

**MEETING**

**PLANNING COMMITTEE**

**DATE AND TIME**

**MONDAY 24TH JUNE, 2019**

**AT 7.00 PM**

**VENUE**

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

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

Chairman: Councillor Shimon Ryde BSc (Hons)

Vice Chairman: Councillor Melvin Cohen LLB

Claire Farrier  
Eva Greenspan  
Brian Gordon

Tim Roberts  
Laurie Williams  
Nagus Narenthira

Mark Shooter  
Stephen Sowerby  
Julian Teare

**Substitute Members**

Alison Cornelius  
Gill Sargeant  
Kathy Levine

John Marshall  
Daniel Thomas  
Anne Hutton

Gabriel Rozenberg  
Helene Richman

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

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

**Andrew Charlwood – Head of Governance**

Governance Service contact: [mainplanning.committee@barnet.gov.uk](mailto:mainplanning.committee@barnet.gov.uk)

Media Relations contact: Gareth Greene 020 8359 7039

**ASSURANCE GROUP**

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the last meeting	5 - 8
2.	Absence of Members	
3.	Declarations of Members' disclosable pecuniary interests and non-pecuniary interests	
4.	Report of the Monitoring Officer (if any)	
5.	Addendum (if applicable)	
6.	6 Neeld Crescent NW4 3RR - 18/6354/FUL	9 - 26
7.	Phase 6b, Millbrook Park (Former Inglis Barracks) NW7 1PX - 18/6640/FUL	27 - 76
8.	70-84 And Land at rear of Oakleigh Road North London N20 9EZ - 19/1950/FUL	77 - 122
9.	Brent Cross Cricklewood Regeneration Area - 19/2070/CON	123 - 172
10.	102-124 Station Road And Car Park To Rear, Edgware HA87BJ - 16/0112/FUL	173 - 178
11.	Any item(s) that the Chairman decides are urgent	

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## Decisions of the Planning Committee

8 April 2019

Members Present:-

AGENDA ITEM 1

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

Councillor Claire Farrier  
Councillor Eva Greenspan  
Councillor Brian Gordon  
Councillor Kathy Levine  
Councillor Tim Roberts

Councillor Shimon Ryde  
Councillor Mark Shooter  
Councillor Stephen Sowerby  
Councillor Laurie Williams

### 1. MINUTES OF THE LAST MEETING

**RESOLVED** that the minutes of the meeting held on 4 March 2019, be agreed as a correct record.

### 2. ABSENCE OF MEMBERS

None.

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

None.

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

None.

### 5. ADDENDUM (IF APPLICABLE)

The Committee noted the contents of the Addendum.

### 6. REFERRAL FROM THE HENDON AREA PLANNING COMMITTEE - 6 NEELD CRESCENT LONDON NW4 3RR - 18/6354/FUL

Prior to discussion of the item, Councillor Roberts moved a motion that was seconded by Councillor Farrier to defer the application to allow for a site visit.

The votes were recorded as follows

For – 7  
Against – 4  
Abstain – 0

The motion was therefore carried.

The committee therefore **RESOLVED TO DEFER** the application until a site visit could be undertaken.

**7. BRENT CROSS CRICKLEWOOD REGENERATION AREA - 18/6409/RMA**

The planning officer introduced the report and addendum which related to Brent Cross Cricklewood Regeneration Area.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions in the report and addendum.

Votes were recorded as follows

For - 11  
Against - 0  
Abstain – 0

The Committee therefore **RESOLVED TO APPROVE** the application subject to conditions as outlined in the officer's report and addendum.

**8. COLINDALE GARDENS (FORMERLY PEEL CENTRE) - 19/0444/RMA**

The planning officer introduced the report and addendum which related to Colindale Gardens.

An oral representation was made for the applicant by the planning consultant.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions in the report and addendum.

Votes were recorded as follows:

For - 8  
Against - 1  
Abstain – 2

The Committee therefore **RESOLVED to APPROVE** the application subject to the conditions as per the officer's report.

**9. WHITEFIELD SCHOOL CLAREMONT ROAD - 18/7370/FUL**

The planning officer introduced the report which related to Whitefield School, Claremont Road.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions in the report.

Votes were recorded as follows:

For - 11  
Against - 0  
Abstain – 0

The Committee therefore **RESOLVED to APPROVE** the application subject to the conditions as per the officer's report.

**10. 5-12 BOOKBINDERS COTTAGES BAWTRY ROAD - 18/7241/FUL**

The item was withdrawn prior to the meeting.

**11. PENTAVIA RETAIL PARK, WATFORD WAY 17/8102/FUL**

The planning officer introduced the report which related to Pentavia.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report.

Votes were recorded as follows:

For - 11  
Against - 0  
Abstain – 0

The Committee therefore **RESOLVED to APPROVE** the recommendations as per the officer's report.

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

None.

The meeting finished at 7.45 pm

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**Location**                    **6 Neeld Crescent London NW4 3RR**

**Reference:**                **18/6354/FUL**

Received: 23rd October 2018

Accepted: 25th October 2018

Ward:                        West Hendon

Expiry 20th December 2018

Applicant:                 Mr Shimon Simon

Proposal:                    Demolition of existing building. Erection of a two-storey building with rooms in the roofspace to provide 4no self-contained flats. Provision of amenity space, 3no off-street parking spaces and refuse and recycling storage

AGENDA ITEM 6

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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:

- Site Plan, Drawing No.SV00;
- Existing Ground and First Floor Elevation, Drawing No.SV01;
- Existing Second Floor Plan, Drawing No.SV02;
- Existing Front Elevation, Drawing No.SV03;
- Existing Rear Elevation, Drawing No.SV04;
- Existing Side Elevation, Drawing No.SV05;
- Existing Side Elevation, Drawing No.SV06;
- Location Plan, Drawing No.L00;
- Proposed Ground and First Floor Plans, Drawing No.GA01;
- Proposed Second Floor and Roof Plans, Drawing No.GA02;
- Proposed Front Elevation, Drawing No.GA03;
- Proposed Rear Elevation, Drawing No.GA04;
- Proposed Side Elevation, Drawing No.GA05;
- Proposed Side Elevation, Drawing No.GA06;
- Proposed Section A-A, Drawing No.GA07;

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 The roof of the ground floor rear projection hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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

- 4 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.

- 5 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 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.

- 6 Before the development hereby permitted is occupied the car parking spaces and the access to the parking area as shown on Drawing No.SV00, 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.

- 7 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be 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 the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and 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.

- 8 Notwithstanding the information submitted a Demolition and Construction Management and Logistics Plan shall be submitted and no site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractor's 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;
- xi. Provision of a competent banksman;
- xii. Means of temporary enclosure or security hoarding.

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.

- 9
- a) A scheme of hard and soft landscaping, including details of the 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, except for demolition works.
  - 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 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.

- 10
- 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 and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.
  - c) Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 11
- Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

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

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

- 13 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 6.00 pm on other days.

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

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

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

- 15 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.

- 16 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 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.

**Informative(s):**

- 1 In accordance with paragraphs 38-57 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. 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. Your planning application has been assessed at this time as liable for Mayoral CIL.

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

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

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

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

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

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: [cil@barnet.gov.uk](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 is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 4 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via [crossovers@barnet.gov.uk](mailto:crossovers@barnet.gov.uk).
- 5 The proposal should demonstrate compliance with Part B5 of Building Regulations.





- 3.no car parking spaces to the front of the property on the existing driveway;
- Communal rear amenity space for Flats 2,3 and 4 of approx.136m2 accessed to the left side of the property;
- GF Flat (Flat 1 Garden) 70m2;

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

Consultation letters were sent to 166 neighbouring properties.

22 responses were received in objection to the development on the basis of;

- Lack of parking provision and resulting congestion
- Considerable dust and pollution from building works
- Overdevelopment of site due to extensions resulting in added pressure of existing infrastructure, subsequent noise and anti-social behaviour and loss of amenity on adjoining neighbouring properties.
- Increased storage of refuse on the front forecourt and pavement of detriment to the safety and convenience of pedestrians
- Intensification of the occupancy of the developmnet
- Loss of a large detached family house which is priority housing stock
- Insufficient landscaping
- A history of conversions does not justify additional conversions.
- Air quality issues
- No comparisons can be made with previous applications
- No sustainable drainage report was provided.

#### **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 24th July 2018. 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

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

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

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

### Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies document. Both were adopted in September 2012. The following policy documents were consulted:

Core Strategy Policies:

- National Planning Policy Framework (NPPF) (2012)
- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9 and CS14.
- Relevant Development Management Policies: DM01, DM02, DM08 and DM17.

### Supplementary Planning Documents

#### Residential Design Guidance SPD (Adopted 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

#### Sustainable Design and Construction SPD (Adopted 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:

- i The principle of flats in this location
- ii. The Impact on the appearance and character of the area
- iii. The impact on the amenities of neighbouring occupiers
- iv. Whether the proposal provides satisfactory living accommodation for future occupiers
- v. Parking and highways
- vi. Refuse and recycling storage

### **5.3 Assessment of proposals**

#### The principle of flats in this location

The Borough has an attractive and high-quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat developments must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flatted accommodation. Flatted development in roads characterised by unconverted houses will not normally be considered appropriate.

Neeld Crescent is characterised by a mix of typologies including flats, terraced, semi-detached and detached properties. Notable examples of nearby flatted development are Nos. 1, 3, 4, 9, 17, 19, 22, 23, 39, 47, 47 and Simon Court which is positioned to the rear of the property. The principle of flatted development has already been established at this location by the recently approved decision (ref: H/02574/08). While this planning permission was not implemented, it established that the conversion of No.5 to a flatted development is acceptable in principle and relevant policy is materially the same.

Given the internal area of bedrooms, the LPA consider that the proposal could accommodate a maximum occupancy level of 14 persons across the site. It is recognised that approximately 20% of properties have previously been converted to flats or are new build flatted development on Neeld Crescent. This alongside the accessibility to the public transport links therefore constitutes sufficient material consideration to render the principle of a flatted development in this location acceptable.

Furthermore, the proposed development results in the creation of a three-bedroom family sized unit (at ground floor level) which would meet a different and evident housing need in the Borough. The proposal is not considered to directly conflict with the character of the area and the way in which it functions therefore, the use of the application site as self-contained flats would not be contrary to DM01 and is considered acceptable.

#### The Impact on the appearance and character of the area

Policy DM01 which serves to protect and where possible enhance the character and appearance of the Borough, states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

DM01 (c) specifically states that development proposal should ensure attractive, safe and vibrant streets.

The ground floor rear projection is set away from the boundaries with both adjoining neighbours and extends at a depth which is consistent with the depth of the projection at No.8 Neeld Crescent. The proposed front projection and associated bay windows at ground floor level are positioned to be in line with the building line at No.8 Neeld Crescent, the officers have assessed this to be acceptable.

A first floor level the rear projection does not extend beyond the first floor building line of the neighbouring property at No.8 Neeld Crescent, and due to the separation distance between the proposal property and the flat block at No.4 Neeld Crescent, it is assessed that the proposed depth at first floor level will not detrimentally impact the occupiers of neighbouring properties.

The roof form is of a similar appearance to the neighbouring purpose built block of flats to the south of the proposal site, and is of a similar appearance from the streetscene of the existing dwelling.

The proposed development and its proposed footprint at all levels would meet all planning policy and design guidance as per the Council's Residential Design Guide (2016) in terms of depth and height respectively. Flats would be internally and separately accessible by way of a common side door and therefore the property would retain the appearance of a single-family dwelling on the wider street scene. The proposed development by way of its character and appearance would not be considered of detriment to the character and appearance of the area and therefore would be considered acceptable on appearance and character grounds.

Given the limited space in the front forecourt, it is considered that the siting of refuse bins if not stored in allocated storage bins have the potential to clutter the front forecourt, inconvenience access to and from the property and potentially result in an overspill onto the pedestrian footpath. Therefore, details regarding the requirement for bin storage have been conditioned on this application.

#### The impact on the amenities of neighbouring occupiers

Section 2.7 of Policy DM01 states that: schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the well-being of the boroughs residents. It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook.

Officers are satisfied that the scheme would have an acceptable impact on neighbouring residential amenity by way of outlook, daylight/sunlight, privacy and overbearing. The proposed extensions would not give rise to any undue impact upon the residential amenity of adjoining nos 8 and 4 Neeld Crescent in terms of loss of light and outlook (this has been assessed earlier in the report).

The original single-family dwelling currently serves 6 bedrooms accommodating approximately 5 people. In terms of an increase in site use, the development would support an increased occupancy level across the site. Therefore, it is not considered that the conversion of the existing single-family dwelling house into 4.no units would cause an

intensification of use on the application site that would result in harm to neighbouring amenity. Consequently, the proposal is considered acceptable on neighbouring amenity grounds.

### Whether the proposal provides a satisfactory living environment for future occupiers

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

All residential development is expected to meet the minimum internal space standards set out in the London Plan (2016) and Section 2.1 of Barnet's Sustainable Design and Guidance SPD (2016). For the purposes of this assessment, a single room is calculated between 7.5m<sup>2</sup> and 11.4m<sup>2</sup>, and a double bedroom at 11.5m<sup>2</sup> and above. Following a review of the proposed internal floor plans, all units meet the required internal standard as demonstrated below:

#### Floor Area:

The London Plan (2016) and Barnet's policies and Sustainable Design SPD (Oct 2016) set out the minimum GIA requirements for residential units as follows:

- o GF 1x 3 bed over 1-storey 132m<sup>2</sup> (Min. 95m<sup>2</sup>);
- o FF 2x 1 bed over 1-storey flats 55.6m<sup>2</sup> (Min. 50m<sup>2</sup>);
- o LF 1x 2 bed over 1-storey 80m<sup>2</sup> (Min 70m<sup>2</sup>).

All four proposed flats would exceed above the minimum unit size requirements set out in the Technical Housing Standards 2015, London Plan (2016) and Barnet's policies and Sustainable Design SPD (Oct 2016) and therefore would provide an acceptable level of accommodation for the intended occupancy levels.

Table 2.2: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m<sup>2</sup> and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m<sup>2</sup> and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All rooms would meet these standards.

The Technical Housing Standards 2015 recommend a minimum head room of 2.3m for at least 75% of the floor area per unit. Sections demonstrate internal head room of approx. 2.6m at ground level, approx. 2.5 at first floor and approx. 80% of the internal area at loft level would have adhere to the above minimum requirement and therefore would meet this standard.

Built-in storage has not been identified on submitted plans. The minimum floor area of 2.5m<sup>2</sup> for the ground floor/first floor flat is required and 1.0m<sup>2</sup> for the purposes of the first-floor flat. Given that both the ground floor, first floor and loft floor flats would meet the exceed the minimum unit size requirement for the intended capacity, the capacity for storage is assessed to not unduly compromise the minimum internal floor area.

Barnet's Sustainable Design and Construction SPD (2016) requires that for flats, 5m<sup>2</sup> of external usable amenity space is provided per habitable room. Officers are satisfied that the proposed development can provide sufficient external amenity space to the rear of the development.

#### Room stacking:

The Residential Design Guidance SPD (October 2016) requires that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. This requirement has been conditioned on the decision of the application.

#### Light/Outlook:

Barnet's Sustainable Design SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and that bedrooms and living rooms / kitchens should have a reasonable outlook with clear glazed windows. Section 7.9 of the Residential Design Guidance SPD (2016) states that new development should be sited and designed to maximise daylight and sunlight as far as possible. North facing single aspect units are normally considered unacceptable. It should be noted that no north facing single aspect habitable rooms are proposed in this instance. All habitable rooms would ensure adequate levels of glazing and therefore provide appropriate levels of light, ventilation and outlook whilst maintaining privacy.

#### Amenity Space:

Section 2.3 of the Sustainable Design and Construction SPD (2016) states that for flats there should be a minimum of 5m<sup>2</sup> of outdoor amenity space per habitable room.

Plans illustrate the subdivision of the resulting rear garden to provide separate rear amenity space for the occupiers of the ground floor flat and communal space for the other three flats. The Sustainability Design and Construction SPD 2016 stipulates the minimum requirement of 5m of outdoor amenity space per habitable room per unit, the scheme would provide over the required minimum area of outdoor garden amenity for all units.

#### Parking and Highways

The proposals is to reconfigure the existing 6 bedroom single dwelling into 1 X 3 bed; 1 X 2 bed and 2 X 1 bed flats over the 3 floors. 3 off street parking spaces are to be provided. LBB DM17 policy states that for 1 bed properties 1 to less than 1 spaces should be provided, for 2 and 3 bed properties 1 to 1.5 spaces. The development would therefore require in the range of 2 - 5 spaces and 3 spaces is within this range. One space should be allocated to each of the 2 and 3 bed properties and the third space should be shared between the two 1 bed properties.

Cycle parking is required in accordance with the current London Plan with 1 space required for 1 bed properties and 2 spaces for 2 bed and above. Details regarding this provision have been secured by condition.

#### Refuse and recycling storage

Submitted plans indicate 4 240ltr refuse bins in the front forecourt within 10m of the public highway. It is considered that given the limited space at the front, the storage of 4no. potential refuse bins would to some degree inconvenience access to and from the property and although the level of bins and cycle storage complies with the standards outlined in Barnet's Waste and Recycling Strategy (2017), this issue has been equally addressed in the character and appearance section of the report.

## **5.4 Response to Public Consultation**

Addressed in the main body of the report

The property is not located in an area with high levels of noise and air quality issues. The property is situated in a residential area and no special provisions will be required.

The scheme is not of a size to warrant a sustainable urban drainage scheme or report.

The site is located in an area close to public transport and therefore easily acceptable. Common convention and adopted policy at all levels in the policy framework hierarchy encourage a higher density closer to public transport. Furthermore, the character of the area has now been altered so that there is a mixed character where there is no predominant typology. In this case, a scheme to provide a flatted development would not be out of character and would therefore not be contrary to policy DM01.

Enforcement investigations do not preclude the ability of the Council to grant planning permission. The scheme proposes that the whole of the rear part of the curtilage would be used for communal open space and as such, the previous misuse of this space is not a consideration.

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

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

## **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, 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.





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**LOCATION:** Phase 6b, Millbrook Park (Former Inglis Barracks) NW7 1PX

**REFERENCE:** 18/6640/FUL

**Received:** 5 November 2018

AGENDA ITEM 7

**Accepted:** 7 November 2018

**WARD(S):** Mill Hill

**Expiry:** 6 February 2019

**APPLICANT:** Poly UK

**PROPOSAL:** Full Planning Permission for the erection of 2 linked buildings ranging from 5-6 storeys in height comprising 87 residential units (Use Class C3), 700 sqm (GIA) of employment space (Use Class B1), together with associated plant, car parking, cycle parking, refuse stores, servicing areas and associated hard and soft landscaping

### **Recommendation 1**

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

i. Legal Professional Costs Recovery

Paying the Council's legal and professional costs of preparing the Agreement and any other enabling arrangements.

ii. Enforceability

All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.

iii. Affordable Housing

Provision of 33 affordable housing units (including full nomination rights on these units) on the site in accordance with the following mix:-

Affordable Rented

3 x 1 bed flats

9 x 2 bed flats

4 x 3 bed flats

Intermediate Housing

6 x 1 bed flats

11 x 2 bed flats

iv. Off Site Landscaping Contribution

Payment of £45,164.00 towards off site landscaping on the adjoining Scout Camp

v. Carbon Off Set Payment

Payment of the sum of Thirty Nine Thousand Five Hundred and Thirty Two Pounds (£39,532) index-linked as a contribution to ensure that the residential component of the Development achieves net zero carbon dioxide emissions;

### **Recommendation 2:**

That subject to the completion of the agreement specified in Recommendation 1, the Committee grants delegated authority to the Service Director Planning and Building Control 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/her absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

### Conditions

#### **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 Plans**

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

PHASE 6B SITE PLAN C413MPA-CTA-JJ-07-DR-A-07100  
SITE SECTIONS PHASE 6B C413MPA-CTA-JJ-ZZ-DR-A-07150  
LG LEVEL GENERAL ARRANGEMENT C413MPA-CTA-JJ-LG-DR-A-07000  
GF GENERAL ARRANGEMENT C413MPA-CTA-JJ-00-DR-A-07001  
LEVEL 01 GENERAL ARRANGEMENT C413MPA-CTA-JJ-01-DR-A-07002  
LEVEL 02 GENERAL ARRANGEMENT C413MPA-CTA-JJ-02-DR-A-07003  
LEVEL 03 GENERAL ARRANGEMENT C413MPA-CTA-JJ-03-DR-A-07004  
LEVEL 04 GENERAL ARRANGEMENT C413MPA-CTA-JJ-04-DR-A-07005  
LEVEL 05 GENERAL ARRANGEMENT C413MPA-CTA-JJ-05-DR-A-07006  
ROOF LEVEL GENERAL ARRANGEMENT C413MPA-CTA-JJ-07-DR-A-07007  
TENURE PLAN - LOWER GROUND LEVEL C413MPA-CTA-JJ-LG-DR-A-07080  
TENURE PLAN -GROUND LEVEL C413MPA-CTA-JJ-00-DR-A-07081  
TENURE PLAN - LEVEL 01 C413MPA-CTA-JJ-01-DR-A-07082  
TENURE PLAN - LEVEL 02 C413MPA-CTA-JJ-02-DR-A-07083  
TENURE PLAN - LEVEL 03 C413MPA-CTA-JJ-03-DR-A-07084  
TENURE PLAN - LEVEL 04 C413MPA-CTA-JJ-04-DR-A-07085  
TENURE PLAN - LEVEL 05 C413MPA-CTA-JJ-05-DR-A-07086  
ELEVATION - AA', BB', CC' C413MPA-CTA-JJ-ZZ-DR-A-07030  
ELEVATION - DD',EE',FF' C413MPA-CTA-JJ-ZZ-DR-A-07031  
SECTION - AA BB CC C413MPA-CTA-JJ-ZZ-DR-A-07050  
BLOCK JJ1 - TYPICAL APT LAYOUT C413MPA-CTA-JJ-ZZ-DR-A-07060  
BLOCK JJ2 - TYPICAL APT LAYOUTS C413MPA-CTA-JJ-ZZ-DR-A-07061  
BLOCK JJ3 - TYPICAL APT LAYOUT C413MPA-CTA-JJ-ZZ-DR-A-07062  
BLOCK JJ - TYPICAL BAY STUDY 01 C413MPA-CTA-JJ-ZZ-DR-A-07051  
BLOCK JJ - TYPICAL BAY STUDY 02 C413MPA-CTA-JJ-ZZ-DR-A-07052  
BLOCK JJ - TYPICAL BAY STUDY 03 C413MPA-CTA-JJ-ZZ-DR-A-07053  
LANDSCAPE SURFACE FINISHES PLAN TOWN686(08)3002 R04  
LANDSCAPE SURFACE TREE PLANTING PLAN TOWN686(08)5002 R03

SECTION COURTYARD BLOCK JJ TOWN686(08)7004 R02  
ACCESS ARRANGEMENTS SHEET 1 MPP6\_BHE\_XX\_XXX\_SK\_CI\_0050-0050  
ACCESS ARRANGEMENTS SHEET 2 MPP6\_BHE\_XX\_XXX\_SK\_CI\_0050-0050  
EIA Statement of Conformity  
Planning Statement  
Design and Access Statement (Incl. Landscape Statement)  
Ecological Appraisal  
Energy Statement  
Sustainability Statement  
Drainage Scheme  
Drainage and Foul Sewerage Statement  
Construction Management Plan  
Waste Management Strategy  
Transport Assessment  
Acoustics Report  
Air Quality Assessment  
Geoenvironmental and Geotechnical Desk Study  
Overshadowing Report

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

### **Internal Space Standards**

3. All 87 residential units (use class C3) within the development hereby permitted shall all be constructed to achieve the minimum internal space standards set out in Table 3.3 of the London Plan (2016).

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.5 of the London Plan (2016).

### **Wheelchair Homes**

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

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8 and 7.2 of the London Plan (2016).

### **Hours of Construction**

5. No construction work in relation to the development hereby approved shall be carried out on the site at any time on Sundays, Bank or Public Holidays, before 8.00am or after 1.00pm on Saturdays, or before 8.00am or after 6.00pm on any other days unless in accordance with previously agreed emergency procedures for deviation.

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

### **Street Lighting**

6. Prior to occupation of the relevant phase of the development hereby approved, an External Lighting Assessment of lighting proposed within that Development Phase shall be submitted to and approved in writing by the Local Planning Authority. The External Lighting Assessment submitted shall detail the existing average night time luminance and light spread levels across the application site at night, identify the levels of light pollution received at the windows to residential properties within proposed development and, where appropriate, identify the measures to be used to mitigate the impacts of light pollution on the future occupiers proposed dwellings as well as mitigate any impacts to species including bats. Any light pollution mitigation identified in the External Lighting Assessment shall be implemented in full prior to occupation of the relevant phase.

Reason: To ensure the development provides adequate amenities of the future occupiers of the proposed dwellings and to accord with policy DM01 of the Barnet Local Plan and to mitigate the impact to species including bats in accordance with policies CS7 and DM16.

### **Materials for External Surfaces of Buildings**

7. Prior to the commencement of above ground works, details and appropriate samples of the materials to be used for the external surfaces of the buildings and hard surfaced areas shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with such details as so approved and maintained for the lifetime of the development.

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

### **Levels**

8. Prior to the commencement of development, other than for ground works, site preparation or remediation, details of the levels of the proposed buildings, roads, footpaths and other landscaped areas relative to adjoining land and any other changes proposed in the levels of the site associated with the works permitted by this permission have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with such details as so approved before the dwellings approved are occupied.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the amenities of the area and neighbouring occupiers and the

health of any trees or vegetation in accordance with policies DM01, DM04 and DM17 of the Barnet Local Plan and policies 7.2, 7.3, 7.4, 7.5, 7.6, 7.13 and 7.21 of the London Plan 2016.

### **Contaminated Land – Method Statement**

9. Prior to the commencement of any development:

- (a) A contaminated land desktop study shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until these details are approved in writing by the Local Planning Authority.
- (b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:-
  - a risk assessment to be undertaken;
  - refinement of the Conceptual Model; and
  - the development of a Method Statement detailing the remediation requirements.

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

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

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

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

### **Contaminated Land – Remediation**

10. Where remediation of contamination on the site is required completion of the remediation detailed in the method statement approved under condition 9 shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority. The verification report(s) shall be submitted to the Local Planning Authority in accordance with the approved programme. No dwelling shall be occupied until the relevant land has been remediated in accordance with the approved method statement, and this has been approved by the Local Planning Authority.

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

### **BREEAM Standard for Non Residential**

11. The B1 Building hereby approved shall achieve BREEAM 'Very Good' level of environmental performance. Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason: To ensure that the development is sustainable and in accordance with policies DM01 and DM02 of the Barnet Local Plan and policies 5.2 and 5.3 of the London Plan

### **Crime Prevention Strategy**

12. 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).

### **Detailed Surface Water Drainage Scheme**

13. No above ground works shall be undertaken until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off and surface water storage on site. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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



amenity in line with policies CS7, DM01, DM16 of the Barnet Local Plan policy 7.19 of the London Plan.

### **Off Site Drainage Works**

14. No above ground works shall be undertaken until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

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

### **Petrol/Oil Inceptors**

15. Notwithstanding the submitted plans, no development shall commence unless and until details of petrol/oil interceptor(s) in all car parks located within the development have been submitted to an approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme and shall be provided before the car park(s) to which the scheme relates is brought into use.

Reason: In order to prevent oil-polluted discharges entering local watercourses.

### **Impact Piling**

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

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

### **Car Parking**

17. 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

### **Electric Charging Points**

18. Before the development hereby permitted is occupied 20% Active Electric Vehicle Charging Points (ECVP) 20% Passive ECVPs shall be provided in accordance with the London Plan Parking Standards. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

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

### **Cycle Parking**

19. 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: 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.

### **Refuse Storage**

20. Details of proposed refuse collection facilities and arrangements must be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development.

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.

### **Demolition and Construction Management Plan**

21. No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
  - ii. site preparation and construction stages of the development;

- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.

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

### **Delivery and Servicing Plan**

- 22. Before the commercial development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and agreed by the Local Planning Authority.  
Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

### **Residential Travel Plan**

- 23. Before the occupation of the residential development a Residential Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. This should include the appointment of a Travel Plan coordinator. The Residential Travel Plan should be in accordance with the latest TfL Guidance and reviewed annually against the Residential Travel Plan targets.

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

### **Workplace Travel Plan**

- 24. Before the commercial development is occupied the Workplace Travel Plan shall be submitted to and approved by the Local Planning Authority. This should include the appointment of a Travel Plan coordinator. The Workplace Travel Plan should be in accordance with the latest TfL guidance and reviewed annually against the Workplace Travel Plan targets.

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

### **Hard and Soft Landscaping**

25. 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 prior to the occupation of the hereby approved 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.

### **Tree Protection Plan**

26. 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 2016.

### **Excavation and Underground Servies**

27. Prior to the any works taking place within the root protection areas of any retained trees, plans showing the extent and depth of all excavations for drainage and other services in relation to trees shall be submitted to and approved in writing by the Local Planning Authority and the development carried out in accordance with the details as approved.

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

### **Tree Works Specification**

28. 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.

### **Landscape Management Plan**

29. a) Prior to the occupation of the hereby approved development, details of a Landscape Management Plan for all landscaped areas (including the proposed living fence) for a minimum period of 5 years have been submitted to and approved in writing by the Local Planning Authority.

b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.

c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

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

### **Boundary Treatment**

30. a) The site shall not be brought into use or first occupied until details of the means of enclosure, including proposed levels and boundary treatments on the interface of Plot and the Scout camp, 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).

### **Biodiversity Enhancements**

31. The development shall not be occupied until details comprising a scheme of measures to enhance and promote biodiversity shall be submitted the Local Planning Authority and approved in writing. The scheme submitted shall include (but not be limited to) details of biodiversity enhancement measures related specifically to bats and birds. The approved scheme of measures shall be implemented in full in accordance with the approved details before the first occupation.

Reason: To ensure that the development represent high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policies 5.11 and 7.19 of the London Plan.

### **Balcony Screening**

32. Before development hereby permitted is occupied, details of the proposed balconies including details of privacy panels where considered necessary by the Local Planning Authority shall be submitted and approved by the Local Planning Authority. The panels shall be provided in accordance with the approved details prior to the occupation of the development and retained as such thereafter.

Reason: In the interest of residential amenity in accordance with Policies CS5 of the Core Strategy (2012) and DM01 of the Development Management Policies (2012).

### **Air Quality Neutral**

33. Prior to the commencement of any above ground works, an air quality neutral assessment report shall be written in accordance with the relevant current guidance. This report shall be submitted to and approved by the Local Planning Authority.

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

a) If the report shows that the site does not conform to the air quality neutral benchmark requirements then a scheme of offset measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

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

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 3.2, 5.3 and 7.14 of the London Plan 2016.

### **Acoustic Mitigation measures**

34. The measures as detailed within Millbrook Park Phase 6B Full Planning Application Stage 2 Acoustics Report dated 12 October 2018 Revision P02 by Buro Happold Engineering shall be implemented in their entirety prior to

the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2016.

### **RESTRICT NOISE FROM PLANT**

35. The level of noise emitted from any *residential or commercial* air handling 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 2016.

### **IMPACT OF NOISE FROM VENTILATION AND EXTRACTION PLANT ON DEVELOPMENT**

36. a) No ventilation or extraction plant shall be installed until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the *residential and/or commercial* ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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

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



Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2016.

**INFORMATIVES:**

1. 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 278 Agreement under the Highways Act 1980.
2. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwgriskmanagement@thameswater.co.uk](mailto:wwgriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).
3. 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. The Air Quality reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non

residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006; 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 2014 and 10) Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014

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

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

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

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

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

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

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

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

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

6. The submitted Construction Method Statement shall include as a minimum details of:
  - Site hoarding
  - Wheel washing
  - Dust suppression methods and kit to be used
  - Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
  - Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
  - Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding.
  - Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.

For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

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

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

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

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

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

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

The Community Infrastructure Levy becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if

you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

### **Relief or Exemption from CIL**

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

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

#### **1. Charity**

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

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

#### **2. Residential Annexes or Extension**

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

#### **3. Self Build**

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

Visit

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

## **1. Material Considerations**

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

#### **Introduction**

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

plan is The London Plan (published 2016 the Barnet Local Plan which comprises the Core Strategy and Development Management Policies DPD (adopted 2012); and the Mill Hill East Area Action Plan (adopted January 2009). These statutory development plans are the main policy basis for the consideration of this planning application. A number of other planning documents, including national planning guidance and supplementary planning guidance and documents are also material to the determination of this application.

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 the subsequent sections of this report dealing with specific policy and topic areas.

The officers have considered the development proposals very carefully against the relevant policy criteria and, for the reasons set out in this report, have concluded that the development will fulfil them to a satisfactory level, subject to the conditions (including reserved matters) and planning obligations recommended. The proposed development is considered to comply with the requirements of the development plan.

#### National Planning Policy Framework (February 2019)

The 2019 NPPF was adopted in February 2019 replacing the 2012 NPPF and includes minor clarifications to the revised version published in July 2018. The NPPF sets out the Government's planning policies for England and how these should be applied<sup>1</sup>. It provides a framework within which locally-prepared plans for housing and other development can be produced.

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 also 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', unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

#### The Mayor's London Plan 2016 (Jan 2017 fix)

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).

### **1.2 Relevant Planning History and the Outline Planning Permission**

The London Borough of Barnet (LBB) and the Mayor of London have designated the Mill Hill East area as an Area of Intensification in the London Plan and Barnet Local Plan respectively. The area covered by this designation includes the former Inglis Barracks; Mill Hill East station; 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 site was first highlighted as an area appropriate for redevelopment in the London Plan in 2004. This was primarily the result of Project MoDEL (Ministry of Defence Estates London) which involved 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. To support the redevelopment of the area the Mill Hill East Area Action Plan (AAP), focusing primarily on the former Inglis Barracks site, was produced. The aim of the APP was to ensure that development would take place in a balanced and coordinated manner. To achieve this the AAP set out a comprehensive framework to guide the delivery of housing covering employment, community facilities, infrastructure, transport initiatives and environmental protection and enhancement.

Policy MHE1 and MHE2 of the AAP identifies that 2,660 homes are to be provided at Mill Hill East, in addition to Policy MHE3 which requires employment space to support 500 jobs. This is to be achieved via a number of means including the designation of 1ha of land adjacent to Bittacy Hill Business Park for employment use.

Of particular significance is the approval of outline planning permission for residential-led mixed use development on part of the land covered by the current application. This was granted consent in September 2011, as part of the proposals approved under the application (ref: H/04017/09) for the comprehensive redevelopment of the wider site. Also of relevance is the subsequent Reserved Matters application covering the adjacent Phase 6a site (ref: 15/03305/RMA) and the earlier drop in outline application for the development of this phase (15/06417/OUT).

### **Application Site**

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	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	30/10/2009
Application Type	Outline Application
Decision	Granted
Decision Date	19/10/2015

### **Adjacent to the Application Site**

Application Reference	15/03305/RMA
Case Officer	Andrew Dillon
Proposal	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 2,935m <sup>2</sup> 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).
Stat Start Date	29/05/2015
Application Type	Reserved Matters Application
Decision	Granted
Decision Date	24/09/2015

### **1.3 Consultation and Views Expressed**

#### Public Consultation

Neighbours Consulted: 87

Replies: 276

Correspondence has been received from 276 members of the public of which 22 are in objection and 5 are neutral comments (although the content of 4 of these comments are in objection to the proposals). Objections concern the following reasons:

#### Impact on Scout Camp

Camp site has been used for many years (since 1934) by beavers, cubs, explorers, rainbows, brownies, guides etc. The proposed development poses a fundamental risk to its continued use.

Proposed 6 storey building is built up to the boundary and will dominate and destroy rural setting of camp site.

The number of windows and balconies facing the camp site will result in significant overlooking of the field which is used for camping and games.

Proximity of proposed houses would prejudice the annual firework display which brings significant income to local groups

Safeguarding issues regarding having so many residential properties on the boundary with the scout camp, making it difficult to ensure secure boundary of site.

Future conflict between new proposed residential flats and noisy scout activities leading to potential ceasing of scouting activity.

Misleading plans showing trees further from the boundary than they are, and more trees going into the scout camp which don't exist

Impact upon boundary trees due to close proximity of development to the trees.

#### Highways

Highway danger due to extra traffic in Mill hill, particularly in relation to the scout camp

Highway congestion due to increase in residential units.

Lack of parking for development carried out to date.

Lack of parking in area particularly around school

Area should be used to provide additional parking not more units.

#### Other Matters

The Millbrook area and adjacent areas are already overdeveloped, putting pressure on green belt and environment

Millbrook Park development does not have cafes, shops, public space/parks, etc.

#### Second re-consultation

Neighbouring residents were re-consulted on the 24<sup>th</sup> May 2019, following the receipt of amended plans involving the following changes:

Design amendments to the proposed building, pulling the development away from the scout boundary. Introduction of angled louvres facing the scout boundary to reduce potential for overlooking. Additional planting, and suggestions for off site planting on the adjoining scout camp, to be paid for by the developer.

As a result of the reconsultation 18 further letters of objection have been received including from the Mill Hill Preservation Society, the Mill Hill neighbouring forum and Barnet Borough District Scout Council, re-iterating previous objections and commenting the amendments do not address concerns regarding the height and

proximity of the proposal, and the impact of the privacy on the adjoining scout camp. Comments also raised about the loss of scout field to provide additional landscape buffer and lack of compensation for this reduction in useable area, proposed buildings should be pulled off the boundary to allow for additional planting on applicant's side of the boundary.

### Oak Lodge School

am the headteacher of Oak Lodge School and a director of the Oakbridge Specialist Education Provision which became a subsidiary company of the Barnet Special Education Trust. In September 2018.

Since 2013 Oakbridge has been using the scout camp facilities when it was working in partnership with Barnet and Southgate College providing education for up to 16 learners whose needs were too complex to be able to attend the college's own learning disability provision. Since becoming a company in its own right the places at Oakbridge are now commissioned directly by the London Borough of Barnet.

The majority of the learners attending Oakbridge have a diagnosis of autism and many display challenging behaviours. One of the reasons behind the success of the provision has been the excellent outdoor space that the scout camp provides which enables the learners to regulate their behaviours in a safe and secure environment. Without the use of this facility the Local Authority would potentially have to fund out of borough placements for the 16 learners who attend as there is no other suitable provision within Barnet.

Although the development does not impinge on the camp itself we are concerned about the closeness to the boundary line and increased proposed height of the dwellings which will overlook the site and we believe could potentially compromise the safety of the site given the vulnerability of our learners.

We are also very concerned about the extra traffic that the proposed development will have in the area. The access to the site is already difficult and again we are concerned about the increased safety hazard that an even busier road will cause to our vulnerable young people.

I would be very grateful if you could consider our concerns when the planning application is considered.

### **Barnet Borough District Scout Council**

As Chair and on behalf of the Barnet Borough District Scout Council I write regarding the above Planning Applications. My comments are relevant to all of the above Applications as they each affect Frith Grange Camp Site jointly and severally and I have found it difficult to break down our thoughts into the separate Applications namely 18/6351/RMA, 18/6352/RMA and 18/6640/FUL. I hope you find this approach acceptable.

For the sake of clarity and for the avoidance of any doubt, Barnet Borough District Scout Council is the electoral body, which supports Scouting in the District. It is the

body to which the District Executive Committee is accountable and is elected by the members of Barnet Borough Scouts, in accordance with the requirements of the Charity Commission and of The Scout Association. Members of the Executive Committee must act collectively as Charity Trustees of the Scout District, and in the best interests of its members to:

Protect and maintain any property and equipment owned by and/or used by the District

Promote and support the development of Scouting in the local area and Manage and implement the Safety Policy locally.

Whilst we appreciate this has no impact upon the current planning & Reserved Matters applications, we would like to register the fact that the Charity Trustees, for reasons as yet unknown, had no knowledge of or opportunity to make submissions in respect of any of the Millbrook Park development's Planning Applications over the period of 2011 to 2015 that directly affected Frith Grange Camp Site. It should have been abundantly obvious to the planning officers at the time that, the users/occupiers of a site so dramatically and devastatingly impacted by the development would have responded most forcefully, and that the absence of any such responses over such a sustained period was worthy of investigation. On this occasion, the developers kindly made direct contact with us to discuss their plans. The correspondence address for Barnet Scouts is not Frith Grange and whilst writing may we once again draw your attention to numerous telephone calls and correspondence to various departments in which we have tried, seemingly still unsuccessfully, to get all correspondence for Barnet Borough Scouts and for Frith Grange to be addressed to The Treasurer, BBDSC, 11 The Pastures, Totteridge, London N20 8AN.

We write with regards to the above planning applications. We wish to object to the proposal on the basis of the proposed increase in height of blocks FF HH and GG which are between 22.1m and 23.6m in height. The original outline planning permission was approved to a maximum parameter of 20m and the proposed development represents an increase of circa 16% in terms of height of the proposed blocks.

It is considered that an increase of 16% is not insubstantial and the environmental assessments for the approved outline permission only tested to 20m and nothing above this height. Given that the proposed increase is outside of the original parameters by some way, it is not considered that this can be treated as a non-material amendment to the original consent. We hold some grave concerns that this increase in height will have a material impact in respect of the environmental assessments and consider that the entire scheme should be reassessed in these terms to take account of what is a significant and material change in height from the originally approved scheme.

Without this reassessment, the full implications of the proposed development cannot be assessed and the duty of care to consult on proposed development will not be met as the true impacts of the development are currently unknown. A full and

detailed reassessment of the proposals is required in light of the increased height which is significantly over and above previously agreed parameters.

We also write further in respect of all of the above planning applications and wish to object to the proposal due to the increase in height of the proposed buildings from 4 storeys as approved under the outline application to 5 and 6 storeys. The increase in height will have a material and adverse impact upon neighbouring properties by virtue of increased bulk, scale and massing and will significantly increase the number of windows overlooking our campsite, resulting in a significant loss of privacy and security, a matter of grave concern to ourselves. It cannot be emphasised enough that we have a legal obligation in respect of Safeguarding – something that the Council is well engaged with and has had a relationship with us in respect of its implementation.

We take all aspects of Safeguarding extremely seriously and every adult involved in Scouting has to hold a valid Disclosure & Barring Service clearance. Frith Grange Camp Site hosts activities that involve children as young as 6 years, hosts a Special Needs facility for Vulnerable Young Adults and could at any one time have several hundred young people on the site.

To be overlooked and in plain view of hundreds of residents of tower blocks surrounding this green field site is totally unacceptable! Although Plans for Phase 6B have now made some attempt in one of the blocks to limit the extent of the view, there are still balconies and a host of windows intrusively overlooking our camping field. It should be noted that two of our buildings located quite close to the boundary line are a dormitory and a large Toilet block – totally inappropriate for these to be viewable by residents of the new properties.

The obligation placed upon us to regulate Safeguarding will be further strained by the increased risk posed by the fact that a previously inaccessible/unoccupied boundary along approximately 75% of our property will now be open to access by the residents and maybe by some members of the public who navigate their way around the estate and therefore, potentially a much higher footfall around the perimeter of our site. The risk of a breach to our security and possibly creating safeguarding issues is very much increased.

In the context of the concerns raised regarding Safeguarding, Security and Safety we would remind the Officers of the statement contained in the Council's Policy Plan DM1 and also referred to later in this submission, that "Development proposals should create safe & secure environments and reduce opportunities for crime and minimise the fear of crime."

These Planning Applications/Reserved Matters Applications impinge upon and have devastating consequences for our premises. Frith Grange Camp Site is the Headquarters of Barnet Borough Scout District and has been in continual use by them (or their predecessors Finchley Boy Scout Association and Finchley & Golder Green Scout District) for a period of 84 years (lease granted 1934) and has a further 68 years of its current lease still to run. The Scout District currently has in excess of 2000 members, of which over 1600 are Youth members. The facilities at Frith Grange are in almost continual use throughout the year and provides the only facility

of its type where outdoor Scouting in the entire Borough of Barnet can be implemented. Frith Grange is a heavily used site, popular with our 28 Scout Group and 4 Explorer Units and also attracts a large number of visitors from the UK and from overseas, especially in the summer period when camping is at its peak. During this summer we hosted 120 Scouts from Israel for 2 weeks – the largest single group we have welcomed and a great opportunity for us to foster International relations. Frith Grange's unique features for a site in London – open and airy, with no neighbours to worry about, unrestricted, safe & secure is all ABOUT TO BE RUINED and the site made far less enticing and attractive to use!

Much of the District's income is derived from the camping fees we receive from visitors to the campsite and this will inevitably be reduced significantly when the site loses its unique green field designation and is no longer an attractive place to stay. Who wants to be hemmed in by 6 storeys of unbroken featureless vertical solid brickwork in 50% of phase 6B?

In addition, and as a point of clarity, the applicant has expressed that they have previously engaged with our representatives and have agreed the proposed changes to the development. This is frankly not true, whilst discussions were held with Allies and Morrison, GVA and the Developer Poly UK, the purpose of our meeting was to discuss the scheme and to inform our organisation of the forthcoming plans, not to agree them. Indeed, there was no agreement to the proposals and we strongly object. Whilst on the subject of misinformation, we note that the architect's drawings showing the trees on our camp site are misleading. The trees are shown far in excess of their actual height and density.

Paragraph 124 of the National Planning Policy Framework (2018) makes it clear that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. It goes on to state that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process. The proposed scale and massing of development accepted on the outline planning application (i.e. 4 storeys) was presumably considered to represent good design and result in a scale of development broadly acceptable to neighbouring sites and communities. The 4-storey proposal was probably just about acceptable and in recent discussions with the developers, it was mentioned that they could plant some large trees and provide other substantial screening. The outline permission was clear about design expectations and set a clear and detailed context for future development. Increasing the height, mass and bulk of the proposed buildings is wholly and totally unacceptable, does not represent good design and fundamentally does not meet the expectations and aspirations of good design as set out in the NPPF. Indeed, Paragraph 130 of this document specifically states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Attached are three images which show the views to and from phase 6B overlooking the camp site.

With specific regard to Local Planning Policy, we note relevant policies of the Barnet Local Plan (Development Management Policies) September 2012 and specifically Policy DM1 (Protecting Barnet's Character and Appearance) which sets out a number of objectives to ensure development is appropriate within the Borough notably:

- b. Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets;
- d. Development proposals should create safe and secure environments and reduce opportunities for crime and minimise the fear of crime; and,
- e. Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The increase in height of the proposed development is considered to directly conflict with Policy DM1 of the Local Plan, it would create an unacceptable development in respect of mass, scale and height, would not afford adequate privacy and outlook for our campsite as an adjoining occupier and by virtue of the increased overlooking, would not create a safe or secure environment, increasing the potential for fear of crime and perception of crime.

The proposed development represents overdevelopment of the site and an increase in unit numbers and height will impact significantly on the amenities of us as adjoining neighbours, creating an unacceptable development which is too dense and directly impacts upon our amenity through increased overlooking and a significant reduction in privacy.

It has been noted that since the first part of the Millbrook Park development and the school were open for business the traffic flow along Frith Lane has increased considerably and could be deemed to be extremely busy indeed during the rush hours. The evening rush hour does coincide with the time our Scout Groups start to use the Frith Grange site! Advices by the developers that their road layout for Phase 6 & 6B will ensure that traffic does not use Frith Lane is vacuous indeed! It can be guaranteed that as occupancy of Millbrook Park increases the traffic flow along Frith will also increase. The road is already a "rabbit run" to avoid Nether Street in particular. It is already dangerous for users of Frith Grange Camp Site to enter & exit the grounds when Frith Lane is busy – drivers are impatient when held up by our Members trying to turn in across the traffic, drive too fast to see what is happening on the brow of the hill and generally behave badly. To permit development of the Millbrook Park estate above the levels already agreed would be to place even more vehicles on the road past our site and increase the potential of a very serious accident quite considerably.

Further, we wish to place on record the fact that we are seeking legal advice in respect of the typical campsite activities that take place frequently and year around such as, fire lighting, cooking, camp fires, fund raising events, large gatherings, musical events & parties etc – all of which can be noisy, create smells (cooking) and can start as early as 6:00 a.m. and continue until late at night! Occupiers (and their successors) of the properties about to be built must be made aware of our existence, the breadth and extent of our activities and accept that they cannot initiate legal action of any type whatsoever to limit or prevent the continuance of our scouting activities. We reserve the right to return to this most important matter at a later date prior to this application going before the Planning Committee.

We strongly object to the proposed development which clearly conflicts with policies of the NPPF and Barnet Local Plan and would respectfully request that the application is refused.

#### 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 issues in relation to the scout camp is discussed in greater detail below.

#### Elected Representatives.

##### Andrew Dismore AM

I am writing to object to the above application in my capacity as London Assembly Member for Barnet and Camden. Principally, I am objecting to the impact of this development on the neighbouring scout camp site, Frith Grange.

The proposed new buildings would overlook the camp site, which has the potential to cause safeguarding and security issues as a number of young people are involved in outdoor activities. Specifically, the toilet and accommodation block are likely to be overlooked as a result of the change from the currently agreed 4 storey to 5 and 6 storey buildings. The taller buildings will also result in the appearance of the camp site changing from a rural feeling to one far more urban.

The proposed block of flats in 6b will come right up to the boundary of the camp site, a 23m high brick wall. This is far too close, and will have an unacceptable outlook.

I therefore hope officers will be minded to refuse this application.

#### Residents Associations and Amenity Groups.

##### Mill Hill Preservation Society

**1.0 Introduction:** The committee of the Mill Hill Preservation Society (MHPS) have examined the application on the LBB planning website; we have met the developers design team in committee and received details of their final submission. In view of the large number of documents to be reviewed in such a relatively short space of time, we have commented based on our general experience with the project and



Millbrook Park – rather than on detailed clauses in all the documents. Generally the committee were pleased with the proposed interpretation of the design guide.

**2.0 Building heights:** This application is for reserved matters and has outline planning based on the design guide for Millbrook Park. Nearly every other phase has added extra floors on one pretext or another and we are concerned that this should not happen on this project. The design guide already proposes the required heights and if made higher the buildings will visually overpower the surrounding areas.

The design guide shows some 6-storey elements, and only one small area of 5-storey in block HH and the remainder 4 storeys. We feel that these heights have not been adhered to, especially in block HH which was to be predominately 4-storeys. We do not mind flexibility in the interpretation of the design guide, but we are concerned about increased height and overlooking issues relating to the scout camp (see later clause 4.0).

**3.0 Millbrook Plaza:** The committee were concerned that at street level the energy centre would obscure the ground floor views of the retail shopfronts of Block FF & GG.

Additionally, at the north-east corner of the Plaza there is a large space onto the junction of Short Street and East Street (road names on drawings used) and it is important that this corner is detailed

carefully so that the space does not ‘leak out’ and that the level changes and landscaping are dealt with appropriately.

The view from the underground station is important as the Plaza and building relationship will be the first impression for pedestrians on arrival to Mill Hill East. The developer told us that he was using a red brick – which we feel is appropriate and that the scheme showed a degree of cohesion with adjoining sites.

Any tree planting required to soften the south elevation of block FF would have to happen off the developer’s site on the Plaza and a degree of cooperation between landscape designs on different sites is required here. We feel that such planting is required.

The pedestrian crossing from underground side to the Plaza is important. This crossing should be as close as possible to the underground, be given ample milling space on pavements as there are likely to be large numbers crossing when tube trains come in, and there should be direct access onto the plaza from the crossing location. (It is not clear from the drawings if this access has been incorporated.)

**4.0 Child Safeguarding related to the Scout Camp:** We have looked carefully at blocks HH and these do seem to vary from the heights of the design brief. This is unfortunate as this increases the issue of overlooking the scout camp where young children of both sexes will be camping out in the open and subjected to lack of privacy.

Would it be possible for the developer to contribute to reinforcing the screen planting on the boundary of the site to improve privacy? We appreciate that there is little that can be changed on the block that is away from the boundary, however we do have concerns about the design where the block meets the site boundary. Reception windows, balconies and bedroom windows all overlook the camp site. We feel there are design options that could be considered to alleviate the issue:

- a. Balconies could be screened to prevent overlooking
- b. Overlooking reception windows could be deleted and non-offending ones enlarged
- c. Bedroom windows could have high cills to prevent overlooking – or be designed to be at an angle so they looked south away from the camp site

The Society believes it is possible to improve the overlooking challenges concerning block HH in relation to the scout camp site, and this should be addressed by the developer before the scheme is recommended for approval.

**5.0 Landscape Views:** We realise that the various landscape courtyards will be gated. In order to promote the visibility of the green spaces to all people passing through the site we suggest that security gates be designed to be as visibly permeable as possible.

In conclusion we feel this application is generally appropriate - subject to the issues we have raised in this letter. We shall be commenting on the scheme for phase 6B separately.

#### Mill Hill Neighbouring Forum

The Mill Hill Neighbourhood Forum's committee has reviewed these plans and would comment that these plans with buildings above 4 storeys will cause overlooking of the Frith Grange Scout Camp that has been in situ for 80 years. There is thus a critical safeguarding issue if these buildings are built as close to the boundary and at the heights proposed. We accept that the current tree line could be re-inforced to reduce the opportunity for overlooking from buildings up to 4 storeys but not above this height.

Naturally when the scouts are active they do make some considerable noise and it would be wholly inappropriate for new residents of the proposed properties were to complain about said noise and this should be adequately covered under "agent of change" legislation.

Further there is an on-going issue at Millbrook Primary School in relation to the ability for people to drop off and collect their children at this primary school. With primary age children, certainly in their early years it is expected that the parent or guardian will take their child into their class room and read them a story or otherwise settle them down for the day. This cannot happen with the current allocation of only 8 car spaces for drop off. This issue will be made much worse with the opening of East Street with through passage past the school. This issue needs to be resolved NOW and can be through the allocation of some additional space taken from Phase 6. 6B is a "bonus" site and as such will allow the overall number of homes to exceed the number in the original MHAAP Thus it should be possible to slightly reduce the number to be built in 6 to make this part of the estate more reasonably liveable and for the safety of the children.

#### Finchley Society

On behalf of the Finchley Society, I 'm writing to object to the above application for the development at Millbrook Park, NW7.

The development fails to take into account the proximity to the Frith Grange Scouting facility through overlooking and loss of privacy, as well as compromising the safeguarding of the young members.

It is an overdevelopment of the site and in particular the development for Phase 6B is too close to the boundary, overshadowing the Frith Grange Scout Camp with its scale.

#### Internal /external and Other Consultations:

##### Environment Agency

No Objections raised.

##### Thames Water

No objections raised.

##### Transport for London

Many thanks for consulting TfL with regard to the above application, TfL has the following comments:

Barnet Council is the highway authority for this development; however TfL are concerned with any development that may impact on the safety and operation of pedestrians, cyclists and vehicles. TfL also has a duty to ensure the Mayor's London Plan policies and Strategic Network policies are adhered to, therefore TfL provide comments regarding to the policy aspects of the development.

The applicant is proposing cycle parking provision in line with draft London Plan standards for the commercial element of the development, which is welcomed by TfL. The applicant is proposing cycle parking provision in line with current London Plan standards for the residential element of the development. TfL request the applicant increase residential long stay cycle parking by 15 spaces to adhere to draft London Plan requirements.

The applicant is proposing to provide car parking above London Plan maximum standards to compensate for providing car parking below maximum standards during an earlier phase of development. The applicant providing below maximum standards at an earlier phase is a positive as it encourages a shift to more sustainable transport modes. The applicant should provide car parking in accordance with draft London Plan requirements, especially as the applicant is currently unable to provide cycle parking in line with draft London Plan standards. The applicant is proposing 10 blue badge parking spaces which adhere to draft London Plan requirements and is therefore acceptable to TfL. The applicant is proposing 20% electric charging facilities from the outset, however to conform to draft London Plan standards the applicant should ensure passive provision for the remainder of parking spaces, as oppose to 20%.

TfL advise the Council secure a Car Park Management Plan.

TfL acknowledge the increase in dwellings will not result in a material negative impact on the operation of public transport services.

#### Highways

No objections raised.

#### Tree Officer

Detailed comments provided in relation to proposed planting and off site mitigation.

#### Scientific Services

No objections subject to conditions.

### **1.4 Description of the Application Site**

The application site referred to as Phase 6B forms part of a significant new residential settlement on the former Inglis Barracks site known as Millbrook Park. The site measures 0.42 ha and is located on in the south east corner of the Millbrook Park site. The site is bound to the north by the Frith Lane Scout Camp and an area of retained woodland, which is accessed from Frith Lane. This campsite and adjacent public woodland is designated green belt land; to the south by Bittacy Hill Business Park; to the east by Phase 6a (Barry M Cosmetics development); and to the west by the Phase 6 development which was recently granted reserved matters approval.

Vehicular access is directly from Frith Lane (existing), however the plans approved under the OPP allow for future vehicle access to be provided from the west (via the Millbrook Park site through Phase 6 via Inglis Way).

The site was formerly occupied by Barnet Council forming part of a waste transfer/recycling facility (use class: Sui Generis). This facility has subsequently closed and the site is in the process of being made available for development. Existing operations (and jobs) are to be relocated to a new facility.

The application site falls within the area covered by the Mill Hill East Area Action Plan. Where relevant the policies of this document are discussed in greater detail in subsequent sections of the report. Other key planning policy designations include the land on the southern part of the site which is identified as Green Belt. The site is located within Flood Risk Zone 1 and has a low risk or less than 1 in 1000 annual probability of river or sea flooding.

Outline Planning Permission was granted in September 2011 for the comprehensive redevelopment of 33.6ha of land at Mill Hill East for residential-led mixed use development (ref: H/04017/09). The planning permission was in 'hybrid' form and approves the following development:

- Outline Planning Permission for the demolition of all existing buildings (excluding the former Officer's Mess) and ground re-profiling works to provide 2,174 dwellings, a primary school, GP Surgery, 1,100 sqm of 'high street'

(A1/2/3/4/5) uses, 3,470 sqm of employment (B1) uses, a district energy centre and associated open space, means of access, car parking and infrastructure (with all matters reserved for future determination except access).

- Full planning permission was granted for the change of use of the Officer's Mess building to residential (C3) and health (D1).

Under the proposals approved as part of the outline consent (reference H/04017/09) The application site falls within land identified as Phase 6b of the wider Millbrook Park site (plot CHP and the western part of plot EMP). The Outline Planning Permission allowed for these plots to be developed for B1 (business) use and for an energy centre, at building heights of up to 4 storeys.

A subsequent drop in outline application was approved in February 2016 for the development of Phase 6b under planning reference 15/06417/OUT. This development provided for 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. The approved building heights for this phase varied between 4 and 6 storeys.

Planning consent for the provision of the energy centre within the Millbrook Park plaza fronting Bittacy Hill was granted in 2016 under planning reference 16/4389/RMA. As such this energy centre does not need to be provided within this plot.

### **1.5 Description of Proposed Development**

In summary the application seeks full planning permission for the following development.

'Erection of 2 linked buildings ranging from 5-6 storeys in height comprising 87 residential units (Use Class C3), 700 sqm (GIA) of employment space (Use Class B1), together with associated plant, car parking, cycle parking, refuse stores, servicing areas and associated hard and soft landscaping'

### **1.6 Procedural Considerations**

The proposed development is not in accordance with the outline consent in terms of land uses and development parameters and therefore cannot be taken forward pursuant to the original outline consent or in accordance with the earlier drop in outline application for this phase (19/0859/OUT). Therefore, the appropriate procedure is to apply for a new standalone 'drop-in' planning permission. The principle of such an application is considered acceptable and appropriate in procedural terms.

However, whilst this application is independent of the outline planning permission (ref: H/04017/09) consideration must be given to this application in context of the outline planning permission of the outline permission adjoining the development site.

### **Amended Plans**

The application drawings have been amended post submission with the following design changes.

Pulling the proposed buildings back from the boundary of the scout camp;  
Introducing angled windows with louvred screens to prevent overlooking;  
Introduction of climbers on wall facing the scout camp; Amendments to the landscaping including the introduction of a living fence on the boundary of the site; and contribution to additional landscaping on the scouts land.

## **2. Planning Appraisal**

### **2.1 Principle of Development**

The principle of the development of this site has already been established under the previous planning approvals H/04017/09 and 15/06417/OUT, as such the basic principle of development is considered acceptable.

#### Proposed Residential Use

##### *Site Suitability, Availability and Viability*

There are no obvious infrastructure capacity constraints or physical constraints to development. Key development management issues include the relationship with the adjacent Green Belt (including the Scout camp) and the need to ensure a satisfactory level of residential amenity for future occupiers (bearing in mind the adjacent industrial uses and the Scout camp).

The London Plan requires 31,340 new homes to be delivered in the period 2019/20-2028/29, based on an annual monitoring target of 3,134 dwellings per annum.

For Mill Hill East, this means that housing supply targets set out in the MHE AAP (Policies MHE1/MHE2) and Core Strategy Policy CS3 are not to be treated as maximums. Instead, the matter of amount/quantum should be determined having regard to the NPPF's aim of significantly boosting the supply of housing and optimising the potential of sites, in the context of general development management policies in regards to appropriate scale and the impact of the development on local infrastructure.

Accordingly, the principle of exceeding the quantity of residential dwellings at Mill Hill East through the mixed-use residential development of this site is acceptable in planning terms subject to the detailed consideration below.

### **2.2 Amount of Development**

#### Residential Amount (Density) and Mix

As part of a mixed use development, this planning application seeks planning permission for up to 87 new units (in comparison to 66 units in the earlier drop in application), comprising a mix of 22 x 1-bed, 44 x 2-bed and 4 x 3 bed units. The proposed mix is considered to make efficient use of the site and is appropriate for the location (south of the wider Millbrook Park site) in close proximity to Mill Hill East London Underground station.

#### Housing Mix

The proposed development proposes a mix of 1, 2 and 3 bed units. While the proposal does not strictly comply with Policy CS4 and DM08, which identifies 4 beds as the highest priority and 3 beds as a medium priority the application represents an improvement over the previous drop in outline application which proposed only 1 and 2 bed units, while the current scheme also proposes four 3 bedroom units. Account

needs to be taken of the wider Outline Planning Permission for Millbrook Park Site. This consent envisages the provision of 240 three bed units, 239 four bed units and 38 five bed units. The layout of the development maximises the provision of the majority of houses and hence larger units within the northern part of the site, with an increase in density and linked decrease in habitable rooms numbers towards the southern part of the site including the station. In this context the balance of accommodation provided in this site is considered acceptable.

### Affordable Housing

The scheme proposes 41% affordable housing on the basis of a 60% social rented and 40% intermediate split in accordance with Core Strategy Policy CS4 and Development Management Policy DM10. A full breakdown of the proposed housing mix is outlined in the table below.

	<b>Private</b>	<b>Intermediate</b>	<b>Rent</b>	<b>Total</b>
<b>1 bed flat</b>	21	6	3	22
<b>2 bed flat</b>	33	11	9	44
<b>3 bed flats</b>	0	0	4	
<b>Total</b>	<b>54</b>	<b>17</b>	<b>16</b>	<b>87</b>

This represents both a quantitative and a qualitative improvement over the previous outline approval with an additional 6 affordable housing units being delivered including 3 bed units which did not form part of the previous scheme.

### Employment

The application proposes 700 sq.m of employment space, which is the same quantity secured under the previous outline approval for the phase (Planning reference 15/06417/OUT). This employment floorspace will result in direct/indirect job creation which is supported by the strategic policies of the NPPF, Barnet Core Strategy and MHE AAP.

### **2.3 Scale**

Whilst regard should be had to the outline planning permission, and the previous drop in outline approval as a material consideration, as a standalone application, the scale is not controlled by the parameters set by the outline planning permission or the previous drop in application on the site.

It is noted that the parameter plans approved by the outline planning permission permitted development up to 3-4 storeys (12-15m) in height across Plots EMP and CHP. The remainder of Plot EMP which falls under Phase 6a to the east allows development up to 3 storeys (15m noting its commercial nature). The adjacent Phase 6a Reserved Matters planning permission permitted 3 commercial storeys of 13m in height along the front of the building, with a setback stacking area increasing to 15m in height. The reserved matters approval for Phase 6 (located adjacent to the application site to the west allowed for development up to 6 storeys in height (20m).



The drop in outline approval, approved in 2016, allowed for a split development of 6 storeys along the rear of the plot and a 4 storey building adjacent to the scout camp boundary.

The current application proposes two linked buildings of 6 storeys in height, and as such is higher than the previous approvals on the site in so far as the section which adjoins the neighbouring scout camp. The relationship of the proposed development to the scout camp is discussed in greater detail below, nevertheless in townscape terms the relationship is considered acceptable due to the difference in height between the plots (the application site is effectively a storey lower) and the design amendments which have been made to the scheme pulling the scheme back from the boundary, the introduction of growing planters along the flank of the building and the augmentation to the landscaping.

In relation to other portions of the site, the proposed scale matches that of the adjoining development within Phase 6 and accords with the general character of the 'southern hub' portion of the wider Millbrook Park development and it is considered that the scale proposed under this development is appropriate in this context.

## **2.4 Layout**

The siting and plan form of the buildings ensures that there is good demarcation between the public and semi-private realm and a strong frontage to the proposed vehicular and pedestrian access street, to the south of the plot.

In terms of pedestrian and vehicle access, pedestrians and cycles will access the site from the South East (Frith Lane), North West (Short Street) and the South West (from Millbrook Plaza). Trips from to and from the South East are likely to be limited, with the majority of routes coming to and from Mill Hill East Station and the retail offer to the west within Millbrook Plaza.

### *Vehicle Access*

For residents, vehicular access to the site will be from the west, through Phase 6, with access to the basement to the south of Block GG. Vehicular access for the employment spaces will be from the east along Frith Lane to the south of Barry M. The access route to the south of Phase 6 will be one way once users have crossed into the site boundary, and as a result will leave the site through Phase 6. There will be no access to the employment unit from the west.

The existing belt of mature trees along the north boundary will be preserved and reinforced if necessary to maintain privacy to the north. This is discussed further below.

## **2.5 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.

#### Scale, massing and detailed design

The current application proposes two linked buildings of 6 storeys in height, and as such is higher than the previous approvals on the site in so far as the section which adjoins the neighbouring scout camp. The relationship of the proposed development to the scout camp is discussed in greater detail below, nevertheless in townscape terms the relationship is considered acceptable due to the difference in height between the plots (the application site is effectively a storey lower) and the design amendments which have been made to the scheme pulling the scheme back from the boundary, the introduction of growing planters along the flank of the building and the augmentation to the landscaping.

In relation to other portions of the site, the proposed scale matches that of the adjoining development within Phase 6 and accords with the general character of the 'southern hub' portion of the wider Millbrook Park development and it is considered that the scale proposed under this development is appropriate in this context.

In relation to materials the application proposes the same material palette as approved on the adjoining Phase 6 development, consisting of a simple material palette consisting of red stock bricks, standing seam roofs, metal balconies and recessed timber windows. While the final details will be secured by condition the overall material approach is considered acceptable, in keeping with the character of Millbrook Park, while providing suitable variety between phases.

### 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 Policies CS5 and DM01.

## **2.6 Amenities of Future Occupants**

Development plan policy requires that new dwellings are provided with adequate outlook.

The layout proposed for Phase 6 avoids any single aspect north facing units through orientating the development on an east-west axis. The majority of units in all blocks are dual aspect, with single aspect units limited where possible. All apartments were designed with generous floor to ceiling windows in order to maximise the amount of light entering rooms. The only exception to this are the bedroom windows on the flank facing the scout camp, where angled louvres are proposed in front of the windows to allow light to enter the rooms but not allow outlook over the scout camp. While this is not ideal from a living standard perspective it is considered acceptable in this instance due to the need to safeguard the scout camp and due to adequate outlook being received by the living rooms serving the same units.

### 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 in the form of balconies with access to the shared communal gardens proposed in the centre of the blocks. 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.

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

### Properties on Frith Lane

The closest properties are located either 400m to the north or 137m to the south on the opposite side of the railway track, due to this distance separation it is not considered that the proposal would adversely affect the amenities of neighbouring residents in these locations.

### Phase 6

Reserved Matters approval has been granted for the development of Phase 6 under planning reference 18/6352/RMA. This phase is being developed by the same developer and the plans have been designed to ensure a satisfactory interface between the two phases. As such is not considered that the proposal would adversely affect future occupiers of this phase.

### Phase 6a

Reserved Matters planning permission for Phase 6a has been granted to allow Barry M Cosmetics future relocation to new premises. As part of the determination of that planning permission, Barry M Cosmetics hours of operation were identified as Monday to Friday 9 – 5, which would not conflict with the proposed employment or residential uses.

### Bittacy Hill Business Park

Other commercial uses, including the current site used by Barry M are located immediately to the south of the site, due to the nature of the use of these buildings which is in part similar to that proposed under this planning application. Therefore, it is not considered that the proposal would adversely impact upon the occupiers of these premises.

### Scout Camp

The main sensitive adjoining use is the scout camp to the north of the application site. In relation to the interface with the development and the scout camp, the development of this phase directly adjoins the scout camp to the north, in particular the main central field located to the south of the existing accommodation and toilet blocks. Substantial levels of public comments have been received in regards to the proposed buildings and the scout camp and the potential impact on the future operation of the scout camp as a result of introducing noise sensitive uses (i.e. residential) in close proximity to a field used for camping.

In planning policy terms there are no specific standards or requirements in relation to residential uses and scout camps in relation to issues such as overlooking. Notwithstanding this the Council acknowledges the importance of this facility in providing leisure opportunities to the growing young population within the borough including from the Millbrook Park development. The basic principle of development on this portion of the development has been established under the previous planning approvals, however the current application is taller and in some cases closer to the boundary, and as such an assessment of how these changes impact upon the amenities of the scout camp need to be made.

The scheme as originally submitted proposed the extension of a portion of the block to the boundary of the site with the scout camp. This would have meant the building and accompanying land cut being located approximately 30cm from the existing Ash trees on the boundary of the site, increasing the likelihood for the loss of these trees and at the minimum requiring significant pruning, reducing any screening benefit. The Council asked the applicant to revisit this aspect of the proposal and the applicant has now deleted the projection allowing for a clear separation of the proposed building and the boundary of the site. The applicant has also introduced an internal V shaped insert into the building flank, covered by angled louvres which allow light to enter these rooms but do not allow direct overlooking onto the scout field.

In addition to this additional planting is proposed on the application side of the boundary along with the introduction of a living fence along the boundary.

In addition to this it has been acknowledged by the applicant that due to the drop in levels between the sites, any planting on the application side of the boundary would provide screening of the ground level of the development site from the scout camp but would not provide sufficient screening of the development site when viewed from the scout camp. The existing boundary treatment on the scout side of the boundary consisting of a line of ash trees, does not provide a high level of screening particularly in winter, and in the future might be lost entirely due to Ash die back. To address this the landscape architects for the applicant in conjunction with the Council tree officer have drawn up an indicative planting scheme on the scout side of the boundary, which would provide some immediate screening and in the longer term provide significant screening of the scout field and buildings from the new residential flats. An indicative offer of £19,155.00 to pay to the scouts towards planting on their land was made by the applicant. This figure has been separately assessed by the Council's arboricultural officer who has approached several companies to get quotes for the installation of such planting including tree guarantees and maintenance regimes for the first 3 years. As a result of this input, the off site landscaping

contribution has been increased to £45,164.00, which is considered reasonable in this instance and would result in a reasonable relationship between the two sites. While the comments relation to the reduction in the size of the field are noted, the majority of the field would not be affected, and would still be useable for the current purpose of camping and games. Final control over the position and species proposed would also be at the discretion of Barnet and District Scouts and as such can be amended to suit their needs.

## **2.8 Transport, parking and highways matters**

### Access

Pedestrians and cycles will access the site from the South East (Frith Lane), North West (Short Street) and the South West (from Millbrook Plaza). Trips from to and from the South East are likely to be limited, with the majority of routes coming to and from Mill Hill East Station and the retail offer to the west within Millbrook Plaza.

For residents, vehicular access to the site will be from the west, through Phase 6, with access to the basement to the south of Block GG. Vehicular access for the employment spaces will be from the east along frith lane to the south of Barry M. The access route to the south of Phase 6 will be one way once users have crossed into the site boundary, and as a result will leave the site through Phase 6. There will be no access to the employment unit from the west.

### Parking provision:

Parking for the residential portion of the development is provided in the form of a basement underground car park. The basement for Phase 6B proposes to provide 92 spaces. This will provide 65 parking spaces at a ratio of 0.75 spaces per unit for the Phase 6B development, as per Draft London Plan Policy. The surplus of 27 spaces within this basement enables Phase 6 to provide a car parking ratio of 0.85 spaces per unit.

At street level, four parking spaces, accessed from Frith Lane, are provided for Phase 6B for employment use and servicing.

This level of car parking is considered acceptable in this instance due to the location of the site in close proximity to Mill Hill East Station.

### Sustainable Travel

The application supporting documents advise that electrical charging will be provided in the form 20% Active and 20% Passive ECVPs in accordance with adopted London Plan Parking Standards. 10% of the parking spaces will be provided for the disabled users. This is considered acceptable in accordance with adopted Policy Requirements.

The site is also located a short distance from Mill Hill East Underground Station 250m and local bus services running along Bittacy Hill and Frith Lane and as such is accessible by means other than private motor vehicle.

### Cycle parking Provision:

Cycle parking will be provided in accordance with adopted London Plan cycle parking requirements with 144 long-stay spaces provided for residents in secure cycle stores on-plot, either at ground floor or basement levels. Office units will be required to provide cycle parking for staff within their demise as part of their tenant fit out, in accordance with London Plan requirements as a minimum (three spaces). Additionally, five short-stay (visitor) spaces provided at ground floor as part of the public realm proposals.

#### Travel plan:

The submitted transport statement advises that the residential and commercial elements of the scheme will connect to and feed into the relevant residential and commercial travel plans developed pursuant to the Outline Planning Permission. While this approach is supported, as this is a stand alone application, it is necessary to reattach conditions requiring the applicant to resubmit a residential and commercial travel plan for the Council's Approval. It is anticipated that the submitted travel plans will confirm that the scheme will operate in conjunction with the Travel Plans for the wider Millbrook Park Site.

#### Street lighting

The provision of adequate and well designed lighting will influence potential criminal behaviour and should help to reduce the risk of crime and fear of crime for those people living and visiting within this latest phase of the Mill Hill East development. A condition is suggested requiring the provision of a detailed lighting plan including lux lines prior to the commencement of development for this phase. Similar Conditions were attached in relation to other phases of development within the Millbrook Park Development.

### **2.9 Landscaping/Trees**

*As mentioned above, the application proposes additional boundary planting on the application side of the boundary along with the introduction of a living fence along the boundary of the site. The proposed species have been assessed by the Council's arboricultural officer who has confirmed no objection to the species proposed. In addition to this the applicant has agreed to make a financial contribution of £45,164.00 towards off site planting on the scout side of the boundary. This level of contribution is a result of an assessment by the Council based on real quotes including maintenance and is considered to satisfactorily mitigate any harm caused by the development.*

### **2.10 Environmental Issues (Air Quality and Noise and Energy)**

#### Air Quality

The application is accompanied by an air quality assessment. The assessment identifies that the main potential impact concerns the proposed energy centre which is required under the parameters of the Outline Planning Consent. Following comments received from the Council's Environmental Health Officer, conditions are attached requiring the achievement of air quality neutral targets.

#### Noise

The application is accompanied by a noise assessment which demonstrates that the development would not result in any significant increase in traffic noise levels when measured from adjoining residential properties. The application proposes various measures to ensure that the internal ambient noise levels are at an appropriate level including through the use of wall ventilation rather than trickle vents and though restrictions on plant noise. All of these matters are also covered by condition as detailed measures will be a matter for a future reserved matters application.

### Energy

A low-carbon strategy has been implemented across the development. Through the application of the energy hierarchy the development as a whole achieves a carbon dioxide emissions reduction of 69% on site against Part L 2013. This is a significant reduction and exceeds the 35% on-site requirement. A further one off carbon off-set payment of £39,532 is proposed in order to achieve the Zero Carbon Homes target.

A BREEAM (2018) pre-assessment which accompanies the application identifies the proposed B1 element of the development can achieve the required "Very Good" rating which is a requirement of the Barnet Borough's local plan.

## **2.11 Planning Obligations and CIL**

### S106

As the application includes the provision of affordable housing it is necessary for the applicant to enter into a S106 agreement covering the cost or preparing the agreement and in order to ensure the delivery of the following affordable housing units and the secured off site contribution for tree planting as well as carbon offset payments.

#### Affordable Rented

3 x 1 bed flats

9 x 2 bed flats

4 x 3 bed flats

#### Intermediate Housing

6 x 1 bed flats

11 x 2 bed flats

Off Site Landscaping Contribution of £45,164.00.

Carbon offset payments of £39,532

As the application will sit alongside the wider consent for the remainder of Millbrook Park, no additional monitoring fees are required as it is considered that the payments in connection with this agreement are sufficient for on-going monitoring costs.

#### Barnet Community Infrastructure Levy

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



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

The calculation of the Barnet CIL payment is based on the floor areas of the residential elements of the development (except for any potential undercroft car parking areas).

#### Mayoral Community Infrastructure Levy

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

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

The calculation of the Mayoral CIL payment is carried out on the basis of the floor areas of the residential and other elements of the development (except for potential education and health uses).

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

#### **4. CONCLUSION**

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

The proposal 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 application is therefore recommended for approval subject to the applicant entering into a S106 agreement and compliance with the attached conditions.

**SITE LOCATION PLAN: Phase 6b, Millbrook Park (former Inglis Barracks),  
Mill Hill East, London, NW7 1SJ**

**REFERENCE: 18/6640/FUL**



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**Location**                    **70-84 And Land R/o Oakleigh Road North London N20 9EZ**

AGENDA ITEM 8

**Reference:**                **19/1950/FUL**

Received: 1st April 2019

Accepted: 1st April 2019

Ward:                        Totteridge

Expiry 1st July 2019

Applicant:                Taylor Wimpey North Thames

Proposal:                    Full Planning Permission for the erection of 2 apartment blocks ranging from 3-5 storeys in height comprising 115 residential units (Use Class C3), together with plant, car parking, cycle parking, refuse stores, servicing areas and associated hard and soft landscaping and associated works. New sub-station

**Recommendation:** Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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)

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Affordable Housing

35% of units to be provided as affordable with a tenure split of 50% Affordable Rent and 50% Shared Ownership. All affordable housing to be secured in perpetuity and an early stage review mechanism is to be secured.

#### 4. Employment and Enterprise

The applicant would be required to enter into a Local Employment Agreement with the Council.

Alternatively, the applicant may wish to make a financial contribution in lieu of the employment outcomes outlined above. Such a contribution would be commensurate with the number of outcomes secured and in line with SPD guidance.

#### 5. Travel Plan and Travel Plan Monitoring

Within 3 months of occupation, a Residential Travel Plan that meets the criteria of the current Transport for London Travel Plan guidance, currently 'Travel Planning for new development in London incorporating deliveries and servicing' and Itrace or TRICS compliant surveys shall be submitted to and approved in writing by the Local Planning Authority. The document shall set out the transport policy to incorporate measures to reduce trips by the private car especially single occupancy and single passenger journeys and encourage non-car travel modes such as walking, cycling and public transport and to reduce, consolidate or eliminate delivery trips. The Travel Plan Statement should include the appointment of a Travel Plan Champion, SMART targets and a clear action plan for implementing the measures. The Travel Plan should be reviewed, updated and resubmitted in writing for approval in years 1, 3 and 5 in accordance with the targets set out in the Plan.

Contribution of £15,000 towards monitoring of Travel Plan.

#### 6. Highways Improvement Contribution

A contribution of £45,000 comprising £5,000 to investigate pedestrian safety and public realm measures in the section of Oakleigh Road North between Oakleigh Avenue and High Street and £40,000 towards implementation of proposed measures

#### 7. Section 278 Highway Works

All necessary works to the public highway under section 278 of the Highways Act to facilitate the implementation of the development in agreement with the Local Highways Authority.

#### 8. Carbon Off-set Contributions

A carbon offset contribution of £158,653.92.

## RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director – Planning and Building Control or Head of Strategic Planning approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director – Planning and Building Control or Head of Strategic Planning:

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

AA6488-2001 (Site Local Plan)  
AA6488-2002 (Existing Block Plan)  
AA6488-2003 (Existing Roof Plan)  
AA6488-2004 (Proposed Block Plan)  
AA6488-2005 (Proposed Coloured Masterplan)  
AA6488-2006 (Proposed Roof Plan)  
AA6488-2007 (Proposed Floor Plan – Ground Floor)  
AA6488-2008 (Proposed Floor Plan – Level 1)  
AA6488-2009 (Proposed Floor Plan – Level 2)  
AA6488-2010 (Proposed Floor Plan – Level 3)  
AA6488-2011 (Proposed Floor Plan – Level 4)  
AA6488-2012 (Unit Mix)  
AA6488-2013 (Street Elevations)  
AA6488-2014 (Block 1 North and East Elevation)  
AA6488-2015 (Block 1 South and West Elevation)  
AA6488-2016 (Block 1 Courtyard Elevation)  
AA6488-2017 (Block 2 North and West Elevation)  
AA6488-2018 (Block 2 South and East Elevation)  
AA6488-2019 (Sub Station)

Arboricultural Impact Assessment  
Air Quality assessment  
Design and Access Statement  
Drainage Strategy  
Ecological Appraisal  
Energy Strategy  
Noise Report  
Overheating Assessment  
Planning Statement  
Preliminary Risk Assessment  
Statement of Community Involvement  
Sustainability Statement  
Transport Statement  
Utilities Statement

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

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

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

- 3 a) No above ground construction 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) 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.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of 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, noise 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 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 5 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. AA6488-2007; shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016.

- 6 In accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards, before the development hereby permitted is occupied details of 189 (184 long and 5 short stay) cycle parking spaces, including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, the cycle parking spaces 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.

- 7 Notwithstanding the plans submitted, 12 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. Details of revised parking spaces shall be submitted to and approved

in writing by the Local Planning Authority. Such arrangements shall be completed to the Authority's satisfaction before the building is first occupied and shall thereafter be kept available/ maintained for such use at all times.

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

- 8 Prior to occupation of the development full details of the electric vehicle charging points to be installed in the development shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include provision for not less than 20% of the approved residential parking spaces to be provided with active electric vehicle charging facilities and 20% passive electrical charging facility. 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.

- 9 Prior to the commencement of development (excluding demolition, site clearance and ground works), a Stage 1 and Stage 2 Road Safety Audit shall be undertaken in relation to the proposed car park and vehicular access on Oakleigh Road North. The results of the audit shall be submitted to and approved in writing by the Local Planning Authority. Any necessary works identified within the audit shall thereafter be fully implemented prior to the first occupation of any part of the development.

Reason: In the interest of highway/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.

- 10 Prior to commencement of the development (excluding demolition, site clearance and ground works) a Condition Survey of the existing public highway 50m on either side of the development shall be undertaken and the result submitted to the Local Planning Authority. Within one month of the construction work ceasing a second road condition work shall be undertaken and the results submitted to the Local Planning Authority. Thereafter, any damage to the public highway identified by the two condition surveys shall be rectified by the applicant in agreement with the Highway Authority within one year of the development being constructed.

Reason: In the interests of safeguarding the existing road corridor.

- 11 The applicant shall carry out a "before" and "after" condition survey of the agreed route to be utilised by all construction traffic. The "before" survey shall be submitted to and approved in writing by Local Planning Authority prior to the commencement of

the development. The "after" survey shall be completed three months before the completion of the development and thereafter submitted to and approved in writing by the Local Planning Authority. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey shall be implemented as approved following completion of the development.

Reason: To ensure that the road is maintained in a suitable condition in order to minimise danger, obstruction and inconvenience to users of the highway.

- 12 Prior to installation, details of the boilers shall be forwarded to the Local Planning Authority for approval. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%).

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

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

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

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2016.

- 14 a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.

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

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2016.

- 15 Before development (excluding demolition, site clearance and ground works) commences, an air quality neutral assessment report shall be written in accordance with the relevant current guidance. This report shall be submitted to and approved by the Local Planning Authority.

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

a) If the report shows that the site does not conform to the air quality neutral benchmark requirements then a scheme of offset measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

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

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 3.2, 5.3 and 7.14 of the London Plan 2016.

- 16 The level of noise emitted from the proposed transformer 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 2016.

- 17 Development (excluding demolition and site clearance) shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles, 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 development is completed. The scheme shall be based upon the principles within the agreed Drainage Strategy Report (Reference: 7095) prepared by Walker Associates Consulting dated Feb 2019.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development.

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

- 19
- a) No development (excluding demolition and site clearance) shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.
  - b) The development shall thereafter be implemented in accordance with details approved under this condition.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016).

20 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 2016.

21 The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition (insert condition number) shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

22 a) Prior to the occupation of the hereby approved development, details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.

c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DM01 of the Development Management Policies DPD (adopted September

2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2016.

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

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

- 24 Prior to the first occupation of the detailed element of the scheme, full details of the Solar Photovoltaic panels to be installed shall be submitted to and approved in writing by the LPA and shall thereafter be installed prior to the first occupation of the detailed element of the development.

Reason: to ensure that the development is sustainable and complies with the requirements of London Plan Policies 5.2 and 5.6

- 25 a) Before the development hereby permitted is first occupied, a scheme detailing all play equipment to be installed in the communal amenity space shown on the drawings hereby approved shall be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

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

- 26 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).

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

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

28 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.

29 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 35.11% 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 Polices document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.



- 30 a) Prior to carrying out above grade works of each building or part of any new building, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that such building or such parts of a building can achieve full 'Secured by Design' Accreditation.
- b) Prior to the first occupation of the residential building a 'Secured by Design' accreditation shall be obtained for the building.

The development shall only be carried out in accordance with the approved details.

Reason: To protect the amenity of the area in accordance with Policies DM01 and DM04 of the Barnet Development Management Policies (adopted) September 2012.

- 31 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reasons: In the interest of good air quality in accordance with London Plan policies 5.3 and 7.14.

- 32 Part 1

Before development commences other than for investigative work:

- b) 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 October 2016) and 5.21 of the London Plan 2016.

- 33 The development shall proceed and be carried out in strict accordance with the findings and recommendations of the Ecological Appraisal submitted in support of the application (Aspect Ecology, March 2019) and the details of mitigation measures and ecological enhancements contained within are implemented as part of the development.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 34 Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved delivery service plan.

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

- 35 No properties shall be occupied until confirmation has been provided that either:
- i) all surface water network upgrades required to accommodate the additional flows from the development have been completed; or
  - ii) a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure

phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason: The development may lead to flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents

**Informative(s):**

- 1 In accordance with paragraphs 38-57 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. ral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

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

4 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries.

Applications are the responsibility of the developer or householder who wish to have an address created or amended.

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 5 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."

The following British Standards should be referred to:

- a) BS: 3882:2015 Specification for topsoil
- b) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
- c) BS: 3998:2010 Tree work - Recommendations
- d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
- e) BS: 4043:1989 Recommendations for Transplanting root-balled trees
- f) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
- g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
- h) BS: 8545:2014 Trees: from nursery to independence in the landscape - Recommendations
- i) BS: 8601:2013 Specification for subsoil and requirements for use

- 6 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
  - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
  - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;

- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

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

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

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

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

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

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

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

- 8 The Air Quality reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, (Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006; 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 2014 and 10) Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014

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

- 9 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 10 Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 11 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.

- 12 The applicant is required to submit a Street Works Licence application to the Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, 4-6 weeks before the start of works on the public highways.
- 13 For any proposal for new crossovers or modification to the existing crossovers, a separate crossover/access application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

The applicant is advised that the permitted maximum width for a residential crossover is 4.2 metres.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 14 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any



damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 15 Surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

### RECOMMENDATION III:

That subject to Recommendation I and upon completion of the agreement specified in Recommendation II, the Head of Development Management or Head of Strategic Planning to approve the planning application reference 19/1950/FUL under delegated powers, subject to the conditions set out within Appendix 2 of this report.

That the Committee also 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 their absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

## **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.

#### **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.

The National Planning Policy Framework (NPPF) was revised on 24 July 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, as well as promoting 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 London Plan**

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

### Context and Strategy

1.1 (Delivering the Strategic Vision and Objectives for London)

### London's Places:

2.6 (Outer London: Vision and Strategy); 2.7 (Outer London: Economy); 2.8 (Outer London: Transport); 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 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)

## **Draft New London Plan**

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 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)

CS7 (Enhancing and protecting Barnet's open spaces)

CS9 (Providing safe, effective and efficient travel)

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)

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

DM10 (Affordable housing contributions)

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:

Affordable Housing (February 2007 with updates in August 2010)

Planning Obligations (April 2013)

Residential Design Guidance (April 2013)

Sustainable Design and Construction (April 2013)

### 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)

### 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.

## **PLANNING ASSESSMENT**

### **Site Description**

The application site is located on the southern side of Oakleigh Road North, to the north of the Sweets Way Development. The site has an area of approximately 0.80ha and comprises of vacant land (with planning permission for residential use) and 8no. existing

residential dwellings. The existing dwellings are two-storeys in height, with private rear gardens and off-street parking. There are a number of mature trees along both the front and rear boundaries of the existing dwellings.

The site is bounded by Oakleigh Road North to the north, residential properties to the east, the emerging Sweets Way Development to the south and St Andrews Medical Practice to the west.

The surrounding area is predominately characterised by residential properties of various forms and styles, with a wide mix of both single-family dwellings and flatted developments along Oakleigh Road North. Building heights in the surrounding area vary from two-three storeys, with some taller building located further south (four storeys) and opposite the site (six storeys).

The site is located approximately a 10 minute walk from Totteridge and Whetstone Underground station and under a 5 minute walk from Whetstone Town Centre. The site has an overall PTAL of 4.

The site is not located within a conservation area, and the none of the surrounding buildings are locally or statutory listed.

### **Proposed Development**

Permission is sought for the demolition of the existing 8no. dwellings and construction of 115no. residential flats, with associated car parking, cycle parking, refuse stores, servicing areas and substation.

Block A lies on the central and western parts of the site and has a 'U' shaped layout which has a height of three storeys on the southern boundary and rises to four storeys on Oakleigh Road North with a set-back fifth floor. Block B on the eastern part of the site, is 'L' shaped in form and has a consistent height of four storeys.

The residential mix would comprise of 42 x 1-beds, 69 x 2-beds and 4 x 3-beds. Within this, 35% of the scheme (by unit) will be affordable housing, equating to 40 units. The affordable housing provision would consist of 50% (20 units) shared ownership and 50% Affordable Rent accommodation (20 units).

A new vehicular access would be created from Oakleigh Road North which would connect through to the Sweets Way Development to the south for pedestrians and cyclists, but to prevent through vehicular traffic. The development would provide a total of 93 car parking spaces for the 115 residential dwellings which would wholly be provided at ground floor level.

## Relevant Planning History

There is no relevant planning history associated with the eight existing residential dwellings on the northern part of the site front Oakleigh Road North.

Other relevant planning history includes:

**Reference:** B/04309/14

**Address:** Land Between Sweets Way And Oakleigh Road North, London, N20

**Decision:** Approved following legal agreement

**Decision Date:** 24.07.2015

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

**Reference:** 15/07432/NMA

**Address:** Land Between Sweets Way And Oakleigh Road North, London, N20

**Decision:** Approved

**Decision Date:** 22.12.2015

**Description:** Non-material amendment pursuant to planning permission B/04309/14 dated 24.7.15 for "Demolition of all existing buildings and outline planning permission (with all matters other than access and layout reserved) for new residential dwellings (Use Class C3), comprising up to 201 houses and up to 87 flats (up to 288 new dwellings in total), and a community building (Use Class D1) providing up to 255 sqm floorspace. The provision of pedestrian and vehicular site access from Sweets Way and pedestrian only from Oakleigh Road North". Minor alterations to the wording of Conditions 16, 17, 19, 21, 25, 27, 28, 29, 30, 31, 32, 33, 36, 38, 40, 43 and 49 to exclude demolition from the interpretation of commencement of development. Minor alterations to Condition 24 to omit the requirement to submit details in respect of demolition.

**Reference:** 16/4513/RMA

**Address:** Sweets Way, Whetstone, London, N20 0LS

**Decision:** Approved subject to conditions

**Decision Date:** 03.11.2016

**Description:** Reserved matters application seeking approval of appearance, landscaping and scale for Sweets Way pursuant to Outline planning permission reference B/04309/14 dated 24.07.2015 involving the erection of 288 dwellings (Use Class C3) and a community building (Use Class D1). The application also seeks the discharge of outline planning conditions 16, 17, 19, 21, 26, 28, 29, 30, 31, 32, 33, 36, 37, 42, 43, 45, 48, 49, & 52 of the Outline Planning Approval.

**Reference:** 17/2414/NMA

**Address:** Sweets Way, Whetstone, London, N20 0LS

**Decision:** Approved

**Decision Date:** 12.05.2017

**Description:** Non material amendment to planning permission 16/4513/RMA dated 15/07/16 for `Reserved matters application seeking approval of appearance, landscaping and scale for Sweets Way pursuant to Outline planning permission reference B/04309/14 dated 24.07.2015 involving the erection of 288 dwellings (Use Class C3) and a community building (Use Class D1). The application also seeks the discharge of outline planning conditions 16, 17, 19, 21, 26, 28, 29, 30, 31, 32, 33, 36, 37, 42, 43, 45, 48, 49 & 52 of the Outline Planning Approval.` Amendments include The removal of 1no tree (T32 Common Lime) from the western boundary of Sweets Way development, to facilitate the implementation of a 6m tall acoustic fence. The installation of 2 no tree Tilia cordata (Small-leaved Lime) within close proximity, to replace the removed tree.

**Reference:** 17/3112/NMA

**Address:** Land Between Sweets Way And Oakleigh Road North, London, N20

**Decision:** Approved

**Decision Date:** 20.07.2017

**Description:** Non material amendment to planning permission B/04309/14 dated 27/07/15 for `Demolition of all existing buildings and outline planning permission (with all matters other than access and layout reserved) for new residential dwellings (Use Class C3), comprising up to 201 houses and up to 87 flats (up to 288 new dwellings in total), and a community building (Use Class D1) providing up to 255 sqm floor space. The provision of pedestrian and vehicular site access from Sweets Way and pedestrian only from Oakleigh Road North.` Amendments to include substitution of brick type

There are also further applications approved for conditions Nos. 6, 18, 20, 22, 24, 25, 27, 38, 40, 44 and 47.

Of specific relevance relating to reference 16/4513/RMA, this Reserved Matters Application approved 13no. dwellings within the area of vacant land that forms part of the application site. These were private sale dwellings comprising of 2 x 3-bed and 11 x 4-bed houses.

## **Consultations**

As part of the consultation exercise, 241 letters were sent to neighbouring residents, a site notice was posted and an advertisement placed in the Barnet Press. As a result of the consultation exercise, a total of 8 responses were received, all objecting to the application.

### Summary of Neighbour Objections

The material planning considerations contained within the objections received from the neighbouring residents can be summarised as follows:

- No further need for more flats / building units;
- Need for more social housing and wheelchair accessible homes;



- Overdevelopment of the land;
- Loss of 8 family dwellings;
- Buildings are too large for the site and completely out of character with the road;
- Increased density on the site;
- Other existing large blocks are set well back from the road or fully screened;
- Increased congestion;
- Additional cars parking on this main road;
- Adverse impacts on the immediate environment;
- Insufficient parking provision;
- Impact on local infrastructure;
- Loss of open space and trees;
- Increased congestion;
- Overcrowding ;
- Proposed front landscaping will not provide an effective screen;
- Loss of TPO trees;
- Reduced air quality.

### Responses from External Consultees

#### **Highways England**

Offer no objection – This is on the basis that the proposals will generate minimal additional traffic on the SRN in Peak Hours. We therefore consider that the development will not materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT C2/13 para 10 and DCLG NPPF para 109), in this location.

#### **Natural England**

No comments to make on this application.

#### **Thames Water**

Thames Water would advise that with regard to Foul Water sewage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

#### **Transport for London**

TfL objects to this application due to the proposed over-provision of car parking and the lack of Healthy Street indicators being achieved through this proposal.

### Responses from Internal Consultees

#### **Affordable Housing**

A meeting with Taylor Wimpy was previously held at pre-application stage and the proposed 35% provision with a split of 50/50 between shared ownership and affordable rent was agreed.

### **Arboricultural Officer**

There will be a detrimental loss of specially protected trees. The proposed planting scheme may in the very long term mitigate the tree losses. The provision of 4no. 7m high trees to the main gateway to the site is acceptable. Further details can be sought via relevant landscape conditions.

### **Drainage / SUDS**

No objection subject to a condition requiring the submission of a surface water drainage scheme.

### **Ecology**

It is considered that the Aspect Ecology Report (March 2019) sufficiently addresses any potential ecological issues. We have no further concerns in relation to ecology, provided that the Precautionary Approach detailed in section MM1, MM3 and MM7 in addition to the Biodiversity Enhancement Plan Detailed under Section EE1 to EE6 are implemented as part of the development.

### **Environmental Health**

#### Air Quality

I have read "Air quality assessment 2019, REPORT REF: 24683/02-19/6625 by Mewies Engineering Consultants and although I largely agree with the findings there are some outstanding issues that need to be addressed, so I would advise on the condition:

A further report for an air quality neutrality assessment and would like to see more electric charging places on site as mitigation. Also, conditions to improve air quality from the site such as:

Use of NRMM for construction and low NOx boilers for operational use; I see the applicant is also using PVs for electricity which is beneficial.

There is no requirement for a full air quality assessment again

#### Noise and overheating

I have read "Noise Risk Assessment & Acoustic Design Statement" 13th March 2019 by Noise.co.uk ltd and Overheating assessment, Revision C dated 27 March 2019 by Energist.

Note that the overheating reports states that : ""Due to noise constraints the development at Oakleigh Road North has been assessed based on a closed windows scenario. This is in line with the recommendations of the acoustic report provided by noise.co.uk. The overheating condition is negatively impacted upon by removing a source of natural ventilation. Acoustically treated natural ventilation, passive options will be examined at detailed design stage.""

Overheating is a main issue at the rear façade of the site – the Southerly aspect – but due to the site’s size I would advise that the acousticians and the overheating consultants agree on the necessary mitigation (as stated in the conclusion as above).

We would advise that as long as 35dBA is achieved at night and 40dBA during the day with the windows open, in line with current AVOG advice, this is acceptable.

Further information is required in relation to the impact on the proposed units closest to the proposed transformer. It is advised that this information can be sought via condition.

#### Contaminated Land

I have read the contaminated land report “Preliminary Risk Assessment: Land , 14<sup>th</sup> February 2019 by RSK Environment Ltd” and agree with its findings that a further intrusive assessment is necessary due to the presence of made ground; so I would advise that it clearly satisfies part a) of our condition but does not satisfy the rest and therefore a contaminated land condition is necessary.

#### **Traffic and Development**

The principle of a residential development at this location is supported. Highways would therefore raise no objection to the proposal subject to the planning obligations and conditions:

##### Planning obligations

- A contribution of £15,000 towards travel plan monitoring
- A contribution of £45,000 comprising £5,000 to investigate pedestrian safety and public realm measures in the section of Oakleigh Road North between Oakleigh Avenue and High Street and £40,000 towards implementation of proposed measures
- Obtain a licence under s184/s278 of the Highways Act, 1980 to carry out works on the public

#### **PLANNING ASSESSMENT**

##### **Lands Use / Principle of development**

The existing site is occupied by 8no. semi-detached properties and an area of vacant land to the south of the plots. However, the vacant land was previously within the red line site of the larger Sweets Way Development, application reference 16/4513/RMA and had comprised of the erection of 13no dwellings.

Therefore, the principle of residential across the whole site is already established by the existing and approved use. The existing dwellings are not protected under local or statutory listing and the site is not located within a conservation area. It is considered that the existing dwellings are of little architectural merit and do not significantly contribute to

the character and appearance of the area. As such, Officers have no objection to the demolition of the existing residential dwellings.

Having regard to the above, Officers consider that the principle of development is acceptable in respect of land use.

### **Residential density**

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.

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.

The application site has an area of 0.80ha and has a Public Transport Accessibility Level (PTAL) of 4. 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".

Based on the London Plan density matrix, the optimal density of the site would be between 70 and 260 units per hectare (u/ha) or 200–700 habitable rooms per hectare (hr/ha) for a site with a PTAL of 4. The proposed development would fall within the prescribed optimal ranges with a density of 143 u/ha and 402 hr/ha.

### **Housing Quality**

A high quality built environment, including high quality housing in support of the needs of occupiers and the community is part of the 'sustainable development' imperative of the NPPF. It is also implicit in London Plan Ch1 'Context and Strategy', Ch2 'London's Places', 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

Policy DM08 of Barnet's 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.

The development proposes 115 residential units across the site with the following mix of units:

Unit Size	Number of Units	% of Units
1 bedroom	46	40%
2 bedroom	65	57%
3 bedroom	4	3%

It is considered that the mix of units would provide an appropriate range of different sized housing, appropriate for the site's characteristics and location. Officers therefore consider the proposed dwelling mix to be acceptable and in compliant with Policy DM08 of the Local Plan.

## Residential Space Standards

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:

	Dwelling Type (bedrooms/persons)	Minimum Internal Floorspace (square metres)
Flats	1 bed (2 persons)	50
	2 bed (3 persons)	61
	2 bed (4 person)	70
	3 bed (5 person)	86

All of the proposed units would meet or exceed the minimum standards, providing a good standard of accommodation for future occupiers.

## Wheelchair Housing

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 schemes should have 10% wheelchair home compliance, as per London Plan policy 3.8.

Page 32 of the Design and Access Statement submitted in support of the application sets out that 12 residential units (10%) would be provided as wheelchair adaptable in line with

aforementioned policy context and in accordance with Part M4(3) of the Building Regulations. This is considered to be acceptable and a condition is attached which would secure these wheelchair units.

### Amenity Space

Barnet's Sustainable Design and Construction SPD Table 2.3 sets the minimum standards for outdoor amenity space provision in new residential developments. For both houses and flats, kitchens over 13sqm are counted as a habitable room and habitable rooms over 20sqm are counted as two habitable rooms for the purposes of calculating amenity space requirements. For flats, the SPD requires 5sqm of space per habitable room for all minor, major and large scale developments.

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 SPD and the Barnet SPD.

The private amenity spaces would be provided through balconies, terraces and roof gardens. The proposed provision of private amenity space equates to 1098sqm.

The communal amenity space would be located within the courtyard of Block 1 and in the front garden areas along Oakleigh Road North. This equates to 1206sqm of amenity space.

The amount of amenity space proposed within the development is fully compliant with Barnet's SPD.

### Children's Play Space

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).

The Design and Access Statement submitted with the application outlines that 130sqm of children's playspace provision in the form of 'doorstep play' for under 5's will be provided within the communal courtyard of Block 1. Only indicative proposals of playspace have been provided and if permission were to be granted, a condition would be attached requiring the submission of details of the play equipment to ensure it is of an appropriate type and quality.

Other new play spaces are being provided by the applicant in the adjacent Sweets Way Development.

## Privacy

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.

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.

The scheme has been well considered and designed so as to achieve the requisite 21m separation distance between facing habitable rooms of the proposed units. On this element, the development is compliant and would ensure that future occupiers of the development would be likely to enjoy good levels of privacy.

## Outlook

Policy DM01 also requires consideration of the residential amenity of future occupiers of the development in terms of outlook.

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. In terms of outlook, around 55% of the proposed units would benefit from single aspect, with the remaining 45% benefiting from dual or triple aspect. Officers consider this to be acceptable as the windows would measure full height, floor to ceiling and would allow for suitable outlook and daylight/sunlight to be achieved.

## Noise

In relation to the noise impacts on the proposed development, the application is accompanied by a Noise Risk Assessment & Acoustic Design Statement from noise.co.uk Ltd and has been reviewed by the Council's Environmental Health (EH) Officers.

The EH Officer has not raised any significant issues relating to noise subject to the installation of appropriate mitigation. They advise that as long as 35dBA is achieved at night and 40dBA during the day with the windows open, in line with current AVOG advice, this is acceptable.

Further details are required in relation to the potential impacts from the proposed transformer. This will be sought via a suitable condition.

## Air Quality

An Air Quality Assessment has been submitted in support of the application and has been reviewed by Environmental Health. The EH Officer advises that they largely agree with the findings of the submitted report but require further details before being fully satisfied. The submission of these details is considered acceptable via condition.

## Contaminated Land

A Preliminary Risk Assessment has been submitted in support of the application. This has been reviewed by Environmental Health who agree with the report findings that a further intrusive assessment is necessary due to the presence of made ground. A suitably wording condition will be attached should planning permission be granted.

## **Affordable Housing**

London Plan 2016 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 60% social rented and 40% intermediate housing.

The Mayor of London has published the affordable housing and viability SPG, which effectively accepts schemes which propose a minimum level of 35% without the need to submit a viability assessment. Schemes which provide less than this level need to be accompanied by a viability assessment. In those circumstances where the outcome of a viability review indicate that a scheme can not viably provide more affordable housing, then a scheme can be approved with a lower level of affordable housing subject to the attachment of early and late stage viability reviews.

The application submitted proposes 40 affordable housing units, equating to 35% of the scheme. Of the affordable units, 20 units are proposed for affordable rent, and 20 units are proposed for shared ownership; presenting a 50/50 split between affordable and shared ownership on a unit basis.

Whilst this is not in accordance with Barnet's preferred 60/40 split, the applicants have previously discussed the proposed provision and split with the Council's Affordable Housing service at pre-application stage and the 50/50 split was acceptable.

The proposed affordable housing mix is as follows:

	Shared Ownership	Affordable Rent	Total
1 bed flat	14	10	24
2 bed flat	6	6	12
3 bed flat	-	4	4



Having regard to all of the above, Officers consider that the 35% of the units being provided as affordable is acceptable and is a significant benefit to the scheme.

### **Design, Layout, massing and height**

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.

The development takes the form of two buildings. Block 1 lies on the central and western parts of the site and has a 'U' shaped layout which has a height of three storeys on the southern boundary and rises to four storeys on Oakleigh Road North with a set-back fifth floor. Block 2 on the eastern part of the site, is 'L' shaped in form and has a consistent height of four storeys.

The proposed layout is considered to be acceptable in that both buildings are set back from Oakleigh Road North, maintaining and respecting the existing building line which runs along the street.

The transitional massing and height which rises from the rear of the site to Oakleigh Road North achieves an appropriate scale between the Sweets Way development and the adjacent existing buildings. Whilst the proposed buildings would be taller than the medical centre and residential dwelling on either side, there is sufficient spacing between the buildings which provides an appropriate setting.

In terms of appearance, the scheme will be finished with a red facing stock brick as the predominant material, with cast stone cill details and stone banding to help break up the elevation and provide a visual contrast to the red brick. The set-back top floor of Block 1 will have a grey vertical panelised system to provide contrast and denote the set-back nature of the top floor. The range of proposed materials is considered to be acceptable, however, a condition will be attached requiring the submission of the final external materials for approval by the LPA.

Having regard to all of the above, Officers consider that the scheme is of a high quality design and would integrate well with its surrounding context in accordance with London Plan Policy 7.7 and Local Policies CS5 and DM01.

## **Amenity Impact on Neighbouring Properties**

### Privacy

There are only existing residential units to the north, on the opposite side of Oakleigh Road North and to the east. Officers consider that the dwellings to the north will not be adversely impacted in terms of privacy, by virtue of the inbetweening road and separation distance of approx. 35m. On the front section of proposed block 2, there are no windows proposed facing towards the neighbouring property. At the rear section, the proposed facing windows would only serve communal core space and would have a separation distance to the neighbouring boundary of approx. 18m. As such, taking into account the above factors, the proposed development is considered to comply with the privacy requirements of Barnet's Local Plan and SPD and would not detrimentally affect the privacy of neighbouring properties in terms of overlooking.

### Outlook

As highlight above, the most sensitive of the adjacencies of the application site is to the north and east, where there are existing residential properties.

Both Blocks 1 and 2 are set back from Oakleigh Road North and there is an approximate distance of 35m to the properties to the north. Taking into account the considered appropriate scale and height of the development, it is considered that there would be a negligible impact on the residential properties to the north on the opposite side of Oakleigh Road North.

To the east, there is a pair of two-storey, semi-detached dwellings. At its closest point, at the front of the site, there would be a separation distance of approx. 9.5m, with this increasing as the proposed Block projects to the rear. As the Block 2 extends rearwards, the footprint is stepped away from the neighbouring boundary so that the distance is approx. 18m. Due to these factors, the proposal is not considered to be overly obtrusive or overwhelming when viewed from the adjacent residential property at No. 86 Oakleigh Road North. The considerable distances are enough to ensure that there would be no significant harm in terms of the impact on the outlook from the neighbouring properties.

### Daylight / Sunlight

Due to the separation distances between the proposed blocks and the adjacent properties and the proposed layout, Officers do not consider that the proposal would adversely affect the daylight / sunlight levels of the adjacent properties.

## **Transport / Highways**

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

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
3.8–4.6 hr/unit	35–55 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
3.1–3.7 hr/unit	40–65 u/ha		40–80 u/ha		55–115 u/ha	
2.7–3.0 hr/unit	50–75 u/ha		50–95 u/ha		70–130 u/ha	
Urban	150–250 hr/ha		200–450 hr/ha		200–700 hr/ha	
3.8–4.6 hr/unit	35–65 u/ha	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		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	Up to one space per unit	140–290 u/ha	Up to one space per unit
3.1–3.7 hr/unit	40–100 u/ha		80–210 u/ha		175–355 u/ha	
2.7–3.0 hr/unit	50–110 u/hr		100–240 u/ha		215–405 u/ha	

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 site's 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 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

Based on the PTAL of the site, a policy compliant scheme would necessitate a range of between 69 (0.6 spaces per unit) and 180.5 (1.5 spaces per unit) parking spaces for the 115 residential units. The proposed development would provide 93 car parking spaces, which will equate to a ratio of 0.81 spaces per unit with 12 of these spaces being provided for disabled use.

The Council's Traffic and Development service have raised concerns about the under-provision of car parking spaces within the site but on the other hand, Transport for London (TfL) objects to the development on the basis of over-provision. In line, with the draft London Plan standards, the development must provide no more than 58 car parking spaces (ration of 0.5).

Notwithstanding the comments from both services above, Officers consider that the parking provision is acceptable due to the site's good PTAL rating of 4 and close proximity of the site to local transport services at the Whetstone town centre and Totteridge and Whetstone Underground station. In addition, 46 units are proposed to be 1-bedroom units where a maximum of 1 space should be provided. Therefore, it can be accepted, with a good PTAL level, that the 1-bedroom can be provided without parking provision.

On the basis of the above, the parking ration of 0.81 per unit is considered to be appropriate for the development due to the site's good connectivity to the surrounding area and close proximity to Whetstone town centre.

The applicant has confirmed that 20% of the car parking spaces will be active Electrical Vehicle Charging, with a minimum of an addition 20% to be suitably constructed to provide future connections.

### Vehicular Access

A new vehicular access would be created from Oakleigh Road North by means of a standard priority junction. The Council's Traffic and Development service have reviewed the proposed access and confirm that it is acceptable in principle. They recommend that a Stage 1 safety audit of the proposed new junction to undertaken to address concerns about the increased potential turning conflicts. This will be secured via a condition

### Cycle Parking

The development would provide 189 cycle parking spaces (184 long and 5 short stay) which is acceptable. The Council's Traffic and Development service accept the location of the propose internal cycle stores.

### Trip Generation/ Highway Network Impact

The Transport Assessment from Transport Planning Associated calculates that a total of 84 two-way person trips will be generated during the morning peak hour (8-9am) and 67 two-way person trips during the evening peak hour (5-6pm).

At the request of the Highways' Officer, the total person daily trip figures have been provided.

Overall, the Highways Officer comments that the proposed level of vehicle trip generation created from the proposed development is unlikely to have a significant traffic impact. It is noted that additional vehicle movements would create new turning conflicts at the junction but this be addressed by the Stage 1 safety audit.

In order to investigate and potentially mitigate against the above concern, the Highways Officer recommends that a contribution of £45,000 is sought towards investigating (£5,000)

and implementing (£40,000) pedestrian safety improvements in the section of Oakleigh Road North between Oakleigh Avenue and High Street. This is sought as future residents of the development are likely to travel to and from the High Street crossing the road at various points.

### Refuse Collection

Refuse storage locations are to be located at the northern and southern extents of the development to ensure that access to these collection areas will be within acceptable distances to the refuse collection vehicle. Refuse collection will be undertaken from Oakleigh Road North and Toye Avenue.

For collections taken from Oakleigh Road North, in keeping with other collections that occur on street, the refuse collection vehicle will stop on the street in the vicinity of the refuse storage areas and will service the refuse collection areas.

In a similar manner to Oakleigh Road North, collections will also be undertaken from kerbside on Toye Avenue, with the refuse collection vehicle stopping on the street before collection refuse from the storage areas.

The overall refuse strategy is acceptable in principle to the Council's Traffic and Development service. Should permission were to be granted, a condition would be attached securing a servicing management plan.

### **Trees, Landscaping and Ecology**

#### Trees

The whole site is designated under a Tree Protection Order (TPO). An arboricultural Impact Assessment has been submitted with the application and reviewed by the Council's Arboricultural Officer. In order to facilitate the development, 19 trees/groups are proposed to be removed.

The scheme has been designed to retain the mature trees along the northern boundary and main road frontage. This green frontage will be reinforced by additional semi-mature trees. In order to mitigate the loss of mature trees, it has been agreed that 4no. super semi-mature will be positioned along the main vehicular access to demarcate the main gateway. This has been accepted by the Council's Arboricultural Officer

In order to mitigate the loss of TPO trees, the proposed landscape scheme seeks to deliver enhancement with the provision of new trees. It is acceptable that in the long term, the proposed landscaping will mitigate the proposed loss.

#### Landscaping

There are two main areas of landscaping within the scheme; the frontage along the northern boundary facing Oakleigh Road North and the central courtyard within Block 1. These areas will provide a variety of new soft landscaping and tree planting.

## Ecology

An Ecological Appraisal by Aspect Ecology Ltd (March 2019) has been submitted with the application. The report states that the site itself is not subject to any statutory or non-statutory ecological designations. In terms of protected species, the site is considered to generally offer limited opportunities and no evidence of any such species was recorded during the survey work. It is likely that birds may nest within suitable trees within the site. The report recommends a series of mitigation and enhancement measures. The Ecological Appraisal has been assessed by the Council's Ecologist who is satisfied with the details submitted.

## **Sustainability**

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

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.

Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrate compliance with the Mayors targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy.

The application is accompanied by an Energy Strategy from Energist UK Ltd (27<sup>th</sup> March 2019) which sets out how the development accords to the London Plan energy hierarchy.

## Be Lean

Passive design measures included within the development to reduce energy demand would include the following:

- energy efficient building fabric and insulation to all heat loss floors, walls and roofs;
- high efficiency double-glazed windows throughout;
- quality of build will be confirmed by achieving good air-tightness results throughout;
- efficient building services including high efficiency heating systems;
- low energy lighting throughout the building.

These measures are assessed as providing a 10.03% reduction in regulated CO2 emissions.

### Be Clean

At the present date, there is no decentralised heating network in close proximity of the site. There are no proposed plans for an area-wide heat network within the vicinity of the development. As such, the proposal includes the provision of individual, high-efficiency gas boilers to all flats.

No CO2 emissions are proposed through this measure.

### Be Green

The applicant has investigated the feasibility of range of low and zero carbon technologies for the development and is proposing to install approximately 505sqm of roof mounted solar photovoltaic panels.

The installation of PV panels will result in a reduction of 25.08% reduction in regulated CO2 emissions.

### Summary

All of the measures outlined above combine to give the following site wider 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	135.84	-	
Be Lean	122.21	13.63	10.03%
Be Clean	122.21	0.00	0.00%
Be Green	88.14	34.06	25.08%
		<b>CO2 Savings off set</b>	
<b>Off-set</b>		2,644.23	
<b>Cash in lieu</b>		£158,653.92	

An on-site reduction of 47.69 tonnes of CO2 per year in regulated emissions compared to a 2013 Building regulations compliant development is expected for the development, equivalent to an overall saving of 35.11%. The carbon dioxide savings exceed the on-site target set within policy 5.2 of the London Plan.

New residential developments are required to meet the zero-carbon target. The applicant is therefore required to mitigate the regulated CO2 emissions, equating to a financial contribution of £158,653.92 to the Borough's offset fund.

## **Flood Risk/ SUDS**

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 not 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”.

The application is accompanied by a Flood Risk & Drainage Strategy Report from Walker Associates Consulting Limited (February 2019). This has been assessed by the Council's appointed drainage specialists who, following the submission of further details, have raised no objection to the development. If permission were granted, a condition securing the submission of a surface water drainage scheme would be attached.

## **Equality and Diversity Issues**

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

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

For the purposes of this obligation the term "protected characteristic" includes:

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

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



The 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 site will provide 10% wheelchair adaptable units.

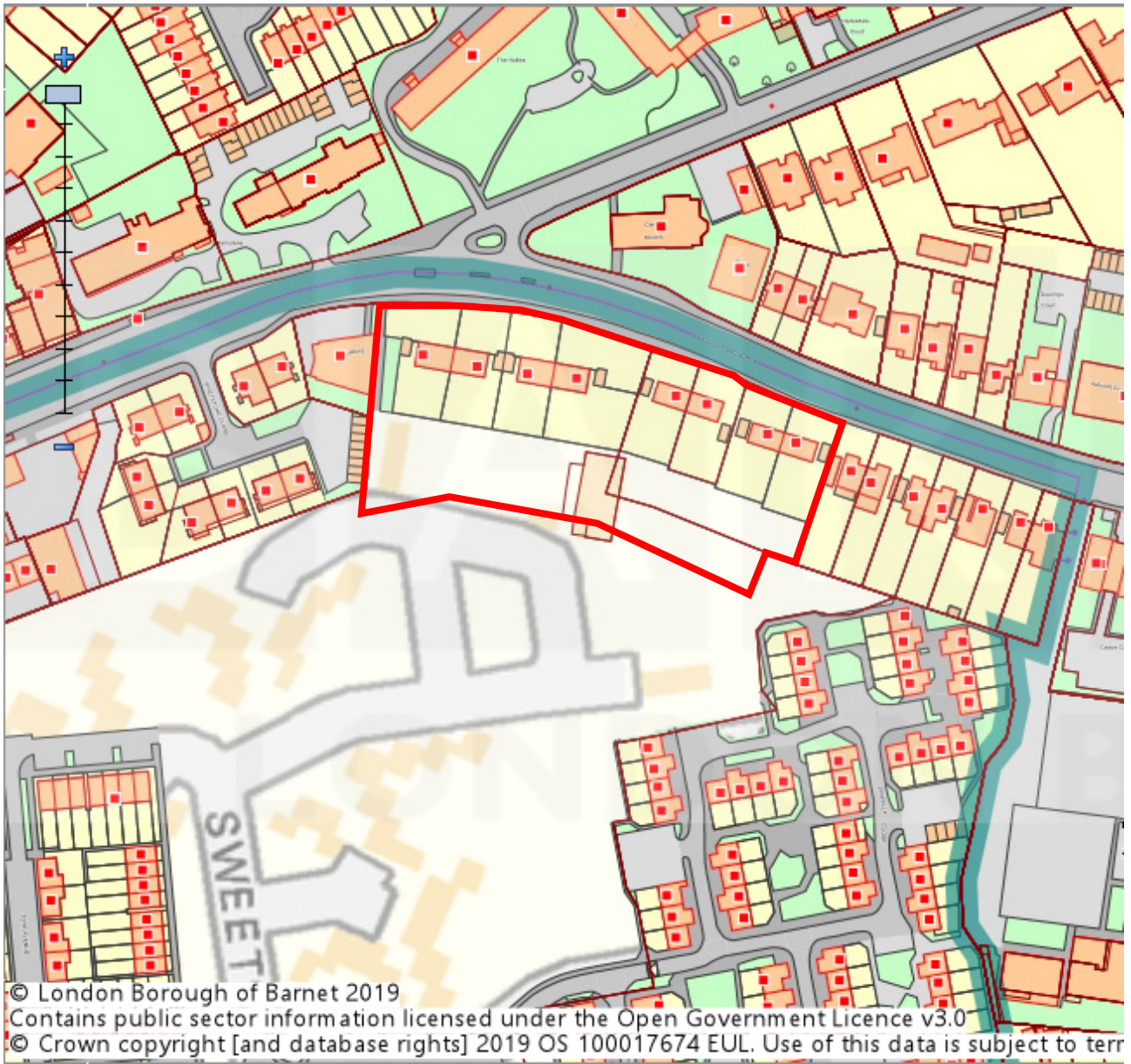
The development includes level, step-free pedestrian approaches into both blocks to ensure that all occupiers and visitors of the development can move freely in and around the public communal spaces. Lifts are provided to provide step-free access between the ground floor and the upper levels. Dedicated parking spaces for people with a disability will be provided in locations in close proximity to the lift areas.

It is considered by officers that the submission adequately demonstrates that the design of the development and the approach of the applicant are acceptable with regard to equalities and diversity matters. The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

## **Conclusion**

In conclusion officers consider that, on balance, the development is acceptable having regard to the relevant local, regional and national policies. The principle of residential development is acceptable.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development generally and taken overall accords with the relevant development plan policies. The development is of a high quality design which provides a policy compliant level of affordable housing. As such, these matters are given greater weight and would provide public benefits. On balance, these benefits are considered to outweigh the concerns relating to the loss of mature trees. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to the satisfactory completion of the Section 106 Agreement, **APPROVAL** is recommended subject to conditions as set out at the beginning of this report.



**LOCATION:** Brent Cross Cricklewood Regeneration Area  
North West London

**AGENDA ITEM 9**

**REFERENCE:** 19/2070/CON

**Received:** 8<sup>th</sup> April 2019

**WARD:** Golders Green

**Accepted:** 12<sup>th</sup> April 2019

**Expiry:** 7<sup>th</sup> June 2019

**APPLICANT:** BXS Limited Partnership

**PROPOSAL:** Submission pursuant to Conditions 4.2 (Re-phasing) and 4.4 (Indicative Construction Programme) of Planning Permission F/04687/13 dated 23 July 2014 for the comprehensive mixed use redevelopment of the Brent Cross Cricklewood regeneration area, to re-phase items of Critical Infrastructure to create two new sub-phases within Phase 1A (North): 'Phase 1A (North) (Infrastructure 1)' to contain A407 Cricklewood Lane/Claremont Road Junction Improvements, A5/A407 Cricklewood Lane Junction Improvements, Claremont Road Junction with Tilling Road and, the Whitefield Estate Replacement Units (Part 1); and, 'Phase 1A (North) (Infrastructure 2)' containing the balance of remaining Critical Infrastructure of Phase 1A (North). This submission also updates the Indicative Construction Programme to re-sequence the northern and southern development in Phase 1.

**RECOMMENDATION:**

That delegated powers be given to the Brent Cross Planning and Transport Manager to APPROVE the Conditions Application subject to the completion of a satisfactory Deed of Variation to make the necessary amendments to the existing Section 106 Agreement dated 22<sup>nd</sup> July 2014 attached to planning permission F/04687/13, to secure the following:

- 1) Amendments to clauses and definitions to reflect the updated phasing of the development and to accord with amendments to conditions and definitions of planning permission F/04687/13 approved under separate applications pursuant to section 96A;

## APPLICATION SUMMARY

The application is part of a suite of submissions to enable elements of Brent Cross South (BXS) and Brent Cross Thameslink (BXT) to proceed in advance of the commencement of the first phase of Brent Cross North (BXN).

The application is made pursuant to Conditions 4.2 and 4.4 of the section 73 planning permission for the Brent Cross Cricklewood Regeneration (planning permission reference F/04687/13) (the 'S73 Permission'). These two conditions provide the S73 Permission with a degree of flexibility to the approved phasing and delivery sequence, the content of each Phase or Sub-Phase and the creation of new Sub-phases, subject to an assessment of resulting environmental impacts which must be considered against the existing S73 Environmental Statement as well as any potential impacts upon the comprehensive delivery of the Brent Cross Cricklewood Regeneration Scheme (BXC).

Condition 4.2 allows for amendments to be made to the indicative phasing of the approved BXC development. Condition 4.4 allows for updates to be made to the Indicative Construction Programme (ICP). The submission therefore seeks to alter the delivery sequence of development and infrastructure within Phase 1 and part of Phase 2 of the BXC scheme. It does not propose any change to the nature, type, quantum or scale of development approved under the S73 Permission.

The original S73 Permission was assessed and approved with necessary mitigation measures secured via conditions and legal obligations. In particular, all elements of Phase 1 now have detailed consent which has entailed additional detailed assessment and analysis in both environmental and transport terms.

As currently structured in the S73 planning permission, the southern elements of the regeneration, BXS and BXT, cannot commence until the Northern Developer has commenced Phase 1A (North). Both BXT and BXS have made significant steps towards delivery of development, however, due to well documented uncertainty in the retail sector the Northern Developer, Hammerson Aberdeen Standard Investments (HASI), has deferred a start on Phase 1BN (and thereby Phase 1AN). It is therefore necessary to re-sequence the early consented elements of BXC to allow development within BXS and BXT to commence ahead of BXN and thereby realise the benefits of the regeneration. It will also ensure that the new Thameslink station and associated infrastructure being delivered by the Council with Government grant can continue to be delivered in line with the programme to achieve the station opening date of May 2022. The submission to update the ICP reflects this adjusted sequence of delivery.

An Environmental Statement of Compliance has been submitted in support of the application to demonstrate that the re-phasing of these items of infrastructure and the update to the ICP is unlikely to result in any new or different significant environmental effects from those reported in the s73 Permission Environmental Statement.

The amendments to phasing do not change the triggers for the delivery of the infrastructure and contributions as set out in the conditions of the S73 Permission and secured in the associated Section 106 agreement (s106).

In addition, the application will not result in any increases, decreases, deletions or alterations in the approved parameters, including the number of items or plots approved as part of the existing s73 Permission. Likewise, the current application does not seek to change any of the designs approved by previous Reserved Matters Applications (RMAs) or Other Matters Applications (OMAs).

The re-phasing sought under condition 4.2 seeks the sub-division of Phase 1A (North). Phase 1A (North) includes key Infrastructure required for delivery of the Northern development, including the Brent Cross Shopping Centre (Phase 1B (North)), it also includes items which support the delivery of development within Brent Cross South to the south of the A406.

Two new phases will be created: Phase 1A (North) (Infrastructure 1); and Phase 1A (North) (Infrastructure 2).

Phase 1A (North) (Infrastructure 1) would include the following Infrastructure items:

- A407 Cricklewood Lane/ Claremont Road Junction Improvements;
- A5/A407 Cricklewood Lane Junction Improvements; and
- Claremont Road Junction with Tilling Road.

It will also include the residential development of plots 53 and 54 on the Brent Terrace Triangles which will provide the Whitefield Estate Replacement Units (Part 1).

Phase 1A (North) (Infrastructure 2) will retain the majority of Phase 1A (North) Infrastructure.

The ICP sets out the indicative sequencing and duration of the delivery of Critical Infrastructure and Plot Development. It is a high level indicative delivery programme for a large and complex development, and the S73 Permission incorporates the flexibility to change the ICP from time to time as required to respond to Phase changes and changes in the delivery of the development.

The updated ICP reflects a long-stop date for commencement of Phase 1A (North) (Infrastructure 2) and Phase 1B (North) of May 2024. This date would be fixed as a result of a Unilateral Undertaking associated with a separate non-material amendment application associated with the commencement of 1B (North) (application reference 19/2068/NMA). It also reflects the current programme for the construction of the Thameslink Station which is planned to open in 2022.

A number of consequential changes will be required to definitions and conditions within the S73 Permission decision notice to reflect the updates to Phasing and the ICP. A separate non-material amendment application under Section 96A has been submitted alongside minor definition changes submitted against condition 1.30 of the s73 Permission to make the necessary changes. In addition, a draft Deed of Variation has been submitted to ensure that the updated definitions are captured in the s106 agreement attached to the S73 Permission.

It is considered that, as set out in the requirements of Conditions 4.2 and 4.4 the application has demonstrated:

1. That the proposed re-phasing of the items and plots, subject of this application, do not give rise to any significant adverse environmental effects in accordance with the assumptions that underpinned the S73 Permission Environmental Statement; and,
2. That the proposed sub-division of infrastructure to allow Phase 1 (South) to commence prior to Phase 1B (North) would continue to positively assist in achieving the planning benefits of the comprehensive development of the BXC regeneration.

Therefore, it is recommended that the application to re-phase the infrastructure items and plots, within Phase 1 and the associated update to the ICP is approved subject to the satisfactory completion of a Deed of Variation to the section 106 Legal Agreement to reflect the consequential amendments to conditions and definitions.

## 1.0 BACKGROUND AND DELIVERY OF THE REGENERATION

### 1.1 Outline Planning Consent

This application relates to the delivery of the Brent Cross Cricklewood ('BXC') regeneration scheme.

The BXC regeneration was first established as a Supplementary Planning Guidance (SPG) in 2004, in accordance with the London Plan at the time. The comprehensive redevelopment of the wider BXC regeneration area was granted outline planning permission in 2010 (with planning reference C/17559/08) and was subsequently amended via a Section 73 planning application (with planning reference F/04687/13) which was approved on 23 July 2014 (the 'S73 Permission'). The description of the S73 Permission is as follows:

*"Section 73 Planning application to develop land without complying with the conditions attached to Planning permission Ref C/17559/08, granted on 28 October 2010 ('the 2010 permission'), for development as described below: Comprehensive mixed use redevelopment of the Brent Cross Cricklewood Regeneration Area comprising residential uses (Use Class C2, C3 and student/special needs/sheltered housing), a full range of town centre uses including Use Classes A1 - A5, offices, industrial and other business uses within Use Classes B1 - B8, leisure uses, rail based freight facilities, waste handling facility and treatment technology, petrol filling station, hotel and conference facilities, community, health and education facilities, private hospital, open space and public realm, landscaping and recreation facilities, new rail and bus stations, vehicular and pedestrian bridges, underground and multi-storey parking, works to the River Brent and Clitterhouse Stream and associated infrastructure, demolition and alterations of existing building structures, CHP/CCHP, relocated electricity substation, free standing or building mounted wind turbines, alterations to existing railway including Cricklewood railway track and station and Brent Cross London Underground station, creation of new strategic accesses and internal road layout, at grade or underground conveyor from waste handling facility to CHP/CCHP, infrastructure and associated facilities together with any required temporary works or structures and associated utilities/services required by the Development (Outline Application)."*

### 3.2 Phasing of the BXC Regeneration Scheme

The S73 Permission divides the BXC Development into 7 phases. Phase 1 is further split into five sub-phases, namely Phase 1A (North); Phase 1A (South); Phase 1B (North); Phase 1B (South); and Phase 1C.

**Phase 1A (North)** - this includes all highways infrastructure to support the northern development and key highways infrastructure to support Phase 1 South. Phase 1A (North) falls under eight Reserved Matters Applications (RMAs). Subsequent to these RMA approvals, six items of infrastructure have been re-phased to Phase 1B (South).

**Phase 1A (South)** - this comprises three highway links to support Phase 1 of the Southern Development. Two of these roads have been re-phased and Phase 1A (South) is now comprised solely of Claremont Park Road (Part 1).

**Phase 1B (North)** - this includes all of the plot development on the north side with the exception of the residential development within the Brent Cross West Zone. The sub phase also includes the replacement bus station, reconfigured shopping centre, extension to the shopping centre, hotel and leisure uses, northern pedestrian routes, the Riverside Park, Sturgess Park improvements and residential uses.

**Phase 1B (South)** - this includes the Market Square, Clarefield Park Temporary Replacement Open Space and residential Plot 12, RMA approval for which has been granted providing 292 units including the Whitefield Estate Replacement Units (Part 2). Phase 1B (South) in addition comprises other development/infrastructure, as follows:

- Claremont Park;
- Clitterhouse Playing Fields (Part 1);
- Claremont Avenue;
- Claremont Road Junction North;
- High Street South (East Works); and
- Orchard Lane

**Phase 1C** - this includes the remaining plot development within the southern development area of Phase 1 (South) comprising Plots 11 and 13 which will provide 700 residential units along with retail, community and leisure uses on the ground floor in line with the Market Quarter land use allocations.

Reserved matters have been approved for all of the above infrastructure and plot development within Phase 1.

The new Thameslink Station is within a sub-phase of Phase 2. A number of drop-in planning applications have been approved for the infrastructure components and development required to deliver the new train station as follows:

- Rail Freight Facility (reference 17/5761/EIA) – approved on 6<sup>th</sup> July 2018;
- Replacement Waste Transfer Station (reference 17/6714/EIA) – approved on 30<sup>th</sup> October 2018;
- Sidings Compound Facility for train drivers and presentation staff (reference 18/5647/EIA) – approved on 14<sup>th</sup> December 2018; and
- New South Sidings and MML Track Realignment Work to serve the forthcoming new Train Station (reference 18/5647/EIA) – approved on 14<sup>th</sup> December 2018 subject to conditions.



## Previous Condition 4.2 Re-Phasing Applications

Four Re-Phasing applications pursuant to Condition 4.2 have been approved to date under the S73 Permission.

The re-phasing of plots 53 and 54 from Phase 1 (South) to Phase 1 (North) approved in February 2015 (reference F/05552/14);

The re-phasing of 6 items of infrastructure from Phase 1A (North) to Phase 1B (South) approved in February 2017 (reference 16/7489/CON);

The re-phasing of infrastructure items and development plots within and between phases: 1A (South), 1B (South), 1C and 2 (South) to consolidate Phase 1 (South) into deliverable package approved in October 2017 (reference 17/2694/CON); and

The re-phasing of a number of development plots and items of Critical Infrastructure from Phase 1A (South), Phase 1B (South), Phase 1C, Phase 2 (South), Phase 4 and Phase 5 to create two new sub-phases within Phase 2 (South) to enable the delivery of the new Thameslink Station and associated infrastructure development earlier in the regeneration.

### **3.3 Delivery of the Regeneration**

For the purposes of delivery, the BXC development is divided into three elements:

- **Brent Cross North** (BXN) – land north and south of the A406, being developed by BXC Development Partners, Hammerson Aberdeen Standard Investments;
- **Brent Cross South** (BXS) – land south of the A406, being developed by the Council and its delivery partner Argent Related (BXS LP); and
- **Brent Cross Thameslink** (BXT) – land adjacent to the Midland Mainline, including a new Thameslink Railway Station, being delivered by the Council in partnership with Network Rail.

Phase 1A (North) and Phase 1B (North) form part of BXN and Phase 1A (South), Phase 1B (South) and Phase 1C form part of BXS. BXT is within Phase 2 (South) (Thameslink Station).

#### Progress to date

Within BXN Reserved Matters have been granted for the whole of Phase 1A (North) which includes highways infrastructure improvements, works to the River Brent and the Whitefield Estate Replacement Units (Part 1). The Whitefield Estate Replacement Units (Part 1) will deliver 47 replacement homes on Plots 53 and 54 which are located to the south of the A406. Reserved Matters Approval for Phase 1B (North) has also been granted which provides for development around Brent Cross Shopping Centre to include the Replacement Brent Cross Bus Station, a new hotel, a new energy centre, provision for the Eastern and Western Brent Riverside Park and improvements to Sturgess Park. Relevant site-wide strategies have been approved through pre-

reserved matters conditions and a number of pre-commencement conditions have also been discharged.

In March 2015, the Council appointed Argent Related as its delivery partner for BXS and formed a joint venture, BXS LP in 2016. Since then BXS LP have secured Reserved Matters and drop-in approvals for all of the infrastructure and development within Phase 1 (South) which includes the development of Plot 12 which will deliver 110 residential units as the Whitefield Estate Replacement Units (Part 2), Plot 11 and Plot 13 which together will deliver just under 1,000 homes. There are also consents in place for associated highways infrastructure and improvements to both Claremont Park and Clitterhouse Playing Fields and detailed designs for the Temporary Open Space have also been approved. Together these plots and infrastructure will deliver the beginning of a new town centre. The first demolitions within the Claremont Industrial Estate are scheduled to begin this summer with main works associated with the temporary open space and first plot in early 2020. The first residential completions are expected in late 2021/2022.

In relation to BXT, the Council has secured Government Grant funding to deliver the new Thameslink station and associated infrastructure. Drop-in planning permissions have been approved for the Rail Freight Facility (RFF), Waste Transfer Station (WTS), the replacement Sidings Train Operating Companies (TOC) Compound and associated rail systems works. The Council has appointed contractors to deliver the Sidings, rail systems work and TOC Compound and construction work started in early 2019 and is progressing well. The TOC compound will be completed this Summer and the new Sidings will be commissioned in Spring 2020. The Council is currently selecting a contractor later this year for the construction of the new train station, overbridge and platforms and a reserved matters application for the station is expected to be submitted in July. The new station is planned to be completed in 2022. The RFF is being delivered by DB Cargo who will operate the new freight facility and is expected to be operational by the end of the year.

Therefore, since the grant of the S73 Permission, significant progress has been made towards the delivery of the BXC development with approval for detailed design secured for the whole of Phase 1.

### Compulsory Purchase Orders

The Council has sought to compulsorily purchase land within the BXC regeneration area to facilitate delivery of the regeneration scheme. The London Borough of Barnet Compulsory Purchase Orders No.1 and No.2 were made by the London Borough of Barnet (LBB) in 2015 to acquire land for the Northern development and the first phases of the Southern development. A Public Inquiry took place in summer 2016 and both Orders were confirmed by the Secretary of State in December 2017 and a High Court Challenge was dismissed in July 2018.

Compulsory Purchase Order No.3 was made by the London Borough of Barnet in September 2016 to acquire land at the western extent of the Brent Cross Cricklewood regeneration area to facilitate delivery of the New Train Station and associated infrastructure within the Railway Lands development zone. A public inquiry took place in September 2017 and the Order was confirmed in full on 15<sup>th</sup> May 2018.

## **4. DESCRIPTION OF SITE AND PROPOSALS**

### **4.1 Site description and Surroundings**

The Brent Cross Cricklewood (BXC) regeneration area is a 151 hectare development site. On the western side, the site is bounded by the Edgware Road (A5) and the Midland Mainline railway line; and to the eastern side by Hendon Way road (A41). The North Circular road (A406) which runs in an east west direction across the site separates the Northern and Southern development areas.

The Northern development area located north of the A406 consists of the existing Brent Cross Shopping Centre (BXSC) which is identified in the London Plan 2016 as a Strategic Regional Shopping Centre, Bus Station and existing Sturgess Park and will continue to be delivered by Hammerson and Standard Life. Brent Cross London Underground Station is situated to the east of this Brent Cross East (BXE) development.

The Southern development area to the south of the A406 is comprised of some large footprint retail, Hendon Leisure Centre, the Whitefield estate (of approximately 220 units), parks and open spaces, Whitefield Secondary School, Mapledown Special School and Claremont Primary School and Claremont Way Industrial Estate.

The Templehof Bridge and the A41 flyover provide the only existing direct north-south links within the site which run across the A406 North Circular Road, and the River Brent which flows east to west and is located adjacent and south of the existing Shopping Centre.

The site is surrounded to the north, east and south by traditional low rise suburban development, predominantly two storey semi-detached houses. Cricklewood Railway Station located to the west of the BXC site, lies on the Midland Mainline railway line which runs between London St. Pancras and the north of England. Brent Cross Underground Station, served by the Edgware branch of the Northern line, lies to the eastern boundary of the regeneration area. The existing Brent Cross Bus Station provides access to 18 bus routes (including Green Line).

### **4.2 Description of Proposals**

The application comprises a submission pursuant to Conditions 4.2 (Re-phasing) and a submission pursuant to Condition 4.4 (Indicative Construction Programme) of Section 73 Planning Permission F/04687/13 for the comprehensive mixed use redevelopment of the Brent Cross Cricklewood regeneration area.

The application is part of a suite of submissions to enable elements of Brent Cross South (BXS) and Brent Cross Thameslink (BXT) to proceed in advance of the first phase of Brent Cross North (BXN). The submissions seek to alter the delivery sequence of development and infrastructure within Phase 1 and part of Phase 2 of the BXC scheme. They do not propose any change to the nature, type, quantum or

scale of development approved under the S73 Permission.

#### Condition 4.2 - Re-phasing

Pursuant to Condition 4.2 of the S73 Permission the application seeks permission to re-phase infrastructure to create two new sub-phases within Phase 1A (North) to enable the necessary infrastructure to be delivered to allow Phase 1 (South) to commence ahead of Phase 1B (North).

Condition 4.2 provides the ability for changes to be made to the phasing of the s.73 Permission subject to confirmation that the changes:

- a) do not have any significant adverse environmental effects; and
- b) do not undermine comprehensive redevelopment.

Condition 4.2 reads as follows:

*“The Indicative Phasing Parameter Plan and/or Phase 1A(North) Phase 1A (South), Phase 1B (North), Phase 1B (South) and Phase 1C may be amended from time to time to reflect changes to the phasing of the development on written application and subject to obtaining the prior written approval of the LPA in respect of the definition of (a) any amendment to the Phases shown on Parameter Plan 029 or any subsequently approved Phasing Parameter Plan or (b) any part of a Phase as an approved Sub-Phase, but provided always that such approval to an amended Phase or Sub-Phase shall not be given unless and until any such proposed amendments or changes or the definition of any Sub-Phases shall have been demonstrated to be unlikely to*

*4.2.1. have significant adverse environmental effects compared to the assessments contained in the EIA Process unless and to the extent that such changes are validly approved by the LPA after they have been assessed by a subsequent new or revised Environmental Statement and an appropriate EIA process; and/or*

*4.2.2. significantly undermine comprehensive delivery of the mixed use town centre development in accordance with Saved Policy C1 of the LPA’s UDP 2006.*

*And Provided that any application for approval of any amendments or changes under this Condition shall (in accordance with Clause 14 of the S106 Agreement) clearly specify any consequential changes to (a) the Critical Infrastructure to be delivered as part of such Phase or (as the case may be) Sub-Phase and/or (b) the payments to be made to the LPA for the purposes of the Consolidated Transport Fund under the CTF Schedule in respect of such Phase or (as the case may be) Sub-Phase and (c) the relevant Phase Details to be approved pursuant to the detailed requirements for pre-commencement approvals in accordance with Conditions 13.1, 14.1, 15.1, 16.1, 17.1, 18.1, 19.1 and Conditions 20,21, 22, 23, 24, 25, and 26.*

*PROVIDED FURTHER THAT any proposed change to reassign Plots 53 and 54 from Phase 1 (South) to Phase 1 (North) and/or other appropriate phase changes to facilitate delivery of the Whitefield Estate Replacement Units (Part 1) and/or*

*Plot 113 from Phase 1 (North) to Phase 1 (South) may be submitted and approved in accordance with this Condition in advance of submission and approval of the A5 Corridor Study and/or any other applications for Other Matters Approvals.*

*Reason: To ensure the orderly and satisfactory development of the Site in accordance with the assumptions which underpinned the EIA Process, in the interests of highway safety and to assist in achieving the planning benefits of the comprehensive development scheme, whilst allowing sufficient flexibility to enable the development to be delivered in a manner which accords with the EIA process.”*

Phase 1A (North) is proposed to be sub-divided two create two new sub-phases: Phase 1A (North) (Infrastructure 1); and Phase 1A (North) (Infrastructure 2).

Phase 1A (North) (Infrastructure 1) would include the following Infrastructure items:

- A407 Cricklewood Lane/ Claremont Road Junction Improvements;
- A5/A407 Cricklewood Lane Junction Improvements; and
- Claremont Road Junction with Tilling Road.

It will also include the residential development of plots 53 and 54 on the Brent Terrace Triangles which will provide the Whitefield Estate Replacement Units (Part 1).

Phase 1A (North) (Infrastructure 2) will retain the majority of Phase 1A (North) Infrastructure as follows:

- A406 Brent Cross Ingress/Egress Junction Improvements
- A41/A406 Junction Improvements
- M1/A406 and A5/A406 Junction Improvements
- Tempelhof Avenue and Tempelhof Link Road
- Tilling Road West Re-alignment and Improvement Works (Part 1)
- Brent Cross Pedestrian Underpass Works
- Prince Charles Drive Diversion
- Eastern River Brent Alteration & Diversion Works
- Western River Brent Alteration & Diversion Works
- Central River Brent Alteration & Diversion Works
- Bridge Structure B1 (Replacement A406 Tempelhof Bridge)
- Bridge Structure B7 (Living Bridge)
- River Brent Bridges (as relevant to the Eastern River Brent Alteration and Diversion Works)
- River Brent Bridges (as relevant to the Central River Brent Alteration and Diversion Works)
- River Brent Bridges (as relevant to the Western River Brent Alteration and Diversion Works)
- Central Brent Riverside Park including River Brent Nature Park (NP5)

#### Condition 4.4 Indicative Construction Programme

Pursuant to Condition 4.4, the application also updates the Indicative Construction Programme to reflect the re-sequencing of the northern and southern development in Phase 1 to allow Phase 1 (South) to commence ahead of the shopping centre development in Phase 1B (North).

The updated ICP presents a construction programme in which Phase 1A (North) (Infrastructure 1) Critical Infrastructure commences in advance of the commencement of Phase 1 (South) and Phase 2 (Thameslink). Phase 1A (North) (Infrastructure 2) development and Phase 1B (North) are illustrated as commencing after the commencement of Phase 1 (South) and Phase 2 (Thameslink). An anticipated start date is given for Phase 1A (North) (Infrastructure 2) and Phase 1B (North) no later than May 2024 (consistent with obligations attached to the Phase 1BN Implementation NMA submitted by the BXC Development Partners).

Amendments to the ICP also provide an up to date timeframe for the expected construction programme for the delivery of the Thameslink Station as well as considering the timescale for the delivery of later Phases.

Condition 4.4 of the S73 Permission states:

*“The Indicative Construction Programme may be amended from time to time, and shall be amended (if and as far as required and appropriate) to support any application for (a) approval of any amendment to the Phasing Parameter Plan in accordance with Condition 4.2 or (b) any approval of (or any amendment to) the Primary Development Delivery Programme and/or the Detailed Delivery (Non-PDP) Programme in accordance Conditions 5.1 to 5.4.*

*Such amendments to the Indicative Construction Programme shall be made only with the prior written approval of the LPA and provided that such approval shall be given only if and to the extent that any proposed changes are demonstrated to be unlikely to:*

*a) have significant adverse environmental impacts compared to the assessments contained in the EIA Process on which this Permission has been granted or any relevant subsequent EIA Process in relation to a relevant Reserved Matters Approval or Other Matters Approval under this Permission (or in relation to any relevant Additional Planning Permission or Alternative Energy Permission or Further Section 73 Permission), except if and to the extent that these will be acceptably addressed by any specific alternative mitigation measures that have been approved by the LPA in accordance with Condition 3.2 and following (if appropriate) a new EIA in support of such application for approval under this Condition]; and*

*b) significantly undermine comprehensive development in accordance with Saved Policy C1 of the LPA’s UDP 2006.*

*Reason: To ensure the orderly and satisfactory development of the site in accordance with the EIA Process, to assist in achieving the planning benefits of*

*the scheme and to ensure comprehensive development on both sides of the A406 in accordance with Saved UDP Policy C1.”*

In summary, Condition 4.4 provides the ability for amendments to be made to the ICP subject to confirmation that the changes:

- a) Do not have any significant adverse environmental effects compared to those assessed in the existing EIA information for the Brent Cross Cricklewood Regeneration Area development; and
- b) Do not undermine the comprehensive redevelopment of the Brent Cross Cricklewood Regeneration Area.

### **4.3 Associated Applications**

The positive determination of this planning application would result in a number of consequential changes to the S73 Decision Notice and accompanying s106 Agreement.

The following applications have been submitted to facilitate the consequential amendments:

#### Submission pursuant to Condition 1.30

Minor revisions to existing definitions within the Glossary are required to reflect the introduction of the two new sub-phases within Phase 1A (North). A letter seeking written agreement of the LPA to those changes has been submitted in accordance with Condition 1.30 of the S73 Permission which enables minor revisions to the definitions within the Glossary to be agreed in writing with the Council.

#### Application under S96A to make consequential non-material amendments

The proposed re-phasing will require a series of consequential non-material amendments to be made to the planning conditions attached to the S73 Permission, as well as introducing new definitions into the glossary.

The primary amendments to the conditions of the S73 Permission relate to updating those conditions which refer to Phases 1A (North) to ensure they refer to either Phase 1A (North) (Infrastructure 1) and/or Phase 1A (North) (Infrastructure 2) as relevant and necessary. These consequential amendments are proposed to ensure that the commencement of BXS and BXT are not dependent upon the prior commencement of Phase 1A (North) (Infrastructure 2).

The re-phasing application also results in a need for new definitions to be inserted into the glossary of the S73 Permission decision notice to ensure relevant terminology in respect of Phase 1A (North) (Infrastructure 1) and Phase 1A (North) (Infrastructure 2) are suitably defined.

A number of other non-material amendments are also proposed under the S96A application to make amendments of clarification; to amend the trigger for the Tilling

Road West Rea-alignment works to accord with other triggers; and to amend the approach to the approval process for Critical Infrastructure (Pre-Phase). These changes do not relate directly to this re-phasing application.

#### Application under S96A related to implementation of Phase 1B (North)

In conjunction with the re-phasing application and associated applications and deed of variation to secure consequential amendments to the conditions and s106 agreement, the BXC Development Partners (Hammerson Aberdeen Standard Investments) have prepared and submitted a separate application under Section 96A to enable Phase 1B (North) to be implemented by carrying out a specified material operation, without the discharge of all pre-commencement requirements herein referred to as the “Phase 1B (North) Implementation Application”.

The Phase 1B (North) Implementation Application proposes that all pre-commencement requirements would need to be complied with and works to begin the remaining elements of Phase 1B (North) would be required to take place in advance of a longstop date of 10th May 2024. This long-stop timeframe for Phase 1B (North) has informed and is consistent with development programme assumptions used by the Re-Phasing Submissions.

#### **4.4 Supporting Documentation**

The following documents have been submitted in support of the application:

- Cover Letter;
- Explanatory Report (April 2019) prepared by DP9 Ltd;
- Supplemental Environmental Statement (April 2019) prepared by Arup;
- Transport Report (April 2019) prepared by Arup;
- Updated Indicative Construction Programme (Version 2.2 March 2019);

A draft Section 106 Agreement Deed of Variation has also been prepared which has been agreed with the development partners.

#### Explanatory Report

The Explanatory Report provides the applicant’s assessment of the key material considerations for condition 4.2 and 4.4 to reflect the resequencing of the northern and southern development within Phase 1. The report has been prepared to also cover and explain the necessary consequential amendments in relation to the following separate submissions:

- A submission pursuant to Condition 1.30 (Ref: 19/2067/BXE) for amendments to existing glossary terms to reflect the re-phasing and resequencing under consideration within this application; and,
- A s.96A application (Ref: 19/2065/NMA) for amendments to planning conditions and definitions in the S73 Permission decision notice to reflect the re-phasing and re-sequencing of Phase 1 and to enable commencement of development without a commitment to deliver Infrastructure within the amended Phase 1A



(North) (Infrastructure 2) associated with the delivery of Phase 1B (North). The Explanatory Report includes a draft updated version of the S73 Permission decision notice for information.

### Supplemental Environmental Statement

The Supplemental Environmental Statement (SES) provides the main evidence base for the assessment of any changes to environmental impacts when compared to those identified within the existing Environmental Statement for the S73 Permission, including any updates submitted with applications since the approval of the S73 Permission.

The SES assesses the updated ICP submitted under condition 4.4. The updated ICP reflects the re-phasing changes proposed through condition 4.2 as well as the consequential s96a amendments which would allow commencement of southern development phases following commencement of the newly created Sub-Phase Phase 1A (North) (Infrastructure 1).

The Environmental Statement approved with the S73 permission and subsequent updates (s73 ES) provides a qualitative assessment of resulting impacts at three intermediate 'snapshots' between the commencement and completion of the BXC development programme. These interim snapshots were taken to reflect peaks of construction activity whilst considering operational activity as it developed.

In order to draw a comparison between the environmental impacts of the s73 ES and the SES reflecting the updated ICP a similar qualitative assessment has to be undertaken for those.

### Transport Report

A Transport Report has been submitted as supporting information only and has been undertaken by the applicant as a separate exercise to determine whether the proposed split of infrastructure items to be re-phased into the new Phase 1A (north) (Infrastructure 1) sub-phase, would be sufficient to accommodate the development of Phase 1 (South). This is not a material consideration in the determination of the proposed phasing adjustments and update to the ICP in relation to the tests of Condition 4.2 and 4.4.

## **5. MATERIAL CONSIDERATIONS**

### **5.1 Relevant Planning Policy**

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals shall be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan comprises the London Plan at the strategic level and, at the local level, Barnet's Local Plan – this consists of the Core Strategy DPD (2012), Development Management Policies DPD (2012) and the saved policies of the Barnet Unitary Development Plan (2006). The Development Management Policies DPD (2012) states at paragraph 1.4.3 that it will not apply to planning applications for comprehensive development in the Brent Cross regeneration area unless and until the Core Strategy is reviewed in accordance with Policy CS2 and Section 20:13 of the Core Strategy.

The NPPF (2019) promotes a 'presumption in favour of sustainable development' (paragraphs 10-14) and for decision-taking, this presumption requires the approval of applications which are considered to accord with the Development Plan. Of particular relevance to this application, paragraphs 178-179 of the NPPF states that planning decisions should ensure that (a) a site is suitable for its proposed use taking account of the ground conditions and any risks arising from (inter alia) contamination; (b) after any remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act; and (c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

### **5.2 Public Consultation Responses**

It should be noted that this application has been made pursuant to a planning condition attached to the S73 Permission and as such there is no statutory requirement for the application to be subject to public consultation. However, given the proposals include the re-sequencing of delivery of the development within Phase 1 including development associated with the expansion of the Brent Cross Shopping Centre which was previously going to be delivered first, Officers considered it appropriate, in this instance to consult on the application.

A public consultation was undertaken with letters sent to 1889 addresses in the vicinity of the Brent Cross regeneration area. Additionally, 5 Site notices were erected in across the regeneration area.

A single letter of objection was received. The letter does not raise any points in relation to the re-phasing proposals or the update to the ICP. The letter primarily relates to previous objections to the overall regeneration scheme as a whole and in particular objections raised against CPO1 and CPO2 at the time of the public enquiry in 2016 and afterwards in 2017. The points raised are summarised below:

- The application would adversely impact upon the residents of the Whitefield Estate who would be disadvantaged by the application under the terms of the

Resident Relocation Strategy and the arrangements proposed for replacement homes within the new development;

- Acknowledgement that the CPOs have been confirmed and that focus of residents has been on trying to reach positive agreement on vesting of properties back to the Council;
- Council has been trying to acquire the properties of residents and reach an agreement on an individual basis albeit with little or no transparency on the matter;
- Request to know the number of sales and option agreements which have been achieved over leaseholders and freeholders properties at the Whitefield Estate from CPO1 and CPO2 area to date and the latest offers (including compensations) that have been made to individual leaseholders and freeholders;
- Suggestion that residents have been required to sign non disclosure agreements as a condition to receiving offers on their properties. Signing an NDA means that there could be great disparity in the offers being made to individual leaseholders;
- Suggestion that the high and unreasonable costs of recent major work charges in the 3 tower blocks within Whitefield Estate amounting to over £6,000 in the last year will have put leaseholders under a lot of pressure to settle for any revised offers made to them or risk facing bankruptcy should they insist on remaining on the estate;
- Objector would like the offer of an option agreement without the need to have a survey carried out of their individual property in order to receive an improved offer from the Council;
- Reference to arguments and proposals put forward in evidence submitted in objection to CPO1 and CPO2 to exclude the Whitefield Estate from demolition. Still remains the objector's preferred position;
- Comments on secured and assured tenancies;
- Suggests that evidence submitted in objection to CPOs 1, 2 and 3 should be considered along with the collective submission made by residents of the Whitefield Estate in May 2017 when considering the determination of the application.
- Comments of why they don't agree with shared equity offer for existing leaseholders when they didn't agree to move in the first place;
- Do not wish to pursue the option of a replacement home in the new development, but would like to be compensated sufficiently to enable them to purchase a like-for-like 2 bedroom flat in the locality. A suggested reference is made to apartments in the Fairview Homes development on Cricklewood Lane for a 2 bed flat with a similar internal area of 65 square metre costing around £500,000. Request for an offer by the end of the week in the form of an option agreement without the necessity of signing an NDA;
- Query why leaseholders have not been given the option to buy a home in the new development off plan;

- Issues relating to deregulation due to the privatization of housing compromising building safety, the scope of jobs available, the prevalence of high end stores and the decline of economy stores, high cost renting or perpetual debt arising from mortgage arrangements particularly affecting the future generation should they seek to own their own home, tax exemption or reduction, are some of the likely impact of the Scheme;
- Analysis by business leads such as the CBI confirm that the UK economy will be negatively impacted as a result of brexit. As a consequence, the trade deals that will be forged leading to Schemes such as the BXC development could result in substantial wealth inequality, enslavement of the masses and the UK becoming a vassal state.

Officer comment:

*Comments relating to property valuations, acquisitions and negotiations with existing leaseholders are not relevant planning matters. Outline planning consent has been granted for the regeneration including for the redevelopment of the Whitefield Estate. A Resident Relocation Strategy has been approved by the Council which sets out the arrangements for the relocation of residents in the Whitefield Estate. Evidence relating to Compulsory Purchase Order 1 and 2 was assessed and considered by an independent Planning Inspector at a public inquiry. The Orders were subsequently confirmed by the Secretary of State. The proposed adjustments to the phasing of infrastructure in Phase 1A (North) will enable the replacement homes for the residents of the Whitefield Estate to be delivered at the very beginning of the regeneration.*

### **5.3 Consultation Responses from Statutory Consultees and Other Bodies**

External Consultees

**Transport for London**

TfL does not object to the Council approving this application.

Amendments are sought to the Deed of Variation of the s106 agreement specifically identifying Bus Subsidy contributions to the sum of £950,000 from the existing contribution of £2,000,000 triggered by commencement of Phase 1B (south) Construction Transport Fund.

Officer Comment

*TfL are a signatory to the s106 agreement and are currently engaged in discussions with the Council's Lawyers (Gowling WLG) over minor drafting issues including the alteration of the Consolidated Transport Fund to specifically identify a sum of £950,000 for bus subsidy from £2,000,000 contribution in Phase 1B (south) currently identified as a general Transport Contingency Fund. The existing s106 agreement allows flexibility of this contribution subject to agreement between the LPA and TfL. In the absence of Bus Subsidy contributions associated with the commencement of Phase 1B (north) being met ahead of the commencement of Phase 1 (south) the specification of this contribution is fixed at this time.*

## Internal Consultees

### **LBB Transport and Regeneration:**

LBB Transport officers acknowledge that the re-phasing submission and update to the ICP seek to adjust the sequence of delivery of already approved infrastructure and development within Phase 1 which has previously been assessed and approved using the relevant traffic models for the scheme. The application does not change the quantum, scale or the mix of uses of the development consented by the S73 Permission or the infrastructure and amount of development approved within Phase 1.

Although not required to meet the tests of Condition 4.2 in relation to environmental effects and comprehensive development, the applicants have submitted a Transport Report with this application as supporting information. This has been undertaken by the Applicant as a separate exercise to determine whether the proposed split of infrastructure items to be re-phased into the new Phase 1A (north) (Infrastructure 1) sub-phase, would be sufficient to accommodate the development of Phase 1 (South). This is not a material consideration in the determination of the proposed phasing adjustments and update to the ICP. There has been extensive dialogue between LBB Transport Officers and the Developer in relation to the modelling associated with the wider development. Officers have raised a number of comments on the outputs from the modelling. It is noted that the Transport Report is not sought for approval as part of this application.

For the purposes of the two tests within Conditions 4.2 and 4.4 in relation to environmental impacts and comprehensive development against which this re-phasing application and update to the ICP is being considered, it has not been considered necessary to pursue further interrogation of the output of the detailed traffic modelling evidence within the Transport Report, in recognition that this will be addressed in subsequent Phase Transport Reports which are required to be submitted prior to each phase. The phase transport report process requires the Developer to undertake traffic modelling using the strategic model for the development, along with appropriate local modelling of relevant junctions, to assess whether sufficient mitigation is in place to accommodate the development within that phase. The Phase Transport Report must account for development and infrastructure already approved in the previous phase(s) and therefore provides a cumulative assessment of the development as it is progressed.

On the basis that the key assessment for determining re-phasing applications pursuant to Condition 4.2 and updates to the ICP pursuant to Condition 4.4 is whether the changes would give rise to any new or different significant adverse environmental effects compared to those previously assessed, officers have no objections to the application being approved on the above basis.

### **LBB Environmental Health:**

The Proposed re-phasing and re-sequencing is not objected to given the context of the conditions attached to the s73 Approval in relation to both Noise and Air Quality which will have to be submitted prior to commencement of construction and which will ensure the acceptability of these impacts for both existing and new receptors.

## **6. PLANNING APPRAISAL**

### **6.1 Need for amendments to phasing and delivery sequence**

The UK is currently in a period of economic uncertainty. In particular, since Reserved Matters were approved in 2017 for Phase 1B (North) relating to the expansion of Brent Cross Shopping Centre, the UK retail market has been experiencing significant structural and conceptual changes, with the closure and consolidation of major national stores and brands and the continuing competition from on-line retail.

In July 2018 the BXC Development Partners announced that they would be deferring the start on site for Phase 1B (North) due to this current uncertainty within the retail market and economic climate.

Notwithstanding this retail market shift, evidence indicates that the larger, more dominant centres will continue to be the focus for activity for consumers and tenants, with consumers looking for a stronger 'experience' as part of their visit.

Brent Cross Shopping Centre has an established and important role within the overall hierarchy of centres in North West London. It predominantly provides a high order comparison goods destination for local residents and those coming from a wider catchment area. It is a location recognised to already attract a large number of shopping trips and is accessible by public transport, predominantly buses. It was partly for these reasons that the London Plan identified BXC as an appropriate location for additional comparison goods retail and other main town centre uses to support a new Metropolitan town centre designation and address the identified 'gap' in the retail hierarchy of north west London. As a result, notwithstanding the difficult current economic conditions, Brent Cross will continue to represent an appropriate location to focus retail and related activities, and will continue to be attractive to both customers and tenants.

The BXC Development Partners have stated that they are committed to delivering Phase 1B (North) and to realising the public benefits this will bring, but require a sufficiently flexible timeframe within which to achieve this given current uncertainties. As such, the BXC Development Partners are proposing – as part of the Phase 1B (North) Implementation Application (mentioned at section 4.3 above) – a revised longstop date for Phase 1B (North) of May 2024. BXC Development Partners consider this to allow a sufficient period of time to assess market conditions, address the issues faced by the retail market and to discharge the extensive pre-commencement conditions before Phase 1B (North) can be delivered.

The delivery of housing, jobs and the associated regeneration within BXS remains a key priority for the Council and for London. This is reflected in the Government's decision to commit grant funding to enable the delivery of the new Thameslink Station which will support and help accelerate the delivery of new housing. The station provides a fundamental component to the integrated transport strategy to enable and accommodate the BXC development proposals to come forward and encourage mode shift to public transport as part of the comprehensive development. Notwithstanding the new long-stop timing for Phase 1B (North), BXS LP intends to continue with its

proposed development of BXS. Subject to approval of this proposed re-phasing and re-sequencing application, preparatory works are scheduled to begin shortly in respect of utility disconnections and demolitions within the area for the first phases of BXS, with main works on BXS scheduled to commence in late 2019/early 2020 and the first residential completions expected in 2021/2022. Therefore, the phasing and delivery sequence adjustments required to the planning S73 Permission would ensure that there is no consequential delay in the delivery of BXS.

The Council has secured Grant funding from Government to deliver the new Thameslink Station and associated infrastructure. It has entered into an Implementation Agreement contract with Network Rail for the construction of new sidings and rail systems to undertake works to the operational railway. The council has also commenced an OJEU procurement to secure a contractor to install the station platforms and station access pedestrian bridge in order to maintain a 2022 opening date for the station to coincide with the completion of the first development plots within BXS. Work is now underway on the rail sidings and rail systems and waste transfer station components. The works to deliver the new station have been programmed and agreed with Network Rail, including secured rail possessions. The station works are due to continue notwithstanding the position on BXN, to the benefit of comprehensive development and regeneration of BXC.

The intended development programme is such that BXS and BXT are, subject to discharge of relevant pre-commencement conditions, ready to proceed with works under the S73 Permission. However, it is necessary to adjust the phasing and delivery sequence within the S73 Permission in order to enable this to happen. The principal consideration has been identifying the infrastructure required to support the initial parts of BXS development along with BXT likely to come forward ahead of the northern phases. This has been informed by transport modelling work conducted by ARUP.

#### Original Development Sequence

Phase 1A (North) is the first Sub-Phase of the BXC development and is required to begin prior to all other phases. At the time the S73 Permission Phase 1A (North) originally included all of the associated highways infrastructure improvements required to support the development of BXN (comprising primarily the expansion of Brent Cross Shopping Centre), certain public open space improvements within BXS, and certain new roads and junctions south of the A406 which are to support the delivery of the first development plots of BXS. It is for this reason that the S73 Permission requires Phase 1A (North) to commence prior to other phases. The S106 agreement then requires the Developers to use reasonable endeavours to complete the whole Sub-Phase once they have started. In addition, prior to commencing a Phase or Sub-Phase all RMAs, pre-RMA and pre-commencement conditions and all Necessary Consents for the whole Phase or Sub-Phase are required to be in place.

Phase 1A (North) as originally established contained infrastructure that is key to BXS, including improvements to Claremont Park and Clitterhouse Playing Fields, as well as new roads and junctions within the Market Quarter Development Zone intended to support the delivery of the first development plots within BXS.

Following the establishment of the joint venture between the Council and Argent Related (BXS LP) and the move to distinct delivery projects within BXC (BXN, BXS and BXT) highways infrastructure to the south of the A406 along with the improvements to Claremont Park and Clitterhouse Playing Fields (which were originally envisaged to be constructed by the BXC Development Partners as part of Phase 1A (North)) were re-phased to Phase 1B (South). This was to ensure that BXS LP would be able to control the detailed design and delivery of these items to ensure a more holistic approach to BXS. This was achieved via a re-phasing application (Ref: 16/7849/CON) approved in 2017.

As a result, much of the new infrastructure intended to be provided early in connection with the development of BXS is already within Phase 1B (South). However, the controls in the S73 Permission restrict commencement of any sub-phases within Phase 1 (South) until Phase 1A (North) is commenced. It is therefore necessary to make adjustments to the phasing of infrastructure within Phase 1A (North) so that those items required to support development in Phase 1 (South) can be commenced and delivered separately to and in advance of the remaining infrastructure which is required to support Phase 1B (North).

Consequential amendments to the S73 Permission are also required, which are being pursued via applications pursuant to Condition 1.30 and under S96A to recognise the new sub-phases and ensure that the commencement of BXS and BXT would not trigger the need to address pre-commencement requirements or delivery obligation in relation to unrelated infrastructure.

#### Proposed amended delivery sequence

The application proposes to split Phase 1A (North) into two further sub-phases, which together comprise the totality of Phase 1A (North). These new Sub-Phases are Phase 1A (North) (Infrastructure 1) and Phase 1A (North) (Infrastructure 2).

Phase 1A (North) (Infrastructure 1) will contain the infrastructure required to support the early phases of BXS anticipated to come forward in advance of 2024 (i.e. in advance of the assumed delivery of Phase 1B (North)). Phase 1A (North) (Infrastructure 2) will contain the remaining infrastructure which is required for the development in Phase 1B (North).

The applicants have undertaken an assessment of the highways junction improvements currently within Phase 1A (North) which are required to be delivered to support the early plots within Phase 1 (South). This assessment identified that the following items of highway infrastructure are required to facilitate the delivery of development in Phase 1 (South):

- A407 Cricklewood Lane/ Claremont Road Junction Improvements;
- A5/A407 Cricklewood Lane Junction Improvements; and
- Claremont Road Junction with Tilling Road.

In addition to the above highway infrastructure, the Whitefield Estate Replacement Units (Part 1) are proposed to be delivered early to re-house the residents of the



Whitefield Estate Existing Units (Part 1). It is appropriate that the replacement homes for this part of the Whitefield Estate are still delivered early in the development programme to support the delivery of BXS. These works are being funded by the Government Grant.

The content of the proposed new sub-phases within Phase 1A (North) is set out within the table below.

<b>PHASE 1A (North)</b>	
<b>Phase 1A (North) (Infrastructure 1)</b>	<b>Phase 1A (North) (Infrastructure 2)</b>
<ul style="list-style-type: none"> <li>• A407 Cricklewood Lane/Claremont Road Junction Improvements</li> <li>• A5/A407 Cricklewood Lane Junction Improvements - Claremont Road Junction with Tilling Road</li> <li>• Whitefield Estate Replacement Units (Part 1) (Plots 53 and 54)</li> </ul>	<ul style="list-style-type: none"> <li>• A406 Brent Cross Ingress/Egress Junction Improvements</li> <li>• A41/A406 Junction Improvements</li> <li>• M1/A406 and A5/A406 Junction Improvements</li> <li>• Tempelhof Avenue and Tempelhof Link Road</li> <li>• Tilling Road West Re-alignment and Improvement Works (Part 1)</li> <li>• Brent Cross Pedestrian Underpass Works</li> <li>• Prince Charles Drive Diversion</li> <li>• Eastern River Brent Alteration &amp; Diversion Works</li> <li>• Western River Brent Alteration &amp; Diversion Works</li> <li>• Central River Brent Alteration &amp; Diversion Works</li> <li>• Bridge Structure B1 (Replacement A406 Tempelhof Bridge)</li> <li>• Bridge Structure B7 (Living Bridge)</li> <li>• River Brent Bridges (as relevant to the Eastern River Brent Alteration and Diversion Works)</li> <li>• River Brent Bridges (as relevant to the Central River Brent Alteration and Diversion Works)</li> <li>• River Brent Bridges (as relevant to the Western River Brent Alteration and Diversion Works)</li> <li>• Central Brent Riverside Park including River Brent NP (NP5)</li> </ul>

In summary, Phase 1A (North) (Infrastructure 1) must be commenced first and prior to all other phases. This will allow the development identified within BXS and BXT to commence irrespective of progress on Phase 1B (North). Phase 1A (North) (Infrastructure 2) must still be commenced prior to Phase 1B (North) beginning. In essence the changes will allow the new station, rail and waste facilities and circa 1,000 homes (including all of the Whitefield Replacement homes) within BXS together with two enhanced parks (Claremont Park and Clitterhouse Playing Fields) and a temporary open space to be built. The latter elements equate to a 'sub-set' of the original approved Phase 1 and are proposed to be supported by an appropriate 'sub-set' of the approved highway infrastructure within Phase 1AN.

The S73 Permission includes various triggers controlling the delivery of that infrastructure (Conditions 20 and 21). The re-phasing submission does not change or alter the nature, quantum or scale of development comprising the S73 Permission. The proposal only relates to a re-sequencing of development and infrastructure already approved within Phase 1 to allow specific junctions necessary to support Phase 1 (South) and BXT to be delivered while ensuring that the infrastructure which is only attributed to the shopping centre development is still required to be commenced prior to the commencement of Phase 1B (North). A 'sub-set' of the original approved Phase 1 development is effectively being supported by an appropriate 'sub-set' of the already approved highway infrastructure within Phase 1AN.

## **6.2 Assessment of Environmental Effects resulting from Condition 4.2 (Phasing) and 4.4 (ICP) Submissions**

An informal scoping approach was undertaken during pre-application discussions including engagement with the LPA and Environmental Health to establish the environmental impacts that were likely to result from the rephrasing and resequencing proposals. These were limited to impacts of:

- Transport;
- Air Quality; and,
- Noise

The SES is based on the updated ICP submitted under condition 4.4. The updated ICP reflects the phasing changes proposed through condition 4.2 as well as the consequential s96a amendments which would allow commencement of southern development phases following commencement of the newly created Sub-Phase Phase 1A (North) (Infrastructure 1). The SES therefore appraises the effect of both the 4.2 (Re-phasing) and 4.4 (ICP) changes and whether they together are likely to give rise to any significant adverse environmental effects when compared with the s73 ES.

The s73 ES is based upon a largely qualitative assessment of the environmental effects which would result from construction and operational activities at three intermediate snapshots between the commencement and completion of the BXC development programme.

A number of Intermediate Snapshots were evaluated in the s73 ES:

- **First Intermediate Snapshot (Q3 2020)** – This was taken to represent the peak in construction activity during Phase 1 coinciding with the peak in construction of Phase 1B (North).
- **Second Intermediate Snapshot (Q2 2023)** – Considered a completed and operational Phase 1, with other phases under construction; and
- **Third Intermediate Snapshot (Q4 2029)** – Evaluated the maximum build out of BXN and BXS completed prior to the opening of the new Thameslink Station.

An end state evaluation was also undertaken, however the current re-phasing and resequencing application does not alter the content or timing of the end of the development meaning that environmental impacts would remain equal.

The current ICP assumes that development is commenced by Phase 1A (north) and 1B (north). These sub-phases include significant infrastructure improvements and the approved extension to the Brent Cross shopping centre.

As a result of the re-phasing and re-sequencing applications Phase 1A (North) (Infrastructure 1) would be the initial development to commence in Q3 2019 with Phase 1 (south) beginning in Q4 2019. The Phase 1A (North) (Infrastructure 2) works, including the majority of infrastructure within Phase 1A (north) would be re-sequenced along with the Phase 1B (north) Shopping Centre Extension to commence in Q2 2024.

The comparative delay to Phase 1A (north) (Infrastructure 2) and Phase 1B (north) would result in an overlap of the main construction activity period of the development with southern development in phases 2 and 3. This would have the effect of delaying the peak construction period from Q3 2020 in the approved ICP to Q3 2026 in the amended ICP.

Considering the above changes, the following snapshots have been established as appropriate Interim scenarios within the SES (the ‘SES Snapshots’):

**Pre-Phase 1A (North) (Infrastructure 2) (Q3 2020):** This represents the peak in construction activity prior to the implementation of Phase 1A (North) (Infrastructure 2) with its associated highway improvements. This revised snapshot reflects the construction of Phase 1 (South) alongside Phase 2 (Thameslink Station) prior to the implementation of Phase 1A (North) (Infrastructure 2). Operational traffic at this revised snapshot is restricted to the Waste Handling Facility and the Rail Freight Facility both of which would also have been operational by Q3 2020 under the Current ICP.

The following summary of development under construction or operational reflects this SES Snapshot:

- BXT station – under construction;
- Phase 1 Plots 12, 13, 53 and 54– under construction;
- Phase 1A (North) (Infrastructure 1) – under construction;
- Waste handling facility – Operational; and,
- Rail Freight Facility - Operational

**Peak Construction Activity (Q3 2026):** This represents the likely overall peak in construction activity. It would consider the peak of construction associated with Phase 1A (North) (Infrastructure 2) and Phase 1B (North) along with works associated with southern development plots under delivery. Operational activity from completed development plots and the effect of the delivery of Phase 2 (Thameslink Station) would also impact upon the road network.

The following summary of construction and operational ‘activities’ reflects this SES Snapshot:

- BXT station – operational;
- Phase 1 (South) – operational;
- The majority of Phase 1A (North) (including Infrastructure 1 and Infrastructure 2 packages) – operational;
- Other plots within Phases 2 & 3 – completed and under construction.
- Phase 1B (North) – under construction (peak).

### **Transport environmental assessment**

The SES Snapshots have been used to compare any changes in environmental impacts for the following potential transport related environmental impacts resulting from changes to the development sequence for the approved ICP and the amended ICP:

- Severance;
- Delay (both Private car and Bus Journeys);
- Pedestrian and Cyclist Delay;
- Amenity, Fear and Intimidation; and,
- Accidents and Safety.

The 2020 SES Snapshot includes construction traffic only given the lack of additional operational plots at this time in the development programme.

Construction activity in the 2020 SES Snapshot would be significantly lower than construction activity at the same point in time under the approved ICP. This was previously identified as the overall peak in construction activity, coinciding with the peak in construction of Phase 1B (North). Impacts resulting from this Intermediate Snapshot are addressed through qualitative assessment and reflect the reduction in activity.

The 2026 Snapshot includes both construction and operational traffic with the assessment considering the combined traffic flow. The SES has assessed this scenario without background growth to test the most robust case for any potential impacts. (The percentage differences in traffic flow are be greater when considered without background traffic growth thereby presenting a worst case scenario for assessment).

Severance (difficulty in crossing due to traffic flow)

### Q3 2020 Snapshot

There is a reduction in traffic flow (including HGVs) associated with the construction flows of the amended ICP at Q3 2020. Construction vehicles would be routed to remain on the strategic network, with vehicle access taken via Brent Terrace North from A406 North Circular and Tilling Road.

The scale of existing traffic on the strategic network is significant and therefore the magnitude of impact on severance on the strategic network is negligible. As they are local roads, Tilling Road and Brent Terrace North have an inherently lower demand.

Tilling Road has limited footway provision and both Tilling Road and Brent Terrace North have little pedestrian demand and desire lines and therefore the magnitude of impact on severance on Tilling Road and Brent Terrace North is also negligible.

### Q3 2026 Snapshot

This evaluation of severance impacts in respect of this Q3 2026 snapshot is subject to a Quantitative review.

Table 6 shows that the growth in total vehicle flow (% HGV column) is less than 30% on all roads and the growth in HGVs is less than 30% on the majority of roads.

The increase in HGVs on Claremont Road, while greater than 30% increase compared to the approved ICP at Q3 2020, is less than 100 vehicles a day (circa 10 per hour) and the overall proportion of HGVs remains less than 2% of total vehicle volume. No construction HGVs will be routed via Claremont Road: the increase is a result of operational traffic from the development plots which have been completed

The magnitude of impact of the amended ICP on severance is considered negligible on all roads. The effect of the net change in activity between the approved ICP Q3 2020 snapshot and the amended ICP Q3 2026 revised snapshot reflects the increase in operational plots at this later time in the development programme. The Impact on severance would be temporary, short-term and negligible.

### Driver and bus delay

#### Q3 2020 Snapshot

The traffic flow reduces under the amended ICP at Q3 2020 but these changes are not anticipated to significantly affect junction or network operation and therefore the magnitude of impact on driver and bus delay is negligible.

The effect of the net change in activity between the approved ICP Q3 2020 snapshot and the amended ICP Q3 2020 revised snapshot on driver and bus delay would be temporary, short-term and negligible.

#### Q3 2026 Snapshot

The traffic flow increases at Q3 2026 of the amended ICP compared to Q3 2020 of the approved ICP. However, these increases are addressed through the implementation of Phase 1A (North) (Infrastructure 1) and Phase 1A (North) (Infrastructure 2) which will increase network capacity and mitigation measures set out within Section 4.5. As such, traffic flows is not anticipated to significantly affect junction or network operation. The magnitude of impact on driver and bus delay is therefore negligible.

The effect of the net change in activity between the approved ICP Q3 2020 snapshot and the amended ICP Q3 2026 revised snapshot on driver and bus delay would be temporary, short-term and negligible.

### Pedestrian and Cyclist Delay

#### Q3 2020 Snapshot

Temporary works and vehicular flow associated with plots under construction would be managed to minimise delay for pedestrians and cyclists. Plot design once operational, and their associated construction management strategies while under construction, would seek to maintain and reflect pedestrian desire lines where possible. The magnitude of impact on pedestrian and cyclist delay is therefore negligible.

The effect of the net change in activity between the approved ICP Q3 2020 snapshot and the amended ICP Q3 2020 revised snapshot on pedestrian and cyclist would be temporary, short-term and negligible.

#### Q3 2026 Snapshot

Temporary works and vehicular flow associated with plots under construction would continue to be managed to minimise delay for pedestrians and cyclists. Plot design, and their associated CEMPs, will seek to maintain and reflect pedestrian desire lines where possible.

There are no significant changes proposed to the prevailing travel patterns on the existing pedestrian and cycle networks. The magnitude of impact on pedestrian and cyclist delay is therefore negligible.

The effect of the net change in activity between the approved ICP Q3 2020 snapshot and the amended ICP Q3 2026 revised snapshot on pedestrian and cyclist delay would be temporary, short-term and negligible.

### Amenity, Fear and Intimidation

#### Q3 2020 Snapshot

Similarly, temporary works and vehicular flow associated with plots under construction would be managed and plots designed in accordance with secure by design to minimise fear and intimidation and negative effects on amenity for pedestrians and cyclists. The nature of strategic road networks means that the reduction in traffic flow on these routes would not affect amenity, fear or intimidation for pedestrians and

cyclists. The traffic flow on Tilling Road and Brent Terrace North already comprises a significant proportion of HGVs and therefore the daily reduction of 105 HGVs (circa 11 HGVs an hour, over a 10-hour period) is unlikely to be perceptible. The magnitude of impact on amenity, fear and intimidation is therefore negligible for all links.

The effect of the net change in activity between the approved ICP Q3 2020 snapshot and the amended ICP Q3 2020 revised snapshot on amenity, fear and intimidation would be temporary, short-term and negligible.

### Q3 2026 Snapshot

Temporary works and vehicle flow associated with plots under construction would continue to be managed to minimise fear and intimidation and hence amenity for pedestrians and cyclists.

As the BXC masterplan is built out, the emerging public realm enhancements within the masterplan area would create a more attractive place to travel to, from and through. The public realm would include vehicle free connections (e.g. Claremont Avenue) and all plots would be constructed in accordance with secure by design standards as best practice.

The nature of the strategic road network means that there is limited opportunity for reduction of vehicular dominance along these routes. However, schemes such as the pedestrian and cycle links on Tempelhof bridge and the Living Bridge would improve connections across the strategic routes, enabling users to move through the networks without having to interact with the heavy traffic demand on the strategic roads.

The increase in total vehicle flows and HGVs shown in Table 6 is not considered to be perceptible or have a detrimental effect on pedestrian and cyclist levels of amenity or increase fear and intimidation.

The magnitude of impact on amenity, fear and intimidation is therefore negligible. The effect of the net change in activity between the approved ICP Q3 2020 snapshot and the amended ICP Q3 2026 revised snapshot on pedestrian and cyclists' amenity, fear and intimidation would be temporary, short-term and negligible.

### Accidents and Safety

#### Q3 2020 Snapshot

Road safety would be managed and mitigated through the Construction Logistics and Cycle Safety (CLOCS) scheme and use of contractors registered on the Considerate Contractors Scheme. CLOCS brings the construction logistics industry together to improve the management of work related road risk and ensure a road safety culture is embedded across the industry. Participation in CLOCS and Considerate Contractors schemes also reflects Transport for London's (TfL) Vision Zero<sup>4</sup> aspirations for London.

The amended ICP does not change the prevailing travel patterns or form and nature of the highways network compared to the approved ICP and consented BXC scheme. The magnitude of impact on accidents and safety would be negligible.

The effect of the net change in activity between the approved ICP Q3 2020 snapshot and the amended ICP Q3 2020 revised snapshot on accidents and safety would be temporary, short-term and negligible.

The BXC ES intermediate years assessment concludes that all transport effects identified are negligible and there are no significant residual effects following the implementation of mitigation measures secured through the S73 Permission.

### Q3 2026 Snapshot

In the same manner as other construction periods, road safety would be managed and mitigated through the CLOCS scheme and use of contractors registered on the Considerate Contractors Scheme, continuing to reflect TfL's Vision Zero aspirations for London.

No fundamental changes are proposed to the form or nature of the transport networks or prevailing travel patterns as a result of the amended ICP compared to the approved ICP. The plots and highways network would be designed to provide a safe and secure environment with suitable visibility and geometry at junctions and appropriate footways and crossing points on pedestrian desire lines.

The magnitude of impact on accidents and safety is negligible. The amended ICP would continue to have a permanent negligible effect on accidents and safety compared to the approved ICP.

### Mitigation measures

Pedestrian and cycle networks are improved through the detailed reserved matters approvals in keeping with principals established within the Pedestrian and Cycling strategies approvals of the would the development of BXC progresses with each plot seeking to maintain or improve existing facilities. Public transport networks are also inherently improved through measures such as the new Thameslink Station and Brent Cross Bus Station.

The following conditions including management strategies, are secured through the S73 Permission and the S106 Agreement and are therefore considered to form part of the embedded mitigation:

- Construction Transport Management Plan (CTMP) (Condition 12.1 of the S73 Permission);
- Construction Environmental Management Plan (CEMP) (Condition 8.3 and 28.1 of the S73 Permission);
- Code of Construction Practice (Condition 8.1 of the S73 Permission discharged in May 2017);
- Servicing and Delivery Strategies (Condition 1.22 of the S73 Permission and S106);



- Pedestrian & Cycle Strategies (Condition 2.8 of the S73 Permission);
- Individual Travel Plans (Conditions 2.1, 39.3, 39.4 and 39.5 and S106 of the S73 Permission); and
- Construction Worker Travel Plans (Condition 12.2 of the S73 Permission).

### Summary of SES intermediate years effects

The magnitude of impact on the following effects remains negligible and has shown that the amended ICP would have a temporary, short term and negligible effect on traffic impacts under the compared interim scenarios when compared to the approved ICP in respect of:

- Severance;
- Driver and bus delay;
- Pedestrian and cyclist delay;
- Amenity, fear and intimidation; and
- Accidents and safety.

### Conclusion for transport environmental assessment

The assessment has found that the changes in the numbers of vehicles during the highest periods of activity in the development programme were not significantly different to those for the consented scheme and considering the existing mitigation measures within the S73 Permission would not therefore be likely to result in significantly detrimental impacts upon transport when compared with conclusions within the S73 ES.

## **Air Quality**

### Approach to Assessment

The air quality assessment of the intermediate years snapshots within the s73 ES has been undertaken qualitatively. In the absence of quantitative assessment for comparison the applicant has considered current guidance ('Environmental Protection UK/Institute of Air Quality Management, Land-Use Planning & Development Control: Planning for Air Quality, January 2017' (EPUK/IAQM)) to determine an approach to evaluate the likely significant effects which would result from the proposed re-phasing and resequencing proposals on local air quality. In keeping with the EPUK/IAQM guidance a comparison has been undertaken between the two intermediate snapshots (Q3 2020 and Q3 2026) and a 'Do Minimum' Scenario in which the effects of the development would not be considered.

A number of potential aspects of air quality were scoped out as indicated in the table below with the appropriate assessment being restricted to a combination of qualitative and quantitative assessment of air quality effects of construction and operational traffic.

Aspect of Air Quality	Reason for scoping aspect out of SES comparison
Emissions from combustion plant and air quality neutral assessment	<p>The quantity, make and type of combustion plant and final floorspace areas for each development plot (residential, commercial, retail, etc) will not be known until the detailed design of each development plot.</p> <p>Assessment of the air quality impact of combustion plant emissions and assessment of building (combustion plant) and transport emissions against the Greater London Authority (GLA) Air Quality Neutral (AQN) criteria has been undertaken for some of the recently submitted and consented reserved matters applications and will also be carried out for future reserved matters applications when the necessary information becomes available.</p>
Construction dust assessment	<p>The BXC ES classified the Site and BXC as a 'High Risk' site in terms of the potential for construction activities to result in significant effects at sensitive receptors. Under the Re-Phasing Submissions, BXC will remain as 'High Risk' and therefore the BXC ES assessment and mitigation will remain unchanged.</p> <p>A comprehensive dust mitigation programme will be implemented following best practice techniques for the management of dust on Site.</p> <p>The mitigation measures proposed are outlined in the BXC CoCP secured through Condition 8.1 of the S73 Permission. The BXC ES concludes that following implementation of appropriate environmental management controls, the likely residual impacts of demolition and construction dust would be temporary, short-term and local, and would result in slightly adverse impacts at receptors within 100m of the site boundary, and negligible impacts at receptors over 100m from the Site boundary. This conclusion remains valid for the Re-Phasing Submissions.</p> <p>An assessment of construction dust has therefore been scoped out.</p>
Emissions from construction plant and non- road mobile machinery (NRMM)	<p>Emissions from construction plant and NRMM have not been assessed quantitatively as under the outline S73 Permission, details of the construction plant, operating times and durations have not been defined.</p> <p>Further assessment of these emissions has been carried out for recently submitted reserved matters applications and will also be undertaken for future reserved matters applications. In addition, Conditions to the S73 Permission, which include a CoCP and</p>

	measures relating to NRMM, the operation of vehicles and machinery on-site and minimum emission standards will continue to remain valid and be implemented under the Re-Phasing Submissions.
Emissions from rail movements	Emissions from diesel trains at the Cricklewood railway station have previously been assessed in the BXC ES. The assessment concluded that emissions were unlikely to have a significant effect on sensitive receptors. This emission source will remain unchanged under the Re- Phasing Submissions and has not been considered further. There are no changes proposed to the Thameslink station and therefore this assessment remains as per the BXC ES.

A screening assessment has been undertaken using the criteria contained in the EPUK/IAQM land-use guidance to determine which roads within the study area (Figure 4, SES Volume 1A) are forecast to comprise predicted construction volumes under the amended ICP that could generate new or different likely significant effects. This assessment determined that the following roads would exceed the screening criteria and require quantitative assessment using dispersion modelling:

- A406 North Circular Road;
- A5 Edgware Road;
- Brent Terrace;
- Tilling Road (west of Brent Terrace only);
- A41 Hendon Way; and
- M1 motorway.

The screening criteria was also exceeded by operational traffic on the roads listed in above as well as Claremont Road.

Dispersion modelling has been undertaken for existing and new receptors introduced by the completed BXC development plots located on Claremont Road where screening criteria is exceeded.

The screening criteria is also exceeded by construction traffic on Brent Terrace and the section of Tilling Road west of Brent Terrace. However, no existing or new sensitive receptors would be located adjacent to these roads at the time of the development Snapshots and as such, these roads have not been modelled.

The Barnet Air Quality Management Area (AQMA) is declared for exceedance of the nitrogen dioxide (NO<sub>2</sub>) 1-hour and annual mean objectives and the fine particulate matter (PM<sub>10</sub>) 24-hour mean objective. The assessment therefore focuses on concentrations of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> for which air quality objectives and EU limit values are set in legislation.

This approach provides a conservative and therefore robust assessment of the change in traffic emissions focusing on NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> impacts upon both existing and new receptors.

The SES evaluation comprises:

- a review of the BXC ES and existing air quality conditions at the Site and across the local area;
- a review of the construction traffic volumes and activity profile throughout the approved ICP and amended ICP to determine the peak year for activity, notably construction traffic;
- a comparison of traffic volumes in the identified peak year against EPUK/IAQM5 screening criteria to determine if a quantitative detailed assessment is required. As operational uses within completed development plots at each of the revised snapshots will generate traffic concurrently with construction activities, the assessment has considered the cumulative impact of construction and operational traffic; and
- consideration of whether mitigation, in addition to that already consented by the S73 Permission, is required to ensure any adverse effects on air quality are minimised.

### Resulting Impacts

#### SES 2020 Snapshot

The SES 2020 Snapshot includes significantly less construction traffic than currently approved in the existing ICP and no operational traffic. A qualitative conclusion has been drawn that there are no significant new Environmental impacts resulting in relation to this Intermediate year scenario.

#### SES 2026 Snapshot

The magnitude of change in the concentration between the Do Minimum and Do Something scenarios, and the associated effect, from the construction and operational traffic generated on selected sensitive receptors in 2026 was assessed according to the EPUK/IAQM guidance.

It has been determined that no additional mitigation is required to address Air Quality impacts resulting from changes to traffic volumes and the conclusions of the BXC ES remain valid. Taking this into account and the conclusions of the air quality dispersion modelling, the change in air quality effects between the approved and proposed peaks in construction are not considered to be significant.

In respect of the effect upon both existing and new receptors the increase in concentrations of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> as a result of construction and operational traffic has therefore been determined to be negligible.

### Mitigation Measures

The following conditions within the s73 Permission will result in the submission of further detailed assessment of impacts. The conditions are required prior to commencement of the development phases and will ensure appropriate air quality mitigation is applied during the delivery of the s73 Development and its operation:

- Code of Construction Practice (Condition 8.1);
- Construction Environmental Management Plans (Condition 8.3 and 28.1);
- Demolition and Site Waste Management Plans (Condition 9.1);
- Site-wide Construction Transport Management Plan (Condition 12.1);
- A scheme for dust monitoring, assessment and control (Condition 30.1);
- A scheme for air pollution and dust monitoring assessment (Condition 30.2);
- Scheme of proposed air pollution measures demonstrating air quality standards committed to (Condition 30.6); and
- Air quality monitoring equipment within Eastern Lands (Condition 30.6).

### Conclusion for air quality environmental assessment

The assessment found that the changes in air pollution arising from traffic were not significantly different to those already identified by the consented scheme environmental assessment.

### **Noise**

A review of the s73 ES and existing noise conditions at the Site and across the local area was undertaken to identify whether there is any need to update this assumed baseline.

A review and quantitative comparison of the construction and operational traffic forecasts for the approved ICP and amended ICP at each revised snapshot to identify whether the changes in activity would result in any new or different traffic noise effects.

Finally, consideration of the mitigation measures and design aims for plant and services noise emissions was undertaken to confirm whether any additional mitigation would be required as a result of the Re-Phasing Submissions for new receptors at the Site.

### Noise assessment in the S73 ES

The BXC ES undertook a qualitative assessment of noise effects in the intermediate years. The S73 ES states that ‘construction will create a degree of disturbance to existing sensitive receptors (mostly residents) bordering the Site or, increasingly as the development progresses over time, at residential and other parts of the consented BXC scheme that have become occupied’<sup>14</sup>. The s73 ES concludes that there will be moderate adverse (significant) noise effects during the intermediate years which would be addressed through the implementation of mitigation measures secured through Conditions to the S73 Permission. Section 20.5.18 of the S73 ES concludes that: in all cases design measures will be taken to avoid significant noise impacts.’

### Mitigation

Under the Re-Phasing Submissions, the following mitigation measures (assumed to be embedded within the design) secured through Conditions to the S73 Permission and S106 obligations will continue to be implemented to mitigate any significant construction noise effects:

- Code of Construction Practice (Condition 8.1 of the S73 Permission);
- Construction Environmental Management Plans (Condition 8.3 and 28.1 of the S73 Permission);
- Site-wide Construction Transport Management Plan (Condition 12.1 of the S73 Permission);
- Scheme for noise and vibration monitoring and assessment (Condition 29.2 of the S73 Permission);
- Adherence to permitted hours for working, set up and set down stated by Conditions 28.3 and 28.4 of the S73 Permission; and
- Adherence to the maximum noise levels during permitted working hours at residential and educational receptors respectively reflect the requirements of Conditions 28.9 and 28.10 of the S73 Permission.

#### Identified Impacts resulting from Updated ICP

During the Q3 2026 revised snapshot, construction noise associated with construction of Phase 1B (North) (which includes the Shopping Centre) would occur within the northern part of the Site. This construction activity and its associated noise would be separated from any new sensitive receptors by the existing A406 North Circular.

The nearest 'new' receptor, Plot 93, is immediately south of the proposed Living Bridge on the south side of A406 North Circular which is both dominated by road noise from A406 North Circular itself, and is a greater distance than the critical distances identified at which construction noise impacts would be avoided from activities associated with demolition, buildings foundations or buildings superstructure for two adjacent buildings.

All other 'new' receptors are at a greater distance from Phase 1B (North) and therefore construction noise impacts associated with the construction of Phase 1B (North) at these new receptors, taking into account the secured and embedded mitigation measures, is considered to be negligible.

At the Q3 2020 revised snapshot construction traffic under the amended ICP is reduced relative to Q3 2020 under the approved ICP. Associated noise effects are therefore inherently reduced

In relation to the Q3 2026 revised snapshot, whilst each phase of construction will create a degree of elevated noise levels to existing sensitive receptors bordering the Site. In particular as the development of BXC progresses over time, the approved construction traffic routing, and measures set out within the CTMP, CoCP and CEMP will continue to ensure that resultant noise levels are not significant.

Taking into account mitigation and embedded design measures, for all the assessed road links in both the revised snapshots, the maximum noise level changes are just over 1dB(A) (but predominantly below 1dB(A)). An increase of this level is considered

to be barely perceptible, particularly in the context of the existing high traffic volumes on the main surrounding highway network.

#### Conclusion for noise environmental assessment

The assessment found that the changes in noise from construction activities and noise effects arising from traffic were not significantly different to those already identified by the consented scheme environmental assessment.

#### **Conclusion for assessment of Environmental effects**

The SES traffic and transport assessment considers the change in construction and operational traffic flows during the intermediate years. There was found to be a negligible change in the flows between the construction peaks under the Re-Phasing Submissions compared to the approved ICP. The SES air quality and noise assessments also found changes in the periods of peak activity to not be significant. The assessment assumes that mitigation secured through Conditions to the S73 Permission would continue to be implemented. As such, no new or different likely significant effects were identified and the conclusions of the ES were considered to remain valid.

Officers are satisfied that the submission pursuant to Condition 4.2 and 4.4 have demonstrated that the proposed changes to the phasing will not have new or different significant adverse environmental effects compared to those previously assessed.

### **6.3 Assessment of Comprehensive Development as a result of Condition 4.2 (Phasing) and 4.4 (ICP) Submissions**

The second test of Conditions 4.2 and 4.4 is that any amendments or changes to the definition of any Sub-Phase shall have been demonstrated to be *“unlikely to significantly undermine comprehensive delivery of the mixed use town centre development in accordance with Saved Policy C1 of the LPA’s UDP 2006.”*

Saved UDP Policy C1 states:

*“The council will seek the comprehensive development of the Cricklewood, Brent Cross and West Hendon Regeneration Area in accordance with the adopted Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework and delivery strategy. Development proposals will be supported if they are consistent with policies of the UDP and their more detailed elaboration in the development framework.”*

The reason given for Condition 4.2, and 4.4 is *“...to assist in achieving the planning benefits of the comprehensive development scheme, whilst allowing sufficient flexibility to enable the development to be delivered in a manner which accords with the EIA process.”*

The proposed re-phasing and resequencing of the ICP seek to allow the Southern Development to commence ahead of the Northern Development having begun. In accordance with Conditions 4.2 and 4.4 the LPA needs to consider whether this will

significantly undermine comprehensive delivery of the mixed use town centre development.

Comprehensive development is not a defined term within the S73 Permission, however in general planning and regeneration terms, comprehensive development reflects an area that is planned to ensure the development of strategic sites is undertaken in a coordinated way, with the goal of improving and regenerating the area. It is usually applied to large or complex developments which are delivered over many years and which require land to be assembled to enable the development to be delivered, either by the Public Sector, other agencies or Developers. Areas requiring comprehensive development will usually have a specific planning framework and guidance prepared to set out the requirements to be delivered through and alongside the development. This will typically address land use, built form, landscaping, transport and access, drainage and other infrastructure requirements to support the delivery of staged development. The alternative to comprehensive development would be piece-meal or ad-hoc development of sites with the risk that the necessary supporting infrastructure and benefits are not delivered.

The principle of development occurring both to the north and south of the A406 North Circular was an important requirement of the original 2005 Cricklewood, Brent Cross and West Hendon Development Framework in order to ensure that development did not just result in an expanded shopping centre on the north side of the A406. At the time, the Shopping Centre development was driving the development programme for the regeneration. i.e. this was what the Development Partners wanted to get on with and this was what was the key viability driver. On the assumption that the expansion of the shopping centre would be the first part of the development to begin, the Development Framework sought to require the developer to commence certain components of development on the south side of the A406 at the same time as the north. This would ensure that the whole town centre would be delivered, otherwise there was a risk the southern development may not come forward.

It is important to recognise that the development sequence, phasing and programme anticipated in the Development Framework, and that which flows into the s73 Permission, is just one way in which comprehensive development may be brought forward. The Development Framework recognises the long-term nature of the regeneration and the need for flexibility. The same can be said of the S73 Permission insofar that it foresees and allows for development phasing and programme to change.

Chapter 7 of the Development Framework recognises that the implementation and realisation of comprehensive development depends on factors relating to land ownership, viability, phasing and delivery, all of which can have an impact on the timing and sequence of delivery. As explained in Section 6.1 of this report, the shopping centre expansion is now not likely to be the first part of the BXC development to come forward. The delivery strategy has moved on in the last fifteen years and the Council has secured Argent Related as its development partner for BXS and the station is now being delivered early in the development and is fully funded. In essence, the development programme now anticipates the Southern Development, including the new Thameslink Station, commencing ahead of the Northern Development.



Both BXS and BXT are integral components of the comprehensive development proposals envisaged by the S73 Permission. They are necessary to create a successful, viable and vibrant place. BXS will deliver a new town centre providing retail and leisure facilities, office development, up to 6,700 new homes, the delivery of social infrastructure such as the replacement of Whitefield School and Claremont Primary School and the new Mapledown Special Needs School, a health centre and community facilities. BXS will support the creation of circa 25,000 jobs with a new office district and commercial floorspace. BXT will deliver rail infrastructure and a new train station to support and stimulate the regeneration area and a new waste handling facility to replace the existing Hendon Waste Transfer Station.

The appointment of Argent Related as LBB's delivery partner for the southern development of BXC represented a significant step toward the realisation of development south of the A406 and combined with the securing of Reserved Matters Approval for all of Phase 1 (South) provides assurance that comprehensive development to the south of the A406 will be forthcoming. With a very experienced developer on board who specialises in large scale, long-term regeneration schemes, and with Government Grant now secured for the delivery of the new station, the dynamics for delivery of BXS have significantly changed during the intervening time since the original outline planning permission was granted in 2010. The Southern Development is now in a more secure position and ready to be commenced.

Commencement of BXS will ensure that the new High Street on the south side of the A406 comprising retail and other town centre uses can be delivered. This will contribute towards achieving the requirement for the new Town Centre to span both North and South of the A406 and accords with the Development Framework and Policy requirement for the to deliver a new town centre and not just an expanded shopping centre. This delivery sequence assumes that BXN will still happen, just later than originally envisaged. Therefore, the delivery of BXS will provide the town centre context required by policy, to support the additional retail floorspace approved at BXN.

The Development Framework required the provision of a comprehensive and extensive packaged of improvements to the transportation network. This relates to public transport improvements including the replacement bus station, improved pedestrian connections to Brent Cross Underground Station and the delivery of a new Train Station and transport interchange along with new bus routes. The Council is now delivering the New Train Station through the Thameslink Project. BXS will deliver the new transport interchange, bus routes and improvements in the connections to Brent Cross Underground Station, along with the new High Street and improved highway and pedestrian links into neighbouring communities. It will also deliver key junction improvements at key southern junctions.

Whilst development may not be delivered concurrently, the implementation of BXS will not prejudice the ability for BXN to be delivered. Development is still able to happen on both sides of the A406. In fact, by delivering some of the highway junction improvements, the Southern Developer are effectively reducing the infrastructure cost for the Northern Developer, thereby lowering the bar for the Northern Development to come forward. Furthermore, the commencement of BXS and the Thameslink Station project will also provide investor confidence in the area in general and will help provide

improved conditions within which the shopping centre development can come forward in.

The commencement of BXS will also achieve a number of other strategic objectives. Delivery of new housing remains a Government and regional priority to meet current and long-standing need. Therefore, delivering the new homes in BXS supported by the associated public transport infrastructure and community facilities, will enable sustainable community to be created. The New Train Station is critical to supporting new office and commercial floorspace at BXS. Without the Station it will not be possible to establish the new office quarter and deliver the associated jobs and employment.

In essence, whilst the sequence of delivery may have changed, Comprehensive Development is still able to be achieved. It is simply a different sequence to delivering the overall masterplan.

### **Conclusion for Comprehensive Development**

If both BXS and BXT were to be delayed from coming forward it would hold back regeneration of this important Opportunity Area contrary to regional and local planning policy and would slow the delivery of new homes within Barnet and London. It would be counter-productive for both BXS and BXT to be prevented from coming forward in advance of BXN. This would essentially hold back regeneration and significantly increase risk in the comprehensive development being fully realised. It has taken 15 years to reach this stage and it is important that key parts of the programme are allowed to come forward.

The programme is such that BXS and BXT are ready to go now. The revised phasing and delivery strategy will allow BXS LP to deliver certain items of infrastructure ahead of BXN commencing on site. This approach enables infrastructure to be put in place ahead of development and creates a platform for both BXN and BXS to come forward, kickstarting and thereby securing comprehensive development of the wider BXC area as envisaged by the planning permission.

This approach does not create a situation where comprehensive delivery is less likely. Rather, the early delivery of critical infrastructure and the commencement of BXS will assist delivery of BXN and therefore is the best way to ensure that comprehensive development at BXC can be achieved.

The proposals have no impact on the overall quantum of floorspace or the overall level of community, education and health facilities to be provided through the 2014 Permission.

The phasing and ICP amendments proposed under this application are therefore not considered to undermine the comprehensive delivery of the mixed use town centre development and will assist the longer term comprehensive development of BXC in accordance with saved Policy C1 of the UDP and other policies in the Development Plan.

## **6.4 Transport Report**

Extensive transport assessment was undertaken as part of the S73 Permission which identified and secured a comprehensive package of transport mitigation measures, and highway junction improvements.

The traffic impact of development within Phase 1 along with junction improvement and infrastructure has previously been assessed and approved by LBB Highways and TfL in the Phase Transport Report for Phase 1.

The Phase Transport Report provides an assessment of the operational impact of the phase as a whole i.e. at the end of the phase when all infrastructure and all development in that phase is complete. The re-phasing submissions do not change the quantum, scale or the mix of uses of the development consented by the S73 Permission or the infrastructure and amount of development approved within Phase 1. They simply adjust the sequence of delivery of already approved infrastructure and development within Phase 1 which has been assessed using the relevant traffic models for the scheme.

It should be noted that there remains a requirement for the Phase Transport Report for Phase 2 (South) (Thameslink Station) to be submitted and approved by the LPA and Highways Authority alongside the reserved matters for the Station. The phase transport report process requires the Developer to undertake traffic modelling using the strategic model for the development, along with appropriate local modelling of relevant junctions, to assess whether sufficient mitigation is in place to accommodate the development within that phase. The Phase Transport Report must account for development and infrastructure already approved in the previous phase(s) and therefore provides an accumulative assessment of the development as it is progressed.

Whilst not required to meet the tests of Condition 4.2 in relation to environmental effects and comprehensive development, the applicants have submitted a Transport Report with this application as supporting information. This has been undertaken by the Applicant as a separate exercise to determine whether the proposed split of infrastructure items to be re-phased into the new Phase 1A (north) (Infrastructure 1) sub-phase, would be sufficient to accommodate the development of Phase 1 (South). The Applicant has estimated that the number of peak hour vehicle trips generated by the amount of development approved within Phase 1 (South) and Plots 53 and 54 (totalling 1,039 residential units) is less than 100 two-way movements in the AM, PM or Saturday peaks. These plots form part of the Phase 1 as a whole which has been assessed and approved under the Phase Transport for Phase 1. Therefore, these trips have already been accounted for in the traffic assessment to date.

Plots 11, 12 and 13 which contain the bulk of these homes access the network onto Claremont Road. The applicant has therefore carried out Local Modelling for relevant junctions at Claremont Road/Tilling Road and Claremont Road/Cricklewood Lane to provide a degree of assurance that these junctions can accommodate the traffic flow generated by these early development plots, in advance of the wider infrastructure package in Phase 1A (North) (Infrastructure 2) being delivered.

#### **6.4 Impact on Critical Infrastructure**

The S73 Permission is clear in that any application for re-phasing pursuant to Condition 4.2 must also clearly specify any consequential changes to the Critical Infrastructure to be delivered as part of such Sub-Phase and to the relevant Phase Details to be approved pursuant to the detailed requirements for pre-commencement approvals.

The Critical Infrastructure to be delivered as part of Phase 1A (North) itself remains unchanged by the proposals because Phase 1A (North) (Infrastructure 1) and Phase 1A (North) (Infrastructure 2) collectively comprise the entirety of Phase 1A (North) as existing.

This application does not propose any amendments to the Indicative Phasing Plan as the Phase 1 Sub-Phases are not illustrated on the Indicative Phasing Plan and no amendments to the content of Phase 1 itself are proposed.

## **7. ENVIRONMENTAL IMPACT ASSESSMENT**

### **7.1 Regulations**

The EIA procedure in the UK is directed by the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 as amended (the 'Regulations'), EU Directive 85/337/EEC (as amended), as well as the National Planning Practice Guidance (2014).

The S73 Permission and the original 2010 Outline Permission were subject to Environmental Impact Assessment. The Environmental Statement (the 'ES') for the BXC scheme is comprised of the approved Environmental Impact Assessment which accompanied the S73 Permission and subsequent ES Addendums, Further Information Reports (FIRs) and Supplementary Environmental Statements which have accompanied Reserved Matters Applications (RMAs), Re-phasing Applications and Non-Material Amendments (NMAs) against the S73 Permission.

Regulation 9 of the Regulations requires local planning authorities to consider whether or not the environmental information already before them (i.e. the ES submitted with the 2013 application F/04687/13 and any additional environmental information) is adequate to assess the environmental effects of the development.

### **7.2 Assessment**

A Supplemental Environmental Statement (SES) prepared by Arup pursuant to the Regulations, has been submitted in support of the application in recognition of the requirements set out in both Condition 4.2 and 4.4. The SES is a report which is supplementary to the original S73 ES which should accompany any application which requires the submission of environmental information under the EIA Regulations. The Supplemental ES is a stand-alone document and should be treated as adding to, rather

than amending the Original ES that supported the 2010 and S73 Permissions, which remains intact as originally submitted.

As set out in Section 6.2 of this report, the submitted SES confirms that the proposed re-phasing and update to the ICP to amend the delivery sequence of development and infrastructure within Phase 1 would not result in additional significant impacts in comparison to the effects reported in the original ES. Therefore, with the addition of the SES submitted with this application and the environmental information already before the Council, it is considered that there is adequate information to assess the environmental effects of the development with the proposed adjustments to phasing and delivery.

## **8. SECTION 106 LEGAL CONSIDERATIONS**

### **8.1 Deed of Variation**

A Deed of Variation (DoV) is required to the Section 106 Agreement dated 22 July 2014 which is attached to the S73 Permission to update the definitions in the s106 agreement to align with the changes made by the re-phasing and associated applications. The changes are largely to reflect the split of Phase 1A (North) into two further sub-phases of Phase 1A (North) (Infrastructure 1) and Phase 1A (North) (Infrastructure 2).

Some new obligations have been added which relate to Phase 1A (North) (Infrastructure 1) and Phase 1A (North) (Infrastructure 2) respectively, which generally follow the format of the previously included obligations. The following changes have also been made:

- Necessary Consents are no longer required prior to the Commencement of any Sub-Phase, other than Infrastructure 1 and Infrastructure 2. Relevant amendments have been made to reflect that. An obligation is included in relation to each Sub-Phase to get the Necessary Consents during the Sub-Phase;
- Certain obligations that are related to Infrastructure 2, as opposed to Infrastructure 1, have been amended to reflect that being the case; and
- In relation to Schedule 3, the general principles referred to above apply. BXS will be responsible for any Supplementary Transport Measures arising out of Infrastructure 1 in the event that BXS commences Infrastructure 1, and the Northern Development related obligations will not be triggered by Infrastructure 1 being commenced by BXS.

A draft DoV has been prepared through discussion with Development Partners and the Council and has been agreed in advance of this submission. TfL have also reviewed the draft. The draft DoV has been submitted alongside this application and will be completed and signed by the Council following the determination of this application.

## 9. EQUALITY AND DIVERSITY ISSUES

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

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

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

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

Officers have, in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to approve this conditions application will comply with the Council’s statutory duty under this important legislation.

## 10. CONCLUSION

The planning permission for the Brent Cross Cricklewood regeneration scheme includes a series of mechanisms that allow the phasing and sequence of delivery of the development to be amended in recognition that the scheme will take over 15 years to deliver and therefore will need to respond to changes in requirements.

Following the BXC Development Partners decision to defer the start on site for Phase 1B (North) due to the current uncertainty within the retail market and economic climate, it is necessary to re-phase infrastructure within Phase 1A (North) to create two new sub-phases of and to re-sequence the northern and southern development within Phase 1 to allow BXS to begin ahead of Phase 1B (North) and its associated infrastructure.

The programme is such that BXS and BXT are ready to go now. If both BXS and BXT were to be delayed from coming forward it would hold back regeneration of this important Opportunity Area contrary to regional and local planning policy and would slow the delivery of new homes within Barnet and London. This would essentially hold

back regeneration and significantly increase risk in the comprehensive development being fully realised. The revised phasing and delivery strategy will allow BXS LP to deliver certain items of infrastructure ahead of BXN commencing on site. This approach does not create a situation where comprehensive delivery is less likely. Rather, the early delivery of critical infrastructure and the commencement of BXS will assist delivery of BXN and therefore is the best way to ensure that comprehensive development at BXC can be achieved.

The re-phasing proposals have no bearing on the overall quantum of floorspace proposed through the S73 Permission.

The Environmental Statement of Compliance accompanying this application has addressed all relevant environmental issues and concluded that there are not likely to be any adverse, significant different effects from those assessed in the S73 Permission Environmental Statement. Any mitigation measures secured in the S73 Permission Environmental Statement are controlled by conditions and obligations in the S73 Permission itself and remain sufficient to address impacts resulting from the re-phased and re-sequenced Development.

These amendments, together with the existing conditions and associated planning obligations will continue to ensure that the quality of future development and regeneration area develops as anticipated in the masterplan.

It has been demonstrated that the test under conditions 4.2 and 4.4 would be satisfied in respect of the proposed amendments to phasing and resequencing as reflected in the ICP and evaluated within the SES. The proposed changes do not have any significant adverse environmental effects compared to those assessed in the existing EIA information for the Brent Cross Cricklewood Regeneration Area development; and do not undermine the comprehensive redevelopment of the Brent Cross Cricklewood Regeneration Area.

The proposed amendments and updates are acceptable and therefore **APPROVAL** is recommended.

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APPENDIX 1

SITE PLAN



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## APPENDIX 2

### INFORMATIVES:

- 1) The plans and documents accompanying this application are:
  - Explanatory Report (April 2019) prepared by DP9 Ltd;
  - Re-Phasing Submissions Supplemental Environmental Statement (April 2019) prepared by Arup;
  - Indicative Construction Programme (Version 2.2 March 2019);
  
- 2) In accordance with Regulations 3 and 9 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, it is considered that this submission pursuant to a condition(s) reveals, with regard to the subject matter of the application, that there are no additional or different likely significant environmental effects than is considered in the environmental information already before the Council including the *Brent Cross Cricklewood Section 73 Planning Application: BXC02 – S73 Environmental Statement* submitted with the Brent Cross Cricklewood regeneration scheme Section 73 application (F/04687/13) and the *Re-Phasing Submissions Supplemental Environmental Statement* (April 2019) and any further and/or other information previously submitted. The environmental information already before the Council therefore remains adequate to assess the environmental effects of the development and has been taken into consideration in this decision.
  
- 3) In accordance with paragraph 38 of the NPPF (2019), the Local Planning Authority (LPA) has taken a positive, proactive and creative approach to development proposals, being focused on finding solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting planning 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 submission 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.

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**LOCATION:** 102-124 Station Road And Car Park To Rear  
Edgware  
Middlesex  
HA8 7BJ

AGENDA ITEM 10

**REFERENCE:** 16/0112/FUL

**Received:**

**Accepted:**

**WARD:** Edgware

**Expiry:**

**Final Revisions:**

**APPLICANT:** Network Housing Group

**PROPOSAL:** S106 Deed of variation – Premier Place, Edgware

It is proposed to vary the wording contained within the section 106 agreement dated 6 October 2016 by agreement between London Borough of Barnet and Erinastar Ltd in relation to the planning permission which was granted for:

Demolition of 120-124 Station Road and full planning permission for the rebuilding and extension of 102-120 Station Road to provide 1,705sqm retail floorspace (Use Class A1/A2) including a new frontage to Approach Road; redevelopment of rear car park for new buildings ranging in height from 3 to 17 storeys with podium level to provide 122 flats (Use Class C3) and a further 150sqm of new retail floorspace (Class A1/A2/A3) to Approach Road. The provision of car parking, landscaping and amenity areas and environmental improvements to Station Road and Approach Road, a pedestrian site access from Station Road and Approach Road and vehicular site access from Approach Road

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### Background

This report relates to the need to vary a S106 agreement pertaining to application: 16/0112/FUL, dated 6 October 2016 between the developer and local planning authority. Application 16/0112/FUL allows for a residential-led mixed use development of the site behind Premier House in Edgware. Since the permission was granted, a previous DoV split the application into separate residential and commercial phases with the residential phase of the development purchased by Network Housing Group.

The consented scheme was approved subject to a Section 106 Agreement which secured 24 of the 122 units as affordable (20%). These affordable units as consented consist of 66.6% (16 units) as affordable rented units and 33.3% (8 units) as shared ownership units.

Since Network Housing Group have purchased the residential element of the permission, they seek to vary the consent to allow for 100% of the residential units to be provided as shared ownership.

In addition, the applicant is seeking to commute the S106 obligations pertaining to employment and enterprise to allow for a financial payment to be made in-lieu of these obligations. The commuted sums would be as follows:

Outcome	No. of Outcomes	Unit Cost (£)- Schedule 5 definition	Total Cost (£)
Progression into employment, less than 6 months	8	5,340	42,720
Progression into employment, more than 6 months	5	5,340	26,700
Apprenticeships	10	10,000	100,000
Work experience	16	5,340	85,440
			<b>259,860</b>

Consequently, the applicant wishes to vary the principal agreement dated 6<sup>h</sup> October 2016 to

1. Vary the definition of Registered Provider and the threshold for Households on Intermediate Incomes.
2. Exclude occupiers of AHUs who have exercised a statutory right to acquire.
3. Provide the granting of nomination rights to the Council.
4. Make changes to Mortgagee in possession clause.
5. Make changes to the marketing of Shared Ownership Housing Units
6. Delete the Affordable Housing Review mechanism and amount.
7. Delete the mechanisms relating to provision of employment outcome obligations
8. Insert relevant wording and mechanism to secure the necessary in-lieu financial contribution
9. Add new and delete certain definitions to reflect these changes

### 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 relevant S106 was signed in October 2016 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, it is understood that the following parties have interest in the land:

- Voiceway Ltd
- North End Shops Ltd
- Betterpride Ltd
- Bank Leumi (UK) PLC
- Network Housing

The deed of variation therefore needs to be made between The Mayor and Burgesses of the London Borough of Barnet, and the abovementioned parties.

### Policy Background

Core Strategy policy CS4: Providing quality homes and housing choice in Barnet. seeks a boroughwide target of 40% affordable homes on sites capable of accommodating ten or more dwellings.

The proposal set out in the deed of variation would provide 100% affordable housing on this site, compared to the 20% provided under the original s106, albeit with a proposed mix of 100% affordable. This contrasts with the CS4 policy of seeking 60% social rented and 40% intermediate. The original s106 agreement allowed for 16 affordable rent (67%) and 8 shared ownership (33%) affordable units.

The Barnet Supplementary Planning Document: Delivering Skills, Employment, Enterprise and Training (Oct. 2014) sets out the Council's approach to commuted Sums In lieu of Local Employment Agreements. Paragraph 2.8 states that in exceptional circumstances these obligations may be commuted to a financial contribution, in order to provide alternative EEET Opportunities with regard to construction and non- construction jobs.

### Assessment

It is considered that the proposal to vary the S106 agreement is acceptable. In terms of the affordable housing changes, the amended mix provides a guaranteed 100% on

site affordable housing, which is significantly above the 40% set out in the Barnet Core Strategy policy. This is considered to be better than retaining the affordable housing review mechanism and the 20% on site affordable housing set out in the original s106 agreement which would only deliver a financial contribution towards affordable housing if certain thresholds for viability were met.

Whilst the proposed changes would result in a mix which is clearly not in line with the Council's aspiration to deliver a split of 60/40 between Social Rented and Intermediate products, there is clear additionality in the amount of affordable housing that would be provided on site. The *raison d'être* of affordable housing policies is to maximise the amount of affordable housing secured from residential developments and in this case, adjusting the tenure split allows the scheme to maximise its affordable housing delivery.

The amendment to the definition of registered provider is needed to reflect that the site is now owned by Network Housing Group who are a registered provider. The change to the mortgagee in possession clause is needed to reflect changes in definitions accepted by mortgagees since the original s106 was entered into. Changes to thresholds for households on intermediate incomes, exclusion of occupiers of affordable housing units who have exercised a statutory right to acquire, nomination rights, marketing of units and consequential amendments are needed to reflect currently accepted definitions. These changes are considered to be acceptable in the circumstances of this site and the proposal to provide 100% on site affordable housing.

In respect of the commuting of the employment and enterprise obligations, all parties recognise that the non-financial Obligations will require sufficient time to offer a quality learning platform onsite to achieve or provide a sustainable and productive learning environment for local Barnet Residents (+ 24 months). If you consider Apprenticeships and Progressions into Employment for those currently in receipt of Benefits.

Due to the location of this Site, it lends itself to align with elements of Edgware Town Centre aspirations (of public realm/ place making), including supporting and widening the Enterprise, Employment, Education and Training (EEET) offer by providing access to opportunities to a wider pool of Edgware residents. Access to opportunities is therefore not limited to those available onsite;

All parties agree that by commuting these obligations, the financial contribution can be used to increase access to other employing sectors and support local Enterprise opportunities, thereby widening our 'access to opportunities' offer to Barnet Residents.

The financial contribution which would be secured is commensurate with the obligations secured in the original agreement and would be used to promote and increase employment and learning opportunities elsewhere in the borough, without compromising the delivery of this residential development.

#### Recommendation

That all parties to the agreement dated 6 October 2016 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 6 October 2016 as set out below:



1. Vary the definition of Registered Provider and the threshold for Households on Intermediate Incomes.
2. Exclude occupiers of AHUs who have exercised a statutory right to acquire.
3. Provide the granting of nomination rights to the Council.
4. Make changes to Mortgagee in possession clause.
5. Make changes to the marketing of Shared Ownership Housing Units
6. Delete the Affordable Housing Review mechanism and amount.
7. Delete the mechanisms relating to provision of employment outcome obligations
8. Insert relevant wording and mechanism to secure the necessary in-lieu financial contribution
9. Add new and delete certain definitions to reflect these changes

