condition 6 pursuant to planning permission H/05856/13 dated 23 December 2014.
7. The approved development hereby permitted shall be implemented in accordance with Decision Notice 15/07509/CON dated 25 January 2016 which discharged Condition 7 pursuant to planning permission H/05856/13 dated 23 December 2014.
8. The approved development hereby permitted shall be implemented in accordance with Decision Notice 15/07509/CON dated 25 January 2016 which discharged Condition 8 pursuant to planning permission H/05856/13 dated 23 December 2014.
9. Upon their first occupation, the commercial units on the ground floor of the buildings hereby approved shall be occupied for uses falling within Class A1, A2, A3 or D1 of the Town and Country Planning (Use Classes) Order 1987 and for no other purpose.

Reason: To enable flexibility for the first occupation of the commercial units hereby approved, in accordance with policies DM12 and DM13 of the Barnet Local Plan.

10. Notwithstanding the potential initial uses that are permitted to occupy the commercial units on the ground floor of the buildings hereby approved as specified under condition 9 of this consent, following the first occupation and commencement of a use within each commercial unit, any subsequent change to an alternative use within those specified by this consent shall require the submission of a full planning application to the Local Planning Authority for express planning permission.

Reason: To enable the Local Planning Authority to exercise control over future potential uses within the development to safeguard the amenities of occupiers of adjoining residential properties, in accordance with policy DM01 of the Barnet Local Plan.

11. The 112m² of floorspace hereby approved for purposes falling within Class D1 or A3 shall once a community use commences be occupied for community café purposes only and shall not be used for any other purpose, including any other purpose within Use Class D1 or A3 of the use Class Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification.

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the Use Class specified so that occupation of the premises is for community use only and does not prejudice the amenities of future residential occupiers in accordance with policies DM01 and DM13 of the Barnet Local Plan.

12. Prior to the first occupation of the Class A1/A2/A3/D1 floorspace within the development hereby permitted, details of all mechanical plant associated with the selected use,

including the proposed location for installation and an assessment of associated noise impacts, shall be submitted to and approved in writing by the Local Planning Authority. The report shall clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels. It should include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The development shall be implemented in accordance with the details as approved.

Reason: To ensure that the development does not harm the amenities of the occupiers of neighbouring properties in accordance with policies DM01 and DM04 of the Barnet Local Plan and policy 7.15 of the London Plan 2016.

13. The ground floor commercial units hereby permitted (Use Classes A2/A3/D1) shall not be open outside of the hours of 07:00-23:00 Monday to Saturday and 10:00-22:30 on Sundays and Bank Holidays, while the Class A1(Shop) use shall not be open outside of the hours of 07:00- 23:00 Monday to Sunday, including Bank Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties, in accordance with policy DM01 of the Barnet Local Plan.

14. The approved development hereby permitted shall be implemented in accordance with Decision Notice 15/07515/CON dated 20 January 2016 which discharged Condition 14 pursuant to planning permission H/05856/13 dated 23 December 2014.
15. All of the new residential dwellings (Use Class C3) within the development hereby approved shall be constructed to meet and achieve the 'Lifetime Homes' standards, whilst the 36 units specified on the approved drawings to be wheelchair-adaptable and the 2 units specified on the approved drawings to be 'Wheelchair Homes' standards complaint shall be constructed as such.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.8 and 7.2 of the London Plan and Policy DM02 of the Barnet Local Plan.

16. All residential units (Use Class C3) in the development hereby permitted shall all be constructed to achieve not less than Code Level 4 in accordance with the Code for Sustainable Homes (or the equivalent standard in such measure of sustainability for house design which may replace that scheme). Formal certification shall be issued within 5 weeks of occupation confirming that not less than a Code Level 4 has been achieved and this certification has been submitted to the Local Planning Authority.

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

17. The non-residential elements of the development hereby permitted (Use Classes A1/A2/A3/D1) shall be constructed to achieve not less than BREEAM 'Excellent' in accordance with the relevant BRE standards (or the equivalent standard in such measure of sustainability for non-residential building design which may replace that scheme). Formal certification in the form of Final Certificates shall be issued within 5 weeks of occupation confirming that not less than Excellent has been achieved and this certification has been submitted to the Local Planning Authority.

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

This condition was partially discharged under application 16/6201/CON dated 30/12/2016.

18. The approved development hereby permitted shall be implemented in accordance with Decision Notice 15/00746/CON dated 20 March 2015 which discharged Condition 18 pursuant to planning permission H/05856/13 dated 23 December 2014.
19. The approved development hereby permitted shall be implemented in accordance with Decision Notice 14/08155/CON dated 4 February 2015 which discharged Condition 19 pursuant to planning permission H/05856/13 dated 23 December 2014.
20. The approved development hereby permitted shall be implemented in accordance with Decision Notice 15/00336/CON dated 18 February 2015 which discharged Condition 20 pursuant to planning permission H/05856/13 dated 23 December 2014.
21. 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 and to comply with policy DM04 of the Barnet Local Plan.

22. The approved development hereby permitted shall be implemented in accordance with Decision Notice 15/00813/CON dated 16 June 2015 which discharged Condition 22 pursuant to planning permission H/05856/13 dated 23 December 2014.
23. The approved development hereby permitted shall be implemented in accordance with Decision Notice 14/08156/CON dated 2 February 2015 which discharged Condition 23 pursuant to planning permission H/05856/13 dated 23 December 2014.
24. The approved development hereby permitted shall be implemented in accordance with Decision Notice 15/00813/CON dated 16 June 2015 which discharged Condition 24 pursuant to planning permission H/05856/13 dated 23 December 2014.
25. The approved development hereby permitted shall be implemented in accordance with Decision Notice 15/00950/CON dated 20 February 2015 which discharged Condition 25 pursuant to planning permission H/05856/13 dated 23 December 2014.
26. The dwellings hereby approved shall have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters.

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

27. The approved development hereby permitted shall be implemented in accordance with Decision Notice 15/07679/CON dated 15 December 2015 which discharged Condition 27 pursuant to planning permission H/05856/13 dated 23 December 2014.

28. The approved development hereby permitted shall be implemented in accordance with Decision Notice 15/05314/CON dated 7 October 2015 which discharged Condition 28 pursuant to planning permission H/05856/13 dated 23 December 2014.
29. All work comprised in the approved scheme of hard and soft landscaping shall be carried out before the end of the first planting and seeding season following the first occupation of any part of the building or completion of the construction of the development, whichever is sooner.

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

30. Any existing tree or hedge shown to be retained or trees, hedges 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 and protect the amenities of the area and neighbouring occupiers in accordance with policy DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.

31. The approved development hereby permitted shall be implemented in accordance with Decision Notice 14/08157/CON dated 21 April 2015 which discharged Condition 31 pursuant to planning permission H/05856/13 dated 23 December 2014.
32. The approved development hereby permitted shall be implemented in accordance with Decision Notice 14/08157/CON dated 21 April 2015 which discharged Condition 31 pursuant to planning permission H/05856/13 dated 23 December 2014.
33. The approved development hereby permitted shall be implemented in accordance with Decision Notice 15/00950/CON dated 1 April 2015 which discharged Condition 33 pursuant to planning permission H/05856/13 dated 23 December 2014.
34. The approved development hereby permitted shall be implemented in accordance with Decision Notice 15/07515/CON dated 20 January 2016 which discharged Condition 34 pursuant to planning permission H/05856/13 dated 23 December 2014.
35. The approved development hereby permitted shall be implemented in accordance with Decision Notice 15/07515/CON dated 20 January 2016 which discharged Condition 35 pursuant to planning permission H/05856/13 dated 23 December 2014.
36. No construction work in relation to the development hereby approved shall be carried out on the site at any time on Sundays, Bank or Public Holidays, before 8.00am or after 1.00pm on Saturdays, or before 8.00am or after 6.00pm on any other days.

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

37. Prior to the development proceeding above ground floor damp proof course level, details of all extraction and ventilation equipment shall be submitted to and approved in

writing by the Local Planning Authority and implemented in accordance with the approved details before the use is commenced.

Reason: To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2016.

38. The approved development hereby permitted shall be implemented in accordance with Decision Notice 15/01059/CON dated 2 April 2015 which discharged Condition 38 pursuant to planning permission H/05856/13 dated 23 December 2014.
39. The level of noise emitted from any plant and machinery associated with the development hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2016.

40. Prior to the development proceeding above ground floor damp proof course level, a report should be carried out by a competent acoustic consultant and submitted to the Local Planning Authority for approval that assesses the likely noise impacts from the development of the ventilation/extraction plant. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

It should include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The approved measures shall be implemented in their entirety before (any of the units are occupied / the use commences).

Reason: To ensure that the amenities of neighbouring premises are protected from noise from the development in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2016.

41. The approved development hereby permitted shall be implemented in accordance with Decision Notice 15/00987/CON dated 23 March 2015 which discharged Condition 41 pursuant to planning permission H/05856/13 dated 23 December 2014.
42. Prior to the development proceeding above ground floor damp proof course level, a scheme of proposed air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before any of the units are occupied.

Reason: To ensure that the amenities of occupiers are protected from poor air quality in the vicinity in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012).

43. The approved development hereby permitted shall be implemented in accordance with Decision Notice 15/00987/CON dated 23 March 2015 which discharged Condition 43 pursuant to planning permission H/05856/13 dated 23 December 2014.
44. The approved development hereby permitted shall be implemented in accordance with Decision Notice 15/00987/CON dated 23 March 2015 which discharged Condition 44 pursuant to planning permission H/05856/13 dated 23 December 2014.
45. The approved development hereby permitted shall be implemented in accordance with Decision Notice 14/18158/CON dated 2 February 2015 which discharged Condition 45 pursuant to planning permission H/05856/13 dated 23 December 2014.
46. The approved development hereby permitted shall be implemented in accordance with Decision Notice 15/07515/CON dated 20 January 2016 which discharged Condition 46 pursuant to planning permission H/05856/13 dated 23 December 2014.
47. Before the ground floor commercial units within the permitted development are occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall operate in accordance with the details approved unless otherwise agreed 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.

48. The approved development hereby permitted shall be implemented in accordance with Decision Notice 15/07527/CON dated 20 January 2016 which discharged Condition 48 pursuant to planning permission H/05856/13 dated 23 December 2014.
49. The approved development hereby permitted shall be implemented in accordance with Decision Notice 15/07527/CON dated 20 January 2016 which discharged Condition 49 pursuant to planning permission H/05856/13 dated 23 December 2014.
50. The approved development hereby permitted shall be implemented in accordance with Decision Notice 16/2520/CON dated 8 June 2016 which discharged Condition 50 pursuant to planning permission H/05856/13 dated 23 December 2014.
51. 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 townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with policies CS5 and DM01 Barnet Local Plan.

52. a) The approved development hereby permitted shall not commence until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and 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 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 2016.

53. a) The development hereby permitted shall not commence until a detailed assessment for the kitchen extraction unit, which assesses the likely impacts of odour and smoke on the neighbouring properties is carried out by an approved consultant. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using antivibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority.
- 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 that the amenities of the neighbouring occupiers are not prejudiced odour and smoke in the immediate surroundings in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012) and Policy CS14 of the Local Plan Core Strategy (adopted 2012).

54. Occupation of the 112 square metres of non-residential floorspace shall not commence until a weekday parking survey of existing demand at the six car parking spaces and ten cycle spaces provided in connection with the retail/commercial land uses at the site is undertaken. The details of the survey shall be agreed with LB Barnet in advance. Potential further provision prior to occupation will depend upon occupancy levels.

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.

INFORMATIVES

1. This Decision Notice is to be read in conjunction with Decision Notice H/05856/13 dated 23 December 2014.
2. The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

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

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

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

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

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

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

3. The applicant is advised to engage a qualified kitchen extraction consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory smoke and odour control. Please note that:

Flue(s) must be 1.5 m* above eaves or any open able windows in the vicinity (within 20 metres of the flue) if there are sensitive premises in the vicinity. The final discharge must be vertically upwards. There should be no hat or cowl on the top of the flue. If flues are to be attached to neighbouring noise/vibration sensitive premises

they must incorporate anti-vibration mounts, flexible couplings and silencers. *If the flue is in a Conservation area then this height may be reduced to 1m above eaves.

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: DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (DEFRA, January 2005); DEFRA Odour Guidance for Local Authorities (DEFRA, March 2010). Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

4. 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.
5. 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.

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.

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.

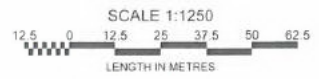
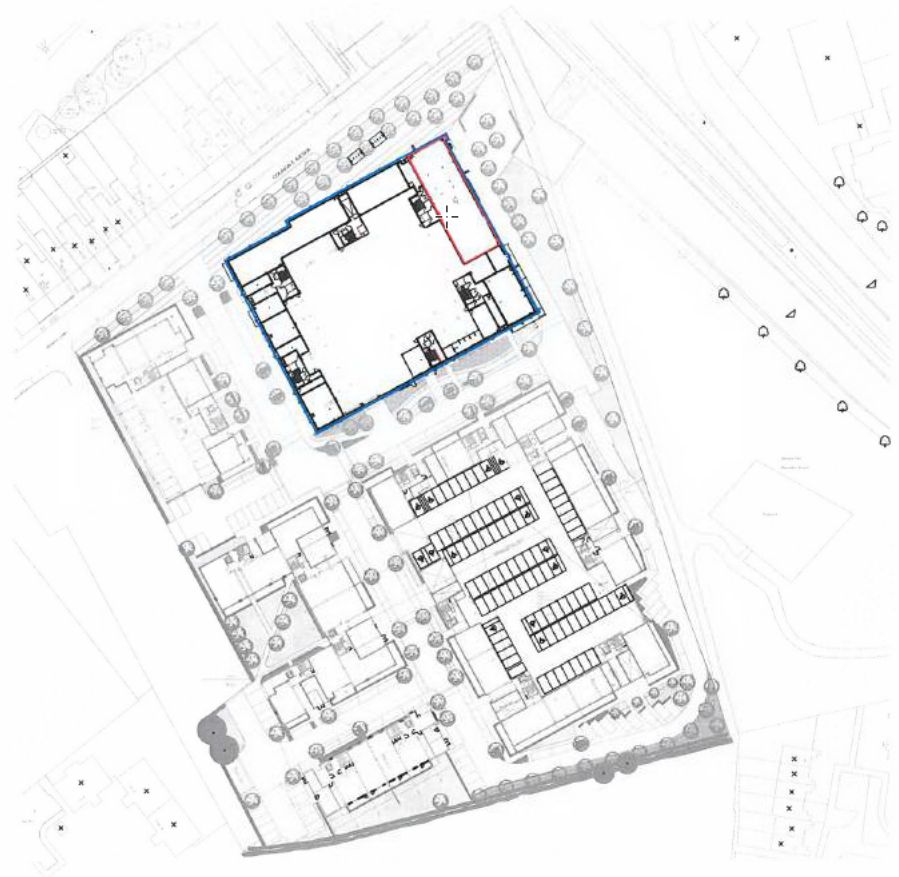
You can apply for relief or exemption under the following categories:

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.

Appendix 1 – Site Location Plan



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LOCATION: The Former Peel Centre, Colindale, London

REFERENCE: H/04753/14

WARD: Colindale

APPLICANT: Redrow Homes Limited

PROPOSAL: Deed of variation – the Former Peel Centre, Colindale London

AGENDA ITEM 11
Received:
Accepted:
Expiry:
Final Revisions:

It is proposed to vary the wording contained within schedule E to the section 106 agreement dated 23 December 2015 by agreement between London Borough of Barnet and Redrow Homes in relation to the planning permission which was granted for:

Hybrid planning application for the phased comprehensive redevelopment of part of the existing Peel Centre site including the demolition of all existing buildings and the provision of a residential-led mixed use development comprising up to 2,900 new residential units (Use Class C3), with 888 units in full detail and up to 2,012 units in outline in buildings ranging from 2-21 storeys; up to 10,000 square metres of non-residential floorspace (Use Classes A1-A4, D1, D2); the provision of a 3 form entry primary school (including nursery provision) and a minimum of 4 hectares of public open space. Associated site preparation/enabling works, transport infrastructure namely a new pedestrian connection to Colindeep Lane and junction works, landscaping and car parking. The application is accompanied by an Environmental Statement.

Background

This report relates to the need to vary a S106 agreement pertaining to application: H/04753/14, dated 23 December 2015 between the developer and local planning authority. Application H/04753/14 allows for a substantial residential-led mixed use development of the Peel Centre, Colindale with part of the agreed S106 requiring contributions from the developer (Redrow) as well as London Borough of Barnet and TfL to fund the improvement of the capacity of Colindale Tube Station and public realm works on Colindale Avenue. The first payments are to be made by all three parties on or before 30 September 2017, totalling £8.5 million. Further payment dates are then scheduled for the developer on or before 31 July 2018 (£6.5 million) and on or before 31 December (£142,000).

The agreed S106 states at Schedule E Paragraph 1.2 that *'The Council shall pay each instalment of the Colindale Station Contribution to Transport for London with 20 Working Days after the date of receipt of that instalment ...'*. An amendment is now found to be necessary to replace this wording, as follows:

“The Council shall pay the Colindale Station Contribution to Transport for London on terms that require its use towards the cost of the Colindale Station Works. The transfer of the funding from London Borough of Barnet to TfL will take place in accordance with project milestones to be agreed between TfL and London Borough of Barnet”

As the project milestones for the Colindale Station Works have not yet been finalised, it is recommended that the project milestones which will need to be reached before transfer of funding to TfL takes place is delegated to the Deputy Chief Executive in consultation with the Chairman of the Planning Committee.

The change in wording is considered necessary to help ensure that the Colindale Station works progress in a timely manner and the Council retains an element of control over the substantial section 106 sums involved.

A consequential amendment is also necessary to Schedule E section 1.3 of the s106, where it states that

“1.3 In the event that all or any part of each instalment of the Colindale Station Contribution has not been expended or Committed for Expenditure within five years after the date on which it was paid to the Council then Transport for London shall repay that unexpended part of the Colindale Station Contribution to the Developer”. This section should be amended to say that ‘the Council’ shall repay the unexpended part to the Developer.

Legal Basis

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 S106 by agreement. S106 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 S106; in this current situation there is no revised planning application requiring a revision to the original S106, however, there is a need to revise the wording of the original S106 on the basis that the current wording is no longer appropriate.

Consequently a S106a application is not an appropriate vehicle in this case, as the Former Peel Centre s106 was signed in December 2015 which is less than 5 years ago.

Therefore the requirement is to vary the agreement by agreement between all parties against whom the S106 would be enforceable against. In this case the

agreement was made between - The Mayor and Burgesses of the London Borough of Barnet, and Redrow Homes Limited.

The text that needs amending is set out below at paragraph 1.2.

SCHEDULE E

Transportation and Highway Works

1. Tube Station Works

1.1. The Developer shall (subject to Transport for London having agreed in writing prior to payment to comply with the provisions of Paragraph 1.3 of this Schedule E to this Deed) pay the Colindale Station Contribution to the Council in three instalments as follows:-

1.1.1. On or before 30 September 2017 the sum of FOUR MILLION SIX HUNDRED AND TWENTY THOUSAND POUNDS (£4,620,000.00) PROVIDED ALWAYS THAT on or before this date:-

(a) the Council has contributed or committed the sum of TWO MILLION SEVEN HUNDRED AND FIFTY THOUSAND POUNDS (£2,750,000.00)

(b) Transport for London has contributed the sum of ONE MILLION TWO HUNDRED AND EIGHT THOUSAND POUNDS (£1,208,000.00)

for the Colindale Station Works

1.1.2. On or before 31 July 2018 the sum of SIX MILLION FIVE HUNDRED AND TWENTY TWO THOUSAND POUNDS (£6,522,000.00) PROVIDED ALWAYS THAT on or before this date Transport for London has contributed or committed a further ONE MILLION FIVE HUNDRED AND NINETY TWO THOUSAND POUNDS (£1,592,000.00) for the Colindale Station Works

1.1.3. On or before 31 December 2018 the sum of ONE HUNDRED AND FORTY TWO THOUSAND POUNDS (£142,000.00)

1.2. The Council shall pay each instalment of the Colindale Station Contribution to Transport for London within 20 Working Days after the date of receipt of that instalment of the Colindale Station Contribution and use All Reasonable Endeavours to encourage Transport for London to deliver the Colindale Station Works for which each instalment of the Colindale Station Contribution is paid in a timely manner

1.3. In the event that all or any part of each instalment of the Colindale Station Contribution has not been expended or Committed for Expenditure within five years after the date on which it was paid to the Council then Transport for London shall repay that unexpended part of the Colindale Station Contribution to the Developer

It is proposed to vary the wording so that instead of the whole of the Colindale Station contribution being transferred to TfL within 20 working days of receipt that the money is transferred in accordance with the project milestones to be agreed between TfL and London Borough of Barnet.

Suggested wording following a review of other section 106 agreements is:

“The Council shall pay the Colindale Station Contribution to Transport for London on terms that require its use towards the cost of the Colindale Station Works. The transfer of the funding from London Borough of Barnet to TfL will take place in accordance with project milestones to be agreed between TfL and London Borough of Barnet”

TfL is not a party to the S106 agreement so will not have to agree to any amended wording. However, Redrow will need to agree to vary the agreement (which they have indicated they are happy to do) and agree the new wording. Therefore it is recommended that planning committee provide Delegated Authority to the Deputy Chief Executive in consultation with the Chairman of Planning Committee to agree project milestones which will need to be reached before transfer of funding to TfL takes place.

Policy Background

As the proposal in this case is to vary the S106 to address a procedural implementation issue it is not considered that a full assessment against planning policy is required.

It is worth noting however that the Colindale Area Action Plan (AAP) was adopted in March 2010. The 3rd objective of the AAP is to “Improve the quality and attractiveness of the transport network/infrastructure and encourage the use of sustainable modes of transport, addressing the significant increase in travel resulting from proposed growth.” To this end the Council has been working alongside developers and TfL to ensure that improvements to Colindale Station are brought forward and a number of S106 agreements attached to developments in the area have required contributions towards public transport improvements (including the station as secured through the Peel Centre s106).

Assessment

It is considered that the proposal to vary the S106 agreement is acceptable and necessary to help ensure that the Colindale Station works progress in a timely manner and the Council retains an element of control over the substantial section 106 sums involved.

Recommendation

That all parties to the agreement dated 23 December 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 23 December 2015 at schedule E paragraph 1.2 as set out below:

“The Council shall pay the Colindale Station Contribution to Transport for London on terms that require its use towards the cost of the Colindale Station Works. The transfer of the funding from London Borough of Barnet to TfL will take place in accordance with project milestones to be agreed between TfL and London Borough of Barnet”

A consequential amendment is also necessary to Schedule E section 1.3 of the s106, which should be amended to say that ‘the Council’ shall repay the unexpended part to the Developer rather than TfL.

As the project milestones for the Colindale Station Works have not yet been finalised, it is recommended that the project milestones which will need to be reached before transfer of funding to TfL takes place is delegated to the Deputy Chief Executive in consultation with the Chairman of the Planning Committee.

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