

**MEETING**

**PLANNING COMMITTEE**

**DATE AND TIME**

**WEDNESDAY 25TH JULY, 2018**

**AT 7.00 PM**

**VENUE**

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

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

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

Councillor Brian Gordon	Councillor Stephen Sowerby	Councillor Claire Farrier
Councillor Mark Shooter	Councillor Shimon Ryde	Councillor Kathy Levine
Councillor Eva Greenspan	Councillor Tim Roberts	Councillor Laurie Williams

**Substitute Members**

Cllr John Marshall	Cllr Gabriel Rozenberg	Cllr Alison Cornelius
Cllr Gill Sargeant	Cllr Reema Patel	Cllr Arjun Mittra

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**

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**ASSURANCE GROUP**

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the last meeting	5 - 10
2.	Absence of Members	
3.	Declarations of Members' disclosable pecuniary interests and non-pecuniary interests	
4.	Report of the Monitoring Officer (if any)	
5.	Addendum (if applicable)	
	<b>East Barnet</b>	
6.	Mount Parade Garages land to the rear of Mount Parade Barnet, EN4 9DD - 18/1969/FUL	11 - 36
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7.	Pentavia Retail Park, NW7 2ET - 17/8102/FUL	37 - 96
8.	Phase 10 Millbrook Park, NW7 1PX - 18/2891/RMA	97 - 128
	<b>Colindale</b>	
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	<b>Golders Green</b>	
11.	School House Whitefield School Claremont Road London NW2 1TR - 18/1221/FUL	157 - 166

	<b>Burnt Oak</b>	
12.	Montrose Playing Fields, HA8 - 18/1644/FUL	167 - 186
13.	Any item(s) that the Chairman decides are urgent	

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## Decisions of the Planning Committee

25 June 2018

Members Present:-

AGENDA ITEM 1

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

Councillor Eva Greenspan	Councillor Claire Farrier
Councillor Mark Shooter	Councillor Kathy Levine
Councillor Stephen Sowerby	Councillor Laurie Williams
Councillor Shimon Ryde	Councillor John Marshall
Councillor Tim Roberts	(In place of Councillor Brian Gordon)

Apologies for Absence:

Councillor Brian Gordon

### 1. MINUTES OF THE LAST MEETING

**RESOLVED** that the minutes of the meeting held on 28 March 2018 be agreed as a correct record.

### 2. ABSENCE OF MEMBERS

An apology for absence had been received from Councillor Brian Gordon who had been substituted for by Councillor John Marshall.

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

Councillor Shimon Ryde declared a disclosable non-pecuniary interest as he was a Council appointed representative on the Board of the Barnet Group. Barnet Homes, a subsidiary of the Barnet Group, had several applications for determination. Councillor Ryde advised that he would leave the meeting room when the Committee considered all applications submitted by Barnet Homes. He did not take part in the consideration or voting process for the following items:

- 17/5615/FUL – Friern Court Friern Barnet Lane London N20 0NJ
- 17/6051/FUL – Registry Office, 182 Burnt Oak Broadway, Edgware HA8 0AU
- 17/2304/FUL – The Croft, East Road, Edgware HA8 0BS

### 4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

**5. ADDENDUM**

The Committee noted the addendum to the items on the agenda which had been circulated.

**6. SCHOOL HOUSE WHITEFIELD SCHOOL - 18/1221/FUL**

The Chairman advised Members that this item would be **DEFERRED** to the next meeting of the Committee to enable officers to explore whether the travel plan monitoring contribution could be secured by a Section 106 agreement instead of a condition.

Having declared an interest, Councillor Ryde left the meeting for consideration of the following item.

**7. FRIERN COURT - 17/5615/FUL**

Officers introduced the report and addendum.

Representations against the application were heard from Mr Keith Wigmore and a representative for Jenny Roche (who was absent due to illness) and in support from the applicant's agent.

The Committee agreed that Condition 8 should be amended to require that any removed trees are replaced with mature trees.

Following the debate on the item the Committee

**RESOLVED that the application be approved subject to:**

- 1. the completion of a section 106 agreement the conditions set out in the officers report and the addendum; and**
- 2. the amendment of Condition 8 to require that any removed trees are replaced with mature trees.**

Voting was recorded as follows:

For:	10
Against:	0
Abstentions:	0
Absent:	1

Councillor Ryde re-entered the meeting room.

**8. 60 WEST HENDON BROADWAY - 17/6434/FUL**

Officers introduced the report and addendum.

A Member commented that there was an under-provision of affordable housing within the scheme.

Following the debate on the item, the Committee

**RESOLVED that application be approved subject to the completion of a section 106 agreement which will include a contribution of £2,048 towards employment monitoring and the conditions set out in the officers report and addendum.**

Voting was recorded as follows:

For:	7
Against:	4
Abstentions:	0
Absent:	0

**9. WEST HENDON 5 - 17/8134/RMA**

Officers introduced the report and addendum.

Following the debate on the item, the Committee

**RESOLVED that application be approved subject to the conditions set out in the officers report and addendum.**

Voting was recorded as follows:

For:	11
Against:	0
Abstentions:	0
Absent:	0

**10. WEST HENDON REGENERATION AREA (PHASE 6), NW9 - 17/8150/RMA**

Officers introduced the report and addendum.

Following the debate on the item, the Committee

**RESOLVED that application be approved subject to the conditions set out in the officers report and addendum.**

Voting was recorded as follows:

For:	11
Against:	0
Abstentions:	0
Absent:	0

Having declared an interest, Councillor Ryde left the meeting for consideration of the following items.

**11. BURNT OAK BROADWAY - 17/6051/FUL**

Officers introduced the report and addendum.

Following the debate on the item, the Committee

**RESOLVED that the revised conditions be approved as set out in the officers report and addendum.**

Voting was recorded as follows:

For:	10
Against:	0
Abstentions:	0
Absent:	1

**12. THE CROFT - 17/2304/FUL**

Officers introduced the report.

Following the debate on the item, the Committee

**RESOLVED that the revised conditions be approved as set out in the officers report.**

Voting was recorded as follows:

For:	10
Against:	0
Abstentions:	0
Absent:	1

Councillor Ryde re-entered the meeting room.

**13. NON IMMEDIATE ARTICLE 4 DIRECTION - OFFICE TO RESIDENTIAL, LIGHT INDUSTRIAL TO RESIDENTIAL AND WAREHOUSE TO RESIDENTIAL**

Officers presented the report.

Following consideration of the item the Committee

**RESOLVED to:**

- 1. Approve the making of a non-immediate Article 4 Direction to withdraw permitted development rights for changes of use from offices (Use Class B1a) to residential use (Use Class C3) at the locations shown in Appendix 1.**



- 2. Approve the making of a non-immediate Article 4 Direction to withdraw permitted development rights for changes of use from light industrial (Use Class B1c) to residential use (Use Class C3) at the locations shown in Appendix 2.**
- 3. Approve the making of a non-immediate Article 4 Direction to withdraw permitted development rights for changes of use from storage and distribution centre (Use Class B8) to residential use (Use Class C3) at the locations shown in Appendix 3.**
- 4. Approve consultation on the three non-immediate Article 4 Directions.**

Voting was recorded as follows:

For:	11
Against:	0
Abstentions:	0
Absent:	0

The meeting finished at 7.58 pm

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**Location**                      **Mount Parade Garages Land To The Rear Of Mount Parade Barnet  
EN4 9DD** AGENDA ITEM 6

**Reference:**            **18/1969/FUL**                      Received: 28th March 2018  
Accepted: 12th April 2018

Ward:                      East Barnet                                  Expiry 7th June 2018

Applicant:                      Opendoor Homes

Proposal:                      Demolition of existing garages and redevelopment to provide a part two, part three storey flat block, comprising 7 flats, with associated landscaping, car parking, cycle parking and refuse storage

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal 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)

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

- 16-018-D05.001-RevA - Site Location Plan
- 16-018-D05.002-RevA - Topographical Survey
- 16-018-D05.010-RevA - Existing Block Plan
- 16-018-D05.011-RevA - Proposed Block Plan
- 16-018-D05.050-RevA - Proposed Site Plan
- 16-018-D05.100-RevA - Proposed Ground Floor Plan
- 16-018-D05.101-RevA - Proposed First Floor Plan
- 16-018-D05.102-RevA - Proposed Second Floor Plan
- 16-018-D05.200-RevA - Existing /Proposed Elevation 1 - South West
- 16-018-D05.201-RevA - Existing /Proposed Elevation 2 - North East
- 16-018-D05.202-RevA - Existing /Proposed Elevation 3 - North West
- 16-018-D05.203-RevA - Existing /Proposed Elevation 4 - East
- 16-018-D05.204-RevA - Proposed Elevation and Sections
- Design and Access Statement, bptw partnership, February 2018
- Planning Statement, bptw planning, March 2018, v1.
- Land Contamination Assessment, AGB Environmental
- Transport Statement, Vectos
- Sunlight, Daylight and Overshadowing Assessment, HTA, June 2016
- Sustainability/Energy Statement, BBS Environmental

Tree Survey/Arboricultural Impact Assessment and Method Statement, AGB Environmental, 9 May 2016  
Building Regulations Part M4(2) Compliance Note

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

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

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

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 4 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the commencement of the relevant phase of development.

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 October 2016) and 7.21 of the London Plan 2016.

- 5 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.

- 6 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 7 Prior to the first occupation of the development hereby approved it shall be demonstrated that the development would be 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 (2015) and the 2016 Mayors Housing SPG.

- 8 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.

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

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

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.13 and 5.14 of the London Plan 2016.

10 Before the development hereby permitted is occupied the car parking spaces as shown on Drawing No. 16-018 D05.050 Rev A shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

11 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- 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.

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

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 12 Before the development hereby permitted is occupied cycle parking spaces shall be provided in accordance with the London Plan Cycle Parking Standards and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 13 Prior to the commencement of the development, details of any works proposed on public highway shall be submitted to and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans.

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 the commencement of the development hereby approved, details and statutory orders of any highways required to be stopped up to facilitate the development shall be made under Section 247 of the Town and Country Planning Act 1990. These shall be submitted to and agreed with the Local Planning and Highway Authority.

Reason:

To ensure that adequate public access is provided throughout the development

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

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

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

16 a) No development other than demolition works shall take place until details of the proposed green roof have been submitted to and approved in writing by the Local Planning Authority.

b) The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

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

17 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.

18 Notwithstanding the approved plans and elevations, prior to the commencement of development (not including demolition), a proposed roof plan shall be provided indicating the design and position of the proposed photovoltaic panels to be installed on the roof surface of the proposed development. The development shall be constructed in accordance with these approved details and be retained permanently thereafter.

Reason: To ensure that the proposed development contributes to sustainable development and to ensure that the design and appearance of the proposed PV array



does not harm the character and appearance of the building and the wider area to ensure that the development complies with Policy DM02 of the Development Management Policies DPD (adopted 2016), the Sustainable Design and Construction SPD (adopted 2016) and Policies 5.2 and 5.3 of the London Plan (2016).

## 19 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.

- 20 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise has been submitted to and approved in writing by the Local Planning Authority.
- b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or the first occupation of the development and retained as such thereafter.

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

### **Informative(s):**

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

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

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

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

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

2. Residential Annexes or 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](http://legislation.gov.uk)

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



## Officer's Assessment

### 1. Site Description

The application site comprises garages and car park land located between Grove Road to the north, Mount Pleasant to the East and Fordham Road to the south.

There are currently accesses into the site from Mount Pleasant and Fordham Road.

The site is bounded to the south by a 3-storey flat block (Ludgrove Court), open space serving the Baptist Church to the west, Council refuse and recycling bank to the north, and a 3-storey block to the east (Mount Parade).

The site consists of two existing areas, one occupied by garages and one occupied by hardstanding and used as for informal surface car parking. There is an existing wooden fence which separates the garaged area from the parking area, but allows for pedestrian access between the two areas. The site provides a vehicular access to the adjacent church, accessed through a gate, and a servicing and delivery area for the Mount Parade shops to the east.

There is a level change across the site sloping down from north to south. There are no trees located within the site boundary. There are two street trees to the north of the site which are unaffected by the development proposals.

The surrounding buildings to the south and to the west of the site are predominantly 3-storey flat blocks with pitched roofs. Immediately west of the site is a single storey Baptist Church, and to the east along Mount Parade is a row of retail units with flats above (3-storey).

The wider surrounding area to the north, east, south and west is predominately residential in character buildings to the north of the site are predominantly residential in character, comprising largely of 2-storey semi-detached houses and 3-storey flat blocks.

The site has a Public Transport Accessibility Level (PTAL) rating of 1b (where 1 is low and 6 is high) indicating a low level of accessibility by public transport, and is located in Flood Zone 1 (low risk of flooding) according to the Environment Agency's Flood Zone Maps. The site is identified within the Core Strategy as being within an area of open space deficiency.

### 2. Site History

No relevant site history.

### 3. Proposal

Planning permission is sought for demolition of existing garages and redevelopment to provide a part two, part three storey flat block, comprising 7 flats, with associated landscaping, car parking, cycle parking and refuse storage.

The proposed accommodation comprises of the following typologies:

- 1 x 1-bed/2-person wheelchair accessible flat (*Internal Space: 56 sqm*)
- 3 x 2-bed/3-person flats (*Internal Space: 66 sqm*)
- 3 x 2-bed/4-person flats (*Internal Space: 70 sq m*)

All proposed units meet or exceed the London Plan minimum internal space standards and units are designed to be dual-aspect. Pedestrian access to the proposed building is provided to the front and rear of the building.

Each of the proposed units is provided with a private balcony on upper floors or terrace on the ground floor. To the south of the proposed block, communal amenity space will be provided for the future occupiers.

The one bed unit will have a private access from Grove Road. The two bed units will share a communal access and stair core. A pedestrian access will be retained between the proposed development and the northern flank of the parade of shops.

A secure refuse and recycling storage area is to be provided to the ground floor of the proposed two storey aspect, being accessible from the highway for collection. The existing Council refuse collection point which lies north of the site will be unaffected by these development proposals.

A total of 7 on-site car parking spaces are proposed, serving the proposed units. A minimum of 13 cycle storage spaces will be provided within the ground floor of the two storey aspect.

As part of the development proposals, the existing access gate which serves the adjacent Baptist Church will be relocated approximately 15.5m southwest along the site boundary. The existing vehicular access from Fordham Road onto the site will be retained as existing.

Two existing street trees to the north of the site will be unaffected by the development proposals. Additional tree and shrub planting is proposed to further enhance the appearance of the site.

#### **4. Public Consultation**

Consultation letters were sent to 108 neighbouring properties and a site notice was displayed on 19.04.2018.

3 petitions were received objecting to the proposed development as follows:

From Regular Users of the Shops and Services in Mount Parade (190 signatures)

From Local Residents (240 signatures)

From Regular Church Attenders (76 signatures)

objecting on the following grounds:

- It will greatly reduce the parking space available for our use when we stop and shop
- We will no longer find this a convenient place to shop so business will decline for the shops and services
- There have been too many flats built in the area & we don't need more, especially with the redevelopment of the other 2 sites in the immediate area
- This would be detrimental to the character of the area.
- It would significantly disrupt access to the church grounds. Informal access through parking / amenity space wouldn't be practical
- Community use of the church is expanding and access more frequent

- The loss of parking space would increase pressure on the surrounding area especially the slip road in front of the church
- The main groups who would experience access difficulties would be the disabled, elderly and very young church users who the church serves
- The windows and balconies of the 3-storey block of flats would overlook childrens activities in the church grounds
- The proposed flats would be constructed within a metre of the Miller Room and, being a 3 storey block, will have deeper foundations, which could compromise the stability of our buildings and could affect sunlight.

In addition, 46 individual objections were received, with comments summarised as follows:

- Parking / Traffic Impact
- Loss of existing car park
- Loss of garages
- Need to consider the impact of the Jester pub redevelopment
- Overlooking
- Impact on local businesses
- Noise and light pollution
- Overbearing impact on neighbouring properties, especially the church
- Overdevelopment of the area
- No guarantee these would be affordable homes
- Existing infrastructure will be put under pressure
- Refuse collection problems

A letter was received from the Rt. Hon. Theresa Villiers MP as follows:

"I have been approached by constituents about this planning application and their concerns about the effect this could have on the area if it is allowed.

I note that a number of constituents have submitted their objections online to this application. They are concerned about the loss of the car park and the impact that this will have on the businesses in Mount Parade whose customers rely on it when visiting the shops. They are also concerned that if the parking area is lost, shoppers will use the surrounding roads which are already congested.

My constituents also believe that the proposed new development is too big for the area in which it is proposed to be built; and that it will overpower neighbouring properties and the nearby New Bevan Baptist Church.

I have also had comments that the proximity of the building will deter members of the congregation of the church from continuing to attend events, fearing that the outside space associated with the church will no longer be private.

Summing up the objections that have been drawn to my attention, it would seem that my constituents believe that the proposal is out of scale and character with the surrounding area; and will lead to congestion in the roads around the site because of the loss of the car park area.

I would be grateful if the committee determining the application would take my constituents' views into consideration before reaching a decision. Also, please inform the committee that I oppose the application.

I am aware that the consultation period has ended but I hope that my comments can be taken into consideration."

#### **4.1 Internal / Other Consultation**

Thames Water: Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Highways:

No objection, subject to conditions.

Environmental Health:

No objection subject to conditions.

Arboricultural Officer:

"The site is a typical garage site, with two self-seeded trees growing in inappropriate situation, through metal railings. The primary tree amenity feature nearby is the roundabout with large mature oaks trees.

The proposal requires one of these trees to be removed T1 (applicants plan). There may also be merit in removing T2 and providing new trees more suited to the proposed new arrangements.

The other trees are located off site and can be protected with tree protection measures.  
No objection.

Reason: Loss of trees can be offset with replacement planting around the site resulting in minimal impact on visual tree amenity and therefore in accordance with planning policy DM01 Landscape plan showing revised play areas and new and replacement tree plantings."

London Fire Brigade: The Commissioner is satisfied with the proposals. The Commissioner strongly recommends that sprinklers are considered for new developments.

### **5. Planning Considerations**

#### **5.1 Policy Context**

National Planning Policy Framework and National Planning Practice Guidance

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

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



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

#### The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

#### Draft London Plan 2017

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

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

#### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS4, CS5, CS6, CS9, CS10, CS12, CS14, CS15

Policy CS3 states that On the basis of our Three Strands Approach we expect that in the range of 28,000 new homes will be provided within the lifetime of this Core Strategy 2011/12 to 2025/26.

Policy CS4 states that We will aim to create successful communities in Barnet by:

- seeking to ensure a mix of housing products in the affordable and market sectors to provide choice for all households and enable Barnet residents to progress on a housing journey that can meet the aspirations of home ownership.
- Seeking to ensure that all new homes are built to Lifetime Homes Standards and that through extending the inclusive design principles embedded in Lifetime Homes we can create Lifetime Neighbourhoods that are welcoming, accessible, and inviting for everyone, regardless of age, or health, or disability.
- Seeking a range of dwelling sizes and types of housing including family and lifetime homes that meets our identified housing priorities and does not undermine suburban character or local distinctiveness.

Policy CS5 on Protecting and enhancing Barnet's character to create high quality places sets out how we will secure high quality design.

- Seeking a variety of housing related support options that maximise the independence of vulnerable residents including young people, people with disabilities, older people, homeless people and other vulnerable adults.

- Delivering a minimum affordable housing target of 5,500 new affordable homes by 2025/26 and seeking a boroughwide target of 40% affordable homes on sites capable of accommodating ten or more dwellings.
- Seeking an appropriate mix of affordable housing of 60% social rented and 40% intermediate for Barnet that will support our objectives of widening home ownership and providing family homes.
- On sites which are suitable for the provision of an element of affordable housing, we may exceptionally accept the provision of off-site housing, or a commuted payment instead of such provision.

Policy CS5 states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.

Policy CS6 states that in order to promote competitive town centre environments and provide consumer choice, we will realise development opportunities for the town centres of Edgware, North Finchley, Finchley Church End, and Chipping Barnet. We will pursue the individual planning objectives for each centre as set out in their Town Centre Frameworks and ensure the delivery of environmental, design, transport, car parking and community safety measures.

Policy CS9 states that the Council will promote the delivery of appropriate transport infrastructure in order to support growth, relieve pressure on Barnet's transport network and reduce the impact of travel whilst maintaining freedom and ability to move at will.

Policy CS10 states that the council will work with our partners to ensure that community facilities including schools, libraries, leisure centres and pools, places of worship, arts and cultural facilities, community meeting places and facilities for younger and older people, are provided for Barnet's communities.

Policy CS12 states that the Council will aim to make Barnet a safer place. It is important that we ensure through the management of growth that Barnet is a place where people from different communities get on together.

Policy CS14 sets out how the Council will encourage sustainable waste management. Promotes waste prevention, re-use, recycling, composting and resource efficiency over landfill.

Policy CS15 states that the Council will work with the Local Strategic Partnership (One Barnet Partnership Board) and other partners to deliver the vision, objectives and policies of the Core Strategy.

#### Development Management Objectives

- Relevant Development Management Policies: DM01, DM02, DM08, DM10, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough.

The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Policy DM03 states that development proposals should meet the highest standards of accessible and inclusive design. Ensuring accessibility can be used safely, easily and with dignity by all regardless of disability, age, gender, ethnicity or economic circumstances.

Policy DM04 states that all major development will be required to demonstrate through an Energy Statement compliance with the Mayor's targets for reductions in carbon dioxide emissions within the framework of the Mayor's energy hierarchy. Proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.

Policy DM08 states that development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough.

Policy DM10 states that having regard to the borough-wide target that 40% of housing provision should be affordable, the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units gross or covering an area of 0.4 hectares or more.

Policy DM17 states that the council will ensure that the safety of all road users is taken into account when considering development proposals, and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users. It also sets out parking standards.

#### 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.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether the principle of the development is acceptable
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposals would provide an acceptable level of amenity for future residents;
- Whether the proposals would have an acceptable impact on highway and pedestrian safety;
- Sustainability & Accessibility Issues

## **5.3 Assessment of proposals**

## Whether the principle of the development is acceptable

Planning permission is sought for the erection of a three storey development providing a total of 7 flats.

The proposed development would comprise of a single, one-bed wheelchair accessible flat; and, six, two-bed flats (facilitating a mix of 3-4 persons). The development would be for the benefit of Barnet Homes and all seven units would be provided as affordable housing utilising the affordable rent product.

The National Planning Policy Framework promotes a presumption in favour of sustainable development requiring local authorities to permit development which accords with the development plan. A fundamental principle of achieving sustainable development, is the ability of a developer to provide housing, which is affordable and which meets local identified need on a previously developed site.

Policy CS4 of the Core Strategy DPD (2012) seeks to ensure a mix of housing products in affordable and market sectors to provide choice for all households. Policy DM08 (Ensuring a variety of sizes of new homes to meet housing need) states that development should where appropriate provide a mix of dwelling types and sizes in order to provide choice within the Borough, having regard to the borough wide target of 40% affordable housing provision. Policy DM10 (Affordable housing contributions) seeks the maximum reasonable amount of affordable housing to be provided on all new sites that provide 10 or more units, having regard to the Borough wide target for 40% affordable housing provision.

Policy 3.10 of the Mayor's London Plan (2016) states that affordable rented housing should meet the criteria outlined in Policy 3.10 and be let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

The site to which this application relates is considered to be previously developed land given that the development is to be carried out on the site of existing residential garages and hardstanding.

The proposal site has a PTAL rating of 1b and is located in an 'sub-urban' area. The recommended density range for the site according to the London Plan is 150-200hr/ha.

The proposed scheme has a density of 289 hr/ha (based on 26 habitable rooms on a site of 0.09 ha), which is above the London Plan recommended range. Officers acknowledged that the density range given in the London Plan is intended as a guideline, and is one of a number of factors to consider when looking at the acceptability of a scheme for a site, including the accessibility of local facilities, the type and scale of surrounding developments, and the character of the surrounding area. The site is within walking distance of the Mount Parade shops and within walking distance of a bus stop making it a sustainable location for residential development. There are a number of flatted blocks in the wider area around the Mount Pleasant roundabout, Langford Road, Mount Pleasant and Edgeworth Road. Given that the proposed development provides for acceptably sized units, adequate car parking and amenity and that the development is not inconsistent with development patterns in the area, it is suggested that the density associated with this proposed development is acceptable. Furthermore, although considered later in this report, the design, scale and massing of the development is also a factor, which Officers deem to be acceptable.

In summary, the development would provide contribute to providing a mix of housing products for all households in accordance with Policy DM08. It is therefore considered that the principle of the development would be acceptable.

#### Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

The proposed development comprises the demolition of the existing garages and the construction of a block of 1 x 1-bedroom flats and 6 x 2-bedroom flats on the northern side of the site on the area of hardstanding, 7 associated car parking spaces for residents and refuse and cycling storage areas.

The proposal has been designed to reflect the height and scale of the adjacent parade of shops, which comprises two 3 storey buildings linked by a single storey element fronting the junction of Mount Parade and Edgeworth Road. The proposed development has been sited on the northern part of the Site to 'complete' the undeveloped section of the parade. The proposed 2-storey element will be subordinate to the adjacent 3-storey section of the parade and will provide a link to the 3-storey element of the proposed development. The proposed 3-storey element includes a pitched roof to match the existing buildings forming the parade of shops, in keeping with the character of the area.

It is considered that the proposed development responds to the character and typology of built forms in the area. There are three storey flatted blocks in Langford Road and Mount Pleasant situated around the roundabout with further examples on the western side of Edgeworth Road and along Fordham Road and Park Road in particular. The height of the proposed building is not incongruous with adjoining buildings and provides sufficient separation to buildings of lower height. This proposed development is therefore consistent with local character and would accord with policy DM1.

In summary, it is not considered that the proposed development would cause harm to the character or appearance of the street scene or surrounding area and is therefore acceptable in this respect.

#### Impact on the amenity of neighbouring properties

The location of the proposal allows for adequate separation between the rear elevation of Ludgrove Court to the south of the site and the proposed development to ensure overlooking issues due not occur. The separation distance of the nearest point is 33m, exceeding the recommended minimum distance of 21m between facing habitable rooms windows as set out in the Council's adopted Sustainable Design and Construction SPD 2016).

Similarly, distances to other properties on Fordham Road would be in excess of 30 metres.

The northern elevation of the existing Mount Parade terrace does not feature any windows and therefore does not give rise to any opportunity for overlooking. Deck access to the flats above the adjacent shop parade is sited at first floor level to the western elevation (at the rear). Given this deck access is communal, overlooked by the existing flats and does not directly face the site, it is not considered that the proposal would give rise to undue overlooking from the proposed flats.

There is a single window to each floor on the northwest elevation of the proposed development serving kitchen/living/dining rooms. Due to the distance between these

proposed windows and the main church building it is not considered that this will give rise to overlooking.

Officers consider that the development has been designed to respect the existing character and design of the surrounding area in terms of its heights, bulk and massing, which are similar to neighbouring buildings. Consequently it is considered that the development would not appear unduly visually over-dominant or overbearing in its appearance to these neighbouring occupiers.

A Daylight, Sunlight and Overshadowing Assessment has been undertaken by HTA, assessing both the light levels to the proposed development and the impact of the proposed development on light levels to surrounding residential properties. The Daylight, Sunlight and Overshadowing Assessment states that overall, the impact of the new block on the surrounding existing properties is considered minimal in terms of daylight and overshadowing. There are no existing buildings to the north of the application site that might be affected by the proposed buildings in terms of sunlight.

The proposed residential development is located adjacent to existing blocks of flats in a predominately residential area. It is considered that the proposed residential use of the site is entirely compatible with the surrounding residential use, and will not generate any significant level of noise above that which would be considered reasonable for residential development.

With regard to potential noise and nuisance generated during the construction phase, this would be controlled by a planning condition requiring the submission, approval and monitoring of a Construction Management Plan and a restriction of construction working hours.

The development will increase the level of natural surveillance on site, thus it is not considered that there would be an increase in the level crime or security risks within the surrounding area.

#### Impact on the amenity of future occupiers

The proposed accommodation comprises of the following typologies:

- 1 x 1-bed/2-person wheelchair accessible flat (*Internal Space: 56 sqm*)
- 3 x 2-bed/3-person flats (*Internal Space: 66 sqm*)
- 3 x 2-bed/4-person flats (*Internal Space: 70 sq m*)

All of the proposed units have been designed to meet the minimum internal floor space standards, as set out in Table 3.3 Housing Standards Minor Alterations to the London Plan (March 2016), to provide high quality residential accommodation. The proposal is therefore in accordance with Policy 3.5 of the Housing Standards Minor Alterations to the London Plan and the Council's adopted Sustainable Design and Construction SPD (2016) standards.

Each of the proposed dwellings has access to its own private balcony or terrace which meets or exceeds the minimum London Plan standards, and all proposed dwellings will have access to the communal amenity space, which comprises 49 sqm, situated towards the rear of the site.

All units are dual aspect and all habitable rooms are considered to have a reasonable level of outlook.

The proposed development will not be unduly overlooked by the neighbouring blocks, and thus, it is considered that there will not be a demonstrable loss of privacy to the future occupiers of the development.

A Daylight, Sunlight and Overshadowing Assessment accompanies the application. This concludes in terms of the performance of the proposed development there are some units that do not achieve the recommended minimum levels, but overall the design affords potential for good daylight and sunlight conditions.

Overall, 90% of rooms either meet or exceed acceptable performance and importantly, all rooms have a clear view of the sky, so it can be said that the development will benefit from good levels of daylight.

Some windows do not quite meet the recommended levels for annual probable sunlight hours (APSH) but are all still acceptable. All windows meet the WPSH criteria and, therefore, these are expected to receive adequate sunlight throughout the year and during winter.

#### Highway safety, parking, cycle parking and refuse collection

"The PTAL is 1b (poor) with bus the only public transport mode available within the PTAL calculation area. The development is not located in a controlled parking zone nor is there one likely to be in place by the time the development is occupied.

There are seven parking spaces proposed which is in line with parking standards as mentioned in policy DM17. The level of off street parking exceeds census car ownership levels for this ward there for the likelihood of overspill parking by future residents of the development is minimal.

There will be no uplift in trip generation when the existing use (garages-when fully occupied) and the proposed use are compared.

A parking survey has been undertaken at peak times of residential parking demand which shows that while roads within an immediate proximity to the development have high levels of parking stress, there are large amounts of kerb side parking available slightly further afield. Of the 240 available spaces within the survey area 135 spaces (20/03/18) and 137 (23/3/18) were recorded, which is equivalent to a 57% parking stress.

There are a number of vehicles parked within these garages, the parking survey shows that should these vehicles be parked on the surrounding highway, they can be accommodated within the survey area comfortably without impact on existing residents parking amenity.

The proposed development conforms with London Plan stated minimum cycle parking levels by providing 12 secure cycle parking spaces.

Refuse stores have been provided within a suitable proximity of the entrances to the development for the use by future residents, the bin stores are also a reasonable proximity from the public highway and can be easily accessed by refuse operatives. Residents have raised objections to the location of refuse vehicles when collecting bins. Collections are infrequent and for a short period of time, as such the location of a vehicle at this point would not generate a significant impact on the performance and safety of the surrounding highway network.

The proposals will not generate a significant negative impact on the performance and safety of the surrounding highway network or its users, as such a recommendation for approval is supported;

- o The proposed development will not generate a significant increase in trip generation.
- o Cycle parking is in line with London Plan minimum standards
- o Cycles can be stored in the designated ground floor storage spaces.
- o Refuse stores have been provided within a close proximity to the highway.
- o Over spill parking by the proposed development will be minimal as an off-street parking spaces has been proposed. "

The site is accessible for emergency vehicles via the existing vehicular access to the south, as demonstrated by the submitted Swept Path Diagram drawing no. 162206/AT/B02. The London Fire Brigade Assistant Commissioner confirmed in a consultee response dated 24 May 2018 that they are satisfied with the proposals.

### Sustainability & Accessibility

The applicant has provided a sustainability statement which indicates that all residential units within the new development will achieve internal water restrictions of 105 litre/per person / per day, in accordance with Part P of the Building Regulations.

The Energy Statement within the Sustainability Statement demonstrates that the proposed scheme would achieve a 35.3% reduction in Carbon Dioxide emissions with reference to Part L1A 2013 of the Building Regulations, achieved largely through renewable energy in the form of photovoltaic (PV) panels, providing a highly sustainable development, in accordance with the objectives of the London Plan.

Previously, the London Plan and Barnet's local policy required all new dwellings to be designed to meet the Lifetime Homes standard. In March 2015, the Lifetime Homes standard was abolished. The current equivalent design standard is for compliance with Part M4(2) of the 2013 Building Regulations. The Housing Standards Minor Alterations to the London Plan (March 2016) updated the relevant London Plan policy accordingly, to require all new dwellings that are not designed to be fully wheelchair accessible or adaptable (Part M4(3)) to be designed in accordance with Part M4(2).

Part M4(2) standards include a requirement for dwellings to be provided with step-free access at the entrance point, effectively meaning that developments which include units with entrances above ground floor level now require provision of a lift. This is more onerous than the previous Lifetime Homes standards.

However, the supporting text of the updated London Plan Policy 3.8 states that where it can be demonstrated that the provision of a lift may cause practical difficulties, have implications for the viability of schemes or the affordability of service charges, Building Regulation Part M4(1) can be applied. This was considered by Officers at the pre-application stage (and in other recent schemes) to be an acceptable approach, where the feasibility and viability implications are demonstrated.

The applicant confirms that due to the small-scale nature of the development proposal and the constrained nature of the site in terms of size and the positioning of existing development, providing a lift on this site is not feasible, and would have severe financial implications for the delivery of the proposed affordable units, for the reasons set out below:



- A reduction in the number and size of units within the development would be required to physically accommodate the lift;
- The higher construction costs associated with providing a lift;
- The ongoing maintenance costs associated with the lift and the need to incorporate this cost into the service charge for future residents, which in turn, impacts negatively on the affordability of the units, all of which are proposed as affordable rent units.

It is on these grounds and under the provisions of Standard 11 of the Housing SPG (2016) that provides for this flexibility, that the development proposals on Mount Parade will meet the base Building Regulations Part M4(1) in this regard, with the exception of 2 ground floor units which are M4(2) compliant and 1 ground floor unit which is M4(3) compliant.

Overall it is considered that the development would be sustainable and have a good level of accessibility. Despite falling short of the desired accessibility standards within the Mayor's London Plan (2016), the applicants have demonstrated to the Council that to ensure blanket compliance with this standard across all developments would render the scheme unviable given the scheme costs. It would also necessitate an increase in service and maintenance charges which would preclude the opportunity to reduce the (affordable) rent level.

#### **5.4 Response to Public Consultation**

Several of the planning issues raised are addressed in the report above.

Specific responses as follows:

- It is stated in the Church's petition that the proposed development lies within a metre of Miller Room. In fact, the western elevation of the proposal lies 8m from Miller Room. There are no windows present to the eastern elevation of the Miller Room or the main part of the Bevan Park Baptist Church building. A Daylight, Sunlight and Overshadowing Assessment which forms part of the application confirms the grounds of the Church receives adequate sunlight and the recommended BRE levels are achieved.

- One neighbour comment queried the tenure of the proposed units. As the proposed development falls below the affordable housing threshold (more than 10 units), no affordable housing is required by policy to be provided on this Site. However, it is Opendoor Homes' intention that all of the proposed units would be for affordable rent, exceeding the policy requirement for 40% on-site affordable housing, and meeting an identified need for affordable housing within the Borough in terms of both the tenure and the size of unit currently in demand. The tenure of the units would be secured by the terms of the loan agreement, nominations agreement, and by the land transfer agreement between LB Barnet and Opendoor Homes.

- A number of resident objections raised concern regarding the parking provision for the proposed development. The site has a PTAL score of 1b, which denotes a low level of accessibility by public transport. While the PTAL score is low, the site is immediately adjacent to a parade of retail units offering a number of local facilities. A Parking Survey and Transport Statement are submitted in support of the application, to consider the impact of the proposals at the site. There are 12 existing garages on the site, which are to be removed as part of the development proposals. Of the 12 garages, 8 are occupied by residents living within 200m walking distance of the site. Some garages may be used for storage, however the applicant has assumed a worst case scenario where the 8 occupied garages are potentially used for parking and this parking is displaced. While the site does not have any demarcated parking spaces, informal parking does occur on the area of hardstanding along

the northern section of the site. This will not be retained as part of the development proposals. The Parking Survey undertaken on 20th March at 1:00am and 23rd March 2018 at 4:30am demonstrates that the parking stress of the surrounding streets is between 20% and 89%, with spare capacity of at least 135 parking spaces to accommodate any displaced residents parking that may result from the proposed development, should any of the garages currently be in use for parking cars.

With regard to parking provision for the new development, Local Policy DM17 sets maximum parking standards of 1 space per 1-bed unit and 1.5 spaces per 2-/3-bed unit. It is proposed to provide 7 new parking spaces at a ratio of 1:1 for the proposed units, fully complying with Barnet's maximum parking standards.

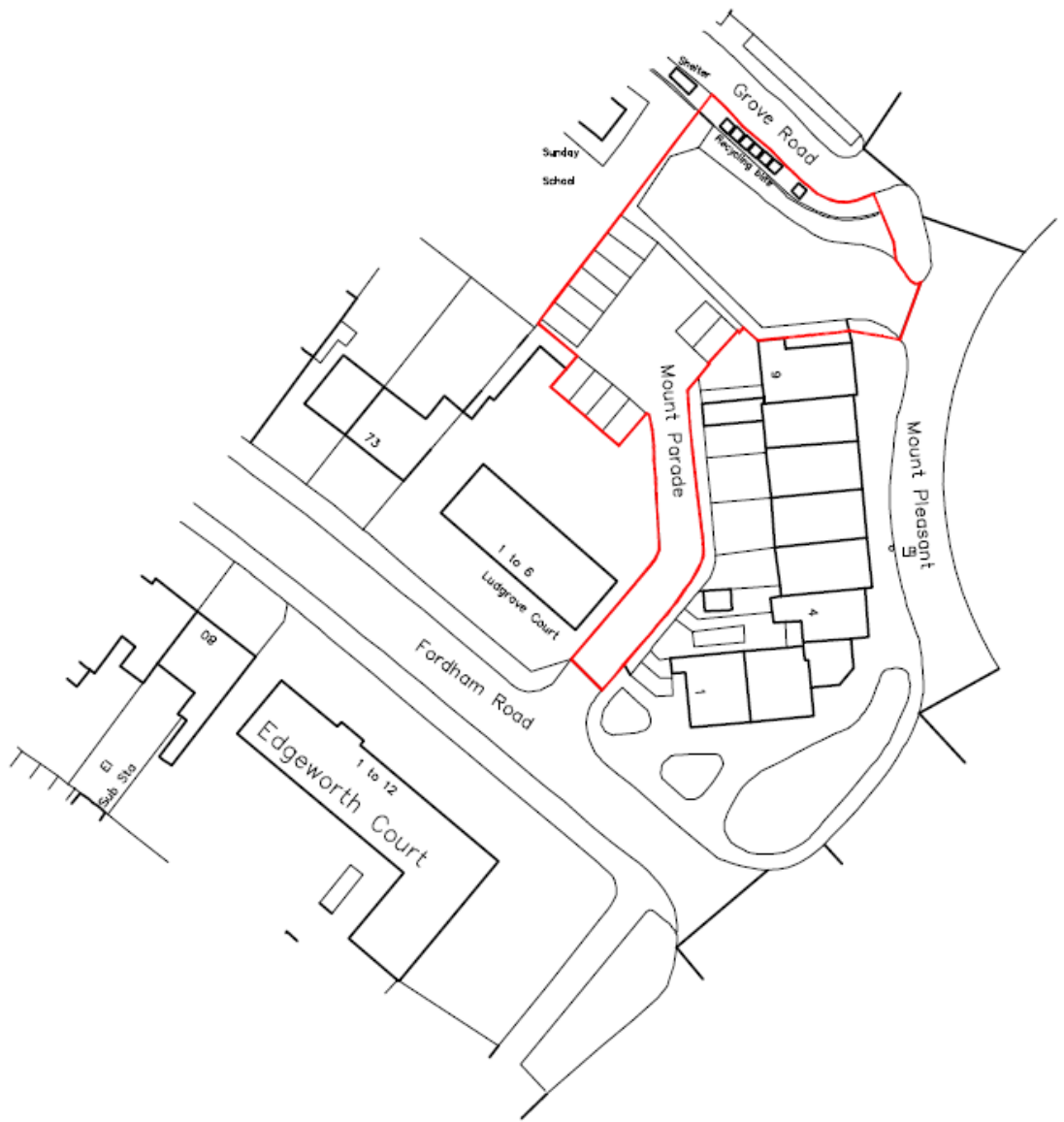
- As part of the development proposals, the existing access gate which serves the adjacent Baptist Church will be relocated approximately 15.5m southwest along the site boundary and will continue to be accessed via Fordham Road which will be retained as existing.
- The existing vehicular access which serves the site from Fordham Road will be retained as existing. The existing vehicular access from Mount Parade will be removed as part of the development proposals.
- New refuse and recycling stores for the proposed flat block will be located within the ground floor of the two-storey aspect, within a short distance from the Mount Parade for ease of collection. It is not anticipated that the collection arrangements for neighbouring properties would be altered by the proposed development. Highway users noted as part of their consultee response that collections are infrequent and for a short period of time, as such the location of a vehicle at this point would not generate a significant impact on the performance and safety of the surrounding highway network.
- The site is accessible for emergency vehicles via the existing vehicular access to the south, as demonstrated by the submitted Swept Path Diagram drawing no. 162206/AT/B02. The London Fire Brigade Assistant Commissioner confirmed in a consultee response dated 24 May 2018 that they are satisfied with the proposals.
- The impact of the proposal on sunlight provision to the existing flats was queried by resident objections. A Daylight, Sunlight and Overshadowing Assessment accompanies the application, demonstrating there is no detrimental impact on the light levels to the proposed development and the impact of the proposed development on light levels to surrounding residential properties.
- A number of resident objections raised concern regarding the impact of the proposed development on drainage. A Utility Site Investigation Report accompanies the application and includes a map from Thames Water denoting the location of their sewers in the vicinity of the site. Thames Water have confirmed they have no objections to the proposals. A condition will be added requiring submission of a drainage strategy.

## **6. Equality and Diversity Issues**

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set out 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, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



**LOCATION:** Pentavia Retail Park  
Watford Way  
London  
NW7 2ET

## AGENDA ITEM 7

**REFERENCE:** 17/8102/FUL Validated: 22/12/2017

**WARD:** Mill Hill Expiry: 23/03/2018

**APPLICANT:** Meadow Residential

**PROPOSAL:** Redevelopment of site including the demolition of all existing buildings and construction of 724 new Build to Rent residential units (Use Class C3) along with 949 sqm of ancillary residential facilities, 987 sqm of non-residential floorspace (Use Class A1, A3 and D1) within buildings ranging from 5 to 15 storeys, a new pedestrian access off Bunns Lane, open space, landscaping, car parking, acoustic mitigation and highway / pedestrian improvements (Environmental Statement Received)

### APPLICATION SUMMARY

The application seeks permission for the comprehensive redevelopment of the site to provide a residential-led mixed use development comprising 724 residential units. The existing site is largely occupied by retail units and it is considered that the overarching principle of development to provide a residential-led mixed use development is acceptable and in line with the Council's Town Centres first retail strategy seeking to focus retail uses in existing town centres.

The density of the scheme, in isolation, is considered to be acceptable subject to a package of improvements to pedestrian/cycle and public transport connections being secured through a Section 106 Agreement. The scheme would provide a good quality of accommodation and the mix of units would be appropriate.

In terms of affordable housing, the development proposes to provide 35% (by habitable room) which is significantly above the viable position as evidenced by the Council's independent advisors. 70% of the affordable provision would be Discounted Market Rent (DMR) and 30% of the provision would be a London Living Rent (LLR) levels. Subject to S106 obligations relating to rent levels, a positive review mechanism and other safeguards on the affordable provision it is considered that the affordable housing offer is acceptable.

In terms of noise and air quality, the site is located in a sensitive location and as such both topics were covered within robust Environmental Statement chapters. Council Environmental Health officers are satisfied that the proposed mitigation strategies would be adequate to ensure that the impacts would be acceptable.

In terms of transport, the levels of car parking is considered to be appropriate and cycle parking would be fully compliant with current and draft London Plan policy. Pedestrian and cycle connectivity to the site would be improved through a package of off-site improvements that could be secured through the S106. The development would have a negligible impact on all of the local road junctions with the exception of the Bunns Lane/Pursley Road/Page Street mini roundabouts, which are currently at capacity and as such are sensitive to any minor impact. A financial contribution towards junction remodelling could be secured through a S106 to mitigate this impact.

The scheme largely accords with the London Plan energy hierarchy and would achieve in excess of the policy minimum carbon dioxide emissions. A carbon offset contribution could be secured through a S106 to ensure that the development would be in compliance with the Mayor's zero carbon objective.

Notwithstanding all of the above, officers consider that the scale and the height of the development is wholly inappropriate for its context. The excessive height and scale would be dominant in short, medium and long-range views and would harm the established character of the surrounding residential areas through its incongruity. The development due to its height and scale would also be visible from both nearby conservation areas and would harm the setting of both. The height and scale of the development would also be contrary to that which was envisaged within the adopted Planning Brief for the site.

On balance, officers consider that the level of harm that would arise from the excessive height and scale of the development would be significant and would outweigh any of the other identified benefits arising from the scheme. Accordingly, the application is recommended for refusal.

## **RECOMMENDATION**

### Recommendation 1:

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

## Recommendation 2:

That subject to Recommendation 1, the Chief Planning Officer determine the planning application reference 17/8102/FUL under delegated powers and refuse planning permission for the following reason:

1. The proposed development, by virtue of its excessive height and scale would represent an over development of the site resulting in a discordant and visually obtrusive form of development that would fail to respect its local context and the pattern of development within the surrounding area, to such an extent that it would be detrimental to the character and appearance of the area. The proposal would therefore be contrary to policies CS NPPF, CS5, DM01 and DM05 of the Barnet Local Plan Core Strategy and Development Management Policies (September 2012), policies 3.4, 7.4, 7.6 and 7.7 of the London Plan (July 2011, October 2013 and January 2014) and the adopted Pentavia Retail Park Planning Brief.
2. In the absence of a Section 106 Agreement, the application does not include a formal undertaking to secure the planning obligations which are necessary to make the application acceptable. The application is therefore contrary to London Plan policies 3.12, 3.13, 4.3, 4.12, 6.3, 6.9, 6.10, 8.2, Policies DM10, DM14, DM17, CS4, CS15, CS8, CS9 of the Barnet Local Plan Core Strategy and Development Management Policies Document (adopted September 2012), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February 2007 and August 2010) Supplementary Planning Document, the Barnet Supplementary Planning Document on Delivering Skills, Employment and Enterprise Training (SEET) (adopted October 2014) and the Mayor's Supplementary Planning Guidance on Affordable Housing and Viability (2007).

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## **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 national planning guidance and supplementary planning guidance and documents are also material to the determination of this application.

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

## **The London Plan**

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

### Context and Strategy

1.1 (Delivering the Strategic Vision and Objectives for London)

### London's Places:

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

### London's People:

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



Individual Private Residential and Mixed Use Schemes) 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)

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

Local Supplementary Planning Documents:

Sustainable Design and Construction (April 2013)

Residential Design Guidance (April 2013)

Planning Obligations (April 2013)

Affordable Housing (February 2007 with updates in August 2010)

Strategic Supplementary Planning Documents and Guidance:

Barnet Housing Strategy 2015-2025

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)

Affordable Housing and Viability (2017)

**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.

### **Environmental Impact Assessment (EIA)**

The EIA procedure in the UK is directed by the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (the 'Regulations'), EU Directive 85/337/EEC (as amended), Circular 02/99 as well as the National Planning Practice Guidance (2016).

#### Screening for EIA development

In respect of EIA screening, the proposed development does not fall within 'Schedule 1' development. However, the development is considered to constitute the 'Schedule 2' development namely, an 'urban development project' in accordance with Section 10(b) of Schedule 2 of the Regulations. The scheme would exceed the threshold identified for such projects due to having an area exceeding 0.5ha and comprising 150 or more residential dwellings.

Prior to the submission of the previously withdrawn application, an EIA Screening Opinion was sought by the applicant pursuant to section 13 of the Town and Country Planning Act 1990. Following assessment, officers considered the whole scheme of development, incorporating the extant permission, and took the view that it did fall within Schedule 2 of the Regulations. A scoping opinion was subsequently adopted by the Council with the following topics to be covered within the Environmental Statement

Previous application 16/6420/FUL was accompanied by a full Environmental Statement which covered the following topics:

- Demolition and Construction
- Socio-Economics
- Traffic and Transportation
- Townscape, Heritage and Visual Impact Assessment
- Air Quality
- Noise and Vibration
- Water Resources and Flood Risk
- Ground Conditions and Contamination
- Wind Microclimate

- Daylight, Sunlight and Overshadowing
- Effect Interactions
- Mitigation Measures and Significant Residual Effects

As part of the consideration of the previously withdrawn application, all of the topics outlined above were fully assessed and the likelihood of significant impacts identified. Accordingly, a revised scoping opinion was adopted for the current application with a reduced number of topics predicated on the previous assessment. The topics covered within the Environmental Statement submitted with the current application comprise of the following:

- Demolition and Construction
- Socio-Economics
- Traffic and Transportation
- Townscape and Visual Impact Assessment
- Air Quality
- Noise and Vibration
- Wind Microclimate
- Effect Interactions
- Mitigation Measures and Significant Residual Effects

## **PLANNING ASSESSMENT**

### **1.0 Site Description**

- 1.1 The application comprises of Pentavia Retail Park, located between the M1 and A1 (Watford Way) within Mill Hill. The site has an area of approximately 3 hectares and currently in situ is out of centre retail park which is in a mostly vacant state having previously been occupied by a mix of retail and restaurant uses. The existing buildings on site are mostly low rise, varying between 1 and 2 storeys in height.
- 1.2 The site is sandwiched in between the A1 Watford Way to the east, which forms part of the Transport for London Road Network (TLRN), and the M1 motorway to the west. To the south of the site is an operational vehicular petrol station which has an access and egress from the A1. To the north of the site is an area of green space which buffers the site from a cul-de-sac of three storey residential dwellings and Bunns Lane which runs southeast-northwest beneath both the M1 and A1. There is a significant land level drop from the site down to Bunns Lane.
- 1.3 Existing vehicular access to the site is from a mini roundabout to the south of the site which connects to the access road for the petrol station and the A1. There are

existing pedestrian routes which connect with the wider locality via a bridge across the M1 and via the Bunns Lane underpass to the south-east and north-east of the site respectively.

- 1.4 The site is not subject to any other Local Plan designation, nor is it located within a conservation area and there are no listed buildings on site. It should be noted that the Watling Estate Conservation Area is located approximately 0.3km away to the west, beyond the M1 and Midland Mainline railway. The Mill Hill Conservation Area is located more distantly at approximately 0.8km from the site. The Public Transport Accessibility Level (PTAL) of the site ranges from a 1a to 1b (poor).

## **2.0 Proposed Development**

- 2.1 Permission is sought for the redevelopment of site including the demolition of all existing buildings and construction of 724 new Build to Rent residential units (Use Class C3) along with 949 sqm of ancillary residential facilities, 987 sqm of non-residential floorspace (Use Class A1, A3 and D1) within buildings ranging from 5 to 15 storeys, a new pedestrian access off Bunns Lane, open space, landscaping, car parking, acoustic mitigation and highway / pedestrian improvements.
- 2.2 It should be noted that the application was amended to June 2018 to incorporate an internal reconfiguration of the development to provide 7 additional residential units, a reduction of 708 sqm in the amount of non-residential floorspace (Use Class A1, A3 and D1), an increase of 168 sqm in the amount of ancillary residential floorspace along with amendments to the site access, landscaping and external layout. The resultant figures are reported in paragraph 2.1.

## **3.0 Relevant Planning History**

- 3.1 The following planning history is considered to be relevant to the consideration of the application.
- 3.2 Permission was granted in 1988 for the construction of two non-food retail warehouses within Class A1 of the Town and Country Planning (Use Classes) Order 1987, together with a garden centre, petrol filling station, (including Class A1 use and car wash,) restaurant; partial demolition (application ref: W00408A).
- 3.3 W00408C - Variation of conditions 2,3,10, 11, 12 and 13 of permission HQ/W00408A for constrn of 2 non-food retail warehouses within Class A1 of the Town and Country Planning (Use Classes) Order 1987, together with garden centre, petrol filling station. (Approved July 1989).

- 3.4 14/08075/FUL - Demolition of the existing Class A3 unit and partial demolition, recladding and extension of the existing Class A1 retail units and creation of Class A3 floorspace reconfiguration of vehicular access, staff parking and customer car parking. Associated hard and soft landscaping to public spaces, new ramped pedestrian access. (Approved April 2016).
- 3.5 15/01820/FUL - Demolition of the existing Class A3 unit (Restaurant) and partial demolition, recladding and extension of the existing Class A1 units (Retail) and creation of Class A3 (Restaurant & Cafe) floorspace, Class D2 (Gym) floorspace, reconfiguration of vehicular access, staff parking and customer parking. Associated hard and soft landscaping to public spaces and new ramped pedestrian access. (Approved April 2016)
- 3.6 15/01825/FUL - Demolition of the existing Class A3 unit (Restaurant) and partial demolition, recladding and extension of the existing Class A1 units (Retail) and creation of Class A3 (Restaurant & Cafe) floorspace, Class D2 (Gym) floorspace, reconfiguration of vehicular access, staff parking and customer parking. Associated hard and soft landscaping to public spaces and new ramped pedestrian access (SCHEME 2). (Approved April 2016).
- 3.7 The applicant sets out within the submitted Planning Statement that the existing site enjoys permission for unfettered retail use with no restrictions. It should be noted that due to the lack of conditions on the initial retail permission, this is correct and the existing site does not have any restrictions related to its retail offer.

#### **4.0 Consultations**

- 4.1 As part of the consultation exercise, 3455 letters were sent to neighbouring residents, site notices were erected adjacent to the site and a notice was published in the Barnet Press on 11.01.2018. As a result of the initial consultation exercise, a total of 667 responses were received comprising of 664 objections and 3 letters of support.

##### Summary of Neighbour Objections

- 4.2 The material planning considerations contained within the objections received from neighbouring residents can be summarised as follows:
- The development is excessively high and is not located within a strategic location identified as suitable for tall buildings;

- The scale and quantum of development would result in unacceptable strain on local services - including health services and schools;
- The density of development is excessive and unacceptable for this inaccessible location with low PTAL;
- The development would result in significant additional strain on local public transport services, trains from Mill Hill Broadway and local buses;
- Due to the excessive height and scale, the development would result in significant harm to both local and wider views;
- The development would result in a significant increase in local traffic conditions and would increase congestion;
- The development is incongruous in the context of the traditional and low-rise character of Mill Hill;
- The quality of the accommodation proposed would be substandard due to the proximity of both the M1 and the A1;
- The development would result in a loss of sunlight and daylight to surrounding residential dwellings;
- The development would result in overshadowing of surrounding residential dwellings;
- Due its location and the potential for light spillage and pollution, the development would harm the view of the night sky from the nearby UCL Observatory;
- The development would fail to provide an adequate number of on-site parking spaces which would result in overspill parking on local roads;
- The development provides an inadequate amount of community floorspace relative to the number of residential units;
- There is no suitable walking access to the site and thus the development would be inaccessible to the disabled or less mobile;
- The additional traffic created by the development would worsen existing air quality problems in the local area;
- The application is contrary to the adopted Planning Brief.



4.3 An objection to the application was received from Matthew Offord MP which can be summarised as follows:

- The proposals constitute overdevelopment, are not visually attractive and will have a detrimental impact on the surrounding area. The application is contrary to the NPPF, Barnet Local Plan and the Residential Design SPD;
- The application site is in an isolated location and thus the development would have inadequate levels of access. The development would result in a significant population increase without providing sufficient facilities and services which are already strained;
- The development makes inadequate parking provision in a location which is inaccessible and has a poor PTAL rating. The inadequate levels of on-site parking would result in overspill parking on surrounding roads;
- The development does not represent a sustainable form of development. The excessive density would put unreasonable pressure on services, would be detrimental to the character of Mill Hill and would not provide the quality of life which might reasonably be expected in an outer London, suburban location.

4.4 An objection to the application was received from Andrew Dismore (AM) which can be summarised as follows:

- The proposal does not comply with the draft planning brief produced by the Council, which rightly advocated a more mixed-use development, and not such an intensification of the site;
- The loss of A1/A3 (Retail/Restaurant) units will lead to a reduction in local amenities. Given the large nearby developments at Millbrook Park, the proposed development at the former National Institute for Medical Research centre, the number of smaller scale but still substantial developments in Mill Hill nearing completion or recently completed, and likely future sites in the pipeline which include little or no retail, the area already suffers from a lack of amenity and retail, despite many more potential customers. This will lead to traffic and congestion elsewhere, or leave the new developments as dormitories, fit only as assets for overseas owners;
- The proposed 'affordability' contribution is inadequate. The proposed level of allegedly affordable rent is to be set at a level higher than the existing average market rent for the area, which is already largely unaffordable to many. With rents set above existing market levels it could have a knock-on effect, ratcheting up even further current private sector market rent levels nearby. A build-to-let development is also inappropriate in an area where the largest demand is for family-sized homes and the preservation of mixed communities;

- The proposed scale and design of the scheme is also out of keeping with the neighbouring area. Up to 15 storeys is too high, and creates an overbearing and enclosed design. It represents an overdevelopment of the area, which is out of conformity with the draft design brief, which advocated a mixed-use medium density development of 3-5 storeys;
- This scheme, in the context of other nearby developments, will lead to a large increase in the local population, without any accompanying improvement in local public services to cope with the increased demand. Given the severe shortage of school places in the borough, a result of the Council's inaction, I am concerned that any children living in the proposed development would have to travel far to access schools. The same also applies to primary care health services;
- Local public transport provision is poor at this site, which is sandwiched between the M1 and A1. Pedestrian crossings and access is constrained. The proposed development has removed substantial local retail opportunities. There will be a high level of residents' car usage for the most basic of daily tasks, such as shopping or travelling to and from work. I do not believe the parking provision will be sufficient to deal with the expected need. This will cause overflow parking on nearby streets, and will impact on already heavily congested roads, such as Bunns Lane and Woodcroft Avenue;
- The polluted environment between the M1 and A1 will leave the development with very poor air quality. Air quality in the scheme is so bad that the scheme design has inward facing balconies, creating an oppressive and overbearing aspect. Any outward facing windows will not be safely openable due to pollution;
- There is a lack of open space for older youths' recreation. A children's playground is not suitable for teenagers, and as pedestrian access outside the site is so poor, there is nowhere for them to go.
- There is a significant risk of light pollution, which will impact on the nearby scientifically important and long standing UCL Observatory;
- This scheme constitutes a significant overdevelopment and unwelcome change of use of the site, with consequent loss of amenity for the community. The design is unacceptable and the flats are not affordable. The local infrastructure is inadequate to cope with another significant increase in the local population. There is little public transport at this site, which, due to the difficult access, will result in more residents owning cars, than there are parking spaces to accommodate. The air quality is so poor, that any flat would be almost uninhabitable.

#### Responses from External Consultees

- 4.5 A consultation response was received from Historic England which can be summarised as follows:
- This application should be determined in accordance with national and local policy guidance, and on the basis of the specialist conservation advice of the Council.
- 4.6 A consultation response was received from Historic England (Archaeology) which can be summarised as follows:
- Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, it is concluded that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.
- 4.7 A consultation response was received from Natural England which can be summarised as follows:
- Natural England has no comments to make on this application. The Council should refer to Natural England's standing advice.
- 4.8 A consultation response was received from the Mill Hill Neighbourhood Forum which can be summarised as follows:
- The application does not comply with policies in Barnet's Local Plan (September 2012). The proposals extend the Colindale area of consolidated growth into established low-density suburbs, thus contravening the Local Plan policy;
  - The application does not follow guidance within the Tall Buildings Study of London Borough of Barnet (2010). Policy C5 provides clear guidance on tall buildings (considered to be 8 storeys or more) but does not include the Pentavia site in the list of strategic locations as the site falls a long way outside the Colindale Avenue Corridor of Change;
  - The application is outside the Colindale Regeneration Area (March 2010). The Area Action Plan (AAP) for Colindale clearly states 'the M1 forms the eastern boundary of the AAP area';
  - The application disregards principles and requirements in the Draft Pentavia Planning Brief (September 2016);
  - We note that new properties built along the side of Grahame Park way which is immediately to the west and parallel with the Pentavia site are limited to 2-5 storeys maximum in accordance with the Grahame Park Supplementary Planning Document (SPD) as defined for the "Northern Character Area" of this site. This SPD was published only in May 2016;

- We consider that the buildings proposed in this application, are “substantially taller than their surroundings (on both sides of the tracks) and they will make a significant change to the skyline including protected views from the Mill Field and from Sunnyhill park. This proposal will have significant detrimental impact on local character. The site is not highly accessible (PTAL 1b) and they will damage rather than enhance the qualities of their immediate and wider suburban settings;
- Mill Hill is already undergoing considerable growth. The supporting infrastructure is simply not in place to cope with the current pace of growth. Notably Mill Hill needs, urgently, more secondary school spaces, and it is taking weeks to get an appointment with a General Practitioner. Public transport and local highways are also grossly overcrowded;
- This site is in between the Midland Main Line & the M1 on one side and the A1/A41 in the other. The noise from these sources is excessive and the air quality very poor with more than 60,000 vehicles passing by on the A41/A1 each day. There will undoubtedly be a canyon effect caused by the proposed buildings. We note that the windows facing the railway & the M1 will be locked down and the scheme is designed with inward facing balconies. It will clearly not be pleasant sitting out in any of the proposed green spaces within the site. The air quality report seems to only take note of issues that the buildings will cause and while it attempts to mitigate these it doesn't seem to take into account the current dire levels of air quality. The air pollution maps for London show the A1/A41 from Mill Hill to Apex corner is one of the most polluted parts of London and there are 5 DEFRA “hot spots” that require treatment for excessive noise in the same stretch along the M1;
- There is a significant risk of light pollution, from these tall structures, which will impact on the nearby scientifically important and long standing UCL Observatory;
- Many surveys have been done about the effects of living in Tall Buildings where housing outcomes were all more likely to be worse for occupants of high-rise, compared to people in other types of dwelling (<http://www.gowellonline.com/>);
- We suggest that 500 car park spaces for 717 flats (0.7 per flat) will initially be grossly inadequate for residents in this suburban location with its poor PTAL rating of 1b. We accept that over the next 30-40 years car ownership may possibly decline, in which case provide at outset 1.4 (Barnet's norm for such sites) spaces per dwelling, and as car ownership is seen to decline convert the space allocated to further amenity space. Perhaps initially only 0.5 cycle spaces will be needed per dwelling but these could increase correspondingly as car ownership declines. Probably 4 cycles spaces equal 1 car space. So, provide 359 initially instead of 1160 and this would provide an additional 200 car spaces, which approaches 1 per flat. The reality is that if sufficient parking is not provided on the site, to meet the needs of its Residents, they will be parking on

Bunns Lane, Grahame Park Way and all roads nearby and that will be hell for current residents, resulting in a need for controlled parking. It will bring further congestion and huge levels of un-neighbourly frustration;

- We do not believe that the proposed 35% level of “Affordable” properties will be truly affordable by those who currently need housing in the area. It is being set at a level above the existing average market rate for the area, which means it will not be possible for “key workers” to rent these properties. The concept for this development is clearly high-priced flats for professionals and in order to afford the rent you will undoubtedly see 2 couples renting a 2- bedroom flat and because of the poor location they will not stay long and add much to the local community. This site is never going to represent a “nice place to live” and as such people will not want long-tenure to set down roots. Renting here will be a grudge-purchase and a stepping stone. Tenants will probably have a long commute (as employment opportunities locally have declined dramatically in recent years) to add to high rental costs and minimal amenities;
- This proposal suggests a density of housing of 205 units per hectare. The current London Plan states that as such this level of density may be appropriate in a Central London setting with PTAL 2-3 access to public transport. This site is in a suburban setting with PTAL 1b accessibility to transport. Accordingly, the recommended density of housing should be around 55 units per hectare, indicating that a maximum of 193 Dwellings should be included in any development of this site. See also point 5 where the density of properties in the Northern Character Area was approved at 50-100 units per hectare;
- We also reference the planning application 17/07932/OUT here (North London Business Park - NLBP). The proposal was for 1350 dwellings and a school within this 16.37 Hectare site indicating a density of 82 units per hectare which was within the guidance for a site in a PTAL 1-2 area. Compared to the application for development at Pentavia at 205 units per hectare and 16-17 storeys high it would confirm that the precedent to refuse such applications that grossly exceed guidelines is set. The NLBP application went to appeal and was still refused by the Mayor of London. Both Pentavia and NLBP fall outside areas designated in Barnet as suitable for buildings above 4-5 storeys;
- The loss of A1/A3 (Retail/Restaurant) units will lead to a reduction in local amenities. There are a large number of significant nearby developments (e.g. Millbrook Park, the National Institute for Medical Research centre, IBSA House, together with developments in Grahame Park, and Colindale) plus the number of smaller scale but still substantial developments in the area nearing completion or recently completed, and likely future sites in the pipeline with little or no retail offering. The area already suffers from a lack of amenity and retailers and such demand will grow with the many more potential customers. To buy DIY goods residents now have to travel to Borehamwood or Finchley and carrying pots of paint or planks of wood on public transport or on a cycle is not possible. This will lead to more traffic and greater congestion in and around the area and

elsewhere, or leave the new developments as dormitories, fit only as assets for overseas owners;

- In summary the application represents an overbearing and enclosed design. It is a gross overdevelopment of the area, which is out of conformity with the draft design brief, which advocated a mixed-use medium density development. The design brief proposed a maximum of 3-5 storeyed development. The designed density of the scheme is more in keeping with a city centre, rather than an attractive garden suburb.

4.9 A consultation response was received from the Mill Hill Preservation Society which can be summarised as follows:

- The scale and mass is excessive and breaches the Barnet Plan, the London Plan and the Planning Brief for the site. The application is for 18 blocks ranging in size from 6-storeys (Block R with ground + 5 levels) to 17-storeys (Block A with lower ground, ground + 15 levels). The Pentavia site is bounded by predominantly 2-storey terraced and semi-detached family houses for which this development will be extremely overbearing. This includes some newly built properties on Bunns Lane which are not shown on some of the outdated maps and plans submitted in this application. On the Colindale side of the M1 the new builds are 3-4 storeys high as part of a plan to 'step-up' to the main Colindale development. The application describes the site as "urban" but it is suburban and should be described as such;
- The development would have a detrimental impact on local views which breaches the Barnet Plan, the London Plan and the Planning Brief for the site. The proposed development clearly breaches the instruction to protect views laid down in the Barnet Plan, the London Plan and in the Planning Brief. The excessive bulk and height will have a severely detrimental impact on the view from The Mill Field and the Mill Hill Conservation Area, which is described in the Local Plan as an "important" view that should be protected. It will also adversely affect the views from Mill Hill Park and Sunny Hill Park. Furthermore, the proposed development will loom large over nearby residential roads such as Bunns Lane and the Watling Estate Conservation Area;
- The height and bulk of the development will cause significant overshadowing of both the surrounding areas and within the development itself, for example the central gardens. The Daylight/Sunlight/Overshadowing Assessment submitted as part of the application only shows shadows cast on 21st March (the spring equinox). In the 6 months of the year from September to March, the overshadowing will be worse and this information is conveniently omitted.

Furthermore, as elsewhere in the application, this document does not show the newly built houses along Bunns Lane;

- This is an 'over-dense' development where the flats are very small with little storage space. The development is sandwiched between the M1 and the A1/A41 and the main railway line and hence is subject to high levels of noise pollution and air pollution. Whilst much is made in the application about "acoustic protection", the reality is that in warm weather these small flats will get stuffy and people will want to open their windows. The air pollution maps for London show the A1/A41 from Mill Hill to Apex Corner as one of the most polluted parts of London;
- The 717 units will add in excess of an additional 2,000 residents to Mill Hill, which as a community has already significantly expanded with the Millbrook Park development, planning permission granted for NIMR site and numerous other smaller-scale developments. There has been no parallel increase in the local infrastructure, such as schools, GP surgeries and public transport provision, all of which are already struggling to cope. Mill Hill has traditionally been a settled family neighbourhood and a large 'all for rent' development with a transient population is out of keeping with the area. Indeed the Planning Brief for the site is clear that should be mixed use with retail and employment opportunities, which are needed in the local area;
- Local public transport is very poor as demonstrated by the site's 1b PTAL rating designated by TfL. As such, 540 parking spaces for 717 units, comprising 86 x 3-bed, 314 x 2-bed and 317 x 1-bed units, is clearly insufficient and will cause overspill parking in local roads, which will be exacerbated by the proposed new pedestrian access route to Bunns Lane. The scale of this development coupled with poor public transport will have a significant impact on traffic levels on both local roads and on the A1/A41 on which all traffic from the development will have to travel. The roundabout at Mill Hill Circus is already subject to serious congestion;
- The size of this development and the consequent light pollution generated will have an adverse impact on the University of London Observatory situated less than 500 metres away.

4.10 A consultation response was received from the London Cycling Campaign which can be summarised as follows:

- In terms of the overall assessment, whilst BCC welcomes the inclusion of a significant number of cycle parking spaces in the plans, we object to the plans overall;
- It is the belief of the Barnet Cycling Campaign that the development in Pentavia Park does not fulfil either the planning brief or the wider aims of Barnet Council and the Mayor of London in terms of cycling. In particular, we can see little evidence of paragraphs 1.2, 1.3, 5.12 and 6.6 being met;
- We also conclude that the Travel Assessment (TA) did not complete the CLoS correctly, and it does not account for the requests of Transport for London (TfL) as stated in the TA. There is no evidence of an Equality Impact Assessment (EqIA), and this is reflected in the CLoS scores and recommendations. Ramps requiring a dismount are unusable by those who are unable to leave the bicycle and walk, such as disabled riders using hand cycles;
- With regards to the Mayor's Transport Strategy (MTS), we note that the TA was performed against the 2010 version. It should be understood that scheme as currently designed will be explicitly against the 2017 version. Consequently, it is not likely to help the borough achieve any modal shift towards cycling and might indeed send it the other way. It represents a wasted opportunity for the borough to improve walking and cycling in the area, with the result that more motor vehicles, congestion and pollution will be likely.

4.11 A consultation response was received from Thames Water which can be summarised as follows:

- With the information provided Thames Water, has been unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided, we request that the following 'Grampian Style' condition be applied - "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed;
- The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend the following condition be imposed: Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.



4.12 A consultation response was received from Sport England which can be summarised as follows:

- The occupiers of new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site. The level and nature of any provision should be informed by a robust evidence base such as an up to date Sports Facilities Strategy, Playing Pitch Strategy or other relevant needs assessment. It is understood that the London Borough of Barnet is a Community Infrastructure Levy (CIL) charging authority however its Regulation 123 list does not include sport facilities therefore the sporting demand created from the proposed development would not be addressed through CIL;
- The population of the proposed development is estimated to be 1,721 (calculated by multiplying the number of residential units by the figure for an average household, 2.4) . As noted above, this additional population will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with the NPPF, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development;
- As stated previously Sport England's Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for certain facility types. The SFC indicates that a population of 1,721 in this local authority area will generate a demand for 0.12 sports halls (£335,807), 0.09 swimming pools (£368,409), 0.09 indoor bowls rinks (£37,765) and 0.06 artificial grass pitches (£60,305 if 3G or £54,500if sand based). The Playing Pitch Strategy should direct what is required to meet the needs from the growing population in this area;
- In light of the above, Sport England would like to object to the application if the requisite contributions are not secured.

4.13 Due to the extent of the development proposed, the application is also subject to referral to the Mayor of London. In accordance with procedure, the GLA were therefore consulted. The Stage 1 response received from the GLA can be summarised as follows:

- The principle of the residential-led redevelopment of the site is supported, subject to addressing access issues and concerns about the DMR rent levels;

- The scheme provides 35% affordable housing by habitable rooms, all of which are DMR, an intermediate tenure, which accords with draft London Plan Policy H13. The DMR is proposed to be 80% of the market rent; this is unacceptable. Paragraph 4.7.4 of the draft London Plan is clear that 80% of market rent is not 'genuinely affordable'; the proposed rent levels must be revised to provide a range of affordable rents below 80%, including London Living Rent. All units must be held in a 15-year covenant, with an appropriate clawback mechanism; this must be secured within any S106;
- The site is isolated by the roads that enclose it, the M1 to the immediate west and the A1 to the immediate east. The success of the scheme is dependent on its pedestrian links to its surroundings; the applicant must consider alternate pedestrian route configurations and create a clear, legible entrance into the site for pedestrians;
- Further pedestrian and cycle access details must be provided. Financial contributions towards a bus route, a Travel Plan, a Delivery and Servicing Plan, a Construction Logistics Plan and a Construction Traffic Management Plan must be secured;
- Energy, air quality and noise issues must be addressed;
- Barnet Council are advised that the application does not comply with the London Plan and draft London Plan, for the reasons set out in paragraph 62. However, the resolution of those issues could lead to the application becoming compliant with the London Plan and draft London Plan.

#### Responses from Internal Consultees

- 4.14 A consultation response was received from the Council's Environmental Health team which can be summarised as follows:
- In terms of air quality, the key point to note is that windows on the external facades where air quality exceeds the UK air quality objectives will need to be kept closed to ensure internal air quality does not exceed the UK Air Quality Objectives. Air will need to be drawn in from the internal facades through openable windows. The ventilation and extraction system needs to have suitable purge ventilation ability should these external windows be sealed shut. As air quality should improve with height, it might not be necessary to keep windows closed on the higher storeys of the development. A condition to require windows to be sealed shut where air quality exceeds the UK air quality objectives is strongly recommended;

- The air quality neutral assessment shows that transport emissions will be above the benchmark with the development. Therefore offsetting will be required. A scheme for air pollution mitigation measures to offset the increased emissions from transport calculated in the air quality neutral report should be submitted to and approved by the Local Planning Authority prior to development;
- In terms of noise, the form of mitigation measures proposed are sufficient. However when windows on external facades are opened, then internal noise levels will be higher than those in the council's SPD. Therefore these can be kept shut, with adequate ventilation given by the Mechanical Ventilation Heat Recovery Units. Purge ventilation also needs to be sufficient. Tying in with the air quality mitigation, it is recommended that windows on the affected facades are sealed shut;
- Standard conditions should be attached relating to construction management, contaminated land, extract equipment and the CHP plant machinery.

4.15 A consultation response was received from the Council's drainage consultants which can be summarised as follows:

- The applicant should provide information / justification as to why more preferred SuDS techniques (e.g. open SuDS and green roofs) have not been proposed;
- The applicant should provide calculations for the current runoff volume from the development site and the proposed post-development runoff volume;
- It is recommended that the application is not approved until the above information has been provided.

#### Amended Scheme Reconsultation

4.16 Following on from the amended plans being received in June 2018, a full reconsultation was carried out with 3455 letters being sent out neighbouring occupiers. As a result of the reconsultation, an additional 79 letters of objection were received from local residents. Further representations were also made by local ward councillors, the Mill Hill Preservation Society and the Mill Hill Neighbourhood Forum reinforcing their objection to the scheme.

4.17 There were no substantively new issues raised within the additional objections received that were not raised within the initial consultation exercise.

### **PLANNING ASSESSMENT**

#### **5.0 Land Use / Principle of Development**

- 5.1 The existing site is occupied by comprises one large retail building in the north of the site and a smaller restaurant building to the southern part of the site. The site was previously occupied as a retail park with occupiers including Homebase along with TGI Friday within the restaurant building. there are currently temporary occupiers within the retail buildings including a food supermarket catering for the Jewish community.
- 5.2 As set out within the paragraph 3.7 of this report, the retail floorspace within the application site benefits from no restrictions relating to the retail offer and benefits from unfettered permission for retail provision.
- 5.3 The application seeks permission for a comprehensive redevelopment of the site to provide a residential led mixed use development comprising the following:
- 717 residential units
  - 987m<sup>2</sup> (GIA) of Flexible use commercial floorspace (Use Class A1, A3 A4 and D1);
- 5.4 In light of the above, Core Strategy Policy CS6 and DMP Policies DM11, DM13 are relevant to the consideration of the application.
- 5.5 Core Strategy Policy CS6 relates to the promotion of Barnet's town centres, and the supporting text for the policy outlines that suburban town centres are the economic, civic, retail, leisure and transport hubs of Barnet (paragraph 11.1.1). Policy CS6 comprises numerous aspects, all of which seek to ensure the prioritisation of town centres for town centre uses and a planned approach to retail provision within the borough.
- 5.6 Development Management Policy DM11 goes on to state inter alia that significant new retail and other appropriate town centre uses outside the town centres or any expansion of existing out of centre sites will be strongly resisted unless they can meet the sequential approach and tests set out in the NPPF or are identified in an adopted Area Action Plan.
- 5.7 Barnet's Local Policy is in line with national policy, with the NPPF stating that new economic growth and development of town centre uses should be focused on existing centres and going on to state that the definition of town centre uses includes retail development, leisure, entertainment facilities such as cinemas, restaurants, pubs, offices and theatres, museums and hotels.
- 5.8 With regards to the proposed community floorspace, Policy DM13 is relevant and states that new community or educational uses should be located where they are

accessible by public transport, walking and cycling, preferably in town centres or local centres.

- 5.9 There is existing retail floorspace on the site of approximately 9,053 square metres along with 664 square metres of A3 floorspace which would reduce to 987 square metres of flexible use floorspace in the proposed development (the 558 square metres is inclusive of A4 floorspace). Both retail and food and drink uses are identified as being town centre uses which the aforementioned policy framework seeks to direct to town centres.
- 5.10 As outlined above, the development would entail an approximate 90% reduction in commercial floorspace which is entirely consistent with the aforementioned policy context and would support Barnet's Town Centre First Approach. It is considered that the development would contribute towards the promotion of Barnet's network of town centres in accordance with the objectives of Core Strategy Policy CS6 and DMP Policy DM11.
- 5.11 The role of the commercial units would be primarily to serve the needs of the residential occupiers of the development and in this regard it is considered that the extent of the commercial floorspace would be consistent with this role and commensurate with the scale of the development. Additional non-residential uses, including a gym (Use Class D1) would be provided as part of the development however this would be ancillary to the residential use and its use restricted to residents of the development.
- 5.12 At this point it is important to note that the site is also the subject of a Planning Brief (adopted September 2016) which established development principles for the site. The adopted brief which was subject to full public consultation and due process, outlines that a mixed-use development comprising an element of residential would be the optimal use of the site. In line with the adopted brief, there are no overriding policy considerations that would preclude the introduction of residential to the application site, subject to further considerations on amenity which will be assessed in subsequent sections of this report.
- 5.13 Having regard to the above and in full accordance with development plan policy, officers consider that the principle of development is acceptable in respect of land use.

## **6.0 Residential Density**

- 6.1 London Plan policy 3.4 seeks to optimise the housing output of sites taking into account local context and character, the design principles in chapter 7 of the London Plan and public transport capacity. Taking into account these factors, Table 3.2 of the London Plan sets out a density matrix which serves as guidance for appropriate densities in different locations dependent on the aforementioned factors.
- 6.2 It should be noted that the Draft London Plan, takes a less prescriptive approach and Policy D6 states inter alia that the density of a development should result from a design-led approach to determine the capacity of the site with particular consideration should be given to the site context, its connectivity and accessibility by walking and cycling, and existing and planned public transport (including PTAL) and the capacity of surrounding infrastructure. Policy D6 goes on to state that proposed residential development that does not demonstrably optimise the housing density of the site in accordance with this policy should be refused.
- 6.3 The application site has an area of 3.64 ha and has a Public Transport Accessibility Level PTAL which varies between 1A and 3. The application site is best described as 'urban' defined within the London Plan as "areas with predominantly dense development such as, for example, terraced houses, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four storeys, located within 800 metres walking distance of a District centre or, along main arterial routes".
- 6.4 Based on the London Plan density matrix, the optimal density of the site would be between 50 and 95 units per hectare (u/ha) or 150–250 habitable rooms per hectare (hr/ha) for a site with a PTAL of 1 and between 70 and 170 u/ha or 200–450 hr/ha for a site with a PTAL of 3. In both cases, the density of the site exceeds the optimal range with a density of approximately 199 u/ha or 725 hr/ha.
- 6.5 Notwithstanding the application exceeding the optimal density ranges as set out within Policy 3.4 of the London Plan, it should be noted that these density ranges are not designed to be applied mechanistically.
- 6.6 Whilst the site has a low PTAL of between 1 and 3, the Section 106 Agreement would secure a range of qualitative improvements to the accessibility of the site such as funding for an additional bus service, relocation of bus stops to adjacent to the site, cycling and walking improvements and improved wayfinding. These improvements, specifically the pedestrian link to Bunns Lane, allow for the PTAL to increase to 3 across the site and would provide a demonstrable qualitative improvement to the accessibility of the site over and above this rating. Officers consider that this provides scope for an increased density, over and above that which could be

achieved on a site with a similar PTAL without the identified improvements. This is in line with approach taken in the Draft London Plan.

- 6.7 It should be noted that, officers consider the height and scale of the development to be excessive and this is fully discussed in subsequent sections of this report. However, it is considered that the density of the scheme and the excessive height and scale are not inextricably linked. The proposed density of the development could likely be achieved with a scheme not comprising tall buildings subject to a design-led approach to the site. Therefore, officers consider that the density of the scheme in isolation can be considered acceptable.

## 7.0 Residential Quality

- 7.1 A high quality built environment, including high quality housing in support of the needs of occupiers and the community is part of the ‘sustainable development’ imperative of the NPPF. It is also implicit in London Plan Ch1 ‘Context and Strategy’, Ch2 ‘London’s Places’, Ch3 ‘London’s People’, and Ch7 ‘London’s Living Places and Spaces’, and is explicit in policies 2.6, 3.5, 7.1, and 7.2. It is also a relevant consideration in Barnet Core Strategy Policies CSNPPF, CS1, CS4, and CS5 Development Management DPD policies DM01, DM02 and DM03 as well as the Barnet Sustainable Design and Construction SPD, Residential Design Guidance SPD and CAAP policy 5.2.

### Dwelling Mix

- 7.2 Policy DM08 of the DMP – DPD states that new residential development should provide an appropriate mix of dwellings and with regards to market housing states that 4 bedroom units are the highest priority and 3 bedroom units are a medium priority.
- 7.3 The development proposes 724 residential units with the following mix of units

Unit Size	Number of Units	% of Units
1 bedroom	242	33%
2 bedroom	362	50%
3 bedroom	120	17%

- 7.4 It is considered that the mix of units would provide an appropriate range of different sized housing, appropriate for its location including a good number of 3 bedroom units which would make a contribution towards the borough priority for 3 bedroom, family sized housing.

### Residential Space Standards

- 7.5 Table 3.3 in the London Plan provides a minimum gross internal floor area for different sizes of dwelling. This is set out in the table below, which shows the areas relevant to the units proposed within the development:

	<b>Dwelling Type (bedrooms/persons)</b>	<b>Minimum Internal Floorspace (square metres)</b>
<b>Flats</b>	1 bed (2 persons)	50
	2 bed (3 persons)	61
	2 bed (4 persons)	70
<b>Houses</b>	3 bed (5 persons)	85

- 7.6 All of the proposed units would at least meet and in most cases would exceed the minimum standards, providing a good standard of accommodation for future occupiers.

### Wheelchair Housing

- 7.7 Barnet Local Plan policy DM03 requires development proposals to meet the highest standards of accessible and inclusive design, whilst Policy DM02 sets out further specific considerations. All units should have 10% wheelchair home compliance, as per London Plan policy 3.8.
- 7.8 Page 139 of the Design and Access Statement submitted in support of the application outlines how the development adheres to principles of the inclusive design which is welcomed by officers. However, it is considered prudent that a condition be attached to any permission requiring that 10% of all residential units be provided as wheelchair adaptable with details of such provision to be submitted to the LPA for approval.

### Amenity Space

- 7.9 Barnet's Sustainable Design and Construction SPD Table 2.3 sets the minimum standards for outdoor amenity space provision in new residential developments. For both houses and flats, kitchens over 13sqm are counted as a habitable room and habitable rooms over 20sqm are counted as two habitable rooms for the purposes of calculating amenity space requirements. The minimum requirements are set out in the table below:

<b>Outdoor Amenity Space Requirements</b>	<b>Development Scale</b>
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For Flats: 5m <sup>2</sup> of space per habitable room	Minor, major and large scale
For Houses: 40m <sup>2</sup> of space for up to four habitable rooms 55m <sup>2</sup> of space for up to five habitable rooms 70m <sup>2</sup> of space for up to six habitable rooms 85m <sup>2</sup> of space for up to seven or more habitable rooms	Minor, major and large scale
Development proposals will not normally be permitted if it compromises the minimum outdoor amenity space standards.	Householder

- 7.10 The development proposes a mix of private and communal amenity areas and the Design and Access Statement submitted in support of the application incorporates an assessment of the level of amenity space provided in relation to the requirements of both the London Plan SPG and the Barnet SPD.
- 7.11 The originally submitted scheme would have comprised approximately 2637 habitable rooms which based on the abovementioned policy would require an overall amenity space provision of 13,185 square metres with the scheme proposing 13,371 square metres. Whilst the amended scheme results in a slight increase in unit numbers and changes to the mix which would result in an increase in the number of habitable rooms being provided, the over provision of amenity space within allows for the additional habitable rooms to be accommodated within the overall amenity provision. It should be noted that all of the residential units would have access to a private amenity space.
- 7.12 The breakdown of the amenity space would be as follows:
- Private Balconies and Winter Gardens - Total of 4,699m<sup>2</sup>;
  - Private Roof Gardens (used only by the residents of each block) - Total of 2,049m<sup>2</sup>;
  - Courtyard style open green spaces – Total of 6,623m<sup>2</sup>; and
- 7.13 In addition to the quantitative assessment set out above, officers consider that in qualitative terms – the amenity space proposed is of a good quality with robust landscaping.

#### Children's Playspace

- 7.14 Dedicated children’s playspace is required and should be predicated on the child yield of the development calculated in accordance with London Plan Policy 3.6, the GLA's SPG on Play and Informal Recreation (2012) and the London Plan Housing SPG (2016).
- 7.15 The planning statement submitted with the planning application outlines the projected child yield of the development as follows:

Age	No. of Children	Space Requirement (sqm)
0-4 years	39	390
5-11 years	16	160
12 +	9	90
TOTAL	63	630

- 7.16 It is clear from the submitted plans that the requisite 630 sqm of children’s playspace would be provided within the communal open spaces within the development in line with the policy compliant position identified in the table above. It is indicated within the application documentation that the playable features would include equipment for different age groups providing a variety of activities. Should permission be granted, a condition requiring the submission of details relating to the play equipment would be attached to any approval.

#### Privacy

- 7.17 Policy DM01 of the Local Plan requires that development have regard to the amenity of residential occupiers. In this regard it is necessary to consider the design of the scheme and the privacy that would be afforded to future occupiers of the development.
- 7.18 The Council’s Sustainable Design and Construction SPD (2016) sets that in new residential Development, there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking.
- 7.19 The scheme has been well considered and designed so as to achieve the requisite 21 metre separation distance between facing habitable windows. Through achieving these minimum separation distances, the development is fully compliant and would ensure that future occupiers of the development would be likely to enjoy good levels of privacy.

#### Outlook

- 7.20 Policy DM01 also requires consideration of the residential amenity of future occupiers of the development in terms of outlook.
- 7.21 In line with the separation distances outlined above, the scheme has been well designed and the layout well considered so as to achieve a minimum of 21 metres for all facing habitable windows. This will ensure that the outlook from each of the habitable windows would not be unacceptably obstructed.

#### Daylight/Sunlight

- 7.22 Following on from revisions to the scheme, an updated Internal Daylighting Assessment was prepared by Delva Patman Redler and submitted in June 2018. The document assesses the internal daylighting of all of the proposed residential units in accordance with the requirements of Policy DM01.
- 7.23 In terms of assessing the internal daylight levels of proposed residential developments, the primary assessment tool is the BRE recommended Average Daylight Factor (ADF) methodology. The documents from Delva Patman Redler, set out that 73.2% of the rooms assessed would comply with the minimum ADF levels recommended by the BRE.
- 7.24 A compliance rate of 73.2% is considered to be adequate in the context of the site characteristics and constraints including the need to orientate a linear row of blocks parallel to the M1 to provide achieve noise insulation to the site within the site. The development also demonstrates a good level of compliance in terms of APSH and overshadowing, with 68% of amenity areas complying with the BRE guidelines in terms of overshadowing.
- 7.25 The BRE guidelines are not meant to be applied mechanistically and should be applied with a degree of flexibility, cognisant of other merits of the scheme. In this case, on balance, officers consider that the development would achieve good levels of daylight and sunlight for the proposed residential units and as such is acceptable from this perspective.

#### Noise

- 7.26 Given the location of the application site between the M1 and the A1, the potential noise impacts on future residential occupiers is a sensitive point and one which has been addressed robustly within the application submission. The application is thus accompanied by a Noise Impact Assessment from Mayor Brown, submitted as part of the Environmental Statement (Chapter XX).

- 7.27 The assessment established the baseline conditions at the site through a range of surveys in July 2015 using industry standard methodology and at three points on the northern, eastern and western site boundaries.
- 7.28 As would be expected, given the location of the site and its environs, the majority of existing noise levels are generated from local road traffic. The baseline data within the assessment establishes that the highest noise levels are experienced on the western side of the site, adjacent to the M1 with the lowest noise levels experienced at the northern boundary of the site.
- 7.29 Given the existing baseline conditions, the fundamental layout of the development is predicated on attempting to minimise noise ingress into the site through the positioning of a linear block adjacent to the M1. The positioning and massing of these blocks would provide an acoustic barrier which would mitigate against the high levels of ambient noise generated from the M1. The layout allows for amenity spaces to be provided on the internal side of the site which would accord with all WHO guidelines.
- 7.30 On the external elevations of the development, facing the surrounding road infrastructure – the development would incorporate mitigation in the form of high specification glazing and additional insulation in order to minimise noise levels. In addition, green walls and planting would be located on the edges of the site to provide additional noise mitigation. Officers consider that additional mitigation in the form of non-opening windows, alongside mechanical ventilation for the windows on the external elevations would also be required should permission be granted.
- 7.31 The Noise Impact Assessment was fully reviewed by the Council’s Environmental Health officers who were of the view that the mitigation strategy proposed, inclusive of the condition requiring non-opening windows and mechanical ventilation, would be sufficient to ensure acceptable noise levels could be achieved across the development.

#### Air Quality

- 7.32 The application site is located adjacent to the M1 and A1 and a Borough-wide Air Quality Management Area (AQMA) declared by LBB. The site is also located near to an air quality Focus Area at M1 junction 2 and the A1 Barnet bypass; these are locations identified by the Greater London Authority that not only exceed the EU annual mean limit value for nitrogen dioxide, but also have high levels of human

exposure. Accordingly, air quality was scoped into the Environmental Statement and a chapter of the statement has been submitted in respect of Air Quality.

- 7.33 As part of the ES, an Air Quality Assessment was prepared by Mayer Brown. The baseline conditions established within the assessment sets out that the levels of nitrogen dioxide (NO<sub>2</sub>) at points adjacent to the M1 and A1 exceed target levels. Modelling was undertaken as part of the assessment in relation to the impact of the proposed layout and massing of the development, effectively shielding the internal elevations and amenity areas from the surrounding road infrastructure.
- 7.34 In addition to the overarching layout of the development, specific mitigation is also proposed in the form of mechanical ventilation with inlets located on internal elevations, including robust filter as necessary. As noted in the preceding noise section of this report, those units with windows fronting onto the surrounding road infrastructure would be required through condition to be non-opening with ventilation to be provided through the mechanical system outlined.
- 7.35 The Air Quality Assessment, submitted as part of the ES, was fully assessed by the Council's Environmental Health officers who were satisfied that the mitigation strategy is sufficient to address any concerns with regards to air quality. If permission were to be granted, conditions would be attached to ensure the mitigation was implemented accordingly and subject to these conditions officers consider that the application would be acceptable from an air quality perspective.

## **8.0 Affordable Housing**

- 8.1 London Plan 2015 Policy 3.12 seeks the maximum reasonable amount of affordable housing to be negotiated. The Barnet Core Strategy (Policy CS4) seeks a borough wide target of 40% affordable homes on sites capable of accommodating ten or more dwellings. Council policies seek a tenure split of 70% social rented and 30% intermediate housing.
- 8.2 The application was accompanied by an 'Financial Viability and Housing Statement' (FVHS) produced by Quod which was reviewed by BNP Paribas on behalf of the Council in April 2018. Subsequent to scheme amendments, a revised FVHS was submitted by Quod and reviewed by BNPP on behalf of the Council in July 2018.
- 8.3 From the outset, it should be noted that the scheme comprises a Build to Rent (BTR) tenure and the originally submitted scheme proposed 35% of the units to be provided at a 20% discount on market rent (DMR). Following discussion with both the LPA and the GLA, revisions were made to the scheme including a revised

affordable housing offer comprising 30% of the affordable housing units offered at London Living Rent (LLR) with the remaining 70% offered as DMR.

- 8.4 For clarity and brevity, the focus of this section of the report is on the revised scheme which is the most pertinent in terms of assessment. The revised FVHS from Quod outlined that the revised scheme would generate a deficit of £31m below the viable position. The reason for this is the high Existing Use Value (EUV) which is generated by the existing retail units as well as the additional value arising from the extant planning permission. The high EUV provides a high viability benchmark against which the financial viability of the scheme is assessed.
- 8.5 The review of the revised FVHS undertaken by BNPP outlines some revisions to the assumptions made by Quod and also introduces some sensitivity in respect of the construction costs and profit levels. The result of the revised appraisal from BNPP is to reduce the deficit significantly.
- 8.6 Notwithstanding the revised appraisal from BNPP, the fundamental point for consideration is that the scheme would still generate a deficit against the viability benchmark. This position is supported by BNPP, acting for the Council. In this regard it is clear that the affordable housing offer of 35% of the units being provided as affordable is significantly above what the viable position would be.
- 8.7 The Mayor of London's Affordable Housing SPG supports BTR housing as part of the wider housing sector and as a way of boosting housing delivery. In terms of affordable provision within the BTR sector, the SPG goes on to state that Discounted Market Rent (DMR) will be the model for the delivery of affordable units. In terms of rent levels, it is preferred that the DMR units are let at a level which does not exceed London Living Rent (LLR) levels for that area.
- 8.8 The revised scheme offers 35% of the BTR units as affordable with a 70/30 split within the affordable element between those that would be let at a 20% discount on market rent and those that would be let at LLR levels.
- 8.9 In order to ensure that the Discounted Market Rent homes would remain affordable and in consultation with the GLA, it is considered appropriate that the rent levels are controlled through the Section 106. Whilst the application is recommended for refusal by officers, if permission were to be granted it is considered that a mechanism to ensure that the DMR units were available to occupiers on maximum incomes of £60,000 based on 40% of net income, including service charge could be secured through the S106. In addition, those units let at London Living Rents should

be subject to the Section 106 to ensure that they are let at the GLA calculated London Living Rent levels in perpetuity.

8.10 The affordable units would be fully integrated into the scheme and pepper potted within the private units. All of the units would be managed by Meadow Residential.

8.11 Subject to the Section 106 obligations outlined, officers consider that the affordable housing offer is acceptable. The level of 35% (by habitable room) is significantly above the viable position demonstrated by viability data and, subject to the S106 obligations outlined, should be viewed as a benefit to the scheme to be weighed against harm identified in other areas.

## 9.0 Urban Design

### Tall Buildings

9.1 The application proposes 18 blocks across the site of varying heights and forms, the following table summarises the height of each of the blocks:

<b>Building</b>	<b>Height</b>
<b>Block A</b>	<b>15*</b>
<b>Block B</b>	<b>9*</b>
<b>Block C</b>	<b>9*</b>
<b>Block D</b>	<b>9*</b>
<b>Block E</b>	<b>8*</b>
<b>Block F</b>	<b>8*</b>
<b>Block G</b>	<b>9*</b>
Block H	7
Block I	7
<b>Block J</b>	<b>8*</b>
<b>Block K</b>	<b>8</b>
<b>Block L</b>	<b>10*</b>
Block M	7
<b>Block N</b>	<b>8*</b>
<b>Block O</b>	<b>8*</b>
Block P	6
Block Q	7
Block R	6

9.2 Those blocks marked in bold in the table above are those which would have a height of 8 storeys or above and as such would comprise tall buildings for the purpose of

assessment against the Barnet Local Plan. It will be noted that all but 6 of the 18 blocks would comprise tall buildings for the purpose of assessment.

- 9.3 London Plan Policy 7.7 sets out the approach to tall buildings in London requiring that appropriate locations are identified in Local Plan's. The policy sets out design criteria that tall buildings should comply with. Further to this, London Plan paragraph 7.25 defines a tall building as one that is substantially taller than its surroundings, or significantly changes the skyline.
- 9.4 Core Strategy Policy CS5 of the Barnet Core Strategy identifies those areas of the borough where tall buildings will be suitable. These include the nearby Regeneration Areas at Colindale, but not the application site. The application therefore represents a departure from development plan policy and it should be noted that it was advertised as such as part of the consultation undertaken.
- 9.5 Tall buildings outside of the strategic locations identified would thus need compelling material considerations to justify a departure from the development plan. The starting point for the assessment is the criteria of Policy DM05 which is set out below with an assessment of the scheme against each of the criterion.
- i) An active street frontage
- 9.6 The nature and location of the development is such that is largely set back from the surrounding main road infrastructure. This is considered to be appropriate and welcomed by officers given the nature of the roads in question. The site is accessed from a vehicular entrance to the southern end of the site with the buildings built around a central courtyard comprising a central spine road (Mill Hill Walk) along with communal amenity space.
- 9.7 All of the proposed blocks, built around the central courtyard area, have active frontages with either residential entrances or commercial uses in the case of the ground floor units to the north of Mill Hill Walk. Given the specific layout of the site, it is considered appropriate that the main active frontages are located on the internal elevations. In this regard, it is considered that the scheme is accordant with this criterion.
- ii) Successful integration into the urban fabric
- 9.8 The application site is dislocated from the surrounding residential areas by the surrounding highway infrastructure, including the M1 to the west, the A1 to the east and Bunns Lane to the north. Nevertheless, in short and medium range views – the



development would be viewed in the context of the existing urban fabric beyond the road infrastructure and as such it is appropriate that it is assessed against the extent of its integration with the existing urban fabric.

- 9.9 A Visual Impact Study by Miller Hare was submitted in support of the application which identifies 21 key views of the application site and transposes the development onto a CGI visualisation of the proposed view. The location of all of the viewpoints were agreed with the applicant in the consideration of the previous application and are considered to be appropriate.
- 9.10 In terms of the integration of the scheme into the existing urban fabric, officers consider that the short and medium range views from the existing residential areas surrounding the application site are the most relevant. Of these views, views 3, 4, 5, 7, 8, 17 and 20 are considered to show the greatest impact. Whilst shorter range views such as view 6 (from the A1) show the greatest impact, these are located in the immediate vicinity of the site and as such do not offer a
- 9.11 View 3 is taken from Parkside to the north of the site, looking south with the two storey residential properties to either side of the street prevalent. In this context, the 15-storey height of Block A of the development projects significantly above the prevailing building heights and stands in harmful juxtaposition with the scale of the existing buildings. In this regard, it is considered that the excessive scale of Block A specifically and its incongruity would cause significant and unacceptable harm to the intrinsic character of this locality.
- 9.12 View 4 is taken from Bunns Lane outside Laing looking west towards the application site. Again, two storey properties are prevalent in this view located to either side of the street. The eastern element of the development through Blocks B, D, F, H, K, M and P would be clearly visible above the massing of the existing development. It should be noted that the detailed design and the massing of the development has been carefully considered and attempts to break up the massing through the staggered projection, varied heights and the contrasting elevational treatments; this can be clearly seen in this view. Nevertheless officers consider that due to the excessive heights of the blocks visible in this view, the development would have a minor harmful impact within this context and would fail to integrate with the existing urban fabric as a result of the disparity in heights.
- 9.13 View 5 is taken from Bunns Lane at Rowlands Close looking west towards the application site. The prevailing architectural typology within this context is a mix of two and three storey residential properties. Blocks P, M, K and H would present clearly in the backdrop of the existing buildings and street trees. This view is focused

on the northern end of the site where the heights step down and this combined with the three-storey height of some of the existing buildings lessens the extent to which the height disparity is legible. Notwithstanding the slightly lessened legibility of the disparity, the development would still represent a noticeable departure from the scale of development prevalent within this context and officers thus consider that it would represent a minor harmful impact.

- 9.14 View 7 is taken from opposite 93 Bunns Lane looking south towards the site. Visible in the view are two and a half storey properties largely consistent with the prevailing building heights on this part of Bunns Lane. The massing of the northern edge of the development in the form of Block M presents in the backdrop of the existing properties and officers consider that it represents a harmful imbalance in terms of height and scale. Officers consider that this would represent a minor harmful impact.
- 9.15 View 8 is taken from Flower Lane before the junction with Bunns Lane looking south towards the northern part of the site. In this part of Bunns Lane, two and a half storey properties are prevalent and would be dominated by the massing of the development which would project significantly above the roofscape. All of the blocks in the eastern row of blocks as well as Block A would represent a wholly incongruous height and scale of the development within this context and would have a significantly harmful impact on its character. In this regard, the development would fail to integrate with the existing urban fabric.
- 9.16 View 17 is taken from Junction Field Mead adjacent to Dunn Mead looking east at the western part of the site. Most of the existing properties in within this context are of a two storey height and are set back from the road whilst there are also prevalent street trees. The massing of the existing retail development on the application site is also visible at the end of the street. The massing proposed development would be dominant at the end of this linear view, the projecting significantly above the heights of the existing urban fabric and presenting a wholly alien and incongruous height and scale of the development.
- 9.17 View 20 is taken from outside no.39 Bunns Lane looking west at the site. Either side of the road, two storey residential properties are prevalent along with modestly sized street trees. Starting with the 15 storey Block A to the south, all of the east row of blocks would project above the skyline and significantly above the prevailing scale of the existing urban fabric. The extent of the imbalance in the scale of the development in the context of the existing urban fabric and the result incongruity is amplified in this view through the cumulative impact of the massing of tall buildings presenting across the skyline from Block A to the south Block P to the north. It is

considered that significant harm would arise from the incongruous height and scale of the development within this context.

- 9.18 It should also be noted that the aforementioned views are static views from fixed points around the development, officers consider that the level of impact and the perception of the height in the context of the existing urban fabric would likely be experienced to a similar degree from kinetic views on the local roads and footways in the surrounding locality. In such views, officers consider that the incongruous scale and height of the development would be similarly legible.
- 9.19 Having regard to all of the above, officers consider that the development would wholly fail to integrate into the surrounding urban fabric as a result of its excessive scale and height which would be at odds with the low-rise nature of the surrounding development. The relevant local views assessed as part of the VIS, largely show a significant and harmful impact on the existing character of the surrounding area. On this basis officers consider that the development fails to accord with this criterion of Policy DM05.
- iii) A regard to topography and no adverse impact on Local Viewing Corridors, local views and the skyline
- 9.20 Due to location of the site, the development would not have any perceptible impact on any of the views identified within the London Views Management Framework.
- 9.21 In terms of local views and corridors, strategic View A identified within the Local Plan from Mill Field towards Harrow on the Hill is relevant for consideration due to the application site being located in close proximity to the vista. View 1 within the submitted VIS shows this view from the Mill Field looking south-west and it shows that Block A of the development would be perceptible however would not present above the skyline. Whilst Block A would be perceptible, in the strategic context of the view, officers consider that it would not cause notable harm and would not detract from the intrinsic value of the view with the view to Harrow on the Hill being retained.
- 9.22 In terms of other important local views assessed within the VIS, View 9 is taken from Mill Hill Park looking south towards the site across the park. The existing view is one where the existing heights of the buildings to the south terminate below the height of the mature trees on the southern edge of the site. It is considered that the scale and the height of the development would be overwhelming in this context, projecting significantly above the height of the existing properties and mature trees. It is considered that the development would be wholly alien and incongruous within

this context and would have a significantly adverse impact on the intrinsic value of this local view.

9.23 Having regard to the above, whilst the development would not result in perceptible harm to any of the strategic local views identified within the local plan, in other local views the development would appear as an alien and incongruous mass by virtue of its excessive height and scale. In this regard officers also consider that the development would fail to accord with this criterion of Policy DM05.

iv) Not cause harm to heritage assets and their setting

9.24 There are no listed buildings in the vicinity of the site with the nearest heritage assets being the Watling Estate Conservation Area and the Mill Hill Conservation Area.

9.25 In respect of the Watling Estate Conservation Area, the Conservation Area Statement at paragraph 4.2 sets out the important views and vistas which contribute to the character of the area and its setting. These views are largely linear views along such roads as Watling Avenue, Deansbrook and Abbots Road in addition to other short-range views within the area. The location of the application site and its relationship to the CA would ensure that none of these identified views or vistas would be detrimentally impacted.

9.26 In terms of the VIS submitted in support of the application, views 15 and 16 are relevant and show no discernible impact due to the separation distances and the massing of existing development.

9.27 View 10 is taken from the edge of the CA within Woodcroft Park and shows a more noticeable change with the massing of the proposed development clearly presenting in the backdrop of the view. Blocks A, C, E, G, I, J, L, N, O, Q and R would all project significantly above the existing low rise development, including The Orion School. The effect of the development in this view would be to dominate views from the edge of the conservation area, to the detriment of its setting to an extent that officers consider unacceptable.

9.28 In terms of the Mill Hill Conservation Area, the Conservation Area also sets out the important views and vistas which contribute to the character of the area and its setting. These views and vistas are identified as the following:

- Important views across the valleys into the Conservation Area from Totteridge Common and Totteridge Lane, particularly the National Research Institute building, which acts as a landmark building;
- Views from Holcombe Hill east towards Highwood Hill;
- Westward views from St Josephs Missionary College to undulating land and 1930's suburban estates;
- Skyline view of former St Mary's Abbey from The Lincolns (off Highwood Hill);
- Northwest views along The Ridgeway framed by heavy planting;
- Views towards the top of Hammers Lane;
- Views along High Street from Milesplit Hill.

- 9.29 In light of the views and vistas identified above, the location of the application site and the significant separation distance from the CA, officers consider that none of the views would be detrimentally impact by the development.
- 9.30 In terms of the VIS, views 1, 2, 19 and 21 are relevant to the consideration of the impact on the setting of the CA. Views 1 (The Mill Field) and 21 (Observatory) show no discernible impact due to the separation distance and the presence of large trees respectively.
- 9.31 View 2 is taken from Mill Hill Park looking south towards the site. The view shows a noticeable impact with Block A specifically projecting significantly above the tree line in a harmful manner. Blocks K, M and P are also visible to a lesser extent than Block A however it is still considered that they would present in a harmful manner in this context. The existing view is one of an open green field with mature trees and in this regard it is considered that the massing of the development would represent a significant and harmful introduction to the context. The setting would be harmed to an extent that officers consider unacceptable.
- 9.32 View 19 is taken from Hammers Lane looking south and prevalent within the view are two storey, traditional properties. The development would project significantly above the prevailing massing of the existing buildings and would present as an incongruous feature of the locality due to its excessive scale and height, particularly Block A. It is considered that the alien and incongruous scale of the development, clearly visible in this view would result a significant harmful impact on the setting of the conservation area.
- 9.33 In summary, whilst it should be noted that the development would not detrimentally impact on key views and vistas within both of the conservation areas, officers consider that the inherent character of the setting of conservation areas does not solely derive from the limited number of key views identified with the respective

Conservation Area Statements. It is considered that the instances outlined (views 2, 10 and 19) represent significantly adverse impacts on the setting of the respective conservation areas by reason of the excessive height of the development and the incongruity of this height within the setting of the conservation area. In this regard, officers consider that the scheme does not accord with this criterion of Policy DM05.

v) That the potential microclimate effect does not adversely affect existing levels of comfort in the public realm

9.34 The application is accompanied by a Wind Microclimate Study from BMT Fluid Mechanics Limited (ES - Appendix 11.1). Wind microclimate assessments consider the wind conditions that would result upon the introduction of a new development into an existing space.

9.35 The study establishes that the wind conditions at all assessed locations in and around the existing site are suitable in terms of pedestrian safety and comfort. The assessment then goes on to model the wind microclimate conditions that would prevail at the application site with the massing of the proposed development within the context of both existing and cumulative surrounds. The assessment shows that wind conditions in and around the proposed development site would be suitable in terms of pedestrian safety and comfort in line with the assessment methodology.

9.36 On the basis of the submitted Wind Microclimate Study, it is considered that the development is in accordance with this criterion of Policy DM05.

#### Tall Buildings - CABE/English Heritage

9.37 CABE/English Heritage provide guidance in relation to the tall buildings (July 2007) which is also relevant to the consideration of this application. Policy CS5 of the Core Strategy outlines that proposals for tall buildings within the borough will be assessed against this guidance document. The relevant criteria for the evaluation of tall buildings are set out below with a brief assessment against the proposed development.

9.38 *Context:* As outlined the preceding section of this report, the surrounding context of the application site is largely characterised by low-rise development. It is considered the proposed development would be an alien element within this context as a result of its excessive height and scale which is at odds with the prevailing building heights of the development in the surrounding area. The incongruity of the development would be harmful to the intrinsic character of the surrounding residential areas and

as such would fail to harmonise with its context, contrary to this criterion of the CABE guidance.

- 9.39 *Historic Assets Impact:* As outlined in the preceding section of this report, the application site is not located within close proximity to listed buildings. Whilst the key views and vistas identified within the Watling Estate and Mill Hill Conservation Areas would not be adversely impacted by the development, officers consider that other views identified within the submitted VIS demonstrate that the development would have an unacceptably harmful impact on the setting of the conservation areas, contrary to this criterion of the CABE guidance.
- 9.40 *Relationship to Transport:* The majority of the site has a PTAL of 1 which is considered to be poor. In order to address the current accessibility levels of the site, it is proposed to relocate 2 bus stops closer to the site whilst a £450,000 contribution would be secured through the Section 106 to contribute towards an additional bus service to serve the site. It is also proposed to create a new direct pedestrian and cycle link to Bunns Lane along with other off-site improvements to pedestrian accessibility such as wayfinding and public realm enhancements.
- 9.42 It is considered that the aforementioned package of improvements would deliver qualitative improvements to the accessibility of the site to an extent that would justify the increased density at this location, as set out in Section 6.0 of this report. However, solely in relation to an assessment of the development against this particular criterion in isolation, officers consider that the development cannot be said to enjoy a high quality of links to public transport infrastructure contrary to this criterion of the CABE guidance.
- 9.43 *Architectural Quality:* It is considered that the development is of a high architectural quality with well-considered detailing and strong and legible overarching design rationale in accordance with this criterion of the CABE guidance. The architectural quality of the development is discussed fully in the subsequent section of this report.
- 9.44 *Sustainability:* The application is supported by an energy statement which confirms that the development will accord with London Plan guidelines relating to CO<sub>2</sub> emissions in accordance with this criterion. The sustainability of the scheme is discussed fully within the relevant section of this report.
- 9.45 *Design Credibility:* The scheme is submitted by an established developer, designed by a reputable architecture team and is supported by an established consultancy in accordance with this criterion.

- 9.46 *Contribution to Spaces and Facilities:* The development would provide a high-quality central landscaped area incorporating shared amenity space and surrounded by active frontages. In this regard the development is considered to be accordant with this criterion.
- 9.47 *Environmental Effect:* In the respective documents submitted in support of the application included within the ES no significant adverse environmental impacts are identified including on microclimate, overshadowing, light pollution, air quality or impact on the amenity of neighbouring occupiers in accordance with this criterion.
- 9.48 *Contribution to Permeability:* The development would introduce a new pedestrian/cycle link to Bunns Lane and improve the pedestrian accessibility of the site through other off-site public realm improvements. In this regard, the permeability of the site and its environs would be improved through the development in accordance with this criterion.
- 9.49 *Well-Designed Environment:* The scheme would deliver robust, well designed buildings with a good quality of internal and external space for future residents in accordance with this criterion.

#### Tall Buildings Conclusion

- 9.50 It is clear that the application site is located outside of the identified strategic locations for tall buildings within the borough. These locations are identified within Policy CS5 of the Core Strategy, as part of the current statutory development plan for the borough. The policy is underpinned by the Barnet Tall Buildings Study (2010). Policy CS5 is clear in that tall buildings outside of the identified strategic locations will not be supported.
- 9.51 Notwithstanding the location of the site outside of the strategic tall building locations within the borough, officers consider that further assessment under Policy DM05 and CABE/English Heritage tall buildings evaluation criteria shows that the development as proposed would have a significant detrimental impact on the intrinsic character of the surrounding area. This harm is clearly evident in views assessments and would be expressed through the excessive height and scale of the development which would be at odds with the surrounding residential areas and would be wholly incongruous within its context. In this regard, it is considered that the development is contrary to Policy 7.7 of the London Plan, Policy CS5 of the Core Strategy and Policy DM05 of the Local Plan.

#### Layout



- 9.52 The layout of the development responds to its immediate surroundings with two linear blocks running north to south adjacent to both the M1 and A1 boundaries which would partly act to insulate the internal courtyard area from noise ingress emanating from the road infrastructure.
- 9.53 All of the proposed blocks, built around the central courtyard area, have active frontages with either residential entrances or commercial uses in the case of the ground floor units to the north of Mill Hill Walk. Given the surrounding road infrastructure of the site, it is considered appropriate that the main active frontages are located on the internal elevations. Notwithstanding its height and scale, the overarching rationale for the layout of the development is considered to be acceptable.
- 9.54 Following discussions with LPA and GLA officers, revisions were made to the application to improve the permeability of the site and its pedestrian linkages to the surrounding area. The revised plans which are the subject of the current assessment show a new colonnade introduced to Block H which would provide a direct pedestrian link to an improved pedestrian link to Bunns Lane including steps and a ramp for cycle and disabled access. Officers welcome this design response and consider that it would provide a clear and legible pedestrian route into the site and would help to integrate it with its surroundings.
- 9.55 The revised plans also show a revised layout to the southern boundary of the site which provides significantly more pedestrianised public realm with a less dominant vehicular access road. It is considered to be an appropriate layout which would provide a safe pedestrian environment, aiding linkages to the south whilst also retaining a robust and functional vehicular access to serve the development.
- 9.56 Overall, it is considered that the layout of the development would represent a well-designed residential scheme that would respond well to its context.

#### Architectural Quality

- 9.57 The proposed architecture of the scheme is varied in a successful manner which achieves a characterful and aesthetically pleasing composition incorporating natural looking materials that blend and complement the proposed landscaping. In particular, the varied architecture and materiality is evident in the recessed dark brick buildings contrasted with projecting beige yellow brick buildings. The effect of this, combined with the staggered projection is to break up the massing of the long linear blocks. In this regard, and notwithstanding the building heights, it is

considered that the design is successful in modulating the horizontal mass of the development.

- 9.58 It is considered that Gabian baskets filled with natural stone, white stone and brick, metal details such as brass finish, green walls and quality finishes all work very well in producing distinct spaces that create a welcoming undertone. On the whole, officers consider that the architecture of the scheme is of a high quality.

## **10.0 Amenity Impact**

### Daylight

- 10.1 The applicant has submitted a Daylight/Sunlight report from Delva Patman Redler LLP (November 2017) which is inclusive of daylight, sunlight and overshadowing assessments of the impact of the proposed development on both neighbouring occupiers. It should be noted that the June 2018 revisions to the scheme did not include any changes to height, massing or footprint of the scheme and as such the November 2017 assessment is still relevant for the consideration of the application.
- 10.2 The standardised assessment methodology for daylighting is set out within the BRE document Site Layout Planning for Daylight and Sunlight (BRE, 2011). Within this document it is set out that the primary tool is the Vertical Sky Component (VSC) and that the target value for windows to retain the potential for good daylighting is 27% or more than 0.8 times its former value.
- 10.3 In terms of scope, the daylight assessment from Delva Patman Redler assessed the following neighbouring properties:
- Palmerstone Court
  - 82 Bunns Lane
  - 80 Bunns Lane
  - Farmhouse Court, 19-24 Bunns Lane
  - 27-30 Lancaster Close
  - 17 Grahame Park Way
  - 19 Grahame Park Way
- 10.4 The scope of the assessment is considered to be appropriate and includes all of those properties which would be likely to experience the greatest impact from the development in terms of daylight. Of all the windows assessed within the aforementioned properties, all would comply with the requisite BRE standards for VSC demonstrating that they would all retain good levels of daylighting.

10.5 In order to provide a more robust and comprehensive assessment, the report goes on to assess the daylight impact on the neighbouring properties in terms of Average Daylight Factor (ADF) and No Sky Line (NSL). In respect of ADF, all of the windows assessed would comply with BRE standards whilst in terms of NSL only the following windows would breach the BRE guidelines:

- 82 Bunns Lane – A single side panel of a ground floor living room bay window
- 27 and 30 Lancaster Close – A bedroom window in each of the properties

10.6 In respect of 82 Bunns Lane, the failure relates to a single side panel of a bay window with all of the other panels in compliance whilst in respect of 27 and 30 Lancaster Close, the failure relates to a single bedroom window in each property. In both cases, it is considered that the failures are negligible in the context of the VSC/ADF compliance and in the context of the number of windows assessed.

#### Sunlight

10.7 In relation to sunlight, the BRE recommends that the Annual Probable Sunlight Hours (APSH) received at a given window in the proposed case should be at least 25% of the total available including at least 5% in winter. Where the proposed values fall short of these, and the absolute loss is greater than 4%, then the proposed values should not be less than 0.8 times their previous value in each period. The BRE guidelines state that “..all main living rooms of dwellings should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block out too much sun”.

10.8 In terms of scope, the daylight assessment from Delva Patman Redler assessed the following neighbouring properties all of which have a window facing within 90 degrees of due south in accordance with the BRE assessment criteria:

- Palmerstone Court
- 82 Bunns Lane
- 80 Bunns Lane
- Farmhouse Court, 19-24 Bunns Lane

10.9 The results of the assessment show that all of the windows assessed within the aforementioned properties would comfortably accord with the APSH criteria set out by the BRE, demonstrating that good levels of sunlight would be retained.

#### Outlook

- 10.10 The proposed development varies in height with the highest element being Block A at 16 storeys reducing down to a minimum of 6 storeys and when viewed from the facing windows of the surrounding residential properties, it is inexorable that the development would be clearly visible due to this height and scale. Nevertheless, in terms of assessment the key matter is whether by virtue of the proximity, size and scale of the development; it would have a significant and unacceptable impact on the living conditions of the neighbouring residential occupiers.
- 10.11 In terms of separation distances, to the west the development would enjoy a separation distance of over 100 metres from the closest residential properties; to the north would be a separation distance of over 50 metres to the closest residential properties (and nursery) on Bunns Lane and to the east would be a separation distance of over 70 metres to the closest residential properties.
- 10.12 To the north, the relative proximity of the Bunns Lane proximity would be mitigated by the fact that the development would step down to 6 storeys at this point ensuring that it would not present an overly obtrusive or overwhelming when viewed from the residential windows. In the case of the east and west, the separation distances are considered to be significant enough to ensure that there would be no significant harm in terms of the impact on the outlook from these properties.

#### Privacy

- 10.13 As set out in paragraph 10.11 above, the development would enjoy significant separation distances from the surrounding neighbouring properties which would ensure that there would be no harmful impacts arising in relation to a loss of privacy to neighbouring residential occupiers.

### **11.0 Sustainability**

- 11.1 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
- 11.2 Policy 5.3 of the London Plan goes on to set out the sustainable design and construction measures required in new developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that

sustainable design standards are integral to the proposal, including its construction and operation.

- 11.3 Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrate compliance with the Mayor's targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy.
- 11.4 The application is accompanied by an Energy Statement from Chapman BDSP (November 2017) which sets out how the development accords to the London Plan energy hierarchy.

#### Be Lean

- 11.5 The design approach for the development would give priority to the optimisation of the building fabric performance in order to reduce the need for heating, cooling and lighting. Passive measures included within the development to reduce energy demand would include the following:
- high levels of insulation for exposed solid envelope elements
  - double glazed windows;
  - optimised glazing-to-wall ratio on the exposed facades based on solar gains for thermal comfort, daylighting for visual comfort and responding to surrounding issues, such as noise and air pollution;
  - improved airtightness;
  - maximised passive ventilation potential;
  - external solar shading protecting glazed areas from
  - unwanted solar gains.
- 11.6 In addition to the measures outlined above, all dwellings would be provided with a high efficiency whole-house mechanical ventilation with minimum fresh air and very high heat recovery rate. Artificial lighting would use low-energy light fittings and efficient lighting controls that include presence/absence detection and daylight linked dimming where appropriate. Supplementary heating would also be provided via radiators whilst cooling for the non-domestic assets will be supplied from the efficient air-cooled chillers in the basement.
- 11.7 In addition to those measures outlined above, the scheme would incorporate other passive features that cannot directly be accounted for using the SAP 2012 methodology however which would further improve environmental performance and reduce emissions of the development. These measures include the following:
- Internal layouts and glazing position optimisation for good daylighting access.
  - Indoor water consumption of less than 105 litres/person/day
  - Energy efficient appliances
  - Water efficient irrigation strategies for communal areas

- Rainwater attenuation in ponds or open water features

#### Be Clean

- 11.5 At the present date, there is no district network available in close proximity of the application site. the closest planned district heating network is within the Colindale Regeneration Area which is located to the south-west of the site. Notwithstanding the absence of implementation plans for the Colindale network at this point in time, connection to any Colindale network from the development would likely be impracticable due to the motorway infrastructure between the two locations. Nevertheless, the development would be constructed with capped connections to allow for connections to any district heating network which may come forward in future.
- 11.6 The development would be served by a communal heat network from a single energy centre/plantroom. A gas-fired Combined Heat and Power (CHP) plant to help offset carbon emissions through efficient heat and power generation would also be provided within the development.

#### Be Green

- 11.7 Although the available unshaded roof area of the development is relatively small when compared to the development’s area and electricity requirements, Solar Photovoltaic technology are proposed for use in order to fully maximise the use of renewable energy generation.
- 11.8 The report from Chapman concludes that Solar Thermal, Wind Turbines, Ground Source Heat Pumps and Biofuels/Biomass are not appropriate for use within the development. The reasons for the omissions are considered to be sound and the conclusions reasonable.

#### Summary

- 11.9 All of the measures outlined above combine to give the following site wide regulated carbon dioxide emissions:

	<b>Total Regulated Emissions (Tonnes per year)</b>	<b>CO2 Savings (Tonnes per year)</b>	<b>Percentage saving</b>
Part L Baseline	1161.91	-	
Be Lean	1085.49	76.42	7%
Be Clean	751.35	334.14	29%
Be Green	640.01	111.34	10%
		<b>Co2 Savings off set</b>	
<b>Off-set</b>		13335.63	

11.10 In summary, the application is largely in accordance with the London Plan energy hierarchy. The domestic elements reduce carbon emissions by 48% whilst the non-domestic elements would reduce carbon emissions by 36%; this exceeds the target set out in current Policy 5.2. Nevertheless, in line with the zero carbon objectives, if permission were granted a financial contribution would be sought with regards to the Council's carbon offset fund commensurate with the level of shortfall below 100%.

#### Other Sustainability Matters

11.11 With regards to the Code for Sustainable Homes (CSH), the government issued a Written Ministerial Statement which confirmed that the scheme has been withdrawn with immediate effect. Therefore planning applications, other than those which have already been approved with a CSH condition, are no longer required to comply with the code.

11.12 In relation to the non-residential floorspace, the Council supports the use of Building Research Establishment Environmental Assessment Method (BREEAM) which is used to measure the environmental performance of non-residential buildings and a standard of 'Very Good' is required in all new non-residential developments. Therefore, if permission were to be granted, a condition would be attached to ensure that the development achieved a minimum standard of 'Very Good' on implementation.

### **12.0 Transport / Highways**

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

#### Car Parking

12.2 The London Plan sets out maximum parking standards which are outlined in the table below:

Suburban	150-200 hr/ha	Parking provision	150-250 hr/ha	Parking provision	200-350 hr/ha	Parking provision
Parking for residential development						
3.1-3.7 hr/unit	40-65 u/ha	Up to 2 spaces per unit	35-65 u/ha	Up to 1.5 spaces per unit	45-90 u/ha	Up to one space per unit
2.7-3.0 hr/unit	50-75 u/ha		40-80 u/ha		55-115 u/ha	
			50-95 u/ha		70-130 u/ha	
Urban	150-250 hr/ha		200-450 hr/ha		200-700 hr/ha	
3.8-4.6 hr/unit	35-65 u/ha	Up to 1.5 spaces per unit	45-120 u/ha	Up to 1.5 spaces per unit	45-185 u/ha	Up to one space per unit
3.1-3.7 hr/unit	40-80 u/ha		55-145 u/ha		55-225 u/ha	
2.7-3.0 hr/unit	50-95 u/ha		70-170 u/ha	Up to one space per unit	70-260 u/ha	
Central	150-300 hr/ha		300-650 hr/ha		650-1100 hr/ha	
3.8-4.6 hr/unit	35-80 u/ha	Up to 1.5 spaces per unit	65-170 u/ha		140-290 u/ha	Up to one space per unit
3.1-3.7 hr/unit	40-100 u/ha		80-210 u/ha	Up to one space per unit	175-355 u/ha	
2.7-3.0 hr/unit	50-110 u/hr	Up to one space per unit	100-240 u/ha		215-405 u/ha	

- 12.3 Car parking standards for residential development are also set out in the Barnet Local Plan and recommend a range of parking provision for new dwellings based on the on a sites Public Transport Accessibility Level (PTAL) and the type of unit proposed. Policy DM17 of the Local Plan sets out the parking requirements for different types of units with the range of provision is as follows:
- Four or more bedroom units - 2.0 to 1.5 parking spaces per unit
  - Two and three bedroom units - 1.5 to 1.0 parking spaces per unit
  - One bedroom units - 1.0 to less than 1.0 parking space per unit
- 12.4 Based on the PTAL of the site, a policy compliant scheme would necessitate a range of between 583 (0.83 spaces per unit) and 930 (1.33 spaces per unit) parking spaces for the 724 residential units. The scheme would deliver 540 residential car parking spaces including 40 visitor parking which will equate to a ratio of 0.75 spaces per unit with 72 of these spaces being provided for disabled use.
- 12.5 Notwithstanding that the parking ratio is below the policy compliant position, officers consider that the parking provision is acceptable for a number of reasons. Firstly, that solely Build to Rent tenure of the development is important to consider. It has been established through research that levels of car ownership within the rented sector are significantly below that in traditional market housing with owner occupiers. Less than 50% of those who live in rented accommodation within the borough own a car which would suggest that there would be a largely similar demand for car parking within the current development.
- 12.6 Secondly, whilst the site has a poor PTAL of 1 the qualitative connectivity of the site would be improved through a range of measures including improved cycling/pedestrian linkages, wayfinding and a financial contribution towards an extra hourly bus service which would serve Mill Hill Broadway. All of these measures would combine to provide viable alternatives to travel by car in line with overarching strategic policies promoting sustainable modes of transport.
- 12.7 Thirdly, looking at the development holistically – any increase in the current level of parking could likely only be achieved through additional ground level parking, at the expense of landscaping and amenity space, or additional excavation at basement



level to provide parking – the significant cost of which would have a detrimental impact on the viability of the scheme and the level of affordable housing secured.

- 12.8 On the basis of the above, the parking ratio of 0.75 spaces per unit is considered to be appropriate for the development. The relationship of the application site to the surrounding residential areas and its isolated nature would minimise the extent to which it is likelihood of overspill parking. It should also be noted that parking beat surveys undertaken by the applicant and shown within the transport assessment show adequate residual capacity to accommodate any limited overspill parking which may occur.

#### Vehicular Access

- 12.9 Vehicular access to the site would be solely from the south utilising the existing on and off slip roads from the A1. A two-way vehicular road would run adjacent to the western boundary of the site along with Mill Hill Walk which would run through the centre of the site with access limited to taxis, short stay pick up/drop off and deliveries. This arrangement is considered to be acceptable and would ensure a robust and functional vehicular layout whilst also providing a high quality landscaped central area, not dominated by vehicles.
- 12.10 A pedestrian and cycle access would be provided to the north of the site to provide access to Bunns Lane. Following on from discussions with GLA and LPA officers, the access was amended to provide a more legible and direct route which has been achieved through stepped access leading to a colonnade through Block H providing access to the central area of the development. An adjacent indirect ramped access would provide access for cycles and wheelchairs at a suitable gradient.

#### Cycle Parking

- 12.11 The development would provide 1182 cycle spaces across the site. The residential cycle parking provision would accord with both London Plan Policy 6.9 and draft London Plan Policy T5. However, for the retail and commercial uses, an additional 7 spaces for staff and 42 spaces for visitors would be required, alongside lockers and showers in order to be fully compliant. The additional spaces, facilities and the full details of the cycle provision would be secured through condition were permission to be granted.

#### Highway Network Impact

- 12.12 The Transport Assessment from Velocity contains junction impact assessments of all junctions within the local area which could be affected by the development. The assessment establishes the baseline conditions at each junction which are expressed through Reserve Flow Capacity (RFC) and then goes on to model the impact of the proposed development on each of the junctions with the resultant impact also expressed through RFC.

12.13 The modelling undertaken for all of the junctions assessed show that all junctions would experience a minor or negligible impact with the notable exception of the following:

- Junction 7 – Bunns Lane / Pursley Road / Page Street Mini Roundabouts – Minor Adverse

12.14 The TA acknowledges that this junction are currently is at capacity and as such would be sensitive to any increase in traffic levels, even minor. The operation of this junction is considered to be particularly important given that the 221 bus service which serves the site and upon which public transport connectivity to the site is predicated utilises this junction.

12.15 Officers therefore consider that mitigation would have to be put forward in order to make the application acceptable in this respect. Given the existing baseline conditions at the mini roundabouts which show them at capacity, some preliminary work has already been undertaken by the Council to establish the most viable junction remodelling strategy. It is considered appropriate that if permission were to be granted, a financial contribution would be sought from the applicant towards the implementation of the Council's preferred mitigation strategy. At the time of writing this report, the preferred option of the Council had not been costed so the final amount of contribution which would be sought cannot be reported. If permission were to be granted, the amount of contribution would be commensurate with the level of impact arising from the development and cognisant of the existing baseline conditions. Subject to such a contribution being secured through the S106, the development would be acceptable from this perspective.

#### Public Transport Impact:

12.16 The Transport Assessment from Velocity has been fully assessed by LPA transport officers as well as TfL and it is considered that the proposed development would generate approximately one full bus load of passengers during the peak hours, which the existing route 221 would not be able to accommodate.

12.17 With this in mind, if permission were to be granted, a financial contribution of £95k per annum for 5 years (a total of £475k) would be sought to add an additional return bus journey to the route. Such a contribution be secured through the Section 106 and would ensure that the development would be acceptable in this respect.

#### PERS Audit:

12.18 Any highway works identified in the vicinity of the site as part of PERS, the applicant would be required to fund as part of the S106 Agreement and would then be concluded under a Section 278 Agreement if permission were granted.

#### Refuse Collection / Servicing

- 12.19 The proposed refuse strategy would involve the storage of both residential and commercial refuse in purpose built enclosures within the site for collection. The location of the refuse storage areas is considered to be logical and appropriate and swept path analysis show that a refuse vehicle could safely access the site and carry out the necessary collections. If permission were to be granted, a condition would be attached securing a refuse collection strategy along with a deliveries and servicing strategy pertaining to both residential and commercial servicing.

#### Trip Generation

- 12.20 It is projected that the extant development could generate 56 vehicle movements in the AM peak hour, and 124 in the PM peak hour (based on Gross Internal Area). A multimodal trip generation exercise for all proposed site uses has identified that development will generate 108 and 125 vehicle movements in the AM and PM peak hours respectively. The vehicle movements generated represent an additional 52 and 1 movements in the AM and PM peak hours respectively, by comparison to the permitted use of the existing site.

### **13.0 Planning Obligations**

- 13.1 Policy CS15 of the Barnet Local Plan states that where appropriate the Council will use planning obligations to support the delivery of infrastructure, facilities and services to meet the needs generated by development and mitigate the impact of development.
- 13.2 In accordance with development plan policies the following obligations are required to be secured through a legal agreement with the developer. If permission were granted it is considered that the package of planning obligations and conditions recommended would, when considered alongside the financial contributions that the development would be required to make under the Barnet CIL, mitigate the potential adverse impacts of the development and ensure the provision of the funding needed for the delivery of the infrastructure that is necessary to support the scheme.
- 13.3 Whilst the application is recommended for refusal, the following planning obligations would be sought if permission were to be granted.

#### Highways / Public Realm

- A financial contribution of £475,000 to be made towards the introduction of an additional 221 bus service;
- All works necessary to the public highway and/or identified within the PERS to be undertaken under Section 278 and in agreement with the LPA;

- A financial contribution (to be agreed with TfL) to be made towards the relocation of bus stops on the A1 and Bunns Lane;
- A feasibility study to be undertaken with regards to the potential for improvements to the M1 pedestrian bridge including the requisite liaison with Highways England. If shown to be feasible then improvements to be implemented in accordance with a scheme to be agreed with the LPA and at the cost of the developer;
- A lighting, public art and public realm improvement scheme is to be submitted and agreed with the LPA in relation to the pedestrian underpass of the M1. The agreed scheme is to be implemented at the developers cost;
- A financial contribution towards the implementation of scheme of highway improvements to be agreed with the LPA in relation to the junction at Bunns Lane/Pursley Road/Page Street. Contribution to be agreed with the LPA/TfL and commensurate with the level of impact arising from the development;
- A Strategic Level Residential Travel Plan requiring monitoring contributions of £20,000 along with a full Commercial Travel Plan requiring monitoring contributions of £15,000. The residential Travel Plan incentives to be secured with each 1st household to be offered to select 2 of the 3 following incentives to the value of £300 (up to a maximum of £217,200):
  - Oyster card with £150 credit
  - Cycle shop voucher to the values of £150
  - Car club credit/membership to the value of £150

#### Affordable Housing

- No less than 35% of the habitable rooms within the development shall be provided as affordable housing with 70% provided as Discounted Market Rent (at a discount of 20% on market rent) and 30% provided at London Living Rent levels. For the avoidance of doubt, London Living Rents shall not exceed the LLR's published levels;
- A mechanism to be included to ensure that the discounted market rent units shall be affordable to occupiers on maximum incomes of £60,000 based on a rental cost not exceeding 40% of net income, including service charge;
- All affordable housing is to be retained in perpetuity with nomination rights granted to the LPA;

- A positive early stage review mechanism to be inserted to capture any uplift up to a policy compliant level of 40%;
- Covenant to retain PRS units for 15 years and a clawback mechanism to be agreed if the covenant is broken and any of the PRS units put out to open market (clawback = the difference between the total value of the market rent units based on the viability assessment at application stage and those units valued on a 'for sale' basis at the point of sale);
- 15% of non-affordable units shall be made available to key workers living in the borough with a cascade clause to be agreed to allow the units to revert to the open market after an appropriate period of marketing and engagement at each new letting to be agreed with the LPA.

#### Miscellaneous

- Part of the community floorspace (Use Class D1) is to be made available to a healthcare user in the first instance, a cascade clause to be inserted to allow the floorspace to revert to an open D1 use following an appropriate period of marketing and engagement to be agreed with the LPA;
- A carbon offset contribution would be secured in order to mitigate the shortfall below the zero-carbon target;
- The applicant would be expected to enter into a Local Employment Agreement (LEA) with the Council to deliver a minimum of the following:
  - 20 Progression into Employment roles
  - 13 Progression into Employment roles (over 6 months)
  - 34 Apprenticeships
  - 44 Work Experiences
  - 404 School/College/University site visit places
  - 222 School Workshop places

In lieu of delivering the above, the applicant would have the option of making a financial contribution of £864,702.

#### Community Infrastructure Levy

- 13.4 The proposed development is liable for charge under the Barnet Community Infrastructure Levy (CIL) at a rate of £135 per square metre as well as the Mayoral CIL. Because of the nature of the way in which CIL is calculated it is only possible to estimate the contribution which will finally be made through the Barnet CIL at the time planning applications are determined.

- 13.5 The CIL liability of the scheme is determined by the amount of new floorspace being provided, deducting both the social housing element and the office floorspace, both of which are exempt from CIL liability.

#### **14.0 Flood Risk / SUDS**

- 14.1 Policy CS13 of the Barnet Core Strategy states that “we will make Barnet a water efficient borough and minimise the potential for fluvial and surface water flooding by ensuring development does no cause harm to the water environment, water quality and drainage systems. Development should utilise Sustainable Urban Drainage Systems (SUDS) in order to reduce surface water run-off and ensure such run-off is managed as close to its source as possible subject to local geology and groundwater levels”.
- 14.2 The application is accompanied by a Flood Risk Assessment from Heyne Tillett Steel (November 2017) which was fully assessed by the Council’s appointed drainage specialists. The methodology of the assessment is accordant with best practice and the results show that the development would incorporate measures that would minimise the likelihood of flooding. If permission were granted, conditions would be attached to secure the mitigation measures and to clarify a number of minor issues identified within the review.

#### **15.0 Light Pollution**

- 15.1 The application is accompanied by a Visibility and Light Pollution Assessment from EB7 regarding potential light pollution from the site, in particular the document assesses the potential impact on the performance of UCL’s Observatory which is located about 0.5km north of the site.
- 15.2 Potential light pollution from the development and its impact on the performance and view of the night sky from the UCL observatory was identified as an issue early on in the development process and indeed was included within the adopted planning brief as a material consideration.
- 15.3 The Visibility and Light Pollution Assessment from EB7 concludes that the development would be almost completely obscured from the Observatory and would fall below the tree Line adjacent to the Observatory. The assessment goes on to conclude that the view of the night sky would not be detrimentally impacted and that illuminance levels at the windows of residential properties would cause a negligible or barely discernible change to current baseline conditions. Officers consider that these conclusions are reasonable and thus there would no basis to resist the application for this reason.

#### **16.0 Crime Prevention / Community Safety**

- 16.1 Development plan policies require new developments to provide a safe and secure environment for people to live and work in and reduce opportunities for crime and fear of crime.
- 16.2 To this end, the Metropolitan Police were consulted on the application and no objections were received. If permission were to be granted, a condition would be attached to ensure that the development complied with Secured by Design standards.

## **17.0 Conclusion**

- 17.1 In order to make a recommendation on the application, it is necessary to take a balanced judgment based on all of the issues identified as discussed within this report. It should be noted that the scheme does have some merit, particularly in terms of the level of affordable housing that would be provided and the design quality. Subject to mitigation being secured the scheme is also acceptable in other respects such as noise, air quality, transport impact and sustainability. However, it is clear that the development as proposed is of a height and scale which is wholly at odds with the established character of the surrounding areas and would represent an excessive and incongruous form of development. Officers consider that the level of harm that would arise from this excessive scale and incongruity would be significant enough as to outweigh the benefits of the scheme and to justify refusal of the application.
- 17.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development is contrary to the development plan in respect of its height and scale to an extent that would justify refusal of the application. Accordingly, subject to a Stage 2 referral to the Mayor of London, **REFUSAL** of the application is recommended.

**APPENDIX – SITE LOCATION PLAN**





**LOCATION:** Phase 10, Millbrook Park (Former Inglis Barracks) NW7 1PX  
**REFERENCE:** 18/2891/RMA **Received:** 11 May 2018  
**WARD(S):** Mill Hill **Accepted:** 14 May 2018  
**Expiry:** 13 August 2018

**APPLICANT:** Sanctuary Group

**PROPOSAL:** Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 10 of the Millbrook Park development pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011, involving the erection of 110 units in the form of 35 x 1 bedroom flats, 59 x 2 bedroom flats and 16 x 3 bedroom houses, together with details to discharge the requirements of conditions 5, 8, 26, 27, 29, 32, 35, 48, 52, 70, 79, 80, 83 and 85.

**RECOMMENDATION 1**

The Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions 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).

**RECOMMENDATION 2: Approve Subject to Conditions**

- 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.

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

- Lower Ground Floor Level 2527\_GA-P-LLG
- Ground Floor Level 2527\_GA-P-L00
- First Floor Level 2527\_GA-P-L01
- Second Floor Level 2527\_GA-P-L02
- Third Floor Level 2527\_GA-P-L03
- Fourth Floor Level 2527\_GA-P-L04
- Fifth Floor Level 2527\_GA-P-L05
- Roof Level 2527\_GA-P-L06
- Site Location Plan 2527\_EX\_SL
- Proposed Block Plan 2527\_GA-BP
- North Sectional Elevation 2527\_GA\_SE\_01
- East Sectional Elevation 2527\_GA\_SE\_02

South Sectional Elevation 2527\_GA\_SE\_03  
 West Sectional Elevation 2527\_GA\_SE\_04  
 Bedroom 2 Person Flat - Type 01 2527\_FT-1B2P-01  
 1 Bedroom 2 Person Flat - Type 01A 2527\_FT-1B2P-01A  
 1 Bedroom 2 Person Flat - Type 02 2527\_FT-1B2P-02  
 1 Bedroom 2 Person Flat - Type 03 2527\_FT-1B2P-03  
 1 Bedroom 2 Person Flat - Type 04 2527\_FT-1B2P-04  
 1 Bedroom 2 Person Flat - Type 05 2527\_FT-1B2P-05  
 1 Bedroom 2 Person WCH Flat -Type 01 2527\_FT-1B2P-WH-01  
 1 Bedroom 2 Person WCH Flat -Type 02 2527\_FT-1B2P-WH-02  
 1 Bedroom 2 Person WCH Flat -Type 03 2527\_FT-1B2P-WH-03  
 2 Bedroom 3 Person Flat -Type 01 2527\_FT-2B3P-01  
 2 Bedroom 3 Person Flat -Type 02 2527\_FT-2B3P-02  
 2 Bedroom 3 Person Flat -Type 03 2527\_FT-2B3P-03  
 2 Bedroom 3 Person WCH Flat -Type 01 2527\_FT-2B3P-WH-01  
 2 Bedroom 4 Person Flat 2527\_FT-2B3P-WH-01-ADAPTED  
 2 Bedroom 3 Person WCH Flat -Type 02 2527\_FT-2B3P-WH-02  
 2 Bedroom 4 Person Flat 2527\_FT-2B3P-WH-02-ADAPTED  
 2 Bedroom 3 Person WCH Flat -Type 03 2527\_FT-2B3P-WH-03  
 2 Bedroom 4 Person Flat 1 2527\_FT-2B3P-WH-03-ADAPTED  
 2 Bedroom 3 Person WCH Flat -Type 04 2527\_FT-2B3P-WH-04  
 2 Bedroom 4 Person Flat 2527\_FT-2B3P-WH-04-ADAPTED  
 2 Bedroom 3 Person WCH Flat -Type 05 2527\_FT-2B3P-WH-05  
 2 Bedroom 4 Person Flat 2527\_FT-2B3P-WH-05-ADAPTED  
 2 Bedroom 4 Person Flat -Type 01 2527\_FT-2B4P-01  
 2 Bedroom 4 Person Flat -Type 02 2527\_FT-2B4P-02  
 2 Bedroom 4 Person Flat -Type 03 2527\_FT-2B4P-03  
 2 Bedroom 4 Person Flat -Type 04 2527\_FT-2B4P-04  
 2 Bedroom 4 Person Flat -Type 05 2527\_FT-2B4P-05  
 2 Bedroom 4 Person Flat -Type 06 2527\_FT-2B4P-06  
 2 Bedroom 4 Person Flat -Type 07 2527\_FT-2B4P-07  
 2 Bedroom 4 Person Flat -Type 08 2527\_FT-2B4P-08  
 2 Bedroom 4 Person Flat -Type 09 2527\_FT-2B4P-09  
 2 Bedroom 4 Person Flat -Type 10 2527\_FT-2B4P-10  
 2 Bedroom 4 Person Flat -Type 11 2527\_FT-2B4P-11  
 2 Bedroom 4 Person Flat -Type 12 2527\_FT-2B4P-12  
 2 Bedroom 4 Person Flat -Type 13 2527\_FT-2B4P-13  
 2 Bedroom 4 Person Flat -Type 14 2527\_FT-2B4P-14  
 2 Bedroom 4 Person Flat -Type 15 2527\_FT-2B4P-15  
 2 Bedroom 4 Person WCH Flat -Type 01 2527\_FT-2B4P-WH-01  
 2 Bedroom 4 Person WCH Flat -Type 04 2527\_FT-2B4P-WH-04  
 2 Bedroom 4 Person WCH Flat -Type 05 2527\_FT-2B4P-WH-05  
 3B5P House -Type 01-Lower Ground HT-3B5P-01-LLG  
 3B5P House -Type 01-Ground Floor HT-3B5P-01-L00  
 3B5P House -Type 01-First Floor HT-3B5P-01-L01  
 3B5P House -Type 01-Second Floor HT-3B5P-01-L02  
 3B5P House -Type 02-Ground Floor HT-3B5P-02-L00  
 3B5P House -Type 02-First Floor HT-3B5P-02-L01  
 3B5P House -Type 02-Second Floor HT-3B5P-02-L02  
 Landscape Hardworks Plan (1 of 4) L-200  
 Landscape Hardworks Plan (2 of 4) L-201

Landscape Hardworks Plan (3 of 4) L-202  
 Landscape Hardworks Plan (4 of 4) L-203  
 Landscape Softworks Plan (1 of 3) L-500  
 Landscape Softworks Plan (2 of 3) L-501  
 Landscape Softworks Plan (3 of 3) L-502  
 Existing block plan 2527\_EX-BP  
 Car Park Swept Path Analysis 12173-CIV-750 Rev A  
 Ground Floor Communal Electrical Services Layout 2378-Z-62-09 Part 1  
 Plot/Development Schedule;  
 Affordable Housing Scheme;  
 Drainage Strategy Report;  
 Energy and Sustainability Report and Code for Sustainable Homes Pre-Assessment;  
 Design and Access Statement;  
 Landscape Design and Access Report;  
 Landscape Management Plan; and  
 Landscape Implementation Plan.

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

3. Before the relevant plot of the development hereby permitted is occupied the associated car parking space(s) shown on the plans hereby approved shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

4. Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the approved parking spaces to be provided with electric vehicle charging facilities and 20% for future use. 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.

5. Before the relevant plot of the development hereby permitted is occupied the associated cycle parking and cycle storage facilities shall be installed in accordance with the approved plans and 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.

6. No above ground construction shall be undertaken until details of materials to be used for the external surfaces of the buildings and hard surfaced areas, including samples of these materials, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason: To safeguard the visual amenities of the locality in accordance with Policies CS5 of the Core Strategy (2012) and DM01 of the Development Management Policies (2012).

7. All hard and soft landscaping shall be carried out in accordance with the landscaping scheme as hereby approved and shall be completed within the first planting and seeding seasons following the completion of the development or the occupation of the buildings, whichever is the earlier period.

The new planting and landscape operations should comply with the requirements specified in BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs' and in BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. Thereafter, the areas of hard and soft landscaping shall be permanently retained.

Any tree, shrub or area of turfing or seeding shown on the approved landscaping scheme which, within a period of 5 years from the completion of the development, dies, is removed or in the opinion of the Local Planning Authority becomes seriously damaged or diseased, shall be replaced in the same place in the next planting season with another such tree, shrub or area of turfing or seeding of similar size and species unless the Local Planning Authority first gives written consent to, any variation.

Reason: To ensure that the landscaped areas are laid out and retained in accordance with the approved plans in order to preserve and enhance the visual amenities of the locality in compliance with Policies CS7 of the Core Strategy (2012) and DM16 of the Development Management Policies (2012).

8. The development shall accord with the provisions contained within the submitted Construction Environmental Management Plan, dated November 2017, except as otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan 2016.

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

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

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

1. The applicant is reminded that the conditions and planning controls in the outline permission H/04017/09 for the Mill Hill East Development dated 22/09/2011 are still relevant and must be complied with. There are also conditions that require to be discharged prior to the occupation of the development.  
  
The costs of any associated works to public highway, including reinstatement works, will be borne by the applicants and may require the Applicant to enter into a rechargeable agreement or a 278 Agreement under the Highways Act 1980.
- 2.

### **1. BACKGROUND TO THE CURRENT APPLICATION**

#### **1.1 The Mill Hill East Area Action Plan**

Mill Hill East is designated as an Area of Intensification in the London Plan (2011) and as a key growth area in the Barnet Core Strategy (2012). The area covered by this designation includes the former Inglis Barracks; Mill Hill East station; International Bible Students Association (IBSA House); the Council Depot and recycling centre; Bittacy Court; the Scout Camp and former Mill Hill Gas Works (the area now centred around Lidbury Square).

The area was first highlighted as an area which could be redeveloped in the London Plan in 2004. This is primarily as a result of Project MoDEL (Ministry of Defence Estates London) which involves the consolidation and sale of surplus MoD properties around London. The activities from Inglis Barracks were transferred to RAF Northolt and the base vacated in 2008 thereby providing an opportunity for redevelopment. The Council recognised that Mill Hill East was an area where more detailed policies were required to guide future development and in 2009 adopted an Area Action Plan (AAP) which covered an area of 48 hectares focused primarily on the former Inglis Barracks site. The aim of the AAP is to seek to ensure that development takes place in a balanced and coordinated manner by setting out a comprehensive framework to guide the delivery of housing, employment, leisure and associated community facilities, infrastructure, transport initiatives and environmental protection and enhancement.

A partnership comprising of a number of the key landowners and developers (the Inglis Consortium) prepared and submitted the outline application in 2009 for the comprehensive redevelopment of most of the area covered by the AAP.

#### **1.2 The outline planning permission**

In September 2011 outline planning permission was granted for the redevelopment of Mill Hill East regeneration site (now also known as Millbrook Park). This site covers an area of approximately 33.6 hectares (83 acres) and is located within the Mill Hill ward. The site is bounded to the east by Frith Lane, to the north by Partingdale Lane and to the west by Bittacy Hill (B552). Bittacy Business Park is immediately to the south of the site and Mill Hill East Underground station (Northern Line) lies to the south west.

The site is divided into a number of Development Land Parcels (DLP) or otherwise known as phases. Following approval of the site wide pre-commencement requirements, reserved matters applications will be brought forward for all detailed elements of the development, which would deal with all matters not fully addressed within the outline consent – the ‘reserved matters’ (layout, design, appearance and landscaping). This is controlled by Condition 5 of the outline permission (ref H/04017/09, dated 22<sup>nd</sup> September 2011).

The current application concerns the development by Sanctuary Group of phase 10 of the outline consent, located on the southern edge of the wider Millbrook Park Site within the southern hub character area adjacent to the completed Phase 3a Cala Homes phase to the north, the completed Millbrook Park Primary School to the east, the under construction Phase 4b Prime Place site to the west and the future Phase 6 development including the future Public Square to the south.

In addition to the plan drawings submitted, the following information was also submitted in support of the application and forms the supporting information:

- Plot/Development Schedule;
- Affordable Housing Scheme;
- Drainage Strategy Report;
- Energy and Sustainability Report and Code for Sustainable Homes Pre-Assessment;
- Design and Access Statement;
- Landscape Design and Access Report;
- Landscape Management Plan; and
- Landscape Implementation Plan.

## **2. MATERIAL CONSIDERATIONS**

### **2.1 Key Relevant Planning Policy**

National Planning Policy Guidance / Statements: The National Planning Policy Framework (NPPF)

On March 27<sup>th</sup>, 2012 the Government published the National Planning Policy Framework (NPPF). The NPPF sets out the Government’s planning policies for England and how these are expected to be applied. The NPPF replaces 44 planning documents, primarily Planning Policy Statements (PPS’s) and Planning Policy Guidance (PPG’s), which previously formed Government policy towards planning.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a ‘presumption in favour of sustainable

development'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

#### The Mayor's London Plan: March 2016

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

The London Plan policies most relevant to the determination of this application are as follows:

2.13 (Opportunity Areas and Intensification Areas), 3.3 (Increasing Housing Supply), 3.4 (Optimising housing potential), 3.5 (Quality and design of housing developments), 3.6 (Children and Young People's Play and Informal Recreation Facilities), 3.7 (Large Residential Development), 3.8 (Housing Choice), 3.9 (Mixed and balanced communities), 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes), 5.2 (Minimising carbon dioxide emissions), 5.3 (Sustainable design and construction), 5.7 (Renewable energy), 5.11 (Green roofs and development site environs), 5.12 (Flood risk management), 5.13 (Sustainable drainage), 5.14 (Water quality and wastewater infrastructure), 5.21 (Contaminated land), 6.3 (Assessing effects of development on transport capacity), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's neighbourhoods and communities), 7.2 (An inclusive environment), 7.3 (Designing out crime), 7.4 (Local character), 7.5 (Public Realm), 7.6 (Architecture), 7.8 (Heritage Assets and Archaeology), 7.15 (Reducing noise and enhancing soundscapes), 7.19 (Biodiversity and Access to Nature), 7.21 (Trees and Woodlands).

#### Draft Replacement London Plan 2017

The Draft London Plan (DLP) published November 2017 sets out the Mayor's overarching strategic planning framework from 2019 up to 2041. When adopted this will replace the London Plan 2016.

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

#### Core Strategy (Adoption version) 2012

#### Development Management Policies (Adoption version) 2012

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD).

Relevant Core Strategy Policies: CS NPPF (National Planning Policy Framework – Presumption in Favour of Sustainable Development), CS4 (Providing Quality Homes and

Housing Choice in Barnet), CS5 (Protecting and Enhancing Barnet's Character to Create High Quality Places), CS7 (Enhancing and Protecting Barnet's Open Spaces), CS9 (Providing safe, effective and efficient travel), CS12 (Making Barnet a Safer Place), CS13 (Ensuring the Efficient Use of Natural Resources), CS14 (Dealing with Waste).

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Relevant Development Management DPD Policies: DM01 (Protecting Barnet's Character and Amenity), DM02 (Development Standards), DM03 (Accessibility and Inclusive Design), DM04 (Environmental Considerations), DM06 (Barnet's Heritage and Conservation), DM08 (Ensuring a variety of sizes of new homes to meet housing Need), DM16 (Biodiversity), DM17 (Travel Impact and Parking Standards).

#### Mill Hill East Area Action Plan (AAP) 2009

The Mill Hill East Area Action Plan (AAP) was adopted by the Council in 2009 and forms part of Barnet's Local Plan containing policies relevant to the determination of planning applications in the area. The AAP forms a material consideration in the determination of Planning Applications in this area.

The relevant policies for the consideration of this application are: MHE2 (Housing), MHE6, MHE10 (Making the Right Connections), MHE12 (Sustainable Transport), MHE13 (Parking), MHE14 (Creating a Sustainable Development), MHE15 (Design), MHE16 (Delivering Design Quality), MHE17 (Conserving Built Heritage), MHE18 (Delivering the AAP).

#### Approved Design Code

The approved Design Code pursuant to Condition 4 of the outline consent (ref H/04565/11, 21<sup>st</sup> Dec 2011) also sets out the guidelines for how the site, its neighbourhoods, open spaces and key amenities could be designed and built. It informs the formulation of individual reserved matter applications related to specific phases of development. Site-wide or phase related reserved matters must be in compliance with the agreed Design Code unless satisfactorily justified and this will be assessed in detail below.



## 2.2 Relevant Planning History

Application Reference:	H/04017/09
Case Officer:	Jo Dowling
Proposal:	Outline application for the comprehensive redevelopment of the site for residential led mixed use development involving the demolition of all existing buildings (excluding the former officers mess) and ground re-profiling works, to provide 2,174 dwellings, a primary school, GP Surgery, 1,100sqm of 'High Street' (A1/2/3/4/5) uses, 3,470sqm of employment (B1) uses, a district energy centre (Sui Generis) and associated open space, means of access, car parking and infrastructure (with all matters reserved other than access). Full application for the change of use of former officers' mess to residential (C3) and health (D1) uses.
Stat Start Date	30/10/2009
Application Type	Outline Application
Decision	Granted
Decision Date	22/09/2011

Application Reference:	H/04655/11
Case Officer:	Colin Leadbeatter
Proposal:	Demolition of existing buildings within the curtilage of the Millbrook Park development (formerly Inglis Barracks) as approved under outline application reference H/04017/09 (Approved September 2011)
Stat Start Date	12/11/2011
Application Type	Prior Notification (Demolition)
Decision	Granted
Decision Date	20/12/2011

Application Reference:	H/03548/12
Case Officer:	Thomas Wyld
Proposal:	Reserved matters application seeking approval of Appearance, Landscaping, Layout and Scale in relation to Phase 1a for the erection of 58 houses comprising 39 x 3 bed houses and 19 x 4 bed houses at 'Millbrook Park' (Inglis Barracks) submitted to meet the requirements of Condition 5 of outline planning application H/04017/09 dated 22 September 2011.
Stat Start Date	17/09/2012
Application Type	Reserved Matters
Decision	Granted
Decision Date	31/01/2013

Application Reference:	H/03904/12
Case Officer:	Wing Lau
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 2 of Mill Hill East development pursuant to Condition 5 of Outline planning permission reference H/04017/09 dated: 22/9/2011 involving the erection of 103 dwellings comprising 3 x one bed flats, 20 x two bed flats, 45 x 3 bed houses, 25 x four bed houses and 10 x five bed houses. Approval of layout and landscaping works to Phase 2 public open space (OS2), together with details to discharge the requirements of:  Conditions 12 (relating to Plot L only); 57 (relating to plots within Phase 2 only); and 8,26, 27, 29, 48, 52, 70, 80, 83, 85 and 91 all in relation to Phase 2 only.
Stat Start Date	08/10/2012
Application Type	Reserved Matters
Decision	Granted
Decision Date	28/03/2013

Application Reference:	H/04080/12
Case Officer:	Wing Lau
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 1 of Mill Hill East development (Millbrook Park) pursuant to Condition 5 of Outline planning permission reference H/04017/09 dated: 22/9/2011 involving the erection of 133 residential dwellings comprising 31 x one bed flats, 61 x two bed flats, 14 x three bed houses and 27 x four bed houses, including associated infrastructure, access roads, car parking, landscaping and approval of layout and landscaping works to Phase 1 public open space OS5, together with details to discharge the requirements of conditions 8, 13, 26, 27, 29, 32, 48, 52, 70, 80 and 85.
Stat Start Date	29/10/2012
Application Type	Reserved Matters
Decision	Granted
Decision Date	29/04/2013

Application Reference:	H/04386/12
Case Officer:	Kevin Waters
Proposal:	Construction of a three-storey primary school (3 forms of entry) with nursery, community facilities and associated works and landscaping, including staff parking, hard play and sports games area, retaining walls, drainage attenuation measures and provision of a temporary drop off car park
Stat Start Date	10/12/2012
Application Type	Full Planning Application
Decision	Granted
Decision Date	22/04/2013

Application Reference:	H/03860/13
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 3 of Mill Hill East development pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011 involving the erection of 138 units 7 x 5 bedroom houses, 41 x 4 bedroom houses, 47 x 3 bedroom houses, 26 x 2 bedroom apartments and 17 x 1 bedroom apartments together with details to discharge the requirements of:  Conditions 5 (Reserved matter details), 8 (Affordable housing), 12 (Noise Survey along Boundary with IBSA House), 26(Access points), 27 (Details of Estate Roads), 29(Internal access roads), 35 (Petrol/oil interceptors), 48(Open space), 52 (Children's playing space), 57 (Boundary treatment/buffer), 70 (Home standards), 80 (Sustainable homes), 83 (Grey water/rainwater recycling),85 (Green/brown roofs).
Stat Start Date	28/08/2013
Application Type	Reserved Matters
Decision	Granted
Decision Date	12/11/2013

Application Reference:	H/00065/14
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 3a of Mill Hill East development involving the erection of 92 dwellings comprising 27 x 1 bed flats, 42 x 2 bed flats, 13 x 3 bed houses and 10 x 4 bed houses to meet the requirements of Condition 5 of outline planning application H/04017/09 dated 22 September 2011.
Stat Start Date	23/01/2014
Application Type	Reserved Matters
Decision	Granted
Decision Date	20/03/2014

Application Reference:	15/01546/RMA
Case Officer:	Andrew Dillon
Proposal:	<p>Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 4a of the Mill Hill East development pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011, involving the erection of 114 units 6 x 5 bedroom houses, 37 x 4 bedroom houses, 12 x 3 bedroom houses, 50 x 2 bedroom apartments and 9 x 1 bedroom apartments together with details to discharge the requirements of:</p> <p>Conditions 5 (Reserved matter details), 8 (Affordable housing), 26 (Access points), 27 (Details of Estate Roads), 29 (Internal access roads), 32 (Shared Footways/ Cycleways), 35 (Petrol/oil interceptors), 48 (Open space), 52 (Children's playing space), 69 (Noise from Plant), 70 (Home standards), 80 (Sustainable homes), 83 (Grey water/rainwater recycling) and 85 (Green/brown roofs).</p>
Stat Start Date	20/03/2015
Application Type	Reserved Matters
Decision	Granted
Decision Date	25/06/2015

Application Reference:	15/03305/RMA
Case Officer:	Andrew Dillon
Proposal:	<p>Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 6a of the Mill Hill East development pursuant to Outline planning permission reference H/04017/09 dated 22/9/11, involving the erection of a three storey B1 light industrial building providing 2,935m2 of gross internal floor area together with associated access, car parking and landscaping together with details to discharge the requirements of: Condition 5 (Reserved matter details), 5b (Advanced infrastructure works), 26 (Access points), 27 (Details of estate roads), 30 (Existing adopted highway), 35 (Petrol/oil interceptors), 83 (Grey water/rainwater recycling) and 85 (Green/brown roofs)</p>
Stat Start Date	29/05/2015
Application Type	Reserved Matters
Decision	Granted
Decision Date	24/09/2015

Application Reference:	15/06898/RMA
Case Officer:	Andrew Dillon
Proposal:	<p>Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 4c of the Mill Hill East development pursuant to Outline planning</p>

	permission reference H/04017/09 dated: 22/9/2011, involving the erection of 89 units consisting of 12 x 1 bedroom apartments, 24 x 2 bedroom apartments, 16 x 3 bedroom houses, 24 x 4 bedroom houses, 13 x 5 bedroom houses together with details to discharge the requirements of: Conditions 5 (Reserved matter details), 8 (Affordable housing), 26 (Access points), 27 (Details of Estate Roads), 29 (Internal access roads), 32 (Shared Footways/ Cycleways), 35 (Petrol/oil interceptors), 48 (Open space), 52 (Children's playing space), 69 (Noise from Plant), 70 (Homes standards), 80 (Sustainable homes), 83 (Grey water/rainwater recycling) and 85 (Green/brown roofs).
Stat Start Date	11/11/2015
Application Type	Reserved Matters
Decision	Granted
Decision Date	10/03/2016

Application Reference:	15/06417/OUT
Case Officer:	Andrew Dillon
Proposal:	Outline planning application for up to 66 residential units, 700 sqm of B1 floorspace, 630 sqm energy centre (CHP) and associated car parking and landscaping.
Stat Start Date	19/10/2015
Application Type	Reserved Matters
Decision	Granted
Decision Date	13/05/2016

Application Reference:	16/3111/RMA
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 4b of the Mill Hill East development pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011, involving the erection of 188 units in the form of 80 x 1 bedroom flats, 89 x 2 bedroom flats, 12 x 3 bedroom flats, 3 x 3 bedroom houses and 4 x 4 bedroom houses, together with details to discharge the requirements of conditions 5, 8, 26, 27, 29, 32, 35, 48, 52, 58,63, 69, 70, 80, 83 and 85
Stat Start Date	3/05/2016
Application Type	Reserved Matters
Decision	Granted
Decision Date	03/08/2016

Application Reference:	17/3304/RMA
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 5 of the

	Millbrook Park development pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011, involving the erection of 144 units in the form of 38 x 1 bedroom flats, 17 x 3 bedroom flats, x 17 x 3 bedroom houses and 16 x 4 bedroom houses, together with details to discharge the requirements of conditions 5, 8, 26, 27, 29, 32, 35, 48, 52, 58, 63, 69, 70, 80, 83 and 85.
Stat Start Date	25/05/2017
Application Type	Reserved Matters
Decision	Granted
Decision Date	25/09/2017

Application Reference:	17/7662/RMA
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phases 9a and 9b of the Millbrook Park development pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011, involving the erection of 355 units in the form of 145 x 1 bedroom flats, 191 x 2 bedroom flats, 9 x 3 bedroom flats, 6 x 3 bedroom houses and 4 x 4 bedroom houses, the provision of 400 sq.m of A1 retail space, together with details to discharge the requirements of conditions 5, 8, 26, 27, 29, 32, 35, 48, 49, 52, 69, 70, 76, 80, 81, 83 and 85
Stat Start Date	4/12/2017
Application Type	Reserved Matters
Decision	Granted
Decision Date	23/02/2018

Application Reference:	18/0635/RMA
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 4c of the Mill Hill East development pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011, involving the erection of 89 units consisting of 12 x 1 bedroom apartments, 24 x 2 bedroom apartments, 16 x 3 bedroom houses, 24 x 4 bedroom houses, 13 x 5 bedroom houses together with details to discharge the requirements of: Conditions 5 (Reserved matter details), 8 (Affordable housing), 26 (Access points), 27 (Details of Estate Roads), 29 (Internal access roads), 32 (Shared Footways/ Cycleways), 35 (Petrol/oil interceptors), 48 (Open space), 52 (Children's playing space), 69 (Noise from Plant), 70 (Homes standards), 80 (Sustainable homes), 83 (Grey water/rainwater recycling) and 85 (Green/brown roofs)
Stat Start Date	30/01/2018

Application Type	Reserved Matters
Decision	Granted
Decision Date	03/04/2018

## **2.3 Consultations and Views Expressed**

### Public Consultation

Neighbours Consulted: 198

Replies: 11

Correspondence has been received from 11 neighbouring properties objecting to the proposal for the following reasons:

Millbrook Park School – Concerned about the lack of parent parking for the school with many cars illegally parked on adjoining roads at drop off and pick up. This problem will continue when roads around Phase 10 opened unless more parking for the school is provided as pupil numbers will increase. Also access for emergency vehicles will not be possible due to parked cars from the school..

Other Objections –

Breach of right to light

Loss of view from objector’s properties;

Discrimination and inequality in allowing Phase 10 properties to be built higher than objector’s properties (in Phase 1);

Proposed properties would be out of scale with surrounding properties and nature and character of Millbrook Park due to excessive height;

Car Parking/ Traffic issues raised similar to those raised by the school.

### Officer Comment

All comments have been taken into account in the determination of the planning application and are addressed in the officer report below. The application accords with the approved parameters and is located over 21m from properties located on the southern side of Bittacy Hill.

### Elected Representatives.

No Comments Received.

### Residents Associations and Amenity Groups.

1 Letter received from the Mill Hill Preservation Society making the following comments:

‘We have looked at this scheme both with the developer and on the LBB planning website. Basically the Committee think the development brief for the site is too intensive for the size of the site and this means there is little visitor car parking and limited landscaping round the development. However the scheme itself makes the best of these constraints and we have no objections about the architecture. The material colours are a little ‘brown’ and we had

hoped to develop a more local theme of red brick and black roofing slates (or grey metal panels) – you may have views on how this scheme will fit in with the adjoining blocks and the school.’

Internal /external and Other Consultations:

Highways

To be Reported

Environmental Health

The Council's Environmental Health Team have confirmed no objection to the proposal.

English Heritage (Archaeology)

No Objections raised.

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

#### **3.1 Site Description and Surroundings**

Site in relation to the outline consent:

This application site submitted for assessment falls within Phases 10 of the outline consent, measuring 0.69 hectares in site area, located in the southern portion of the wider Millbrook Park development south of the completed Phase 3a; north of the future Phase 6 and the Millbrook Plaza; west of the Millbrook Park Primary School in Phase 2A and east of the under construction Phase 4B phase.

The site falls within the Southern Hub character zone. The Design Code advises that with the Southern Hub Zone housing should be of a higher density housing with heights ranging from 3 to 6 storeys.

#### **3.2 Description of Proposal**

The proposal is to seek approval of matters reserved under outline planning consent ref H/04017/09 (layout, scale, appearance and landscaping) to redevelop the site entirely for residential purposes.

Housing:

The proposals would be for a mix of 1, 2, 3 and 4 bedroom units) providing a total of 110 dwellings as follows:



	Private	Intermediate	Social Rent	Total
1 bed flat	29	2	4	35
2 bed flat	55	4	0	59
3 bed flat	0	0	0	0
3 bed house	7	3	6	16
<b>Total</b>	<b>91</b>	<b>9</b>	<b>10</b>	<b>110</b>

The proposed properties are set around a perimeter block layout with the proposed houses located on the northern and southern frontage and apartments buildings along the northern, eastern and western portion of the plot. The heights of the development range from 3-4 storeys on the proposed houses and ranging between 5-6 storeys on the proposed apartment blocks.

Discharging of conditions:

This application also involves the partial discharging of a number of planning conditions attached to the outline consent that require information to be submitted for each phase of the development. Those conditions that are to be approved in relation to Phase 10 are as follows:

- 5 – Reserved Matters Details

Sets out the submission requirements for submission accompanying each reserved matter application.

- 8 – Housing Mix and Location of Affordable Housing Units

This requires prior to commencement of the development details of the proposed amount and mix of relevant residential development within that Phase and the proposed Affordable Housing Scheme to be submitted and approved.

- Condition 26 – Pedestrian and Vehicular Access Points

This requires details of access points, estate roads and footways to be submitted and approved.

- Condition 27 – Details of Estate Roads

This requires details of lighting, pedestrian facilities, crossing points, cycle facilities, signing, bus stops/shelters, bus standing/layover facility, bus driver facilities, highway improvements and estate road layout and gradient.

- Condition 29 – Internal Access Roads

This requires the construction of the highway intended to serve that dwelling before any dwelling is occupied within any phase of development (scheme to be approved by the LPA).

- Condition 32 – Shared Footways/ Cycleways

This requires the construction of the highway intended to serve that dwelling before any dwelling is occupied within any phase of development (scheme to be approved by the LPA).

- Condition 35 – Petrol/ oil interceptors

This requires details of petrol/ oil interceptors or justification concerning why this is not required.

- Condition 48 – Design of Open Space

This requires details on the construction of any communal open space and should be in accordance with the principles and parameters contained within Parameter Plan 2, Landscape (A6157/2.1/04) and the Revised Public Realm and Open Space Strategy (MHE/OPA/5.1).

- Condition 52 – Children’s Play Space

This requires details of children’s play areas to be submitted and approved and shall be provided within 12 months of the first occupation of any dwelling located within that phase.

- Condition 70 – Design to Lifetime Homes Standards & Wheelchair Standards

This condition requires all residential units to be built in accordance with Lifetime Homes Standards. Furthermore 10% of the units shall be designed to be fully wheelchair accessible.

- Condition 80 – Code for Sustainable Homes

A statement to be submitted to demonstrate measures incorporated to achieve a minimum standard of Code for Sustainable Homes Level 4 (with a minimum level of Code Level 6) by 2016.

- Condition 83 – Greywater/Rainwater Recycling Provision

This requires details demonstrating the incorporation of either rainwater or grey water recycling facilities into each of the buildings to be submitted and approved.

- Condition 85 – Green/Brown Roofs Provision

This requires details to demonstrate the provision of Green or Brown roofs into each of the buildings to be submitted. Details shall also include a reconciliation plan or table showing how the proposed provision complies with the 10% target fixed by condition 84.

## **4. PLANNING CONSIDERATIONS**

### **4.1 The Principle of Development**

The principle of constructing 110 residential is established by the outline planning consent. Condition 5 (Reserved Matters Details) seeks details (layout, scale, landscaping and appearance) to be submitted to and approved by the Local Planning Authority (LPA) prior to the commencement of development.

The reserved matters currently under consideration are:

**Scale** – the height, width and length of each building proposed in relation to its surroundings.

**Layout** – the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development.

**Appearance** – the aspects of a building or place which determine the visual impression it makes, excluding the external built form of the development.

**Landscaping** – this is the treatment of private and public space to enhance or protect the site's amenity through hard and soft measures, for example, through planting of trees or hedges or screening by fences or walls.

**Access** – The internal road layout was established at outline stage. This current application shows roads in the same location in compliance with the outline parameters for access, although the road through the middle of phases 9a & 9b has been altered to a pedestrian route only and will not be accessible to motor vehicles.

The outline planning permission consists of a series of parameter plans which establish a series of parameters and principles to create a clear framework of planning control and fix the quantum of development, land uses, levels and access arrangements.

The key parameter plans of relevance to the consideration of this application are:

- **Parameter Plan 1: Access and Movement**  
Establishes the main vehicular and pedestrian access points and vehicular movement hierarchy.
- **Parameter Plan 2: Landscape**  
Establishes the location and extent of areas of public open space.
- **Parameter Plan 3: Land use**  
Establishes the location and distribution of land uses and open spaces.
- **Parameter Plan 4: Scale**  
Establishes the maximum height permissible across the whole Millbrook Park site.
- **Parameter Plan 5: Character Areas**  
Establishes the extent and disposition of the strategic character areas.
- **Parameter Plan 6: Levels Strategy**  
Establishes the proposed spot levels at street junctions and maximum permissible gradients along each of the streets.

In order to support the detail contained within the parameter plans the outline consent has a number of additional documents that form a 'strategic development framework' in accordance with the requirements of Policy MHE18 of the AAP. The 'framework' establishes a series of development principles that will be used to guide detailed elements and the preparation of reserved matter applications. Of relevance to the consideration of this application are the following documents:

- Design Principles Document;
- Phasing and Delivery Strategy
- Technical/Infrastructure Strategy
- Revised Public Realm and Open Space Strategy
- Technical and Infrastructure Strategy
- Revised Phasing and Delivery Strategy

Design Code

In addition to the above a site wide design code has been approved in the clearance of condition 4 of the outline application and forms the guide to the assessment of reserved matters applications. This reserved matters application for Phase 10 is therefore considered within the framework of established broad development principles, Parameter Plans, and a detailed design code.

The applicant has submitted a statement of compliance with this application to describe the proposed development and demonstrates general compliance with the outline planning permission. There are some areas where the application does not conform and the applicant has provided justification for any deviations. These are explained in the sections below.

## 4.2 Amount of Development

### Housing

The amount and mix of development for 110 dwellings in Phases 10 is in line with the outline consent, the latest approved phasing plan and the s.106 schedule of accommodation. 19 units are to be affordable dwellings consisting of 10 properties for social rent (4 x 1 bed flats, and 6 x 3 bed house) and 9 intermediate properties (2 x 1 bed, 4 x 2 bed flats and 3 x 3 bed houses) with the rest of the development to be private sale properties.

The proposal accords with the baseline tenure mix required under the S106 and accords with the latest agreed site wide phasing plan. Condition 8 (Housing Mix and Location of Affordable Housing Units) of the outline consent requires the submission of details of affordable housing, and the proposed submission is considered to accord with this requirement.

The proposed distribution of units within the phase (at a plot-by-plot level) is also consistent with the approved site wide unit mix a set out in Table A61557.1v11.

Plot		1BF	2BF	3BF	3BH	Total
CC	Approved	35	59	0	16	110
CC	Proposed	35	59	0	16	110

## 4.3 Scale

Parameter Plan 4 (Scale) sets out the maximum permissible dimensional height and maximum level of storeys throughout the wider Millbrook Park Development. In relation to Phases 10 the approved storey heights range between 4 and 6 storeys.

Plot	Approved Building Dimensions (Minimum-Maximum)			Approved Maximum Building Height (storeys)
	Width	Length	Height (to ridge)	
Phase 10	6-15m	5-70m	7-20m	6 storeys on western edge, 4 storeys

The scale of the proposed buildings within these phases accords with the approved building dimensions in relation to width, length and height; however in order to accommodate the number and configuration of units within this phase there is a breach of the scale parameter on the eastern edge of the plot, with the proposed apartment buildings rising from 4-6 storeys along this eastern edge, with 6 storeys on the western edge (in accordance with the Outline Parameters) and with the houses within this phase being located along the northern and southern frontages measuring 3 storeys in height along the northern edge (this is below the maximum heights allowed) and 4 storeys along the southern edge)

In terms of the positioning of the massing on the proposal, all of the northern frontage with the immediately adjoining neighbour (3a Cala Homes), is either lower or in accordance with the Outline approval, with the middle section of the eastern flank increasing to five storeys and then six storeys on the south eastern corner, facing Millbrook Park school to the east (across the street) and the future phase 6 site to the south. All of the houses along the north and the south are three to four storeys in height in order to maximise light levels to the courtyard area.

The top storeys of the apartment block on this elevation is also set back on the top level reducing the impact of the additional bulk and the ground levels of the site in the south eastern corner are 3 storeys lower than the north eastern corner and as such the height will be similar in height along the elevation due to these changes in level.

It is considered that the proposed changes in the approved heights parameters is considered to be acceptable in this instance and results in a logical urban design layout with taller apartment buildings along the east and the west and houses located on the north-south axis.

The approved design code allows departures from the approved parameters where such departures are justified in planning terms and will result in the delivery of a better-quality scheme. The Local Planning Authority is therefore able to use its discretion to approve minor breaches to approved parameter plans, where justified. The proposed departures are considered acceptable for various reasons which are discussed below under the design section of this report.

#### Density

The amount of development and minimum/maximum building dimensions have already been approved at the outline stage and therefore the target residential density is also established with the development providing 110 dwellings at a density of 450 habitable rooms per hectare.

#### **4.4 Layout**

Policies CS5 and DM01 require development to be of a high-quality design and should ensure attractive, safe and vibrant streets which provide visual interest. Proposal should also create safe and secure environments, reduce opportunities for crime and minimise fear of crime.

The approved Parameter Plans define 'development zones' within which new buildings can be built, which in turn frame 'corridors' within which new access roads can be laid out and 'spaces' for public open space provided.

The proposed layout accords with these parameters in terms of the general positioning and spatial extent of streets, development zones, access points and areas of open space. This detailed layout follows extensive design discussions with the LPA and is considered to provide a legible layout in broad accordance with the Illustrative Masterplan and the Access and Movement Parameter Plan with the exception of the afore mentioned changes.

### Parking

The application proposes the provision of 122 allocated and 2 visitor car parking spaces within this phase. Spaces will be allocated at the ratio of 1 space for each 1 and 2 bed unit, 1.5 spaces per 3 bed flats and 2 spaces for the proposed houses. 10% of parking will be for disabled persons, 20% of parking spaces are to be provided with electric charging points and a further 20% for future provision and is in accordance with the London Plan.

The majority of the spaces are provided in the form of a secure basement car park built the centre of the development accessed from the southern boundary of the site. Parking to the southern houses will be provided with forecourt car parking spaces and integral garages accessed from the basement car park. Two visitor spaces are also proposed on street.

Cycle Parking is also proposed within plot for the houses and within communal cycle stores for the apartments at the rate of 1 space for 1 and 2 bed units and 2 spaces for 3 bed units and above. In total provision for 139 spaces is included in the development.

### Access

The Design Code has been approved to enable the delivery of a permeable and legible new neighbourhood. In relation to the development the primary access routes that run along the northern, western, southern and eastern boundaries of Phase 10 which have already been granted consent under previous Advanced Infrastructure Works applications.

### Open space

The approved 'Revised Public Realm and Open Space Strategy' and the Design Code establishes the design principles for the landscape works.

Due to the nature of this plot, no public open space is included within this phase. The proposed adjoins the consented Public Square within Phase 6 to the West and is located a short distance from the completed central park to the north west of the plot.

### Crime

The proposed layout follows a perimeter block approach, which ensures that all street and public open spaces benefit from being overlooked by active frontages, including the central pathway leading through the site. Secure access will also be provided to the proposed underground car park. Nevertheless, it is considered that a condition should be attached requiring the development to achieve Secured by Design accreditation.

### Levels

Parameter Plan 6 (Levels Strategy) approved under the outline consent sets out the existing contours of the site and proposed spot levels at street junctions as well as the maximum permissible gradients.

In relation to Phase 10 there is a level change of approximately 3m from north to south, which has been addressed in the design for the scheme, i.e. incorporating podium level car parking accessed from the south of the development and incorporating the highest element of the apartment buildings on the eastern side at the lowest point of the site.

The proposed finished site levels are in accordance with the approved levels strategy as set out in Parameter Plan 6 approved as part of the Outline Planning Approval and the approved Design Code.

#### **4.5 Appearance**

The National Planning Policy Framework 2012 makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document states that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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 approved design code for Millbrook Park also proposed detailed design guidance for development within this development. The approved design code breaks down the site into three separate character areas, 'Green Belt Edge', 'Central Slopes' and the 'Southern Hub'. Phase 10 are located entirely within the Southern Hub character zone which is expected to be of the highest density (in relation to levels across the wider Millbrook Park site) and envisages designs of an 'Urban Court' layout, with apartment buildings ranging between 4-6 storeys set around a landscaped courtyard.

In terms of the scale and design of the buildings, the proposal follows the general design principles envisaged under the design code, with apartment buildings of between 4 and 6 storeys being located along the eastern and western edges of the site, with smaller 4 storey houses located in the centre. In relation to the design of the proposal, the proposed apartments and houses are contemporary in appearance with roof top terraces, and generous balconies. The proposed buildings will be predominately finished in buff brick with some use of aluminium cladding at upper level. The final finish and detailing of which will be controlled by condition.

#### Conclusion for External Appearance

Overall, the proposal successfully incorporates various architectural elements within a coherent design and is considered acceptable in principle resulting in a high-quality development in accordance with the requirements detailed within the Design Code and Policies CS5 and DM01.

#### **4.6 Landscaping**

The 'Revised Public Realm and Open Space Strategy' approved at outline stage sets out the principles for a landscape and open space strategy for Millbrook Park and provides detailed design guidance for reserved matters applications. The approved Design Code adds another layer of detail and requires a number of landscaping features in Phase 10.

The current site is currently cleared and does not include any trees. In relation to the proposed landscaping, the proposals incorporate the formation of a centrally landscaped area in the centre of the site in the form of a podium deck over the proposed underground car park. In addition to this a row of trees are proposed on the frontages of the southern houses interspaced with the proposed car parking spaces. Two trees are also included on the northern frontage although these are outside of the application boundary and will be delivered in the advanced infrastructure consent rather than under this planning application.

#### Play space

Policy 3.6 of the London Plan states that housing development proposals should make a provision for play and informal recreation for children and young people. According to Housing SPG standard 1.2.2, the development is required to make appropriate play



provisions in accordance with a GLA formula and calculation tool, whereby 10 m<sup>2</sup> of play space should be provided per child, with under-5 child play space provided on-site as a minimum, in accordance with the London Plan 'Shaping Neighbourhoods: Play & Informal Recreation SPG and 'Providing for Children and Young People's Play and Informal Recreation' SPG'.

The application proposes the incorporation of door step play spaces in the communal gardens including planting chosen for its sensory properties to encourage children to interact with the natural environment, as well as timber natural play equipment including The timber animals including elephants, lions and rhinoceros. Artificial grass is also proposed in the chosen play areas, to facilitate play throughout the year while maintaining also providing for other users of this space.

### Street Lighting

Street lighting locations on the eastern, western, northern and southern sides of the development have already been agreed under previous advanced infrastructure work application consents.

### Conclusion for Landscaping

The landscaping approach is considered to be in accordance with design principles set in the Design Code and parameter plans. It will help to introduce a human scale to the frontages of the proposed buildings and will frame and complement the architectural approach whilst increasing the overall biodiversity of the site's environment. It complies with Policies CS5 and DM16.

## **4.7 Amenities of Future Occupants**

### Dwelling outlook and daylighting

Development plan policy requires that new dwellings are provided with adequate outlook. The layout proposed for Phase 10 maximises the outlook of occupiers of the new dwellings, with all houses being located on an north south axis. Where possible apartment units are designed to be dual aspect where possible, with over 60% of units being dual aspect. However in certain circumstances this is not possible due to the size of the layout of the apartment blocks and the agreed unit configuration. In order to ensure that these units receive sufficient light the development incorporates large floor to ceiling windows to maximise the amount of light entering rooms.

### Privacy

The layout of the development has been designed to ensure the protection of residential privacy and the avoidance of overlooking between units, with good separation between elevations and use of level changes and landscaping. through staggered window placement and utilising level changes and landscaping to maximise privacy and to ensure an appropriate level of privacy for new residential units.

### Dwelling size

Table 3.3 in the London Plan provides a minimum gross internal floor area for different types of dwelling. The Mayor's Housing SPG November 2012 includes a wider ranging Minimum Floorspace Table based upon the same standards.

All of the units proposed would have a gross internal floor area which would exceed the requirements of the London Plan for a dwelling of that type. The proposal is therefore considered to be acceptable in this regard.

#### Amenity space

The Council's adopted Supplementary Planning Document entitled Residential Design Guidance as well as the Millbrook Park Design Code requires the provision of 5 sq.m of amenity space for each habitable room for flats, and between 40 and 85 sq.m for houses depending on the number of habitable rooms.

Every dwelling has access to some form of private amenity space. The houses all have individual rear gardens and in relation to the apartment buildings all units are provided with individual balconies and also have access to the shared communal garden. All of the proposed units meet or exceed the minimum standards outlined in the as stated and the proposal is acceptable on grounds of private and communal amenity space provision.

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

The periphery of the site is delineated by the completed Phase 3a development to the north, the under construction Phase 4B development to the west and the completed Millbrook Park School to the east. The majority of the buildings are located over 21m from the windowed elevations of these properties, other than a few pinch points where the building lines of the respective developments are angled towards each other where separation distances are reduced to around 17-19m. However given that the position of the properties comply with the parameters of the outline consent and given that the public interface between the units across a public road it is not considered that the proposal would result in any significant material impact on the amenities of these properties in terms of daylight, sunlight or privacy.

Several objections have been received from the occupiers of development contained within Phase 1 of the Outline consent to the north of the Phase 3a development partly on the grounds of loss of light and view. Due to the distance of the proposal from this development the proposal would not result in any loss of light to these properties.

In relation to complaints regarding loss of view, there is no right to a view in planning law and the loss or restriction of a view would not be a reason to refuse planning permission. It is noted however that the application site is located on the lower southern part of the site and as such would be of a lower height than if they were located on a higher part of the site. The development site would be of minimal visibility when viewed from the north due to this drop in levels and the positioning of the development directly behind the completed phase 3a Cala homes scheme.

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

##### Access

The Design Code has been approved to enable the delivery of a permeable and legible new neighbourhood. In relation to the development the primary access routes that run along the northern, western, southern and eastern boundaries of Phase 10 which have already been granted consent under previous Advanced Infrastructure Works applications.

### Pedestrian Facilities

Access and movements for pedestrians were established as part of the outline application, with access available to all sides of the phase. It is considered that the proposal would provide a satisfactory pedestrian environment in accordance with the aims of the design code.

### Parking

Parking Standards set out in the Local Plan Policy DM17 is as follows:  
Maximum Standards will be:

- (i) 2 to 1.5 spaces per unit for detached and semi-detached houses and flats (4 or more bedrooms)
- (ii) 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms) and
- (iii) 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom)

Condition 23 of the outline consent limits the number of residential parking spaces to 2,522 (plus limited visitor parking) across the whole site.

The table below shows the typical parking requirement as set out in the Design Code and that set out in the outline planning permission for the proposed development.

No. of units	Parking Ratio Permission	Parking Ratio Design Code	Parking Req.
1 Bed (35)	1	1.1	35
2 Bed (59)	1	1.1	59
3 Bed (16)	1.2	1.5/2	19.2- 32
Total (110)			113.2- 126

There is some flexibility in the provision but the total development should not exceed 2522 spaces so that individual phases may contain a higher number of spaces providing that the total number of spaces does not exceed the maximum number.

The application proposes the provision of 122 car parking spaces, plus 2 visitor spaces, within this phase which accords with the above standards, 10% of parking will be for disabled persons, 20% of parking spaces are to be provided with electric charging points and a further 20% for future provision and is in accordance with the London Plan.

The majority of the spaces are provided in the form of a secure basement car park built in the centre of the development accessed from the south-western boundary of the site.

Parking to the southern houses will be provided with forecourt car parking spaces and integral garages accessed from the basement car park. Two visitor spaces are also proposed on street.

The scheme therefore provides adequate car parking and would not result in significant overspill to neighbouring roads.

A Parking Management Strategy has also been submitted as part of the supporting documents the content of which is considered acceptable.

In relation to the representations made by the school it is acknowledged that the existing school suffers from congestion at school drop off and pick up time. This is currently exacerbated by the fact that the road to the school is one way in and out. The completion of Phase 10 would open up other through routes allowing parents dropping off or collecting their children to leave by other directions, marginally improving traffic flow. None of the comments made in representations have stated how they consider that allowing this scheme would worsen the situation and as such do not justify the refusal of the current scheme.

#### Accessibility and Inclusivity

11 properties within Phase 10 are required to be wheelchair accessible, which equates to 10% in compliance with Condition 70 (Design to Lifetime Homes Standards and Wheelchair Standards) of the outline consent.

All of the proposed dwellings are designed to comply with the design criteria necessary to meet Lifetime Homes standards and it is considered satisfactory to meet Condition 70. The scheme has followed principles of inclusivity and accessibility.

#### Cycle Parking

Cycle Parking is also proposed within plot for the houses and within communal cycle stores for the apartments at the rate of 1 space for 1 and 2 bed units and 2 spaces for 3 bed units and above. In total provision for 139 spaces is included in the development. This is considered satisfactory.

#### Waste Management

The application supporting documents propose communal basement refuse and recycling storage areas used by all properties which will be moved to collection points adjacent to the public highway on collection days. This is considered acceptable and accords with Barnet standards.

#### Conclusion for Transport, Parking and Highways

In summary, the application provides for adequate parking without harming the local highway network and promotes sustainable modes of travel and complies with Policies CS9 and DM17. The proposed parking levels are in accordance with the parameters of the Outline Consent and as such have already been agreed in principle by earlier approvals.

### **4.10 Environmental issues**

### Construction management

A Construction Management Plan for the whole of Millbrook Park was approved pursuant to Condition 17 of the outline consent (ref H/04183/11). The document incorporates the view that succinct method statements will be required for each reserved matter application. A Construction Management Plan has also been submitted with the current application which accords with the site wide policy and is considered acceptable.

### Contamination

A contamination strategy for the whole site has been dealt with under Condition 63 of the outline consent (ref H/00643/12, approved April 2012). This condition is split into 4 parts and parts i) and ii) which includes desk top studies and site investigation have been approved. Parts iii) of the condition requires the approval of a remediation strategy and part iv) requires a verification to be submitted for each phase.

The Council's Scientific Services Team have confirmed that the requirements of this condition has been satisfactorily discharged in relation to this Phase.

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

### Sustainable design and construction

An overarching energy strategy for the whole of Millbrook Park was submitted to and approved pursuant to Condition 79 of the outline consent (ref H/00560/12). The approved strategy outlines how a centralised energy supply to the south of the site will be delivered, and a decentralised supply to the north. The south of the site will be served by a District Heating Network provided by a single Energy Centre while the north of the site is expected to adhere to the Mayor's Energy Hierarchy by utilising an energy efficient building fabric and where applicable photovoltaic panels (PV).

The Mayor's Energy Hierarchy sets out three methods for achieving reductions in carbon emissions:

- 1 Be lean: use less energy (fabric efficiency standards)
- 2 Be clean: supply energy efficiently
- 3 Be green: use renewable energy

The application is accompanied by an Energy Strategy and Code for Sustainable Homes Pre-Assessment which demonstrates that the proposal would reach the equivalent of Code for Sustainable Homes Level 4 as well as achieving a 44.5% reduction in CO<sub>2</sub> emissions as is required by Conditions 79 and 80 of the outline consent. This is through implementing high building fabric specifications and energy efficient measures and partly by the proposed connection to the proposed District Heat Network to the south of the site.

### Water resources, Drainage and SUDs Infrastructure

The Drainage plan submitted with the application provides details of surface water and foul water drainage.

The applicant has submitted a drainage strategy in support of the application. The drainage strategy incorporates various measures including podium deck landscape storage, provision of water butts and storage and attenuation tanks to ensure that runoff does not exceed 49.6 l/s to the Thames Water surface water outlet in Bittacy Hill as required by the approved site wide drainage strategy. Discharges of foul water drainage will discharge to the existing Thames Water sewer also located in Bittacy Hill. Overall the proposed drainage strategy is considered acceptable and consistent with the site-wide drainage strategy approved under discharged Conditions 43, 44 and 46 (permission ref: H/04340/12) attached to the OPP.

### Biodiversity and Ecology

The AAP encourages the planting of native species to encourage biodiversity. The Environmental Statement at outline stage concluded that there are no overriding concerns with respect to ecology and nature conservation preventing redevelopment taking place.

A site wide Ecological Mitigation and Management Plan (EMMP) was submitted and approved (H/04184/11, November 2011) pursuant to Condition 60 of the outline consent. It was considered that the document as approved demonstrated a comprehensive overall management plan for ecological assets on the wider Millbrook Park application site.

### Green/ Brown Roofs

Condition 84 (Green/Brown Roofs Target) of the outline consent requires a minimum of 10% of green or brown roofs across the whole of Millbrook Park site. Condition 85 (Green/Brown Roofs Provision) requires details to be submitted and approved demonstrating this provision across the whole site including a reconciliation plan or table showing how it meets the 10% target fixed by Condition 84.

The scheme meets this requirement through the use of podium deck gardens and the roof areas on the residential dwellings in the centre of the site. The inclusion of podium decks has been previously included in brown/ green roof calculations and the development would in itself comply with the requirements of Condition 84 and contribute to the overall provision within the Millbrook Park Development.

## **5. EQUALITIES AND DIVERSITY ISSUES**

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

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

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

- age;

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

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under the above legislation.

## **6. CONCLUSION**

As conditioned the proposal would not compromise the outline planning permission (H/04017/09) for the redevelopment of the wider site. It largely accords with the relevant development plan policies, conforms to the design principles and the parameters established in both the approved outline application for the former Inglis Barracks site and the Design Code. In those cases where the application departs from the approved Parameter Plans namely in relation to the changes in the approved height parameters these changes are justified by design benefits and are considered acceptable.

The proposal is acceptable on visual amenity, access, highways, biodiversity, and drainage grounds. The proposal would not significantly affect the amenities of neighbouring residential properties. It would provide for much needed quality housing, including affordable housing, that would have a good standard of accommodation including outlook, privacy and access to daylight.

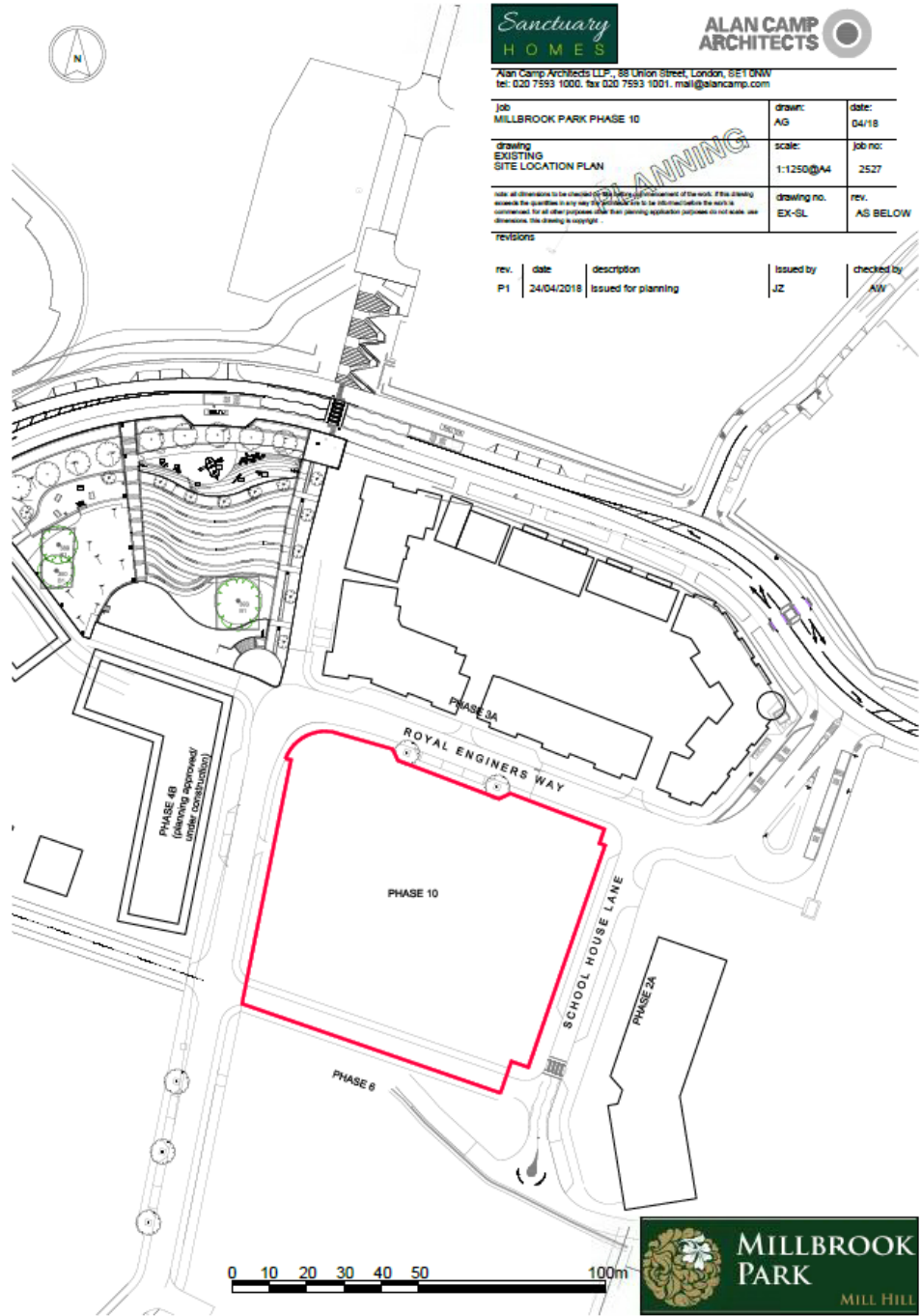
The design of the development is appropriate for the Southern Hub Character area, which also provides for variety and legibility. The materials and form relates well to the surrounding development. The layout of the development provides permeability around the site as well as to the wider Millbrook Park site.

The application also satisfies the requirements of Conditions 5, 8, 26, 27, 29, 32, 35, 48, 49, 52, 69, 70, 76, 80, 81, 83 and 85 of the outline consent.

It is recommended that the application be **approved** subject to the attached conditions.

**SITE LOCATION PLAN:** Phase 10, Millbrook Park (Former Inglis Barracks) NW7 1PX

**REFERENCE:** 18/2891/RMA



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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 9  
**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.

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### 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 payment towards the Colindale Station improvement was made by all three parties on 30 September 2017, totalling £8.5 million. Further payment dates are then scheduled from the developer on or before 31 July 2018 (£6.5 million) and on or before 31 December (£142,000).

In relation to the second instalment, the agreed S106 states at Schedule E Paragraph 1.1.2 that *'On or before the 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”.*

An amendment is now found to be necessary to replace this wording, as follows: *“On or before the 30 November 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”*

This financial contribution is to be used towards the cost of carrying out or procuring the carrying out of works to construct a new Colindale underground station. As per paragraph 1.2 of schedule E, the council are required to *“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 the Council’s deputy Chief Executive”*. As TfL are not intending on issuing for tenders until January 2019, officers recommend that the date for payment be changed from 31 July 2018 to 30 November 2018, as this would coordinate more closely with the TfL tendering process and with project milestones.

In relation to the Colindale Avenue Public realm contribution, a payment of £1,650,257 was made to the council on 2 February 2018. This is to be used towards public realm improvements as shown on Plan 70001368-GA-23-A (submitted with the Planning Application)

The agreed S106 states at schedule E, paragraph 2.2 that *“the Council shall carry out or procure the carrying out of the Colindale Avenue Public realm improvements by the date which is two years after the date on which the Colindale Avenue contribution was paid”*.

Furthermore, paragraph 2.3 of schedule E states that *“in the event that the Council has not carried out or procured the carrying out of the Colindale Avenue public realm improvement by the date which is two years after the date on which the Colindale Avenue was paid to the Council then the Council shall repay the Colindale Avenue contribution to the developer and the developer shall be entitled to carry out the Colindale Avenue public realm improvements and the council shall use all reasonable endeavours to facilitate the developer doing these works including the grant of any necessary statutory consents in relation to the same”*.

The public realm improvements on Colindale Avenue will link in closely with the Colindale Station works, however, the plans for Colindale station work are still under consideration and have not yet been finalised. It is recommended, therefore, that time period for carrying out or procuring the carrying out of works is extended from two to four years, meaning that funds need to be expended by 2 February 2022. This will ensure that projects align and are coordinated as much as possible. This will also ensure that the Council retains an element of control over the financial contribution received in relation to the public realm improvements and avoid repayment to the developer.

Officers recommend that the following amendment to schedule E, paragraph 2.2 is made and the wording is replaced as follows: *“the Council shall carry out or procure the carrying out of the Colindale Avenue Public realm improvements by the date which is four years after the date on which the Colindale Avenue contribution was paid”*.

Paragraph 2.3 will also need to be amended to refer to four years rather than two years.

### 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.

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

### 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 3<sup>rd</sup> 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.” In addition, public realm improvements along Colindale Avenue is also a key priority throughout the AAP. 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) and public realm improvements.

### Assessment

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

### Recommendation one

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 1.1.2 as set out below:

*‘On or before the 30 November 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’.*

Reason: As TfL are not intending on issuing for tenders until January 2019, it is recommended that payment be received on 30 November 2018, as this would coordinate more closely with the TfL tendering process and with project milestones.

### Recommendation two

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 2.2 as set out below:

*“the Council shall carry out or procure the carrying out of the Colindale Avenue Public realm improvements by the date which is four years after the date on which the Colindale Avenue contribution was paid”*

And that consequently paragraph 2.3 is also amended to refer to four years rather than two years.

Reason: The public realm improvements on Colindale Avenue will link in closely with the Colindale Station works, however, the plans for Colindale station work are still under consideration and have not yet been finalised. It is recommended that time period for carrying out or procuring the carrying out of works is extended from two to four years, meaning that funds need to be expended by 2 February 2022 to ensure that projects align and are coordinated as much as possible. This will also ensure that the Council retains an element of control over the financial contribution received in relation to the public realm improvements and avoid repayment to the developer.

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**Location** Camden Sports and Social Club Edgwarebury Lane Edgware HA8 8QP

**Reference:** 18/1701/S73

Received: 16th March 2018

AGENDA ITEM 10

Accepted: 22nd March 2018

**Ward:** Edgware

Expiry 21st June 2018

**Applicant:** Rabbi A. Lazarus

**Proposal:** Variation of condition 1 (Plan Numbers) pursuant to planning permission 15/07732/S73 dated 28/04/2016 for "A hybrid planning permission is submitted for the development of a multi-faith cemetery. Full planning permission is sought for Phase 1 of development comprising associated landscaping, parking, storage and access, and ancillary single storey memorial hall of 294sqm (GIA). Outline planning permission is sought for Phases 2 and 3 of development for use as a cemetery and means of access and landscaping with all other matters reserved". Variation include amendments to the prayer hall building and ancillary facilities and amendments to overall site layout

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal 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)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
  - 208 rev. 00 Proposed elevations north, south, west
  - 1314/008 rev, B Phasing Plan
  - 1147-101 rev. B Proposed basic area plan
  - 1147-102 rev. E Proposed Ground Floor Plan
  - 1147-200 rev. A Proposed elevations (south, west, north)
  - 1147-201 rev. A Proposed elevations comparison with approved scheme
  - 1147-202 rev. A Proposed elevations (south, west, north)
  - 1147-202 Proposed elevations maintenance
  - 1147-300 rev. A Proposed Section Drawings
  - CDS\_EDG\_BRY\_03 rev. 02 General site layout plan
  - CDS\_EDG\_BRY\_06 rev. 03 Burial layout plan
  - Flood Risk Assessment Jan 2018 Ref. D1.0.18
  - Energy Strategy 17th January 2018
  - Design and Access Statement: Proposed Changes to Edgwarebury Cemetery Building
  - Transport Statement February 2018 ref. WIE13885.100.R.1.2.1.TS

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 Details of the following reserved matters for Phases 2 and 3 as set out in the approved Phasing Plan 1314/008 Rev B shall be submitted to and approved in writing by the Local Planning Authority before this phase of the development is implemented:
  - (a) Appearance
  - (b) Layout
  - (c) Scale

Reason: To accord with the provisions of the Town and Country Planning Act (General Development Procedure Order) 1995 and to enable the Local Planning Authority to retain adequate control over the proposed development.

- 3 Before the construction of the approved buildings commences, further details of the materials to be used for the building and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 4 Phase 2 and 3 of the development must be begun no later than two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To accord with the provisions of the Town and Country Planning Act (General Development Procedure Order) 2015 and to enable the Local Planning Authority to retain adequate control over the proposed development.

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

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

- 6 Before the construction of the buildings and / or roads within the development commence, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

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

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



- 8 Notwithstanding the details shown in the approved drawings and documentation, before any trees works or above ground construction works are undertaken, an amended Landscape Management and Maintenance Plan, to include an updated landscaping plan for Phase 1, shall be submitted to and approved in writing by the Local Planning Authority. All work comprised in the approved scheme of landscaping for Phase 1 shall then be carried out before the end of the first planting and seeding season following commencement of the use of the Phase 1 development of the site.  
Reason: To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2016.
- 9 Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of phase 1 shall be replaced with trees or shrubs of appropriate size and species in the next planting season.  
Reason: To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2016.
- 10 The development of the site shall be carried out in accordance with the approved Construction Management Plan Rev B, dated 19th May 2016, which was approved under planning reference 16/3611/CON on 06 July 2016, unless alternative acceptable details have first been submitted to and approved in writing by the Local Planning Authority.  
Reason: To safeguard residential amenity in accordance with policy DM17 of the Adopted Barnet Development Management Policies DPD (2012).
- 11 Means of vehicular access / egress to the development shall be from Edgwarebury Lane only.  
Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety on the public highway and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.
- 12 Development shall not begin until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the first phase of the development is completed. The scheme shall include a restriction in run-off and surface water storage on site as outlined in the FRA.  
Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity, in accordance with Core Strategy policies CS7 (Enhancing and protecting Barnet's open spaces) and CS13 (Ensuring the efficient use of natural resources), DM policies DM01 (Protecting Barnet's character and amenity), DM04 (Environmental considerations) and DM16 (Biodiversity), and the Sustainable Design and Construction SPD.
- 13 Before the development hereby permitted is brought into use, parking spaces, cycle parking and turning spaces shall be provided and marked out with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.  
Reason: To ensure that parking and associated works are provided in accordance with the council's standards in the interests of pedestrian and highway safety and the free flow of traffic.
- 14 The disabled parking spaces shall be provided and clearly marked with a British Standard disabled symbol where appropriate and permanently retained for the use of disabled persons and their vehicles and for no other purpose.

Reason: To ensure and promote easier access for disabled persons to the approved building in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 15 No structure including fences or planting exceeding 1.05 metres in height shall be erected to the left or right of the access within the visibility splay when merging from private access on to public highway.

Reason: To preserve sight line and in the interests of highway and pedestrian safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 16 Details of refuse collection must be submitted to and approved in writing by the Local Planning Authority. Refuse collection points should be located within 10 metres of the Public Highway, at floor level, otherwise, the development access should be designed and constructed to adoptable standards in order to allow refuse vehicles to access and turn around within the site. The applicant should sign a Waiver of Liability and Indemnity Agreement to indemnify the Council against any claims for damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

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

- 17 Prior to the commencement of the development including site clearance, a Biodiversity Management Plan shall be submitted and approved by the Local Planning Authority and shall detail:

- a) additional ecology surveys and details of how the development will be implemented in accordance with the mitigation set out in the ecological surveys
- b) how the landscape and ecology of the site shall be maintained
- c) how any ecological impacts arising on the implementation of phases 2 and 3 will be addressed, and
- d) how public access to the site will be provided, managed and maintained

Reason: To safeguard local ecology and biodiversity and ensure the benefits of public access to the site, in accordance with policies DM15 and DM16 of the Adopted Barnet Development Management Policies 2012.

- 18 Notwithstanding the requirements of the above condition, all site works shall be carried out in accordance with Reptile Worm Survey, Mitigation and Compensation Report (June 2016) which was approved on 3 November 2017 under planning reference 16/4006/CON. Reason: To safeguard any slow worms (a protected species) which may be present on the site in accordance with policy DM16 of the Adopted Barnet Development Management Policies 2012.

Reason: To safeguard any slow worms (a protected species) which have been identified as present at the site, in accordance with policy DM16 of the Adopted Barnet Development Management Policies 2012.

- 19 The development shall be carried out in accordance with the details set out in the Geophysical Survey Report - Stratascan May 2016 J9692 which was approved on 22 June 2016 under planning reference 16/3091/CON.

Reason: To safeguard the archaeological record in accordance with development management policy DM06 of the Adopted Barnet Development Management Policy 2012.

- 20 Before this development is commenced, details of the levels of the buildings, roads and footpaths in relation to adjoining land and highways and any other changes proposed in the

levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

- 21 Before this development is commenced details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site including water storage measures as outlined in the drainage condition shall be submitted and approved in writing by the Local Planning Authority and the development carried out in accordance with such approval. Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2016.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2016.

- 22 No site works or works on this development shall be commenced before a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations are submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with such approval. The method statement shall pay particular attention to any impacts that the proposed attenuation ponds on the site perimeter may have on important retained trees.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with policies DM01 and DM15 of the Adopted Barnet Development Management Policies DPD (2012), CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.16 and 7.21 of the London Plan 2016.

- 23 A scheme of hard and soft landscaping for phases 2 and 3 including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority within three years of this grant of permission. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting season following the competition of phases 2 and 3, or the competition of the development, whichever is sooner. 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 competition of the development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2016 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

- 24 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 2016.

- 25 The proposed buildings shall be constructed in accordance with the details in the approved Energy Strategy dated 17th January 2018, and retained as such for the lifetime of the buildings.

Reason: To ensure that the buildings attain high standards of building sustainability, in accordance with advice in the London Borough of Barnet Sustainable Design and Construction SPD (adopted October 2016).

- 26 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 details as approved under this condition, and retained as such for the lifetime of the development.

Reason: To safeguard the character and visual amenities of this Green Belt site and the wider area in accordance with Policies CS NPPF, CS1 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01 and DM15 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5, 7.6 and 7.16 of the London Plan 2016.

#### **Informatives:**

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq. m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

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

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

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

2. Residential Annexes or 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](http://legislation.gov.uk)

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

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

The applicant is advised that a Joint photographic survey shall be carried out prior to commencement of any works affecting public highway.

To receive a copy of our Guidelines for Developers and an application form please contact: Development and Regulatory Services, Development Control Team, 11th Floor, Barnet House, 1255 High Road, London N20 0EJ. Telephone Number is 020 8359 3555.

- 4 Advice to applicant on surface water condition: In order to discharge the surface water condition, the following information must be provided based on the agreed drainage strategy:
  - a) A clearly labelled drainage layout plan showing pipe networks and any attenuation ponds, soakaways and drainage storage tanks. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
  - b) Confirmation of the critical storm duration.
  - c) Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
  - d) Where on site attenuation is achieved through attenuation ponds or tanks, calculations showing the volume of these are also required.
  - e) Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.
  - f) Calculations should demonstrate how the system operates during a 1 in 100 chance in any year critical duration storm event, including an allowance for climate change in line with the National Planning Policy Framework Technical Guidance. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths and the extent and depth of ponding.
  
- 5 If tree works are required, they should be undertaken between mid-September and November or during April to avoid the bat hibernation and breeding seasons. Cavity features should be inspected by endoscope, either by or under the supervision of a licensed bat ecologist. Works should only proceed if no evidence of bats is discovered.

## **Officer's Assessment**

### **1. Site Description**

The site forms two fields sited on land adjacent to Edgwarebury Cemetery. The site is located on the east side of Edgwarebury Lane. Its southern boundary is shared with residential properties at Hartland Drive and Hartlands Close, the northern boundary is to the existing Edgwarebury Cemetery and the eastern boundary is largely to open countryside. Broadfields School is to the south-east of the site.

The site has been previously used as sports pitches but has not been used as such for many years. The previous pavilion building and caretakers house were demolished.

The site is designated as green belt and a site of archaeological importance. It is also located close to a site of local nature importance.

The site forms an area of approximately 4.2 hectares.

### **2. Site History**

Relevant planning history for the development proposal is as follows:

Application Number: 16/3091/CON

Decision: Approved

Decision Date: 22.06.2016

Proposal: Submission of details of condition 21 (Geophysical survey) pursuant to 15/07732/S73 dated 28/04/16

Application Number: 16/3502/CON

Decision: Approved

Decision Date: 04.07.2016

Proposal: Submission of details of condition 25 (Hard and soft landscaping) pursuant to planning permission 15/07732/S73 dated 28/04/16

Application Number: 16/3611/CON

Decision: Approved

Decision Date: 06.07.2016

Proposal: Submission of details for condition 8 (refuse), 12 (Construction management plan) and 22 (levels) pursuant to planning permission 15/07732/S73 dated 28.04.2016

Application Number: 16/3665/CON

Decision: Approved

Decision Date: 12.07.2016

Proposal: Submission of details for condition 5 (Materials) pursuant to planning permission 15/07732/S73 dated 28.04.2016

Application Number: 16/3670/CON

Decision: Approved

Decision Date: 03.11.2017

Submission of details of condition 14 (Drainage) pursuant to planning permission 15/07732/S73 dated 28/04/16

Application Number: 16/3671/CON

Decision: Approved

Decision Date: 08.07.2016

Proposal: Submission of details of condition 23 (Services in relation to trees) 24 (Tree Protection Plan) pursuant to planning permission 15/07732/S73 dated 28/04/16

Application Number: 16/4006/CON  
Decision: Approved  
Decision Date: 03.11.2017  
Proposal: Submission of details of Condition 20 (Slow Worm Report) pursuant to planning permission 15/07732/S73 (28/04/2016)

Application Number: 15/07732/S73  
Decision: Approve with conditions  
Decision Date: 28.04.2016  
Proposal: Variation of condition 1 (Plans) and condition 19 (Gravemarkers) pursuant to planning permission H/04748/12 dated 05/07/2016 for "A hybrid planning permission is submitted for the development of a multi-faith cemetery. Full planning permission is sought for Phase 1 of development comprising associated landscaping, parking, storage and access, and ancillary single storey memorial hall of 294sqm (GIA). Outline planning permission is sought for Phases 2 and 3 of development for use as a cemetery and means of access and landscaping with all other matters reserved". Variation include changes to landscaping proposals to level the previously proposed mound. Variation to the size of the headstones to allow for a height of 1.5m and grave markers to a width of 1.76m. (Amended Description)

Application Number: H/02136/11  
Application Type: Material Minor Amendment/Vary Condition  
Decision: Approved following completion of a section 106 agreement  
Decision Date: 14.08.2017  
Proposal: Variation of conditions 2 (Approved Plans), 16 (Details of drainage & surfacing of parking spaces) pursuant to Appeal Decision APP/N5090/A/10/2122850 (of planning application H//04617/08) granted 12/08/10. Amendments to include removal of new car parking spaces.

Application Number: H/04748/12  
Decision: Approved with conditions  
Decision Date: 5.07.2013  
Proposal: A hybrid planning permission is submitted for the development of a multi-faith cemetery. Full planning permission is sought for Phase 1 of development comprising associated landscaping, parking, storage and access, and ancillary single storey memorial hall of 294sqm (GIA). Outline planning permission is sought for Phases 2 and 3 of development for use as a cemetery and means of access and landscaping with all other matters reserved.

Application Number: H/04617/08  
Decision: Refused  
Decision Date: 08.12.2010  
Appeal Decision: Allow subject to conditions  
Appeal Decision Date: 08.12.2010  
Proposal: The change of use from agricultural land to a cemetery to allow an extension of the existing Edgwarebury Cemetery. Creation of one access point across Clay Lane. Associated landscaping, boundary treatments, internal access arrangements and the re-configuration of the existing car park to provide a further 18 spaces, plus 8 new staff car parking spaces.

### **3. Proposal**

Following a change of ownership of the land, the planning permission originally granted by the Council will be delivered as a Jewish cemetery by the Federation of Synagogues rather than a multi faith cemetery. In order to provide the required or necessary facilities to support Jewish burials, modifications are required to the layout of site and the function and arrangement of the buildings.

The application seeks permission for amendments to the prayer hall building and ancillary facilities as approved in the previously applications, and amendments to the overall site layout. The application statement sets out that the proposed building would provide prayer hall with ancillary



accommodation including rooms to purify and wash the deceased, administration space for cemetery employees and a coffin workshop. The amendment to the form and layout of the proposed building has had minor implications for the overall site layout. This change has been reflected within the submitted supporting reports.

The Design and Access Statement for the application states that the proposed building would be divided into three principal functions; a prayer hall and associated facilities for preparing the deceased for burial, an administration building and a workshop compound. The prayer hall would be the central feature of the scheme. Both portions of the building have pitched green roofs with the southern side raised to show its priority. These green roofs allow the building to blend into its natural surroundings. A small Kohanim room to accommodate about ten people would be positioned adjacent to the prayer hall. This would have a flat roof.

A small administration building would be positioned to the west of the prayer hall. The building would contain an office, multiuse room, male, female and disabled WC's and a small kitchenette. The building has windows on the north facade out of the offices and multi-use room to allow an element of passive surveillance. The building's roof extends out over the surrounding hard surface to the north to act as a sheltered gathering space for mourners. Contained below this roof are basins and low-level seating built out of the building's plinth.

The eastern-most block would contain a staff room, shower and changing room, coffin workshop, storage for at least two large site maintenance vehicles and soil storage. The roof of this building extends west towards the prayer hall block creating a canopy that shelters hearses arriving at the cemetery's rear access.

Changes to the landscaping are also proposed, with the removal of three ponds within the site close to the buildings and introduction of two new attenuation ponds on the site perimeters being particularly notable changes to this aspect of the scheme.

#### **4. Public Consultation**

Consultation letters were sent to 145 neighbouring properties. 59 responses have been received, including 17 objections and 42 letters of support.

Objection letters raise the following issues:

- Edgwarebury Lane is a quiet single track residential road which already has a cemetery. The traffic at the times of funerals and memorial services is already very bad and if this new proposed cemetery is given the go ahead it will make matters intolerable.
- The landscaping proposals are insufficient and will blight this lovely area on the edge of the green belt.
- We have had our home built on this specific part of Edgwarebury Lane due to its quiet, leafy and peaceful nature. We have very young children and the low number of vehicles that pass our home is key to their safety.
- The prospect of living opposite a cemetery opposes our faith as a practicing Hindu family.
- Impact on property values.
- Insufficient consultation.

Letters of support raise the following issues:

- The site is much better located for many Federation of Synagogue members than the old Federation Cemetery which is based in Rainham in East London.
- The cemetery development will cause minimal disruption or change of environment for the families living at the top end of Edgwarebury Lane as the cemetery extension will be largely of their sight when completed.
- The proposed building represents an appropriate replacement to what has already been accepted in principle.

- Disagree with objectors comments about potential traffic and noise issues. Having attended a number of funerals at the existing cemetery traffic flow issue has not been an issue and there has not been excessive noise. Funeral attendees are careful to keep noise to a minimum to respect the occasion and local residents.
- The proposals will fully enable this location's use as a functioning cemetery to serve the membership of the Federation of Synagogues, as already consented.
- There is already planning permission for the Federation to have a Jewish cemetery with headstones. The application's proposed building is only marginally different to the already consented one.
- The proposals would enable our community to use the facility and comply with religious and cultural traditions.
- The proposal represents a much needed community facility.
- The proximity of the cemetery to the local Jewish community will be an asset and much more convenient than a cemetery over 40 miles distant.
- Parking provision has already been made for those mourners and members of staff attending the cemetery.
- The addition of a prayer hall is essential for it to be functional for the Jewish community

These issues are considered in sections 5.3 and 5.4 of this report.

Natural England: no comments

Tree Officer: objects to changes in planting plan (refer to discussion below).

Highways Officer: the changes to the scheme do not affect highways

## **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.

Consultation Draft London Plan

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

#### 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, CS7, CS15.
- Relevant Development Management Policies: DM01, DM02, DM15, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design. Policies CS7 and DM15 aim to protect Green Belt land and rural character, in line with policy advice in the NPPF.

#### 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.

Green Infrastructure SPD (adopted October 2017)

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- The context of the previous permissions for the use of the site as a cemetery.
- Whether the proposed changes to the previously approved scheme would constitute appropriate development within the green belt, and if not, whether there are any very special circumstances, or any other material considerations that would justify the use in green belt terms.
  - Whether the proposed changes would have an acceptable impact on the rural character and appearance of the site and its surroundings.
  - Whether the proposed changes would have an acceptable impact on the amenities of neighbouring occupiers
  - Whether the proposed changes would have an acceptable impact in biodiversity terms
  - Whether the proposed changes would have an acceptable impact on trees and landscape values
  - Whether the proposed changes would have an acceptable impact on highway.

### **5.3 Assessment of proposals**

The context of the previous permissions for the use of the site as a cemetery.

Matters concerning the principle of the use of the site as a cemetery have previously been considered under the application H/04748/12. The assessment of the use of the site included consideration of the loss of the sports pitches, highway and pedestrian safety, biodiversity, archaeology and impact of a cemetery on the neighbouring occupiers. Having previously considered these aspect of the proposal, it was and accepted in terms of the use of the site as a cemetery.

The main consideration in this case is whether or not the variation to the condition 1 allowing changes to the buildings and site layout will result in inappropriate development within the Greenbelt, as noted above.

Planning permission ref. H/04748/12 as described in the planning history for the site at Section 2 of this report was granted prior to the site being acquired by the current owners, the Federation of Synagogues. The application was a hybrid permission which gave detailed planning permission to Phase 1, including buildings, and outline permission for Phase 2 and 3. It provided for woodland burials and included a significant restriction on the size of grave markers under condition 19. The site was acquired by the current owners in 2014 with the intention of providing burial grounds to serve the North West London Jewish community, and the subsequent planning permission, ref. 15/07732/S73, was made to provide for the Orthodox Ashkenazic Jewish community's custom and requirement to use both horizontal and vertical headstones to mark graves.

In the current application, evidence has been provided to show that the amended planning permission had been commenced on 20 June 2016.

Whether the proposed changes to the previously approved scheme would constitute appropriate development within the green belt, and if not, whether there are any very special circumstances, or any other material considerations that would justify the use in green belt terms.

LB of Barnet Policies CS7 and DM15, and London Plan policy 7.16 aim to protect Green Belt land, in line with the National Planning Policy Framework (NPPF). NPPF paragraph 87 of the National Planning Policy Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances; paragraph 88 sets out that "...very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."

The NPPF further highlights that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include "cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it." (Paragraph 89) Paragraph 89 of the NPPF states that construction of new buildings is inappropriate in the Green Belt. There are a very few exceptions to this, which include cemeteries, subject however to preserving the openness of the Green Belt and to not resulting in any conflict with the purposes of including land within it. These purposes include, at Paragraph 80,

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration,

In this instance, the proposed development challenges the first three purposes of including land in the green belt.

The proposals include changes to the buildings as previously approved by planning permission reference H/04748/12. The building approved for the cemetery would have consisted of two main elements, each of them circular in plan form with green roofs and with a covered access between them. The larger of the two would be recessed into an area where natural ground levels would have been lowered by about 1.5m, so that the building would be even lower than would otherwise have been the case. This represents an interesting and high-quality design, which was considered to be sufficiently recessive in the context of the site. While it was considered that the proposed building was inappropriate Green Belt development, it was considered that very special circumstances justified approval on the basis of:

- the need for future burial space
- the moderate size of the building and its design and siting to minimise visual impact
- the nature of the cemetery (woodland burial which minimises visual impact from graves)
- the enhanced landscaping and biodiversity proposals
- opening up of the site for public access

In the current proposal, the buildings are also of high quality in terms of both design and intended materials, consisting of three main elements which would however considerably extend the height and spread of their built forms on the site as compared to the extant permission. As measured on the submitted comparison elevation drawings, these increases are set out below, with the proposed spreads and maximum heights for the current proposal followed by those in the extant planning permission in brackets:

- Width - east and west elevations 15m (11m)
- Building spread - north and south elevations 44m (27m)
- Maximum building height 5m (2.8m above ground level; 4m including below ground level portion)

The buildings would be approximately 80m from the closest residential dwelling which is approximately 80m to the south-west on the opposite side of Edgwarebury Lane, and would be 140m north of the closest residential boundary at Hartland Drive. The site's southern boundary also forms the boundary between the Green Belt and the urban / suburban residential area to the south. It is not considered that the proposals to enlarge the building or, as discussed later in this section to this report, amended landscaping would have any impact on any of the reasons for including land in the Green Belt, the first three in particular.

However, the increase in spread of built form would impact on Green Belt openness, as would the increase in height although it is recognised that this increased height applies only to one of the three main buildings. The smaller building that was approved in the 2012 application was considered to be inappropriate development and the increased building spread in this application inevitably increases the impact on openness. However, as considered in the context of the location it is noted that the buildings would be tightly contained within the same part of the site as the approved buildings. They would occupy approximately 1.3% of the site area, and the buildings themselves are restrained in scale and number to the requirements of the intended users. While maximum building height would increase, the increased building height as compared to the extant scheme would be limited to an area of approximately 100 sq., and the highest part of the building (5m) would be limited to approximately 54 sq.m. The built forms would extend approximately 12m closer to the Edgwarebury Lane frontage, but remain no less than 50m from this frontage while in the case of the highest element, the separation is 70m. Views of the building both from road frontage and other vantage points would be filtered through existing vegetation, and from the north would be almost totally screened year-round by the belt of tall conifers along the boundary with the cemetery to the north.

While planning permission can only be granted if very special circumstances exist. These are set out in the application:

In an Audit of London Burial Provision published by the GLA in March 2011, a number of conclusions were drawn with reference to the burial needs of London's Jewish community as follows:

"Boroughs with a larger proportion of Jewish people and Muslims are likely to face increased pressure for burial space. Generally speaking, these faiths – in addition to requiring burial – tend to seek just one interment in each grave, and certainly would not favour any measure to re-use grave space, or reclaimed unused space in an existing grave." (Paragraph 2.7)

"*Considerable demand for burial space for the Jewish community will be evident in Barnet, and – to a lesser degree – Harrow, Camden and Redbridge.*" (Paragraph 2.8)

"Some owners of Jewish burial grounds had begun to seek land outside the Greater London boundary." (Paragraph 2.38)

It is further considered that weight should be attached to the Federation's membership figures including the concentration within LB Barnet as set out under 'Context to Application', above.

As the application site is owned by a communal body, it is appropriate therefore to consider the acute need to provide adequate burial provision for its members in North West London and especially for those resident within the London Borough of Barnet.

The NPPF highlights that providing adequate community facilities is central to the achievement of sustainable development, and while the GLA report highlighted there to be considerable demand for burial space for the Jewish community in Barnet, it is noted that the Local Plan does not allocate land for this purpose.

An appeal decision (Planning Inspectorate ref. APP/N5090/A/10/2122850) which granted planning permission for an extension to the existing Edgwarebury Jewish Cemetery (serving 4 specific communities but not the Federation) is considered of particular relevance given the weight attached to the principle of proximity as set out within London Plan Policy 3D.19. The appeal decision stated the following:

*“Objectors suggested that any search should look further afield, possibly beyond the Green Belt, or in neighbouring authorities, but those locations would fail the proximity test set out in the London Plan... I also bear in mind that, traditionally, the Jewish community wish to be buried with, or close to, their loved ones.”*

In a recent recovered appeal (Planning Inspectorate ref. APP/B5480/W/15/3132860) for a proposed Muslim cemetery in the London Borough of Havering, the Secretary of State agreed with the Inspector that a

*“plan-led approach advocated by the Council would not be sufficient to address the circumstances of this case and that, although it is not an absolute right, the ability to be buried in full accordance with the requirements of one’s faith is an important consideration. Therefore, like the Inspector, the Secretary of State attaches considerable weight to the consideration of need and agrees with her that LP Policy 7.23 includes an implicit need to take account of differing faith requirements, such as those material to this case.”*

The Federation conducted an exhaustive search for appropriately located burial facilities since the late 1980s prior to the acquisition of this cemetery site. Sites that have been previously considered include:

- Milesplit Hill – as access was only available through an existing Christian cemetery it was deemed to be unsuitable on religious grounds;
- St Albans – dismissed because remoteness to the existing community;
- Little Bushey – planning permission was refused in 1991;
- Elstree Road/Watford by-pass – offer to acquire the land was unsuccessful; and
- Northwood Hills – this Green Belt site situated in the London Borough of Hillingdon was acquired in 1999 with planning permission but was refused in 2005 .

The current site has significant advantages over previously considered alternatives in that it benefits from planning permission and moreover its location within the LB Barnet, which the application describes as the heartland of its membership. In an appeal decision for a crematorium in Staffordshire (Planning Inspectorate ref. APP/C3430/W/15/3039163), weight can be attributed to the catchment area of a burial grounds. A cemetery in this location is ideally suited to meet the burial needs of the Federation’s membership.

It is further highlighted that although there have been a number of recent proposals for Jewish burial provision in North West London and Hertfordshire, none of these meet the specific needs of the Federation:

- Extension of the neighbouring Edgwarebury Jewish Cemetery – this extension is to meet the burial requirements of the Spanish and Portuguese Sephardi Community, Liberal Judaism and Belsize Square Synagogue;

- Extension of the United Synagogue's at Bushey (Hertsmere) – this cemetery currently and will continue to principally serve the burial needs of another synagogal body's members; and
- Development of a new cemetery on the site of the A1 Shooting Ground, A1 Barnet By-pass (Hertsmere) – in March 2015, planning permission was granted on appeal for a new cemetery within the Green Belt. This cemetery is being proposed as a private enterprise and whilst, it has been offered by the developer to the Federation and other synagogal bodies, it has been discounted due to site remediation costs and access

The need for burial space has previously been considered by LB Barnet to be a very special circumstance to warrant the provision of a cemetery at the application site. As highlighted above, this need for provision is particularly acute for the Federation within LB Barnet and the development of these amended proposals would be entirely in accordance with the 'principle of proximity'.

The design of the prayer hall includes spaces specific to the cultural and spiritual needs of the applicants. The application explains that, in addition to provision of a prayer hall for funeral services, this includes space for taharah (ritual cleansing), as well as office space a small workshop for preparing coffins and storage for maintenance of the grounds. The applicant has advised that it is strongly preferable that the ritual cleansing process be conducted on the grounds of the cemetery.

It is noted that the buildings as designed for the original permission are not well suited to these processes, and that the cultural practices of those who will use the facilities is an important consideration. While as noted above the spread and height of the buildings increases, the detailed Landscape and Visual Assessment that forms part of the application demonstrates that, in the context of the site are which is over 4 hectares, any visual impacts beyond the site boundaries will be very limited in nature.

The current proposals would continue to be landscaping-led and deliver significant biodiversity enhancements. The Landscape Management and Maintenance Plan as submitted highlights that the proposals would retain boundary habitats and the internal remnant hedgeline and strengthen them with native planting including trees, grasses and wildflowers and provide new woodland planting. The applicant has also confirmed that the cemetery would be accessible to members of the public.

In summary, it is noted that the use of the site as a cemetery is already permitted, and that this application seeks amendments to the appearance, layout and form of the prayer hall building in order to cater for the Federation's burial practices and requirements. Any harm to Green Belt openness as compared to the extant permission is very limited in nature, and it is considered that the very special circumstances noted above clearly outweigh the limited Green Belt harm that would result from the proposed changes.

Whether the proposed changes would have an acceptable impact on the rural character and appearance of the site and its surroundings.

The design of the buildings is focused on minimalist design and use of clean and crisp materialism, with buildings articulated to lessen their apparent mass in this sensitive location. Three key materials to be used are three key materials; Jerusalem stone, timber and Kolumba bricks. The Design and Access Statement for the application explains that these would be used within the development as follows:

- The west, east and central spine walls of the prayer hall would be clad in Bush Hammer Face Jerusalem stone panels.
- The office, coffin workshop and north and south facades of the prayer hall are clad in Kolumba bricks with running bond. Their narrow horizontal dimension are intended to break down the

building's mass when viewed from the cemetery grounds to the south, and combined with the use of green roofs, will decrease the apparent mass of the building.

- Timber detailing would run around the building's edges and canopies, with timber columns making up a grid design over the gathering space outside the buildings. They would be made up of two different types of wood, with a darker base and a lighter top that meet at 500mm above ground. The 500mm line runs around all aspects of the site, including the base courses of all buildings, internal and external seating and gabion baskets. This line is intended to give the building a grounded feeling whilst also providing much needed resting opportunities at a convenient height.

- The east facade of the prayer hall would be glazed, and is intended to allow the deceased to appear to make a natural transition from the room to the cemetery grounds. The views from this aspect are of mature trees and vegetation.

As noted elsewhere in this report, it also will be important to ensure that future landscape management is provided to ensure that the countryside character of this important green space and ancient hedgerow within the site are retained into the future, and this is provided for in the recommended conditions.

Changes to the landscaping also include amendment to the location of proposed ponds, which in the extant permission would have been located to the buildings. Two new attenuation ponds are shown on the site perimeters. The location of the proposed new ponds will require further evaluation with respect to changes of levels and impacts on retained trees, and this is provided for in the recommended conditions.

In order to assist in retaining the rural character of the site, an additional condition is recommended that would provide a control on external lighting. While in the previous application this was set out as being subdued in nature, the impacts of additional building spread while acceptable in itself would be additionally enhanced by ensuring discreet external lighting through further consideration by officers prior to its implementation.

#### Whether the proposed changes would have an acceptable impact on the amenities of neighbouring occupiers

As noted above, the main consideration in this case is whether or not the variation to the condition 1 allowing changes to the buildings and site layout will result in inappropriate development within the Greenbelt, as noted above. While the building spread is greater than in the extant permission, as with the buildings already permitted, they would be located at least 85m from the closest residential property. Impacts of the use of the cemetery will not differ from those of the existing permission and it is not considered that these matters will have any impact on the residential amenities of neighbouring occupiers.

#### Whether the proposed changes would have an acceptable impact in biodiversity

The applicant has commissioned a review of existing ecological documents, which include surveys undertaken in 2012 and a more recent slow worm survey and mitigation strategy, which was submitted and approved in accordance with a condition of the extant permission. As the site has become more overgrown in the years since the original permission was given, there is considerable scope for the site to have been colonised by other protected wildlife species, and while it is appropriate for the conditions details in relation to slow worm relocation and mitigation to be transferred into a condition in this application, it is considered that new site surveys will be required prior to any site clearance. This is within the scope of condition 19 in the extant permission, which is included in the recommendation above as condition 17.

#### Whether the proposed changes would have an acceptable impact on trees and landscape values

The previously approved landscape plan under 16/3502/CON drawing no. CDS/EDG\_BRY/SB/01 Rev C provides for oak trees to be planted across the site. These trees are to be planted to help reduce the visual impact of the grave stones from views within, without and from out. It can be argued that 17 of these trees is not sufficient to adequately achieve this planning policy objective, of a



wooded cemetery. The revised plan Planting Proposals CDS\_EDG\_BRY\_10 rev 07 does not provide for any tree planting on the grave yard area and is therefore unacceptable in terms of its impact on maintaining tree cover at the site.

The current plan specifies wild flower meadow. While the Tree Officer notes no conflict with this objective for wild flowers and having large trees scattered over the site area, as noted above there is a conflict with Jewish Law in that graves cannot be under trees or overhanging branches. This potential conflict with the retention of the site's important landscape features. As already noted, it is considered that this conflict can be resolved by future management of the landscape to ensure that survival of the ancient hedge and that additional planting would then be concentrated around the site perimeter and in other locations within the site that would not be required for the future provision of grave space, so ensuring that the countryside character of this important green space to be retained into the future.

The Tree Officer has asked for amendments to the Landscape Management Plan and to new hard surface that is proposed around retained and protected trees T4, T5, T6, and T7 as identified in the application tree survey. This is likely to have a significant detrimental effect and these proposed changes are not considered to be minor in scope. Amendments to the Landscape Management Plan and to Phase 1 landscaping are therefore provided for in condition 8 as recommended. It is considered that this is necessary in order to make the application acceptable in planning terms, including in support of the very special circumstances argument that has been made above.

As also noted above, the introduction of two new attenuation ponds on the site perimeters will require further evaluation with respect to changes of levels and impacts on retained trees, and this is provided for in the recommended conditions.

#### Whether the proposed changes would have an acceptable impact on highway and pedestrian safety

As with the existing permission, a new access would be provided and the existing access would become proposed egress on-site. Both will be from Edwarebury Lane, which is a lightly trafficked road.

Vehicle parking would be accommodated within the proposed car park facility. A total of 49 parking spaces will be provided on the Site at a level designed to accommodate for larger services parking demand where possible and to prevent any overspill onto the greater highway network in proximity to Edwarebury Lane.

It is anticipated that over the course of an average day, the Site could attract a total of 54 two-way vehicle trips inclusive of a funeral service including that of staff and general visitors to the Site.

Due to these movements being likely to occur outside the highway network peak hours and likely to be spread out over the course of the day, the impact to the surrounding network would be low.

It is therefore considered that there will be no harmful impact on highways safety as a result of the amended proposals.

#### **5.4 Response to Public Consultation**

The majority of issues referred to in letters from neighbours and other interested parties are addressed in the above discussion. The other issues are addressed as follows:

Religious beliefs mean that people of some faiths have a religious objection to living next to a cemetery:

It is noted that some residents may consider that their religious beliefs prevent them from living near a cemetery. It should be noted that ceremonies themselves would take place on the side of the site furthest away from residential properties, and that the buildings will be located close to an existing cemetery. As already noted in this report, the proposals also for facilities in the same location as in the previous permissions.

Extent of neighbour consultation:

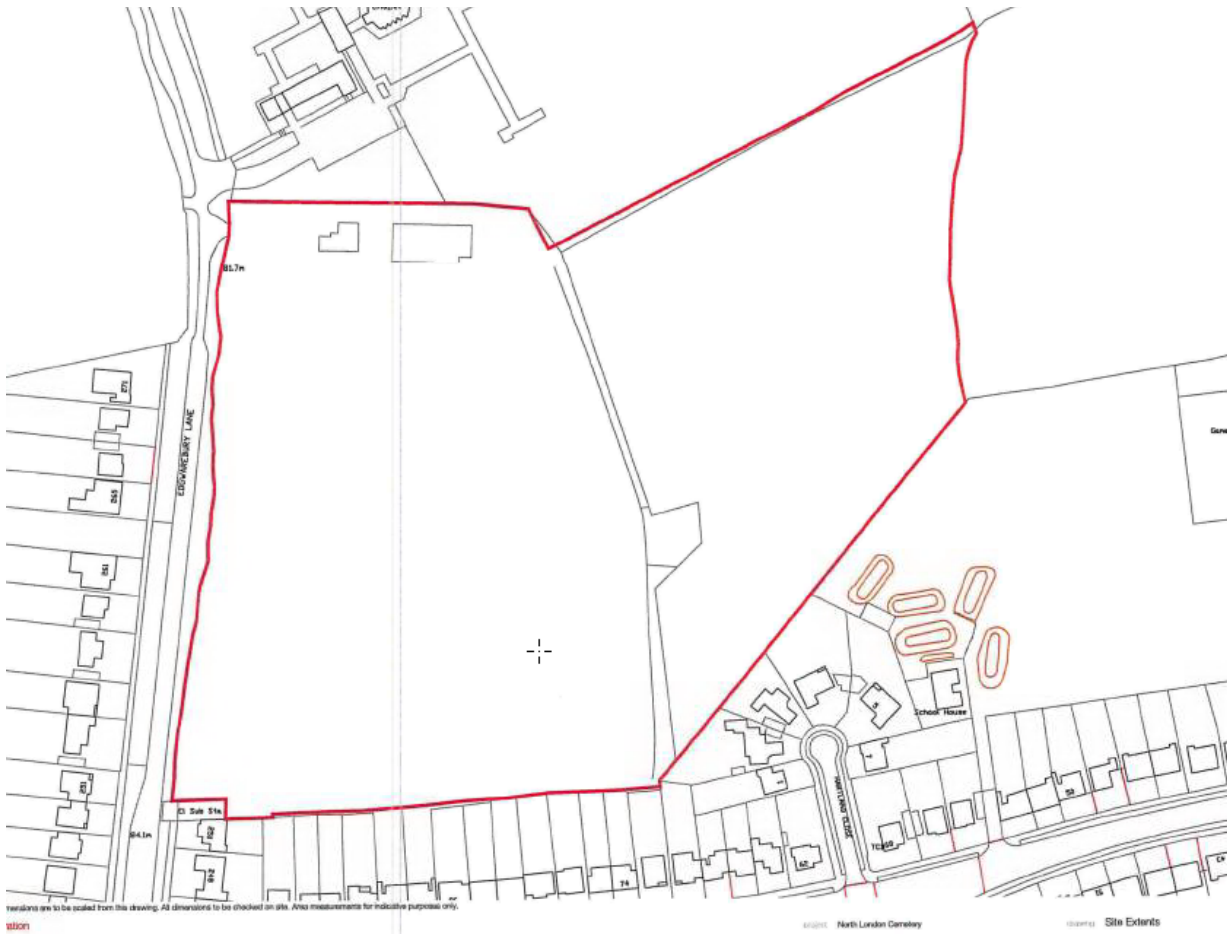
The consultation was undertaken in accordance with the Council's established consultation procedures and included the nearest adjoining properties and those further away within an appropriate radius from the site. The consultation was also carried out in accordance with the appropriate legislation and an advertisement and site notice were also published.

Loss of property value:

This is not a material planning consideration.

## **7. Conclusion**

Having taken all material considerations into account, it is considered that the while proposed changes while considered to be inappropriate in Green Belt terms, that very special circumstances exist that allow the application to be approved. Subject to compliance with the attached conditions, the proposals would have an acceptable impact on the character and appearance of the application site and the locality and the development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for Approval, subject to the recommended conditions.



Dimensions to be scaled from this drawing. All dimensions to be checked on site. Area measurements for indicative purposes only.

ston

01/2021 North London Cemetery

02/2021 Site Extents

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**Location**                      **School House Whitefield School Claremont Road London NW2  
1TR**

**AGENDA ITEM 11**

**Reference:**                      **18/1221/FUL**

Received: 23rd February 2018

Accepted: 6th April 2018

Ward:                              Golders Green

Expiry 1st June 2018

Applicant:                      Mrs Tina Harris

Proposal:                      Change of use from residential building (C3 use) to a children's  
nursery (D1 use) with new decking, play area and cycle storage

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal 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)

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

A DR.P 00 EXT 0001 (Existing Site and Ground Floor Plan), A DR.P U0 0000 EXT2(Existing First Floor and 3d Model), A DR.E 00 0000 EXT3(Existing Elevations), A DR.P U0 0000 PRO03(Proposed First Floor And 3d Model), A DR.P 00 PRO 0004(Proposed Site and Ground Floor Plan),  
A DR.E 00 0000 PRO06(Proposed Elevations), 24220/5(Deed of Variation),Letter setting out statement of change of use: C3 Building to D1, Renovation - Existing Building (Building Works)

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

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

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

3 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

4 The use hereby permitted shall not be open to members of the public before 7am or after 7pm on weekdays and closed Saturdays, Sundays, Bank and Public Holidays.

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

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

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

6 a) The School Travel Plan shall be monitored, reviewed and resubmitted in writing annually, for approval by the local planning authority, in accordance with the targets set out in the Plan. The School Travel Plan shall incorporate measures to reduce trips to the school by the private car and encourage non-car modes such as walking, cycling and public transport. This should include reference to the changes made to the school building/s and the impact this will have on travel and access, the contact details of the School Travel Plan Champion and appropriate actions to ensure that the STP will meet at least Bronze level in the Transport for London STARS

(Sustainable Travel Active Responsible Safe) accreditation scheme for the following 5 years.

b) The measures set out in the Travel Plan shall be implemented and retained until such time as the site is no longer in use or occupied.

c) A Travel Plan monitoring fee of £5,000 will be required to be paid through internal arrangements within 6 months of the grant of planning permission

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

7 a) Prior to first occupation of the development hereby approved, details of the external lighting shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the approved details.

Reason: To safeguard the character and visual amenities of the site and wider area and amenities of neighbouring occupiers in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012) and Policy DM01 of the Development Management Policies DPD (adopted September 2012).

8 The materials to be used in the external surfaces of the building(s) shall match those specified in the approved drawings).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

9 Prior to first occupation, 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.

**Informative(s):**

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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.



## **Officer's Assessment**

### **1. Site Description**

The application site is part of Whitefield School and abutting Mapledown school. The property is a detached, two-storey residential building which is a disused Caretaker's lodge and it is located on the north-eastern side of Claremont Road and it is within Golders Green ward. The character of the street is mixed use comprising of education, commercial and residential uses. The proposed site is located within the Cricklewood Regeneration area.

The property is not listed and does not fall within a conservation area.

### **2. Relevant Site History**

Reference: C01763J

Address: Whitefield School Claremont Road London NW2 1TR

Decision: Approve Subject to Conditions

Decision Date: 09 February 1993

Description: New two storey classroom block with link to existing school building, new roof, external cladding and windows to existing buildings. Provision of additional parking and new pedestrian entrance.

Reference: C01763K

Address: Whitefield School Claremont Road London NW2 1TR

Decision: Approve Subject to Conditions

Decision Date: 16 March 1993

Description: Two single storey demountable classrooms.

Reference: C01763N/02

Address: Whitefield School Claremont Road London NW2 1TR

Decision: Approve Subject to Conditions

Decision Date: 04 December 2002

Description: Single storey extension to provide additional special needs/administration space.

Reference: 15/05922/FUL

Address: Whitefield School Claremont Road London NW2 1TR

Decision: Approve Subject to Conditions

Decision Date: 24 November 2015

Description: Erection of a canopy following removal of existing canopy

### **3. Proposal**

This application seeks consent for change of use from residential building (C3 use) to a children's nursery (D1 use) with new decking, play area and cycle storage.

The proposal is on Council owned land and will involve the loss of a residential building which is a departure to the adopted plan.

### **4. Public Consultation**

Consultation letters were sent to 93 neighbouring properties.

A site notice was erected on 12.04.18.

No responses received.

Internal / other consultations:

Highways: No objection subject to condition.

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

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

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

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

#### The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 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 London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

#### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.

- Relevant Development Management Policies: DM01, DM02, DM04, DM07, DM13, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity.

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted 2016)

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

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Loss of residential
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

### **5.3 Assessment of proposals**

The application was deferred at this committee to enable to enable officers to explore whether the travel plan monitoring contribution could be secured by a Section 106 agreement instead of a condition.

This application seeks consent to use the host application property as a nursery for up to 30 children. The application has been made by Whitefield School, however the nursery will be operated by an independent provider Abracadabra Preschool Nursery. The end user is an Ofsted registered nursery provider with existing nursery schools in Colindale and Neasden. The application site is owned by the Council and Whitefield School have confirmed that "Barnet Local Authority has agreed to a change in the leasing arrangements to enable the change of use to take place".

Currently, the school has not assigned the lease to the prospective proprietor, as the lease can only be assigned when a planning permission has been granted. It will not be possible to enter into a S106 agreement in this instance as the prospective proprietor does not have a vested interest in the land. To ensure that planning is proactive in its approach to development as set out in the NPPF, it is proposed that a condition be attached to secure funds for the monitoring of the School travel plan. The use of a condition in this case is deemed to be compliant with government guidance as detailed in the consideration of the six test shown below:

- 1) Necessary: Yes, because it is required to support a travel plan which would in itself be necessary to limit the impact of school traffic and reduce private car use in the context of policy DM17
- 2) Relevant to planning: Yes, because it is seeking to mitigate an impact that arises from development and is linked with policy DM17 making the development which would otherwise be unacceptable, acceptable.
- 3) Relevant to the development permitted: Yes because a school travel plan is being proposed for a school.
- 4) Enforceable: Yes, because the actions required are clear and concise and accord to a specific method.
- 5) Precise: Yes, because it is clear what is required by the condition
- 6) Reasonable: Yes, because it is not onerous and would not place untoward obligations for the applicant in delivering a permission compliant with policy DM17.

### **Principle of change of use**

Policy DMO7 states that loss of residential will be permitted only if the proposal is for a local facility such as Children's nursery and where need can be demonstrated and the demand for the proposed use cannot be adequately be met elsewhere and the proposal is in line with other policies.

The plan further states that any proposal should be of a small scale and will be considered on its merits having regard to the impact on the amenity of residents, car parking and traffic.

The proposed site is sandwiched between two schools (Whitefield School and Mapledown school) and the last use was as accommodation for the senior caretaker of Whitefield School. The premises have been vacant for more than 5 years and due to the changes in Whitefield School facilities management the property is surplus to their requirements. The building is detached and is not close to any other residential dwelling. Although it has its own front gate, it can be accessed through a side gate from within Whitefield School's premises. Furthermore, it abuts another school, due to the close proximity and linkage to the two schools, the proposed change of use would be an ideal use for the site. The loss of the three bed property which is specifically linked to the school is not considered a significant loss so as to warrant a refusal.

### **Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality**

The caretaker lodge has been vacant for 5 years and the proposal is to convert it into a nursery for 30 children with 8 employees. The operational times will be Mon-Fri 7am to 7pm.

The building will be retained and the proposed changes include;

- a new fire door and a window with obscured glazing to the ground floor flank wall facing Mapledown School. The existing window position on the first floor will be retained
- all existing windows replaced with UpVc white framed double glazed windows to all elevations.
- rear garden fitted out with an activity frame and used as a play area for the children.
- inclusion of a forest learning area located in the front garden
- a side access gate via the pedestrian entrance to Whitefield School to serve the forest learning area.
- A canopy with roof tiles to match main building
- The existing timber fence will be replaced

The proposals will not detract from the existing building or the character of the area.

New security lighting will be provided to the front and rear elevation. Although there is no proposal to cut down trees, a condition will be attached to ensure that the proposals for the hard standing and play areas would not impact existing trees on the site.

Policy DM13: Community and education uses

#### **b. New community or educational use**

New community or educational uses should be located where they are accessible by public transport, walking and cycling, preferably in town centres or local centres.

New community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety.

New community or educational uses will be expected to protect the amenity of residential properties.

The site has a PTAL rating of 4 and is located within an existing school grounds. The site is considered to be easily accessible by public transport. It is therefore considered that the proposals would be acceptable in terms of accessibility for future users of the site.

With regards to the impact of the proposed development on the free flow of traffic and road safety the information submitted by the applicant states that the proposed facility would be used by "local community and working professionals within the local area to have a provision that provides wrap around care". The local residents who live within close proximity, mainly on the same road or surrounding roads to the site would not require the use of cars to drop off children. Other modes of travel would be local transport and car. It is proposed that the arrival and departure times of the children will not be the same, depending on the needs of the parents and would be staggered throughout the day, furthermore the timings will be different from the adjoining schools' timings, therefore even if children are being dropped off by cars their arrivals will not be at the same time thereby reducing the potential for impact on traffic. The nursery providers have indicated that they will introduce car share, encourage walking and use of public transport.

The Highways officer has confirmed that the arrangement proposed is sufficient subject to appropriate conditions.

The development would not be out of keeping as the existing dwelling is linked to an educational use, and the neighbouring building is also in educational use. Given the number of children proposed and the existing use of the neighbouring properties the level of activity including comings and goings would not be of such a scale that it would be out of character within the mixed use area.

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

Policy DM13 states that new community or educational uses should protect the amenity of residential properties. The proposed development is considered to be acceptable in terms of its impact on the amenity of neighbouring occupiers. The proposed development abuts two schools and it is separated by a busy road from the nearest residential property. The proposed change of use is not considered to give rise to unacceptable levels of noise disturbance that will significantly impact on the nearby residential properties.

There is no objection to the proposed hours of use, which are noted to be Mon - Fri 7am to 7pm this is considered reasonable and a condition will be attached to ensure adherence to the proposed opening hours.

To ensure that the proposed security lighting to the front and rear elevation does not impact the amenity of the residential occupiers of the properties facing the site, a condition will be imposed to ensure that details of the lighting are approved prior to occupation.

The rear of the proposed site overlooks the parking area to Whitefield School, therefore the proposed activity frame would not impact on residential amenity.

The proposal will bring back into beneficial use a property which has been vacant for more than 5 years. The proposed use is compatible with the surrounding area and is not considered to introduce a level of non-residential activity that would be detrimental to the character of the mixed use area.

## 5.4 Response to Public Consultation

None received.

## 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 the proposed development would have an acceptable impact on the character of the locality and on amenities of neighbouring occupiers. This application is therefore recommended for Approval.



**LOCATION:** Montrose Playing Fields, HA8

**REFERENCE:** 18/1644/FUL                      **Received:** 14 Mar 2018

**WARD:** Burnt Oak                              **Accepted:** 28 Mar 2018

**APPLICANT:** London Borough of Barnet                      **Expiry:** 23 May 2018

**PROPOSAL:**                      Erection of a single storey cafe (Class A3) building within Montrose Playing Fields, including a community event space and changing facilities.

**APPLICATION SUMMARY**

The current submission follows the approval of application 17/1929/FUL in February 2018 by the Planning Committee. This gave permission for the comprehensive redevelopment of the Montrose Playing Fields and the Silk Stream Park. Under that application it was understood as per the request by Sports England that approval for the works would only be acceptable on the basis that changing room facilities must be provided. As these facilities did not form part of the application it was required that a separate application be submitted. The current application seeks to address this requirement.

The Montrose Playing Fields site is south of the Borough close to the Edgware Road. The current site has a number of dilapidated buildings including the existing Pavilion building. Previously it had been thought that this building could be redeveloped its existing position, However the Environment Agency noted that the existing building was directly within a Flood Zone and as such objected on these grounds. As a result, another area of the park outside of the flood risk zone, was sought. The position of the proposed café building was determined by this stipulation.

The proposed café building has been designed to be used for multiple experiences including purposes. Not only does it include two changing room facilities each designed for use by 12 people, it also includes a café space with associated kitchen and storage areas and an event space and multi-use space. The internal use of the building has been envisioned to allow some flexibility for those who will ultimately rent the space. It has also been designed so that revenue can be generated in a number of ways and not just focused on the use of the café. Once built, the space would be contracted out to an independent company who would be responsible for the management of the whole building and the spaces within it. It should be noted that previous to the submission a marketing exercise was undertaken to gage the level of public interest for the management of the building and this provided very positive. Therefore once built a contractor will be sought. The remainder of the park will continue to be managed by the Council's Green Spaces team.

The application site sits within the boundaries of the Colindale Regeneration and Development Area and the Colindale Area Action Plan (CAAP), which recognises that Colindale has an important role to play in the borough-wide strategy to protect the most important open and green spaces. The application site also lies within the Watling Estate Conservation Area, however there are no Listed Buildings on site and the site does not form part of any areas of special archaeological interest.

Having considered all relevant policies contained within the Barnet Development Plan, as well as applying other relevant supplementary guidance to the formal assessment of the application, it is concluded that the proposed development accords with all of Barnet Council's Development Plan policies and guidance. In consequence, 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:** Approve Subject to conditions.

**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).

## **ASSESSMENT**

### **1. SITE AND SURROUNDINGS**

The application site is located within the southern part of Montrose Playing Fields Park, south of the Borough, within the Burnt Oak Ward of Barnet Council. The Council has undertaken a redevelopment exercise to create better links between Montrose Park and its sister park the Silk Stream Park which is north of the site. However the current application focuses solely on the Montrose Playing Fields. The total park area measure 5.2 hectares. The playing fields are bordered by Montrose Avenue, The Greenway, the Silk Stream River and Transport for London's Northern Line tube line track. The site is currently owned and managed by Barnet Council.

The application has a PTAL rating of between 1(Very Poor) – 3(Moderate). It is within close proximity of Burnt Oak (6 minutes walk) and Colindale tube station (10 minutes walk). It is also 15 minutes walk to the main Edgware Road where a number of buses are operational. The park is also close to a number of residential regeneration areas in Colindale such as Graham Park, Bristol Avenue and the Redrow development near Colindale Station. In fact, the site sits within the boundaries of the Colindale Regeneration and Development Area and the Colindale Area Action Plan (CAAP), which recognises that Colindale has an important role to play in the borough-wide strategy to protect the most important open and green spaces.

The application site lies within the Watling Estate Conservation Area, however there are no Listed Buildings on site and the site does not form part of any areas of special archaeological interest.

At present, the site comprises an open area of park land with a delapidated pavilion building to the northern most area of the site, previously used as changing room facilities. The current facilities include 2x tennis courts with hard macadam flooring and 1 x small football pitch. Although there are limited existing facilities within the park, it is nevertheless a very popular area used by a number of different sporting groups such as the Gaelic football teams.

The current application is part of the comprehensive redevelopment of the whole park land area approved in early 2018 under application 17/1929/FUL. This gave permission for the:



*“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.”*

As part of this extant permission, Sports England stated that the application could only be considered acceptable if onsite changing room facilities were to be provided. The current applicant aims to address this requirement.

## **2. PROPOSAL**

Planning permission is sought for the erection of a café building within the southern part of the Montrose Playing fields. The proposed unit would have an internal floor space of 458 square metres.

The proposed space would be multi-purpose, encompassing changing room facilities, café space and an event area.

The original development was submitted with two designs titled ‘Phase 1’ and ‘Phase 2’. However given the small scale of the development and the nature of the works, officers do not consider that it is necessary for the development to be built in phases. In light of this, references to phases have been removed.

The development would not lead to the loss of any trees.

## **3. RELEVANT SITE HISTORY**

- **17/1713/FUL:** 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. - **Approve subject to conditions, 2017.**
- **17/1929/FUL:** 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 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; 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. – **Approved by Committee, 2018.**

- **W07181:** Change of use from allotments to open space purposes. – **Approved with conditions, 1983.**

#### 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 5<sup>th</sup> April 2018.

The application was also publicised via direct neighbour letters to 360 neighbouring properties. One neighbour comments have been received from 19 Montrose Avenue in support of the application. These comments can be summarised as follows:

- Pleased to see improvements being made to Montrose Playing Fields after years of neglect.
- The building should be looked after. Who will be doing this? Café Manager? Will there be other staff?
- The café should not be mined by volunteers only
- There does not seem to be much to attract over 25's
- There has been some undesirable activity in the park in recent years and I would not want an unmanned building as this could attract anti-social behaviour.
- I would have liked to have seen some outdoor gym equipment installed as this has proved popular in other Barnet parks.

*Officer response: Should the Committee approve permission for the works, Barnet Council will then go to tender to find a company to manage the café. The winning bid would also be responsible for managing the building as a whole including the event space.*

*It should also be noted that as part of the original visioning exercise for the development of the Montrose Park, a business study was undertaken to gauge what the likely level of private interest would be for the café in the park. This proved very positive and demonstrated a clear demand for the use. The remaining park would be managed by the Council's Green spaces team as per the normal arrangement.*

#### 5. STATUTORY AND INTERNAL BODIES

- **Affinity Water:** No comment
- **Arboricultural Officer:** The development would be situated away from the main line of trees therefore it would not harm existing planting.
- **Barnet Council's Ecology Officer:** No objection
- **Barnet Council's Property services:** No comment.
- **Barnet Regeneration:** Support
- **Canal and River Trust:** No comment
- **Design Officer:** Design of café modern and acceptable.
- **Energy Officer:** No comment
- **Environment Agency:** As part of the site falls within flood Zone 1 the café building should take care to be located away from the flood plain.
- **Environmental Health:** Acceptable subject to conditions.

- **Flood Officer:** No comment
- **Green Spaces:** No comment
- **Greentop Young People Activity Centre:** No comment
- **Health and Safety Officer:** No comment
- **Highways England:** No comment
- **Highways Officer:** No objection
- **Historic England:** No comment
- **London Wildlife:** No comment
- **Love Burnt Oak:** No comment
- **London Underground:** No comment
- **London Ambulance:** No comment
- **London Ecology:** No comment
- **London Fire Brigade:** No comment
- **Metropolitan Police:** No comment
- **Montrose Avenue Society:** No comment
- **National Grid Protection:** No comment
- **Natural England:** No comment
- **North West London group:** No comment
- **Schools, Skills and learning:** No comment
- **Skills and Enterprise:** No comment
- **Sports England:** No comment
- **Street lighting:** No comment
- **Thames Water:** No comment
- **Transport for London:** No comment
- **Transport Officer:** No comment
- **UN Power Network:** No comment
- **Waste and Refuse Officer:** No objection

## 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
- 8. Promoting healthy communities
- 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 2.18 - Green Infrastructure: The Network of Open and Green Spaces
- Policy 3.2 - Improving Health and Addressing Health Inequalities

- Policy 3.6 - Children and Young People's Play and Informal Recreation Facilities)
- 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 5.3 - Sustainable Design and Construction
- Policy 5.12 - Flood Risk Management
- Policy 5.13 - Sustainable Drainage
- Policy 5.15 - Water Use and Supplies
- Policy 5.17 - Waste Capacity
- Policy 6.1 - Strategic Approach
- 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 6.13 - Parking
- Policy 7.4 - Local Character
- Policy 7.5 - Public Realm
- 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.

#### *Draft Replacement London Plan (2017)*

*The Draft London Plan (DLP) published November 2017 sets out the Mayor's overarching strategic planning framework from 2019 up to 2041. When adopted this will replace the London Plan 2016.*

*Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications will continue to be determined in accordance with the 2016 London Plan.*

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#### 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
- Trees
- Sustainability
- Highways
- Refuse and Recycling Storage

### **7.1 Principle of Development**

The principle to develop a café building at Montrose Playing Field was established by the 2017 planning permission under reference 17/1929/FUL. This application established the wider refurbishment works for both side of the park and included new footpaths, skateboarding facilities, tennis courts, a gym and basketball hoops, as well as new bridges, cycle provisions and a children's play area. Therefore the development is in keeping with the provision of the wider site.

### **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 there is an existing pavilion building at the far west of the site. However this building is delapidated and too small in scale to accommodate the likely visitors to the site after the redevelopment of the park land area. The existing pavilion building is also unlikely to meet the requirements of Sports England. Originally the developer did look to redevelop the existing building. However discussions with the Environment Agency highlighted concerns regarding the location of the existing pavilion building being on flood risk land. Therefore the Agency objected to any new building being built on the existing pavilion site. As a result, careful consideration was given the new location of the café hub.

The proposed café hub sits in the middle of the Montrose Playing Fields. The location and design of the building has been developed to allow access at both sides to encourage its use and its connectivity between the internal and external. The proposed café hub building is a single storey unit built with timber and glass. It measures 6.9 metres in height, 60 metres in length (at its longest) and 8 metres in width. The floor space measures It has been designed at a curved angle and would have a sedum roof.

The building roof itself represents an important design feature. The undulating roof creates a modern and distinctive feature at the central part of the park. It has also been designed to reduce solar gain by extending beyond the main building. The building materials will also help reduce solar gain through the use of alternating wall materials (solid wall with a glazed wall return and a glazed wall with solid wall return). The development also makes provision for an outside sitting area.

It is considered that the height, form and massing of the building is acceptable and would not compromise the general character of the park area. It is also considered that the scheme would not compromise the openness of the park area. 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. When viewed from across the park the design and materials would complement the wider landscape.

### **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 intern 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. However, the building is some distance away the nearest residential properties. Therefore, there would be no loss of privacy or outlook.

#### *Noise and general disturbances*

Information submitted with the application fails to formally confirm the likely level of light spillage and light pollution to the park in the evenings or during darker months. Therefore a condition will be attached requiring this also. Given the development's location away from residential occupiers any lighting pollution can be easily managed.

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, 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 location of the proposed building (being just over 100 metres 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. The Environmental Health Officer has also commented that there are no significant issues with the development as long as a number of conditions are attached requiring more detailed information to be submitted at a later stage. These conditions relate to acoustic and the future control of noise as well as a Construction Method Statement. These conditions will be attached.

#### **7.4 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 Council's Arboricultural Officer has been consulted and confirmed that the proposed café building would be situated away from onsite trees. Therefore the development would have no impact on the existing park trees.

#### **7.5 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.

A brief sustainable energy statement has been submitted by the applicant within their Design and Access Statement. This states that the development would implement the following sustainable practices:

- Thermal mass floor areas.
- Internal building cooling provide by comprehensive natural ventilation system designed to capture prevailing winds and to make use of “stack” ventilation periods.
- High glazing area for the capture of natural light
- Under floor heating.
- Green roof for biodiversity

While the above goes some way to addressing sustainable practices it fails to confirm compliance with the London Plan requirements.

The 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 “*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.

## **7.6 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 submitted no Transport Statement. This will be secured by condition.

An assessment of the public transport accessibility for Montrose Playing Field identifies a PTAL index of 1 (Very Poor) -3 (Moderate). The PTAL index is due to the site being located away from the nearest bus stops, main road and tube stations. Although the rail network runs along the site it does not stop close to the site. The London Plan Policies 6.1 and 6.9 detail the requirements for car and cycle parking.

Under these policies it is not required that any parking provisions or cycle spaces are required given the overall park use. In addition, Barnet Local Plan also require that no car or cycle parking spaces are required. The Highways Officer has commented that this is in accordance with the London Plan parking standards. Therefore the development complies with policy.

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***

<b>Requirement type</b>	<b>Note</b>	<b>Requirement</b>	<b>Total Proposed</b>	<b>Fail/Comply</b>
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.	0	0	Complies
Disabled parking	Disabled parking spaces as per London Plan and Sport England publication 'Accessible Sports Facilities' dated 2010 (see London Plan Policy 6.15)	0	0	Complies
Cycle Parking for ancillary A3 use in Montrose Park.	Table 6.3 Cycle Parking minimum standards for A2- A5 uses- <ul style="list-style-type: none"> <li>• from a threshold of 100 sqm: 1 space per</li> </ul>	0	0	Complies

	175 sqm • from a threshold of 100 s sqm: 1 space per cafes & restaurants 40 sqm			
Car parking requirements	None required for sports facilities.	0	0	Complies

### 7.7 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 waste storage for the building is provided via an enclosure refused area situated close to the kitchen. However no details have been submitted regarding the proposed waste management. For example, how waste will be positioned for collection and where the collection points will be. As such, in the event that members are minded to approve the development, a condition will be attached requiring submission of these details.

## 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: 459 001; 459 108; 459 109; 459 110 and 459 101a

**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.

### **EXTERNAL LIGHTING**

4. Prior to the occupation of the hereby approved building 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.

### **HOURS**

5. The approved A3 Café use (and associated elements) hereby approved shall not be carried out outside the following times 07.00 to 22:00 Mondays to Sunday, including Bank Holidays.

**Reason:** To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies 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

### **REFUSE AND SERVICING**

6. Prior to the commencement of the approved works details for refuse collection arrangements and management, as well as servicing shall be submitted to and agreed by the Local Planning Authority. These details shall be implemented as agreed thereafter.

**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.

#### **RESTRICT NOISE FROM PLAN**

7. The level of noise emitted from the building services plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property. If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

**Reason:** To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2011.

#### **NOISE FROM AMPLIFIED MUSIC**

8. Noise from amplified music played at the Café Hub building hereby approved shall not be audible at the nearest residential premises.

**Reason:** To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2011.

#### **RESTRICTED USE OF BUILDING**

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the approved Class A3 (café) use hereby approved (together with any ancillary uses) shall not be used for any other purposes, including any other use within Use Class A3 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.

#### **SUSTAINABLE STATEMENT**

10. Prior to the commencement of the development a Sustainable Energy Statement in compliance with the London Plan requirements shall be submitted to and approved in writing by the Local Planning Authority. The statement shall detail all

proposed sustainable features and practices and the resulting impact on the carbon dioxide reductions and other benefits. The details once approved shall be fully installed and operational prior to the first occupation of the building and shall thereafter be maintained in accordance with the approved details.

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

#### **CYCLE PROVISION**

11. Prior to the occupation of the building hereby approved, details for the provision of 2x cycle parking/cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. Such spaces shall be permanently retained in connection to the café 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.

#### **CONSTRUCTION MANAGEMENT AND LOGISTICS PLAN**

12. No site works or works on this development including demolition or construction work shall commence until a Construction Management 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 Construction Management 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

### Canal and River Trust

1. 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.

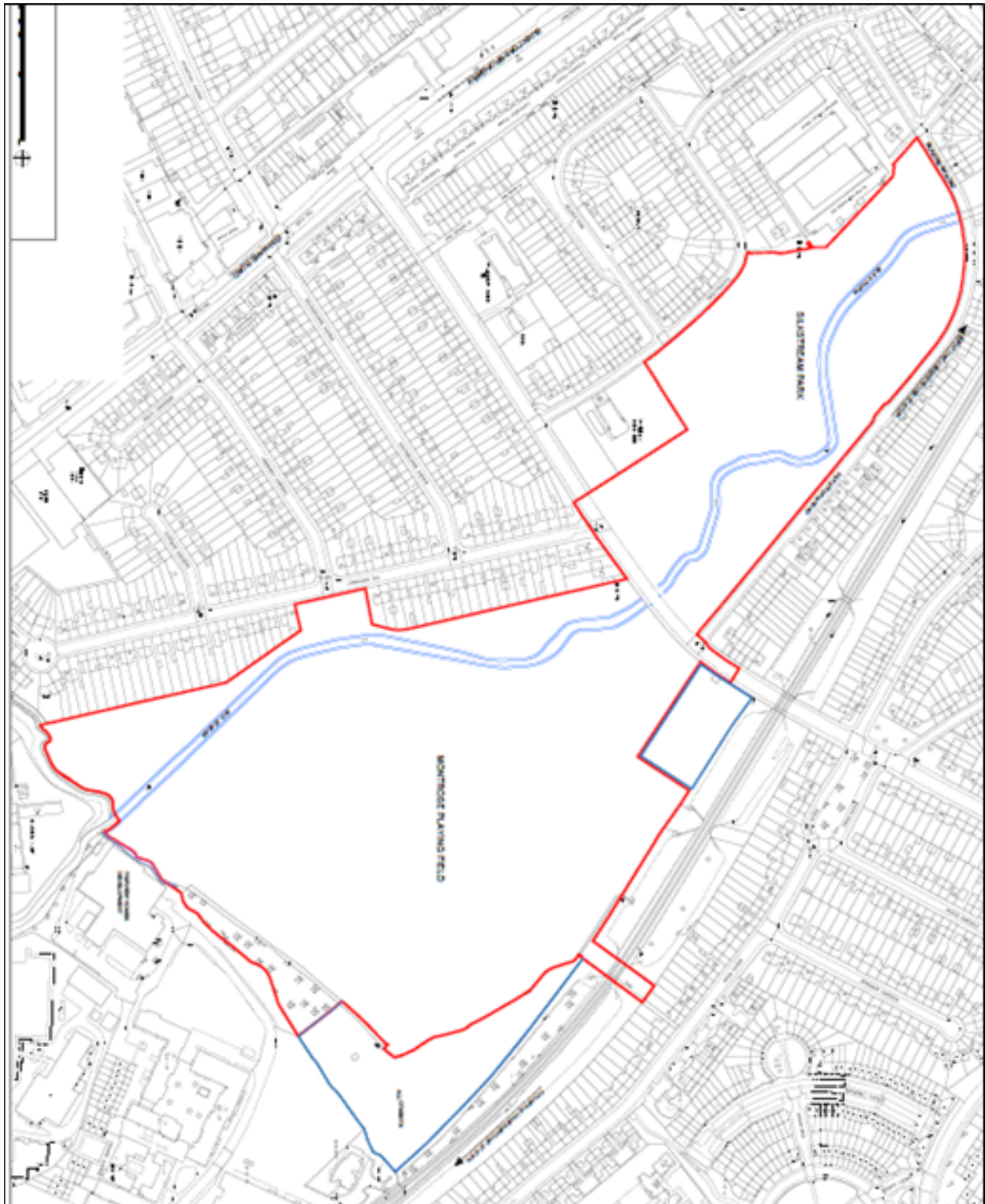
### Informative Arb Officer

2. 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."
3. 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.

### Background Documents

None.

**SITE LOCATION PLAN: MONTROSE PLAYING FIELDS, MONTROSE AVENUE EDGWARE HA8  
REFERENCE: 18/1644/FUL**



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