

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

**REFERENCE:** B/05674/13      **Received:** 22/11/2013

**Accepted:** 02/12/2013

**WARD:** Totteridge      **Expiry:** 03/03/2014

**APPLICANT:** Redrow Homes Ltd - London Division

**PROPOSAL:** The extension, refurbishment, alteration and change of use of Northway House to provide for a residential led mixed use development comprising a total of 145 new dwellings (Use Class C3), 1978.5 square metres (NIA) of flexible Use Class B1a (office) floorspace, 324 square meters (NIA) of "open" Use Class D1 floorspace (education and community uses), together with ancillary reception floorspace and associated landscaping, car parking and access.

## **RECOMMENDATION: APPROVE THE APPLICATION SUBJECT TO**

### **Recommendation 1**

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

- (a) Legal Professional Costs Recovery  
Paying the Council's legal and professional costs of preparing the Agreement and any other enabling arrangements.
- (b) Enforceability  
All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.
- (c) Affordable Housing – On Site  
The provision within the development of 9 Intermediate (Shared Ownership) affordable housing units comprising:
  - 4 x one bedroom two person flats
  - 3 x two bedroom four person flat
  - 2 x three bedroom five person flats
- (d) Affordable Housing – Review Mechanism  
If the development is not substantially implemented within 12 months of the date when the period under which the application is potentially challengeable under judicial review proceedings has passed (or 12 months after the date on which any judicial review is resolved) subject to a subsequent re-appraisal of the viability of the development a financial contribution towards the provision of affordable housing within the London Borough of Barnet limited to a maximum of the equivalent value of 35% of the units proposed.

(e) Identification of Adjoining Occupiers

The applicant will ensure that the marketing materials given to each purchaser or potential purchaser of a dwelling in the scheme hereby approved (which will include anyone taking an interest by way of a lease) will contain information about the location of the businesses at 1 to 4 Downland Close, Whetstone and 1411 High Road, Whetstone and the lease of each dwelling in the scheme hereby approved will contain information about the location of the same businesses.

(f) Formation of Suitable Site Access

That the applicant shall submit an Access Works Plan and have this document approved in writing by the Local Planning Authority before the development hereby permitted is first occupied or brought into use. The Access Works Plan shall provide full details of the works proposed to the High Road and any relevant adjoining land to facilitate the formation of the two vehicular access points proposed as part of the development hereby granted consent. This shall include (but not be limited to) details of:

- The design of the two proposed access points.
- All means of enclosure proposed for the access points.
- The measures to be put in place to ensure that the southern access point is used solely for emergency vehicle access.
- Alterations to street lighting columns.
- Alterations to signage.
- Any other changes to street furniture proposed.
- Any alterations to waiting restrictions and road markings.
- Any changes to the adjacent bus stop and bus stop cage.

The works shown in the approved Access Works Plan shall be completed in their entirety before the development is first occupied or brought into use.

(g) Modification of Waiting Restrictions

A contribution of up to **£3,500** towards modifications to waiting restrictions at the entrance to the proposed new emergency access.

(h) Travel Plan

A requirement that the applicant shall enter into Travel Plans that seek to reduce reliance on the use of the private car, promote sustainable means of transport and include the appointment of an appropriately qualified Travel Plan Champion. The following Travel Plans of this nature shall be entered into:

- A Strategic Level Residential Travel Plan that is ATTrBuTE and TRAVL compliant and that will have a lifespan of 5 years after first occupation of the final unit.
- A Local Level Commercial Travel Plan that is ATTrBuTE and itrace compliant and that will have a lifespan of at least 5 years.

In addition to these plans, should the non-residential part of the development incorporate a nursery or education use then a Nursery or Education Travel Plan (that meets the appropriate Transport for

London criteria) shall be entered into and this shall have a lifespan of at least 5 years.

(i) Travel Plan Incentives

The Strategic Level Residential Travel Plan (required under item (f) above) shall include financial incentives to a total value of **£43,500** (equivalent to £300 per unit) such that upon the first occupation of each new residential unit, regardless of tenure, the occupier shall be given a voucher to a minimum value of £300 per dwelling. The voucher provided shall allow the occupier to purchase two of the following Travel Plan incentives up to a limit of £150 per incentive:

- Subsidised membership of and credit for a Car Club.
- Credit on an Oyster Card travel pass.
- A bike voucher.

(j) Travel Plan Monitoring

A contribution of **£10,000** index linked towards the monitoring of the Travel Plans for the development.

(k) Employment and Training

The delivery of not less than four apprenticeships connected with the construction and operational phases of the development for residents of Barnet. Of the four apprenticeships, two must be at not less than a Level 2 or 3 (as defined in the National Apprenticeship Service Framework or any subsequent scheme which replaces this) and two must be at not less than a Level 4 (as defined in the National Apprenticeship Service Framework any subsequent scheme which replaces this) or an appropriate equivalent graduate scheme.

(l) Monitoring of the Section 106 Agreement

A contribution of **£5280** index linked towards the monitoring and management of the S106 planning obligations.

**Recommendation 2:**

That upon completion of the agreement specified in Recommendation 1, the Assistant Director – Strategic Planning and Regeneration approve the planning application reference B/05674/13 under delegated powers and grant planning permission subject to the following conditions and any changes to the wording of the conditions considered necessary by the Assistant Director - Strategic Planning and Regeneration:

**COMMENCEMENT**

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

Reason:

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

## **PLANS OF THE DEVELOPEMNT**

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

1360\_0100L; 1360\_0104E; 1360\_0109P; 1360\_0110R;  
1360\_0111Q; 1360\_0112V; 1360\_0113X; 1360\_114S; 1360\_115S;  
1360\_116P; 1360\_0117P; 1360\_0118L; 1360\_0119J; 1360\_0200BB;  
1360\_0201Y; 1360\_0202R; 1360\_0203K; and 1360\_0250M

Reason:

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

## **MATERIALS**

- 3 Notwithstanding the details shown on the plans otherwise hereby approved the development hereby permitted shall not commence (other than for Groundworks and Site Preparation Works) unless and until details and appropriately sized samples of the materials to be used for all the external surfaces of the proposed building at the site shall have been submitted to and approved in writing by the Local Planning Authority. The Development shall thereafter be implemented in full accordance with such details and samples as so approved before the Development is first occupied or brought into use.

Reason:

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

## **SITE LEVELS**

- 4 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved the development is not to commence unless and until details of the levels of the proposed buildings, roads, footpaths and other landscaped areas relative to adjoining land and any other changes proposed in the levels of the site associated with the works permitted by this permission shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with such details as so approved before the dwellings and non-residential uses otherwise hereby approved are first occupied or brought into use.

Reason:

To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the amenities of the area and neighbouring occupiers and the health of any trees or vegetation in accordance with policies DM01, DM04

and DM17 of the Barnet Local Plan and policies 7.2, 7.3, 7.4, 7.5, 7.6, 7.13 and 7.21 of the London Plan.

### **MEASURES TO ENSURE PRIVACY**

- 5 Notwithstanding the details shown in the plans submitted and otherwise hereby approved the building hereby granted consent shall not be occupied or brought into use unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify all the windows and other openings in the proposed building that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight opening and the manner and design in which these windows and openings are to be implemented. Before the building hereby approved is occupied or brought into use the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason:

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

- 6 Notwithstanding the details shown in the plans submitted and otherwise hereby approved the building hereby granted consent shall not be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the size, design, materials and location of all privacy screens and panels to be fixed to the proposed building. Before the building hereby approved is occupied the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason:

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

- 7 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), the insertion of windows, rooflights and external doors in the building hereby approved, other than those shown in the approved plans, shall not be undertaken without the prior receipt of express specific planning permission in writing from the Local Planning Authority.

Reason:

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

## **REFUSE AND RECYCLING**

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

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

### **Reason:**

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

## **ACCESSIBILITY**

- 9 The 145 new residential dwellings (use class C3) within the development shall each be constructed to meet and achieve all the relevant criteria of the 'Lifetime Homes' standard (or the equivalent standard in such measure of accessibility and adaptability for house design which may replaces that scheme) prior to their first occupation.

### **Reason:**

To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8 and 7.2 of the London Plan and policy DM02 of the Barnet Local Plan.

- 10 Before the development hereby permitted commences (other than for Groundworks and Site Preparation Works) details of the location within the development and specification of the 15 dwellings (Use Class C3) to be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users shall be submitted to and approved in writing by the Local Planning Authority. The specification provided for the 15 dwellings shall include sufficient particulars to demonstrate how they will be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users. The development shall be implemented in full accordance with the details as approved prior to the occupation of the development.

Reason:

To ensure that the development is accessible for all members of the community and to comply with policies 3.8 and 7.2 of the London Plan and policy DM02 of the Barnet Local Plan.

- 11 Before the development hereby permitted is commenced (other than for Groundworks and Site Preparation Works) a scheme detailing the provisions to be made to deliver inclusive access for all members of the community into and around the communal parts of the development (residential and non-residential elements) and the non-residential (Use Class B1 and D1 only) parts of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the scheme approved under this condition prior to the first occupation of the development.

Reason:

To ensure that the development is accessible for all members of the community and to comply with policies 3.8 and 7.2 of the London Plan and policy DM02 of the Barnet Local Plan.

### **NO TELECOMUNICATIONS EQUIPMENT**

- 12 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) the following operations shall not be undertaken without the receipt of prior specific express planning permission in writing from the Local Planning Authority on the buildings hereby approved:
- The installation of any structures or apparatus for purposes relating to telecommunications on any part the roof of the buildings hereby approved, including any structures or development otherwise permitted under Part 24 and Part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any equivalent Order revoking and re-enacting that Order.

Reason:

To ensure that the development does not impact adversely on the townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with policies CS5 and DM01 Barnet Local Plan.

### **CONTAMINATED LAND**

- 13 Part 1  
Before development commences other than for investigative work:
- a) A desktop study shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and any other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study and Conceptual

Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

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

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

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

## Part 2

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

### Reason:

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with policies DM04 of the Adopted Barnet Development Management Policies Document (2012), CSNPPF of the Adopted Barnet Core Strategy (2012) and 5.21 of the London Plan.

## **BIODIVERSITY**

- 14 Prior to the commencement of the development (other than for Groundworks and Site Preparation Works) details comprising a scheme of measures to enhance and promote biodiversity at the site as redeveloped shall be submitted the Local Planning Authority and approved in writing. The scheme submitted shall include (but not be limited to) details of biodiversity enhancement measures related specifically to bats, birds and the implementation and management of the soft landscaped areas on the site. The approved scheme of measures shall be implemented in full in accordance with the approved details before the first occupation of the development.



Reason:

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

- 15 Prior to the commencement of the development or the carrying out of any site clearance works, details comprising a scheme of measures to be put in place to ensure that the clearance of the site and construction of the development hereby approved is compliant with development plan policy and legislation on the protection of breeding birds, common toads and reptiles shall be submitted the Local Planning Authority and approved in writing. The site clearance works and construction of the approved development shall be carried out in full accordance with the scheme of measures approved under this condition.

Reason:

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

**SUSTAINABILITY**

- 16 The 48 new build residential dwellings (use class C3) in the main western extension element of the proposed development hereby permitted shall all be constructed to achieve not less than a standard of 'Code Level 4' in accordance with the Code for Sustainable Homes (or the equivalent standard in such measure of sustainability for house design which may replaces that scheme). None of the 48 new build dwellings in the main western extension element of the proposed development shall be occupied until formal certification from a suitably qualified party has been issued confirming that not less than a Code Level 4 has been achieved (using this methodology) for these properties and this certification has been submitted to the Local Planning Authority.

Reason:

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

- 17 The 97 new residential dwellings (use class C3) proposed in the mainly retained and converted element of the development hereby permitted shall all be constructed to achieve not less than a standard of 'Excellent' when assessed against the Building Research Establishment Environmental Assessment Method (BREEAM) Domestic Refurbishment 2012 scheme (or the equivalent standard in such measure of sustainability for house design which may replaces that scheme). None of the 97 new dwellings in the mainly retained and converted element of proposed development shall be occupied until formal certification from a suitably qualified party has been issued confirming that not less than a standard of 'Excellent' has been achieved (using this methodology) for these properties and this certification has been submitted to the Local Planning Authority.

Reason:

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

- 18 The non-residential units (use classes B1 and D1) within the development hereby permitted shall all be constructed to achieve not less than a standard of 'Excellent' when assessed against a suitable and up to date (not prior to 2011) scheme under the Building Research Establishment Environmental Assessment Method (BREEAM). No non-residential unit within the development shall be occupied until formal certification from a suitably qualified party has been issued confirming that not less than a standard of 'Excellent' has been achieved (under the relevant BREEAM methodology) for the unit concerned and this certification has been submitted to the Local Planning Authority.

Reason:

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

- 19 Prior to the commencement of the development (other than for Groundworks and Site Preparation Works) hereby approved an Energy Strategy detailing in full the measures that the scheme will incorporate to comply with the objectives of development plan policies on climate change mitigation and reducing carbon dioxide emissions shall have been submitted to and approved in writing by the Local Planning Authority. The Energy Strategy submitted under this condition shall include measures to demonstrate how the:

- New build element of the development (which includes 48 new dwellings) would achieve an improvement of not less than 40% in carbon dioxide emissions when compared to a building constructed to comply with the 2010 Building Regulations.
- Development as a whole would achieve an improvement of 28.6% in carbon dioxide emissions when compared to a building constructed to comply with the 2010 Building Regulations.

All the measures identified in the approved Energy Strategy shall be implemented in full prior to the first occupation of the development.

Reason:

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

## **WATER AND DRAINAGE**

- 20 The development hereby permitted shall not commence (other than for Groundworks and Site Preparation Works) unless and until a Water Infrastructure and Drainage Strategy detailing all on and off site water infrastructure and drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved

in writing by the Local Planning. The information provided in the Water Infrastructure and Drainage Strategy submitted shall include (but not be limited to) full plans, specifications and other relevant details (including impacts on surface water run off and discharge rates from the site) of the proposed:

- 1390m<sup>2</sup> of green roof
- Swales
- Filter drains

No foul, surface or ground water shall be discharged from the development hereby approved into the public sewer system until the water infrastructure and drainage works and Sustainable Urban Drainage System features identified in the approved Water Infrastructure and Drainage Strategy have been implemented in their entirety.

Reason:

To ensure that the development provides appropriate drainage infrastructure and to comply with policy CS13 of the Barnet Local Plan and policies 5.13 and 5.14 of the London Plan.

- 21 The residential dwellings (Use Class C3) and non-residential uses (Use Classes B1a and D1) hereby approved shall have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters.

Reason:

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

- 22 The only toilets to be installed in the development hereby approved shall be dual flush (6 to 4 litres) toilets and all taps fitted in the development shall be spray or flow restricted taps.

Reason:

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

- 23 Before the residential dwellings (Use Class C3) hereby permitted are first occupied details of the water efficiency measures to be installed in them to ensure that they achieve a water usage standard of not more than 105 litres per head per day shall be submitted to and approved in writing by the Local Planning Authority. The details provided shall include sufficient particulars to demonstrate how the water usage standard of not more than 105 litres per head per day shall be achieved. The development shall be implemented in full accordance with the details as approved prior to the first occupation of the residential dwellings.

Reason:

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

## **NOISE AND AIR QUALITY MANAGEMENT AND MITIGATION**

- 24 No construction work in relation to the development hereby approved shall be carried out on the site at any time on Sundays, Bank or Public Holidays, before 8.00am or after 1.00pm on Saturdays, or before 8.00am or after 6.00pm on any other days.

Reason:

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

- 25 Prior to the commencement of the development hereby permitted (other than for Groundworks and Site Preparation Works) a Scheme of Air Pollution Mitigation Measures to be provided in the development to protect the amenities of future and neighbouring occupiers shall have been submitted to the Local Planning Authority and approved in writing. The approved Scheme of Air Pollution Mitigation Measures shall be implemented in its entirety before the first occupation of the development.

Reason:

To ensure that the amenities of future and neighbouring occupiers are protected in accordance with policy DM04 of the Barnet Local Plan and policies 5.3 and 7.14 of the London Plan.

- 26 Prior to the commencement of the development (other than for Groundworks and Site Preparation Works) a full scheme of the measures to be incorporated in the development to mitigate the impact of noise from road traffic on the A1000 (High Road) and Downland Close, the activities of the commercial units neighbouring the site and any other relevant sources of noise on the future occupiers of the new dwellings in the development shall be submitted to the Local Planning Authority and approved in writing. The scheme of measures submitted shall ensure that the levels of noise as measured within habitable rooms of the new dwellings hereby approved shall be no higher than  $L_{Aeq}35dB$  from 7am to 11pm and  $L_{Aeq}30dB$  in bedrooms from 11pm to 7am and the submission made shall include sufficient details and information to adequately demonstrate how these standards would be met. The development shall be implemented in full accordance with the approved scheme of noise mitigation measures in its entirety before the first occupation of the development.

Reason:

To ensure that the amenities of the occupiers of the development are not prejudiced by noise and to accord with policies DM04 of the Barnet Local Plan and 7.15 of the London Plan.

- 27 Notwithstanding the details shown in the plans submitted and otherwise hereby approved, prior to the first occupation of the development hereby permitted details of all acoustic walls, fencing and other barriers to be erected on the site shall have been submitted to the Local Planning Authority and approved in writing. Prior to the first occupation of the development the acoustic walls, fencing and other barriers shown in the

approved details shall be erected and installed in their entirety and be maintained as such in perpetuity thereafter.

Reason:

To ensure that the amenities of the occupiers of the development are not prejudiced by noise, to accord with policies DM01 and DM04 of the Barnet Local Plan and 7.15 of the London Plan.

- 28 Prior to the commencement of the development (other than for Groundworks and Site Preparation Works) a Scheme of Sound Insulation Measures shall be submitted to and approved in writing by the Local Planning Authority. The Scheme of Sound Insulation Measures submitted shall set out how the development would be constructed so as to provide sufficient air borne and structure borne sound insulation against internally generated noise and vibration. The sound insulation used in this respect shall ensure that the levels of noise generated from the B1(a) and D1 uses hereby approved as measured within habitable rooms of the new dwellings in the development shall be no higher than  $L_{Aeq}35dB$  from 7am to 11pm and  $L_{Aeq}30dB$  in bedrooms from 11pm to 7am. The development shall be constructed in full accordance with the approved Scheme of Sound Insulation Measures prior to its first occupation.

Reason:

To ensure that the amenities of the occupiers of the development are not prejudiced by noise and vibration and to accord with policies DM04 of the Barnet Local Plan and 7.15 of the London Plan.

- 29 Before the development hereby permitted commences (other than for Groundworks and Site Preparation Works), a report shall be carried out by a competent acoustic consultant, submitted to the Local Planning Authority and approved in writing which clearly sets out and assesses the likely noise impacts from all the ventilation and extraction plant to be installed as part of the development and the mitigation measures proposed to be used to reduce the noise impacts arising from the ventilation and extraction plant to be installed to acceptable levels. The report submitted shall include all calculations and baseline data and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The mitigation measures proposed to reduce the noise impacts arising from the ventilation and extraction plant set out in the report approved under this condition shall be implemented in their entirety before the development is occupied.

Reason:

To ensure that the amenities of neighbouring properties are protected from noise from the development in accordance with policies DM04 of the Barnet Local Plan and 7.15 of the London Plan.

- 30 Before the development hereby permitted commences (other than for Groundworks and Site Preparation Works) on site details of all extraction and ventilation equipment to be installed in the development shall be submitted to and approved in writing by the Local Planning Authority. Extraction and ventilation equipment shall be installed at the site in full

accordance with the details approved under this condition before the first occupation of the site.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Barnet Local Plan and 7.15 of the London Plan.

- 31 The level of noise emitted from the plant installed as part of the development hereby approved shall be at least 5dB below the  $L_{A90}$  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 below the  $L_{A90}$  background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with policies DM04 of the Barnet Local Plan and 7.15 of the London Plan.

- 32 The Class D1 (community and education) uses hereby approved shall not be open to customers or staff before 6:30am or after 8pm from Monday to Friday, or before 8am or after 8pm on Saturdays and not at all on Sundays, Bank Holidays and Public Holidays.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and the new dwellings in the development hereby approved in accordance with policies DM04 of the Barnet Local Plan and 7.15 of the London Plan.

### **REMOVAL OF PERMITTED DEVELOPMENT RIGHTS TO EXTEND**

- 33 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking and re-enacting that Order) the building hereby permitted shall not be extended in any manner whatsoever without the prior receipt of express specific planning permission in writing from the Local Planning Authority.

Reason:

To ensure that the development does not prejudice the character of the locality, the amenities of future occupiers of the dwellings proposed and the enjoyment by neighbouring occupiers of their properties in accordance with policies CS5, DM01 and DM02 of the Barnet Local Plan.

### **DETAILS OF ARCHITECTURAL FEATURES**

- 34 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved the development is not to commence (other than for Groundworks and Site Preparation Works) unless and until details

(necessary details specified in brackets) of the following features and elements of the scheme have been submitted to the Local Planning Authority and approved in writing:

- Brick bonding and brick and stone detailing (annotated plans at a scale of not less than 1:20).
- External windows, balconies, winter gardens, doors, metal screens and balustrading (annotated plans at a scale of not less than 1:10).
- The curtain wall glazing system (annotated plans at a scale of not less than 1:20).
- Depth of window reveals (annotated plans at a scale of not less than 1:20).
- Glazed staircase (annotated plans at a scale of not less than 1:20).
- Rainwater goods (annotated plans at a scale of not less than 1:10).
- Privacy screens (annotated plans at a scale of not less than 1:10).
- Any means to be used for enclosing the basement car parking areas (annotated plans at a scale of not less than 1:20).
- All means of enclosure proposed for the sites pedestrian and vehicular access points (annotated plans at a scale of not less than 1:10).

The development shall be implemented in full accordance with the approved details prior to the first occupation of the dwellings hereby approved.

Reason:

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

## **TRANSPORT**

- 35 Before the development hereby permitted is occupied the 167 car parking spaces shown on plan numbers 1360\_0110R, 1360\_0111Q, 1360\_0112V and 1360\_0113X shall be provided in the development and shall not be used for any purpose other than the parking and turning of vehicles in connection with the development hereby approved.

Reason:

To ensure that satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with policies CS9 and DM17 of the Barnet Local Plan.

- 36 Before the development hereby permitted is occupied a Car Parking Management Plan detailing the allocation of car parking spaces, all on site parking controls and charges and enforcement measures to be put in place to deal with any unauthorised parking shall be submitted to and approved in writing by the Local Planning Authority. The development shall be managed in accordance with the approved Car Parking Management Plan from the first occupation of the building and in perpetuity thereafter.

Reason:

To ensure that parking is provided and managed at the development in the interests of highway and pedestrian safety and the free flow of traffic in the area and in accordance with policies CS9 and DM17 of the Barnet Local Plan.

37

Prior to the commencement of the development hereby approved a Construction Management and Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this Plan. This Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details setting out how the High Road (A1000) will not be used for any loading and unloading associated with the implementation of the development;
- xi. Details of a community liaison contact for the duration of all works associated with the development.

Reason:

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

38

Before the first occupation of any of the new dwellings (Use Class C3) hereby permitted a strategic level residential Travel Plan prepared in accordance with all relevant technical and good practice guidance, which is ATTrBuTE and TRAVL compliant and that includes the appointing of a Travel Plan Champion shall be submitted to and approved in writing by the Local Planning Authority. The development shall be occupied and managed in accordance with the approved Travel Plan and the Travel Plan shall be



reviewed in accordance with Transport for London's 'Standardised Approach to Monitoring'. The Travel Plan approved shall be implemented and enforceable in accordance with the agreement completed under section 106 of the Town and Country Planning Act 1990 (as amended) which accompanies this application.

Reason:

To encourage the use of sustainable forms of transport to the site and minimise transport impacts of the development in accordance with policies DM17 and CS9 of the Barnet Local Plan.

- 39 Before the first occupation of the office space (Use Class B1a) hereby permitted a local level Commercial Travel Plan prepared in accordance with all relevant technical and good practice guidance and that is ATTtrBuTE and itrace or Behaviour Change Management System (BCMS) compliant shall be submitted to and approved in writing by the Local Planning Authority. The development shall be occupied and managed in accordance with the Travel Plan approved under this condition. The Travel Plan approved shall be implemented and enforceable in accordance with the agreement completed under section 106 of the Town and Country Planning Act 1990 (as amended) which accompanies this application.

Reason:

To encourage the use of sustainable forms of transport to the site and minimise transport impacts of the development in accordance with policies DM17 and CS9 of the Barnet Local Plan.

- 40 Should the community and education floorspace (Use Class D1) hereby approved be occupied by a nursery or other education use then a Nursery or Education Travel Plan prepared in accordance with all relevant technical and good practice guidance shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of this use. The development shall be occupied and managed in accordance with the Travel Plan approved under this condition and the Travel Plan approved shall be implemented and enforceable in accordance with the agreement completed under section 106 of the Town and Country Planning Act 1990 (as amended) which accompanies this application.

Reason:

To encourage the use of sustainable forms of transport to the site and minimise transport impacts of the development in accordance with policies DM17 and CS9 of the Barnet Local Plan.

- 41 Before the first occupation of the development hereby approved details showing suitable parking and storage facilities for not less than 259 bicycles within the development shall be submitted to the Local Planning Authority and approved in writing. The details submitted under this condition shall provide suitable parking and storage for not less than:
- 26 bicycles associated with the non-residential (Use Classes B1 and D1) floorspace proposed.
  - 233 cycles associated with the residential (Use Class C3) dwellings proposed.

The development shall be implemented in full accordance with the details as approved before the development is occupied or brought into use and shall be permanently retained as such thereafter.

Reason:

In the interests of promoting cycling as a mode of transport in accordance with Policies CS9 and DM17 of the Barnet Local Plan and Policy 6.13 of the London Plan.

- 42 Before the development hereby permitted is occupied or brought into use not less than the following numbers of disabled standard parking spaces shall be provided at the site in accordance with details that have previously been submitted to the Local Planning Authority and approved in writing:
- 16 disabled standard parking spaces for the residential dwellings (Use Class C3) hereby approved.
  - 1 disabled standard parking space for the non-residential floorspace (Use Classes B1 and D1) hereby approved.

Reason:

To ensure that satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety, the free flow of traffic and the creation of an environment which is accessible to all members of the community in accordance with policies CS9 and DM17 of the Barnet Local Plan

- 43 Before the development hereby permitted is occupied or brought into use full details of the Electric Vehicle Charging facilities to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing. The details submitted under this condition shall include provision for not less than:
- 31 of the car parking spaces proposed for the residential dwellings (Use Class C3) to be provided with active Electric Vehicle Charging facilities.
  - 3 of the car parking spaces proposed for the non-residential floorspace (Use Classes B1 and D1) to be provided with active Electric Vehicle Charging facilities.
  - 31 of the car parking spaces proposed for the residential dwellings (Use Class C3) to be provided with passive Electric Vehicle Charging facilities.
  - 1 of the car parking spaces proposed for the non-residential floorspace (Use Classes B1 and D1) to be provided with passive Electric Vehicle Charging facilities.

The development shall be implemented in full accordance with the approved details prior to the development being occupied or brought into use and thereafter be maintained as such.

Reason:

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

- 44 Notwithstanding the details shown in the plans submitted and otherwise hereby approved, prior to the commencement of the development (other than for Groundworks and Site Preparation Works), full details of the roads and pedestrian access arrangements within the development shall be submitted to and approved in writing by the Local Planning Authority. The details provided under this condition shall include highways engineering drawings and detailed construction specifications, including longitudinal section plans, with all plans submitted being at a scale of not less than 1:200. The development shall be implemented in full accordance with the details approved under this condition prior to the first occupation of the development.

Reason:

To ensure the formation of safe access to the development, protect the amenities of the area and to comply with policies CS9 and DM17 of the Barnet Local Plan.

- 45 Before the development hereby permitted is occupied or brought into use a full Delivery and Servicing Plan shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be serviced and managed in accordance with the approved Servicing and Delivery Plan in perpetuity.

Reason:

In the interest of highway safety, the amenities of the area and the sustainable occupation of the development in accordance with policies CS9 and DM17 the Barnet Local Plan.

### **NON-RESIDENTIAL USES PROPOSED**

- 46 The 1978.5m<sup>2</sup> of floorspace hereby approved for purposes falling within Use Class B1a shall only be occupied for uses falling within Use Class B1a Office and shall not be used for any other purpose, including any other purpose within Use Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification.

Reason:

To ensure the development is implemented in accordance with the permission sought and in the interests of the re-provision of employment generating floorspace in accordance with policy DM 14 of the Barnet Local Plan.

- 47 The 324m<sup>2</sup> of floorspace hereby approved for purposes falling within Class D1 shall be occupied for education and community purposes only and shall not be used for any other purpose, including any other purpose within Use Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification.

Reason:

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

**LIGHTING**

- 48 Prior to the first occupation of the development hereby approved full plans, details and specifications of all external lighting to be installed as part of the development shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved details prior to the first occupation of the development and be maintained as such thereafter.

Reason:

To ensure that appropriate lighting is provided as part of the development in accordance with policy DM01 of the Barnet Local Plan and policy 7.13 and 5.3 of the London Plan.

- 49 Prior to the first occupation of the development hereby approved, an External Lighting Assessment shall be submitted to and approved in writing by the Local Planning Authority. The External Lighting Assessment submitted shall detail the existing average night time luminance and light spread levels across the application site at night, identify the levels of light pollution received at the windows to residential properties within proposed development and, where appropriate, identify the measures to be used to mitigate the impacts of light pollution on the future occupiers proposed dwellings. Any light pollution mitigation identified in the External Lighting Assessment shall be implemented in full prior to the first occupation of the new dwellings in the development.

Reason:

To ensure the development provides adequate amenities of the future occupiers of the proposed dwellings and to accord with policy DM01 of the Barnet Local Plan.

**LANDSCAPING**

- 50 Notwithstanding the details shown on the plans submitted and otherwise hereby approved prior to the commencement of the development (other than for Groundworks and Site Preparation Works) full details, including annotated scaled plans, of all proposed boundary treatments, walls, fencing, gates or other means of enclosure to be erected at the site shall have been submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved details prior to the first occupation of the dwellings hereby approved and be permanently retained as such thereafter.

Reason:

To ensure that the development protects the amenities of the occupiers of

neighbouring and future properties, provides a safe and secure environment and to protect the character and visual amenities of the site and wider area in accordance with policies CS5 and DM01 and DM02 of the Barnet Local Plan and policies 1.1, 7.3, 7.4, 7.5 and 7.6 of the London Plan.

51 Prior to the commencement of the development a detailed scheme of hard and soft landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The detailed scheme of landscaping submitted shall include but not be limited to the following:

- The position of any existing trees to be retained and removed.
- New tree, hedge and shrub planting proposed including species, plant sizes and planting densities, as well as planting for the areas of green roof proposed, including herbaceous / climbers / grasses / ground cover plants.
- Means of planting, staking and tying of trees, including tree guards as well as a detailed landscape maintenance schedule for regular pruning, watering and fertiliser.
- Existing contours and any proposed alterations such as earth mounding.
- Areas of hard landscape works including proposed materials samples.
- Details of all techniques to be used to provide conditions appropriate for new plantings.
- The timing of planting.

Reason:

To safeguard the health of existing trees which represent an amenity feature and to ensure a satisfactory appearance of and contribution to biodiversity from the development in accordance with policies DM01, DM02 and DM16 of the Barnet Local Plan and policies 3.6, 7.19 and 7.21 of the London Plan.

52 All work comprised in the approved scheme of hard and soft landscaping (submitted under condition 51) shall be carried out before the end of the first planting and seeding season following the first occupation of any part of the building or completion of the construction of the development, whichever is sooner.

Reason:

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

53 Any trees, hedges, shrubs or areas of green roof to be planted as part of the approved landscaping scheme (submitted under condition 51) which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees, shrubs or other planting of appropriate size and species in the next planting season.

Reason:

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

- 54 No site works or other works associated with this development shall be commenced before a Method Statement detailing the precautions to be taken to minimise damage to retained trees within and trees adjacent the site, in accordance with British Standard BS5837: 2012 *Trees in relation to design, demolition and construction - Recommendations*, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the Method Statement approved under this condition.  
Reason:  
To safeguard the health of existing trees which represent an amenity feature in accordance with policy DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.
- 55 No site works or other works associated with this development shall be commenced before temporary tree protection measures to safeguard retained trees within the application site and trees adjacent the site have been put in place in accordance with details that have been previously submitted to and approved in writing by the Local Planning Authority. The tree protection measures approved under this condition shall remain in place until the development hereby consented has been completed.  
Reason:  
To safeguard the health of existing trees which represent an amenity feature in accordance with policy DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.
- 56 Details submitted pursuant to Conditions 4 and 51 to 55 (inclusive) imposed by this Planning Permission shall be submitted at the same time.  
Reason:  
To enable the proper consideration of matters relating to site levels, protective fencing and landscaping in accordance with policies DM01, DM04 and DM17 of the Barnet Local Plan and policies 7.2, 7.3, 7.4, 7.5, 7.6, 7.13 and 7.21 of the London Plan.
- 57 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, prior to the first occupation of the development a scheme detailing all play equipment to be installed in the communal amenity spaces provided on the site shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the details as approved prior to the first occupation of the development.  
Reason:  
To ensure that the development represents high quality design and to accord with policies DM01 and DM02 of the Barnet Local Plan and policy 3.6 of the London Plan.

## **Informatives:**

The informatives that it is recommended be included on the decision notice in respect of this application are set out in **Appendix 3** of this report.

## **1. MATERIAL CONSIDERATIONS**

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

#### Introduction

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

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

Since the adoption of the London Plan in July 2011 the Mayor has adopted (in October 2013) 'Revised Early Minor Alterations' to this document. These make a number of changes to policies and other text in the 2011 London Plan. A key objective of these changes is to ensure that the London Plan is consistent with the National Planning Policy Framework. They also seek to update the position on affordable housing (to reflect changes to national policy) and make changes to cycle parking standards. The changes to the London Plan as adopted under the 'Revised Early Minor Alterations' have been used as part of the basis for the assessment of this application. In January 2013 the Mayor published Draft Further Alterations to the London Plan for consultation. The consultation on these changes was open for comment until 10<sup>th</sup> April 2014. Where relevant and appropriate account has been taken of the policies in this draft document.

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

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

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

## The London Plan

The adopted London Plan (2011 and 2013) is the development plan in terms of strategic planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The London Plan policies (arranged by chapter) most relevant to the determination of this application are:

### **Context and Strategy:**

1.1 (Delivering the Strategic Vision and Objectives for London)

### **London's Places:**

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

### **London's People:**

3.1 (Ensuring Equal Life Chances for All); 3.2 (Improving Health and Addressing Health Inequalities); 3.3 (Increasing Housing Supply); 3.4 (Optimising Housing Potential); 3.5 (Quality and Design of Housing Developments); 3.6 (Children and Young People's Play and Informal Recreation Facilities); 3.8 (Housing Choice); 3.9 (Mixed and Balanced Communities); 3.10 (Definition of Affordable Housing); 3.11 (Affordable Housing Targets); 3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes); 3.13 (Affordable Housing Thresholds); 3.16 (Protection and Enhancement of Social Infrastructure); 3.17 (Health and Social Care Facilities); and 3.18 (Education Facilities)

### **London's Economy:**

4.1 (Developing London's Economy); 4.2 (Offices); 4.3 (Mixed Use Development and Offices); 4.4 (Managing Industrial Land and Premises); 4.6 (Support for and Enhancement of Arts, Culture Sport and Entertainment Provision); 4.7 (Retail and Town Centre Development); 4.8 (Supporting a Successful and Diverse Retail Sector); 4.10 (Support New and Emerging Economic Sectors); and 4.12 (Improving Opportunities for All)

### **London's Response to Climate Change:**

5.1 (Climate Change Mitigation); 5.2 (Minimising Carbon Dioxide Emissions); 5.3 (Sustainable Design and Construction); 5.4 (Retrofitting); 5.5 (Decentralised Energy Networks); 5.6 (Decentralised Energy in Development Proposals); 5.7 (Renewable Energy); 5.8 (Innovative Energy Technologies); 5.9 (Overheating and Cooling); 5.10 (Urban Greening); 5.11 (Green Roofs and Development Site Environs); 5.12 (Flood Risk Management); 5.13 (Sustainable Drainage); 5.14 (Water Quality and Wastewater Infrastructure); 5.15 (Water Use and Supplies); 5.17 (Waste Capacity); and 5.21 (Contaminated Land)

### **London's Transport:**

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



Capacity); and 6.13 (Parking)

### **London's Living Places and Spaces:**

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

### **Implementation, Monitoring and Review:**

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

### Barnet Local Plan

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

### **Barnet Core Strategy (Adopted 2012):**

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

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

CS3 (Distribution of growth in meeting housing aspirations)

CS4 (Providing quality homes and housing choice in Barnet)

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

CS6 Promoting Barnet's Town Centres

CS7 (Enhancing and protecting Barnet's open spaces)

CS8 (Promoting a strong and prosperous Barnet)

CS9 (Providing safe, effective and efficient travel)

CS10 (Enabling inclusive and integrated community facilities and uses)

CS11 (Improving health and well being in Barnet)

CS12 (Making Barnet a safer place)

CS13 (Ensuring the efficient use of natural resources)

CS14 (Dealing with our waste)

CS15 (Delivering the Core Strategy)

### **Development Management Policies (Adopted 2012):**

DM01 (Protecting Barnet's character and amenity)

DM02 (Development standards)

DM03 (Accessibility and inclusive design)

DM04 (Environmental considerations for development)

DM05 (Tall Buildings)

DM06 (Barnet's Heritage and Conservation)

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

DM10 (Affordable housing contributions)

DM11 (Development principles for Barnet's town centres)  
DM13 (Community and education uses)  
DM14 (New and existing employment space)  
DM15 (Green belt and open spaces)  
DM16 (Biodiversity)  
DM17 (Travel impact and parking standards)

#### Supplementary Planning Guidance and Documents

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

#### **Local Supplementary Planning Documents:**

Sustainable Design and Construction (April 2013)  
Residential Design Guidance (April 2013)  
Planning Obligations (April 2013)  
Affordable Housing (February 2007 with updates in August 2010)

#### **Strategic Supplementary Planning Documents and Guidance:**

Accessible London: Achieving an Inclusive Environment (April 2004)  
Sustainable Design and Construction (May 2006)  
Health Issues in Planning (June 2007)  
Wheelchair Accessible Housing (September 2007)  
Planning for Equality and Diversity in London (October 2007)  
All London Green Grid (March 2012)  
Land for Industry and Transport (September 2012)  
Shaping Neighbourhoods: Play and Informal Recreation (September 2012)  
Housing (November 2012)  
Sustainable Design and Construction (April 2014)

Draft Town Centres (January 2013)  
Draft Shaping Neighbourhoods: Character and Context (February 2013)  
Draft Accessible London: Achieving an Inclusive Environment (April 2014)  
Draft Social Infrastructure (May 2014)

#### National Planning Guidance

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published in March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications which are considered to accord with the development plan. In March 2014 the National Planning Practice Guidance was published (online) as a web based resource. This resource provides an additional level of detail and guidance to support the policies set out in the NPPF.

#### The Community Infrastructure Levy Regulations 2010

Planning obligations need to meet the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) to be lawful. Officers have

concluded that the planning obligations recommended are legitimate and appropriate under these regulations. The applicant has agreed the obligations set out in Recommendation 1.

## **1.2 Key Relevant Planning History**

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

In terms of the application site itself, four submissions were made under the prior notification process in 2013. These sought to convert various parts of the site to a residential use (Barnet reference numbers B/02148/13, B/03158/13, B/03322/13 and B/03490/13) and were all found not to constitute permitted development. A screening opinion (B/03173/13) and a residential led mixed use scheme (B/00421/13), seeking consent for 191 new dwellings, were also submitted for the site in 2013. Through the screening opinion it was established that a proposal of the nature sought under that submission would not constitute development requiring the preparation of an Environmental Statement. The residential led mixed use scheme at the site (proposing 191 new dwellings) remains under consideration and has not yet received a decision.

More historical submissions at the application site include an application (Barnet reference B/02301/10) seeking planning permission to change the use of the third floor of the building from Class B1 to Class D1 (education), which was granted consent in 2010, and a proposal, granted consent in 2007, to change the use of the ground floor into a café (Barnet reference N00189AK/06).

There are a number of planning applications at properties surrounding the application site which are relevant to the consideration of the current proposal. These include applications at the adjacent commercial premises, one of which was recently granted consent at appeal (Barnet reference B/00845/13). Where relevant these submissions are discussed in further detail in subsequent sections of this report.

In the wider area surrounding the application site, outline planning permission was granted in 2012 for the redevelopment of land located off the High Road and Chandos Avenue and the Brethren Meeting Hall and Well Grove School. The permission concerned gave outline consent for 70 new dwellings and a building for purposes falling within Use Class D1. This is therefore a relevant committed development in the Whetstone area. A further committed scheme, at 1230 High Road, Whetstone, for mixed use (residential and office) purposes is currently being implemented. A planning application for the 360 new dwellings and a new community hall at the land between Sweets Way and Oakleigh Road North was refused planning permission in January 2014. At the time of this report being written a planning application for a mixed use scheme at the former BP Garage site (1412 to 1420 High Road) in Whetstone is yet to receive a formal decision.

## **1.3 Public Consultations and Views Expressed**

### Public Consultation

To publicise this application letters and emails were sent to 1012 addresses in December 2013. The application was also advertised on site and in the local press at that time. Following revisions to the design of the scheme and the submission of additional information further rounds of consultation (including letters, emails and site and press notices) were carried out in February and March 2014. The consultation process carried out for this application is considered to have been entirely appropriate for a development of this nature. The extent of consultation exceeded the requirements of national planning legislation and Barnet's own adopted policy on the consultation to be carried out for schemes of this nature.

### Number of Responses from Residents

**15** responses objecting to the proposal were received from residents. **None** of these objectors have requested to speak at committee. **No** responses supporting the proposal were received from residents.

### Comments from Residents

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

#### **Highways, Parking and Transport:**

- Proposal would add unacceptably to the existing traffic and congestion in the area.
- Quantity of parking proposed is inadequate and should be increased.
- Surrounding road network is not suitable for the additional vehicles the development would generate.
- Proposal would exacerbate existing parking problems on the roads surrounding the site and cause a loss of parking for existing residents to the detriment of their amenities.
- Development would add unacceptably to the vehicles and traffic in the area and exacerbate the existing access and congestion problems in this location.
- Junctions in the area would be significantly adversely affected by the development.
- Proposal would be detrimental to highway and pedestrian safety.
- When assessing transport impacts account needs to be taken of other developments in the surrounding area.
- Proposal would make it even harder for them to gain access to and from their property.
- Development would impact adversely on the ability of emergency services to access their homes and use the surrounding road network.
- Congestion the development would cause would compromise the timing of public transport services.
- Construction of the development would result in unacceptable traffic, highways and congestion impacts.
- Traffic lights should be installed in this section of the High Road.

#### **Design and Character:**

- Scale, size, height and detailed design of the proposed buildings are

- harmful to the character of the area.
- Proposed building is too large and tall for the site and has an inadequate setting.
  - Proposal would unacceptably increase the bulk and height of the existing building, make it more prominent and obtrusive.
  - Proposal includes a bulky, obtrusive, unattractive and prominent rear extension.
  - Proposal is not sympathetic with its context and has an unacceptable relationship with neighbouring buildings, spaces and streets.
  - The materials and style of building proposed are of a generic nature and they would not enhance the area or be sympathetic with local architecture.
  - Proposal is out of keeping with and would have a detrimental impact on the character and appearance of the area.
  - Proposal would result in the loss of the open aspect of the neighbourhood and provides inadequate green space for the proposed dwellings.
  - Building is out of keeping with its surroundings, including the green belt and surrounding suburban landscape.
  - Proposal is overly dense, represents an overdevelopment of the site and is contrary to development plan policies on this matter.
  - Proposal would not comply with planning policies on design and character matters, including those in the National Planning Policy Framework, London Plan and Barnet Local Plan.
  - Proposal would impact adversely on their safety.
  - Trees, including trees which have been covered by a Preservation Order have been cut down in preparation for the development.

**Amenities of neighbouring occupiers:**

- Development would cause a significant and unacceptable overlooking and loss of privacy.
- Proposal would lead to constant and unacceptable noise and disturbance.
- Development would be overbearing and sited too close to their property.
- Development would have an unacceptable visual impact and cause loss of outlook.
- Development would cause unacceptable losses of daylight and sunlight.
- Proposal would cause light pollution.
- Proposal would not protect the amenities of neighbouring occupiers.
- Proposal would have adverse environmental impacts and increase air pollution in the area to the detriment of health and safety.
- Proposal would impact upon their parking facilities to the detriment of resident's amenities.
- Construction works the development would result in would have an unacceptable impact on their amenities.

**Other objections raised:**

- Proposal is not compliant with planning policies and should be refused.
- Proposal would result in an unacceptable loss of office space that is

detrimental to local employment provision and contrary to development plan policies on this matter.

- The uses proposed are not appropriate for the area.
- Proposal would be detrimental to existing and future residents.
- Proposal would be detrimental to local amenity and the local community.
- The development would set a precedent for other developments coming forward in the area.
- That account needs to be taken of the other approved and proposed developments taking place in the surrounding area.
- Their previous objections have not been addressed by the amendments to the scheme.
- Additional residents and vehicles in the borough arising from the development would impact adversely on local services, facilities, amenities and infrastructure, such as roads, schools and health related facilities.
- Tests of the viability of the scheme should be based on a realistic current valuation and viability should not be used to justify overdevelopment.
- Development raises concerns about flooding into St Margaret's Avenue and Manaus Way.
- The change of use of the building would bring a high level of social housing to the area thus causing Whetstone to decline.
- Proposal could make Whetstone become an unsafe place to live.
- Proposal would reduce the value of surrounding properties.

*Full responses to the material planning considerations raised are provided in the main body of the committee report. In summary, subject to the controls and mitigation provided by the conditions and planning obligations recommended, the proposal is found to be acceptable and compliant with the relevant development plan policies in all the relevant regards.*

#### Comments from Businesses

A number of local businesses have responded to the consultation and provided comments on the application. The businesses which have responded to the consultation and the nature of their comments (whether they object or support the proposal) are as follows:

**Michael Gerson Investments Limited** (2 Downland Close): Object to the application and **request to speak at committee.**

**Video Equipment Rentals** (3-4 Downland Close): Object to the application and **request to speak at committee.**

**A1 Dairies Limited** (1 Downland Close): Object to the application.

**A1 Self Storage Limited** (2 Downland Close): Object to the application and **request to speak at committee.**

**Aurora Leasing Limited** (2 Downland Close): Object to the application.

These businesses have provided extensive comments on the application and

the development proposed. Given this position the comments from these respondents are summarised in full and responded to directly below in **section 3.7** of this report. Where relevant other sections of the committee report also provide responses to the comments made. This includes **section 3.4** which looks specifically at how the scheme would provide acceptable amenities for the future occupiers of the proposed dwellings (taking account of the sites environment and the impacts of neighbouring businesses).

#### Comments from Elected Representatives

##### **The Rt. Hon. Mrs Theresa Villiers MP:**

Requested that the representations made by Mr Gerson, objecting to the proposal (summarised below), be carefully considered and taken into account before a decision on the application is made.

Has stated that the re-submitted plans have not in any way addressed these objections and that she remains concerned about the proposed change from commercial to residential use; the impact that the proposal would have on surrounding businesses and the area in general; the impact of the business on the future occupiers of Northway House (given its proximity); overdevelopment; loss of employment space; highway safety; privacy; security; and parking. Has also noted that it would appear that if the proposed extension to Northway House is allowed the solar heating scheme recently approved at A1 Self Storage would be ineffective during the winter months.

*Full responses to the points raised are provided in the main body of the committee report. In summary, subject to the controls and mitigation provided by the conditions and planning obligations recommended, the proposal is found to be acceptable and compliant with the relevant development plan policies in all the relevant regards.*

#### Comments from Local Associations and Societies

##### **Totteridge Residents Association:**

Have expressed concerns that:

- With the significant increase in population this and other local development would cause services, such as doctors and transport, could become overstretched.
- The number of parking spaces proposed for the residential and business uses sought is inadequate and that the maximum permissible number of spaces should be provided for the residential element to avoid local roads being overwhelmed by parking (they do not wish to see Controlled Parking Zones introduced due to the provision of inadequate parking in developments).
- 200 cycle parking spaces have been provided but only a fraction of these are likely to be used in reality.

*Full responses to the points raised are provided in the main body of the committee report. In summary, subject to the controls and mitigation provided by the conditions and planning obligations recommended, the proposal is found to be acceptable and compliant with the relevant development plan policies in all the relevant regards.*

**Brook Farm Allotments and Horticultural Association:**

Have objected to the application. In summary the concerns raised comprise that the:

- Proposed changes to the building profile will add to its bulk and impact on cultivation at nearby allotment gardens.
- Additional traffic generated will overwhelm the High Road at peak traffic flow, where traffic jams are already a regular occurrence.
- Scheme does not appear to make provision for additional services, such as GP services, schools and hospital facilities. Schools are already overcrowded and additional population on the scale projected will make matters worse.

*The submission documents contain an assessment of the potential overshadowing impacts of the proposed development. This confirms that the proposed redevelopment of the site would not result in any additional overshadowing of the Brook Farm Allotments. Officers accept the findings of this report and consider the proposal to be acceptable in this respect. Full responses to the other points raised are provided in the main body of the committee report. In summary, subject to the controls and mitigation provided by the conditions and planning obligations recommended, the proposal is found to be acceptable and compliant with the relevant development plan policies in all the relevant regards.*

**Consultation Responses from Statutory Consultees and Other Bodies****Transport for London (TfL):**

Responded to the initial consultation (in January 2014) and made a number of comments on the application. These can be summarised as follows:

- The site is located adjacent the A1000 High Road, which is part of the Strategic Road Network and has a very good PTAL of 5.
- 158 car parking spaces are proposed to serve 145 residential units. This equates to a provision of 1.08 spaces per unit. London Plan policy 6.13 'Parking' states that developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit. On this basis the proposals have a significant overprovision in the number of spaces and these should be reduced.
- 13 spaces are proposed to cater for the Class B1/D1 uses proposed. This equates to one space per 157sqm of floorspace. The London Plan does not include relevant standards for D1 uses. For B1 uses in Outer London there is a range of 1 space per 100-600sqm of floorspace. Having consideration to the site's PTAL they would expect more stringent standards to be used, equating to 4-5 spaces. The B1/D1 parking should therefore be reduced.
- It is welcomed that Electrical Vehicle Charging Points and Blue Badge parking are proposed in conformity with London Plan standards.
- Cycle parking is proposed in accordance with London Plan policy 6.9 'Cycling' and this is welcomed.
- Should two or more buses be using the adjacent bus stop than the emergency vehicle access would be blocked. On this basis it is recommended that the access arrangements are amended.



- It is accepted that the scale and nature of this development are such that it would not have a negative impact on either the highway or public transport network.
- A Pedestrian environment review system audit has been provided. Within this it is identified that the local bus stops do not benefit from raised kerbs to assist in the boarding and decanting of mobility impaired passengers. It is therefore requested that a contribution of £10000 per bus stop is secured within the Section 106 agreement towards the provision of raised kerbs for the two nearest bus stops.
- The submitted travel plans have been assessed using the ATTrBuTE toolkit and passed the assessment. To ensure conformity with London Plan Policy 6.3, the travel plans are expected to be secured, monitored, reviewed, and enforced through the Section 106 Agreement.
- They expected that a framework Delivery and Servicing Plan and Construction Logistic Plan would have been included in the Transport Assessment provided. This was not the case and they will need to be submitted to the Borough to be in line with London Plan Policy 6.14. These plans will need to be subject to planning conditions.

Following revisions to the scheme and the submission of additional information TfL have subsequently confirmed that:

- The kerbs adjacent bus stops meet the minimum height requirements (they are therefore already adequate for mobility impaired passengers).
- The proposed emergency access arrangements are acceptable.

*Full responses to the remaining points raised by TfL are provided in the main body of the committee report. Section 3.10 of the report is particularly relevant in this respect.*

**Highways Agency:**

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

**Metropolitan Police Service:**

Have responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed upon any grant of consent.

**London Fire and Emergency Planning Authority:**

Have responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed upon any grant of consent.

**Environment Agency:**

Have responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed on any consent granted. The Environment Agency have made comments on the inclusion of water efficiency and flood risk management infrastructure in the proposed development. These are set out and responded to in further detail in the relevant parts of the committee report.

**Natural England:**

Have responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed upon any grant of consent.

Natural England have identified that the application may provide opportunities for biodiversity and landscape enhancements at the site. Conditions seeking enhancements at the site in these regards have been included in those recommended.

**English Heritage Archaeology:**

Have responded and conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. Find that the application site is not within an Archaeological Priority Area and is likely to have been extensively disturbed by modern development. As such they consider that no further archaeological assessment or conditions are necessary.

**Thames Water:**

Thames Water have responded to the consultation and not raised any objections to the proposal. Thames Water have made a number of comments in respect of public sewers in the area and surface water drainage matters. Informatives on these points have been included in those recommended. Thames Water has also specifically stated that with regard to sewage infrastructure capacity they would not have any objection to the proposal.

**National Grid:**

Have responded to the consultation and identified that National Grid apparatus is located within the vicinity of the site. An informative setting this out has therefore been included in those recommended. National Grid have not raised any objections to the development or requested that conditions or planning obligations are used in respect of any grant of consent for the development proposed in the application.

Internal Consultation responses

**Traffic and Development Team:**

The Traffic and Development Team response is set out in greater detail in the relevant sections of the report below. In summary they have confirmed that, subject to the imposition of the conditions and planning obligations recommended, they have no objections to the development and find the proposal to be acceptable in respect of traffic, parking and highways related matters.

**Environmental Health Service:**

The Environmental Health Service response is set out in greater detail in the relevant sections of the report below. In summary they have confirmed that, subject to the imposition of suitable conditions in respect of air quality, contaminated land and noise matters, they raise no objection to the development and find the proposal to be acceptable.

**2. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL**

**2.1 Site Description and Surroundings**

The application site comprises a broadly rectangular area of previously developed land measuring approximately 0.654 hectares in size situated on the western side of Whetstone High Road. The site slopes down significantly

from east to west. Downland Close is situated (running east to west) to the north of the site and the A1000 (Whetstone High Road) is situated to the east of the site (running north to south). The areas to the west and north of the site (accessed from Downland Close) contain a range of business uses. The land to the south of the site (St. Margaret's Avenue) comprises two storey pitched roof semi-detached dwellings.

The main existing building on the site is predominantly 12 above ground storeys in height fronting onto the High Road. There are also lower ground floor levels and a further structure providing some additional floorspace space on the 12<sup>th</sup> floor of the main building. A three level structure providing parking is situated on the western part of the site. The eastern part of the site, containing the main building, is located within the defined boundary of Whetstone Town Centre. The western part of the site, including the car park, is located outside of the town centre boundary.

The applicant has confirmed that the site is currently fully vacant. However, Northway House presently contains a mixture of lawful uses. These include a café, studio and exhibition space, storage space, office space, light industrial space, laboratories and educational uses. As such if the building were to be taken as a whole it would be considered to have a *sui generis* classification under the Use Class Order. The existing uses within the building are discussed in further detail in subsequent sections of this report.

Vehicular access for the site currently takes place from a single point on the High Road. Pedestrian access to the site also takes place from the High Road. The site has a Public Transport Accessibility Level (PTAL) ranging between 3 (west of the site) and 5 (east of the site fronting onto the High Road).

The application site presently contains a mixture of hard and soft landscaped areas. The Arboricultural Survey submitted with the application assesses the impacts of the scheme on 13 individual trees and 2 groups of trees (which each contain approximately 40 trees) that are situated either in or adjacent the site. None of the trees in the application site itself are covered by a Tree Preservation Order. An area of land to the south of the site, which directly adjoins the site boundary, contains trees covered by a Tree Preservation Order (reference number TRE/BA/84).

The area surrounding the application site varies significantly in its character. To the south of the site the commercial and mixed-use High Road rapidly changes (westwards), into St Margaret's Avenue, to become of a traditional residential suburban character containing predominantly two storey semi-detached houses. Parts of the southern boundary of the site adjoin the gardens of properties in these residential roads. The areas to the north and west of the site contain a number of business uses. These include premises for A1 Self Storage (north of the site), 1411 High Road (to the north of site, where uses include the storing of shipping containers), Video Equipment Rentals (to the west of the site), Michael Gerson Investments, A1 Dairies and Aurora Leasing.

## **2.2 Description of the Proposed Development**

Detailed planning permission is sought for extensions, various external alterations and the change of use of Northway House to provide 145 new self contained residential flats (Use Class C3), 1978.5m<sup>2</sup> of office floorspace (Use Class B1a) and 324m<sup>2</sup> of floorspace for community and educational purposes (falling within Use Class D1). A plan showing the overall layout of the proposed development has been provided at **Appendix 2** of this report.

The site as proposed is laid out with the main part of the existing Northway House building, which is broadly 'T' shaped in plan form (with the top of the 'T' on the eastern part of the site), retained. Key changes to the main retained block include the:

- Demolition of the existing projecting stair core on the northern side of the building.
- Extension of the ground floor of the building eastwards (towards the High Road).
- Rebuilding of the existing glazed stair core on the western end of the building (the bottom of the 'T') and the enclosing of this within a solid extension up to a first floor level.
- Enlargement of the 12<sup>th</sup> (top) floor of the building.
- Introduction of balconies, winter gardens and decked access structures across the building facades. This includes infilling the existing recessed area in the north-east corner of the building with winter gardens.
- The northward extension of the part of the building which is oriented at a right angle to the High Road (effectively increasing the width of the lower part of the 'T').

The facades of the retained building (including the doors and fenestration) would be comprehensively changed under the proposals. This part of the building would contain a total of 97 residential flats and the new non-residential floorspace proposed (described further below). Following the alterations proposed in the submission the retained part of the building would not exceed the maximum height of the existing building.

The largest extension to the retained building would be erected on the western part of the site and include the area that presently contains the multi-storey car park structure (which would be demolished). Viewed in plan form the extension would be broadly 'U' shaped, with the tops of the 'U' oriented southwards. There would also be two full podium floors beneath the 'U' shaped element of the structure. This extension would be up to six storeys in height (including the podium levels). However, the height of structure varies significantly from west (highest) to east (lowest), partly as a response to the steeply sloping nature of the site. This part of the building would contain a total of 48 residential flats.

The three main protrusions from the extensions broadly 'U' shaped plan form would be a projection to the north (which would contain an access point to an area of parking and cycle storage on its lowest two levels and be part of the residential accommodation proposed on levels above this); a projection to the west (which would contain parking on its lowest level and the amenity space for a number of flats on the floor above this); and a projection to the east

(which would contain parking on its lowest two levels and a refuse store and entrance lobby above this).

The two podium floors which form part of the main western extension would be predominantly used to provide car parking and cycle storage. However, they would also contain (in their western element) the lower level of four duplex flats. The area enclosed on three sides by the 'U' shaped extension (the top of the podium level and level -01 on the submitted plans) provides a communal open amenity space (described further below) and access to the building core entrances in this part of the development. This area would be directly accessible to pedestrians (and emergency vehicles) from the High Road through a double storey break in the built form on the eastern side of the extension. Direct access from the area of communal space on top of the podium to a separate area of communal amenity space at a lower level on the southern part of the site (described further below) would be possible through proposed stairs which project from the southern façade of the podium.

Each new dwelling within the proposed development would have its own area of private amenity space in the form of a terrace, winter garden or balcony. The development also includes the provision of three main areas of communal open space for the occupiers of the proposed dwellings. One of these spaces would be situated on the most southern part of the land, adjacent the site boundary. The usable amenity space in this area would cover approximately 617m<sup>2</sup>. A second area of communal open space would be located on a podium that is enclosed on three sides by the western 'U' shaped extension to the retained building. The usable part of this space would have an approximate area of 200m<sup>2</sup>. The third area of communal amenity space would be a communal roof terrace located on the western end of the retained part of the Northway House building. This space would cover an area of approximately 130m<sup>2</sup> in size. The areas of amenity space proposed would include hard and soft landscaped elements and contain features such as seating. The areas of open space on the southern part of the site and within the main western extension to the retained building would be designed specifically to include zones containing play features.

The non-residential elements of the development (covering Use Classes B1a and D1) would be provided in 6 units located across parts of 4 floors of the scheme. This includes the majority of the ground and first floor levels of the retained part of the building (closest to the High Road). The remaining non-residential accommodation would be situated in parts of two lower floors within the building. One of the non-residential units would provide the Class D1 space proposed and the remaining 5 would provide the office space.

At a ground floor level the High Road frontage of the proposed building, which would project forward of the existing ground floor building line as a result of an extension, has been designed to produce an area of active frontage. This would be achieved through the provision of substantial glazed areas and a direct pedestrian access to the office unit which would occupy the area of the ground floor facing the street. Further activity would also be generated by the routes provided at this point to the accesses for both the other non-residential units proposed (along the northern elevation of this element) and (on the southern elevation of this element) the residential dwellings located in this part

of the building (on the second floor upwards).

The main point of vehicular ingress and egress for the proposed development would be provided from a single location at the northern end of the sites High Road frontage (eastern side of the site). This point provides access to a route which runs along much of the northern boundary of the site. A second vehicular access point would also be provided at the southern end of the sites High Road frontage. However, this would be solely for the use of emergency vehicles. Several points of pedestrian access would be provided along the length of the sites High Road frontage.

The development includes the provision of a total of 167 off street car parking spaces. 154 of these would be provided for the residential element of the proposal. The remaining 13 spaces would be provided for the non-residential uses proposed. 17 of the car parking spaces created would be provided to a disabled parking space standard. The development includes dedicated areas for the storage of 259 cycles. This comprises facilities for the storage of 26 cycles associated with the non-residential element of the scheme and facilities for the storage of 233 cycles associated with the residential part of the scheme. Enclosed spaces for the storage of refuse and recycling facilities would be located at various points throughout the ground floor and lower levels of the building.

In terms of its detailed architectural design, both the retained and the extended parts of the building seek to use a distinctively contemporary approach. The final materials used would be controlled through the conditions recommended (should the application be granted consent). However, they would include the extensive use of glazing, composite and metal cladding systems, particularly on the retained building. The main extension to the retained building (on the western part of the site) would predominately use a combination of brick, reconstituted stone, glazing and metal cladding systems.

The mix of dwelling types proposed in the development is as follows:

- 45 x one bedroom two person flats (approximately 31% of the dwellings)
- 11 x two bedroom three person flats (approximately 8% of the dwellings)
- 53 x two bedroom four person flats (approximately 37% of the dwellings)
- 23 x three bedroom five person flats (approximately 16% of the dwellings)
- 12 x three bedroom six person flats (approximately 8% of the dwellings)
- 1 x four bedroom seven person flat (less than 1% of the dwellings)

All of the dwellings proposed would meet or exceed the minimum internal floor space standards for that type of residential unit (specified in Table 3.3 of the London Plan) and achieve the relevant Lifetime Homes Standards. 15 of the units proposed would meet wheelchair accessible standards or be easily adaptable to achieve wheelchair accessible standards. All of the dwellings in the new build element of the development would achieve Code for

Sustainable Homes Level 4. The new dwellings proposed in the mainly converted element of the building and the non-residential uses sought (Class B1a and D1 uses) would all achieve a rating of 'Excellent' under the Building Research Establishment Environmental Assessment Method (BREEAM).

The scheme would provide a total of 9 affordable housing units on site. This equates to approximately 6.2% of the total dwellings proposed. The affordable housing units would all be provided as Intermediate (Shared Ownership) units comprising 4 x one bedroom two person flats, 3 x two bedroom four person flat and 2 x three bedroom five person flats.

The areas surrounding the proposed buildings would contain a mixture of hard and soft landscaping features. The development would involve the removal of 7 existing trees from the site. None of the trees to be removed are covered by a Tree Preservation Order. The landscaping scheme proposed would include the planting of substantial number of new trees. The site would be bounded by a range of different types of means of enclosure. As subsequent sections of this report describe in further detail this would include the use of features to provide acoustic mitigation.

In addition to the application drawings, application forms and certificates the submission made includes the following documents:

- Design and Access Statement by RMA Architects
- Planning Statement by Barton Willmore
- Transport Assessment (Incorporating Travel Plan) by WSP
- Transport Assessment Addendum by WSP
- Environmental Noise and Vibration Survey Report by Clark Saunders Associates
- Air Quality Assessment by WSP
- Townscape and Visual Impact Assessment by Barton Willmore
- Townscape and Visual Impact Assessment Addendum Statement by Barton Willmore
- Verifiable Photomontage Images, Methodology and Supporting Evidence by Design Hive
- Verifiable Photomontage Images, Methodology and Supporting Evidence Addendum Statement by Design Hive
- Arboricultural Survey by Midland Forestry
- Energy Strategy By WSP
- Sustainability Statement by WSP
- Code for Sustainable Homes Pre-Assessment by WSP
- BREEAM Pre-Assessment (Residential) by WSP
- BREEAM Pre-Assessment (Non-Residential) by WSP
- Socio-Economic Assessment (Including Open Space Proximity Assessment and Employment Impact) by Barton Willmore
- Socio-Economic Assessment (Including Open Space Proximity Assessment and Employment Impact) Addendum Statement by Barton Willmore
- Market and Viability Report by Dron and Wright
- Market and Viability Report Addendum Statement by Dron and Wright
- Flood Risk Assessment including SUDS information by WSP

- Utility Feasibility Report by Atkins
- Daylight, Sunlight and Overshadowing Assessment by Anstey Horne
- Potential Overshadowing Study by Anstey Horne
- Internal Daylight and Sunlight Assessment by Anstey Horne
- Site Waste Management Plan by WSP
- Phase 1 Habitat Survey and Ecology Update by Thompson Ecology
- Daytime External Inspection for Bats Survey by Thompson Ecology
- Refurbishment and Demolition Asbestos Report by WSP
- Phase 1 Geo-Environmental Assessment by WSP
- Statement of Community Involvement by London Communications Agency
- Assessment of Viability and Affordable Housing Provision and subsequent associated correspondence by BNP Paribas

Pre-application advice was sought from the Council on the redevelopment of the application site.

### **3. PLANNING CONSIDERATIONS**

#### **3.1 Principle of redeveloping the site**

For areas such as the application site, which comprise high quality suburbs not identified as locations to which growth will be focused, policies CS1 and CS3 of the Barnet Core Strategy expect new developments to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure. As is set out in other sections of this report in greater detail the proposal is considered to be compliant with the objectives of these policies.

The application site has not been identified for any specific use in planning policies, is previously developed and is situated partially within Whetstone Town Centre (and therefore in easy access of the amenities it offers). It is also noted that the areas surrounding the site contain a mixture of uses, including residential and various business occupiers. The site has good access to public transport (a Public Transport Accessibility Level ranging between 3 and 5) and is located within walking distance of a number of bus stops and Totteridge and Whetstone Underground Station.

In such circumstances there is considered to be nothing to specifically preclude the redevelopment of the site in the broadest sense, subject to the scheme proposed being compliant with the relevant development plan policies. The principle of the various elements of the development proposed, in terms of the specific uses, is considered in more detail below.

#### **Employment uses**

The application proposes to reduce the level of floorspace at the site falling within Use Class B1 from 7887.3 down to 1978.5m<sup>2</sup>. Policy CS8 of the Barnet Core Strategy states that the Council will support businesses by safeguarding existing employment sites that meet the needs of modern businesses (in accordance with Policy DM14 New and Existing Employment Space); encourage development that improves the quality of existing employment provision; and seek a range of unit sizes and types in new employment



provision to support small and medium sized enterprises.

Policy DM14 (in the Barnet Development Management Policies) identifies that in locations such as this the loss of B1 uses will only be permitted where it can be demonstrated that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of effective marketing has been undertaken. Where this can be demonstrated the priority will be for a mixture of small business units with residential use. The policy also states that office space specifically should be retained in town centres and edge of centre locations. Loss of office space will only be permitted in these locations where it can be demonstrated that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of active marketing has been undertaken. Where this can be demonstrated the proposal will be expected to provide appropriate mixed use re-development which delivers some re-provision of employment, residential and community use. The policy identifies that proposals to redevelop existing employment space which reduce the levels of employment use and impact negatively on the local economy will be resisted and that, where it is appropriate, loss of employment space will be expected to provide mitigation in the form of contributions to employment training. Proposals for new office space should follow a sequential approach which considers town centre sites before edge of centre sites.

The submission made includes a Market and Viability Report and a subsequent Addendum Report (MVR). These reports identify that the level of occupation of the building has declined significantly since 2008 despite an ongoing active marketing campaign, which has included the use of on-site signage, a website and commercial agents, and the offering of flexible short term lease arrangements (alongside more traditional longer term leases). Taken as a whole the occupation of the building (the majority of which is in a B1 Use) declined from approximately 73% in June 2008 down to 4.66% in February 2014 (197m<sup>2</sup> of which was not in a B1 use and relates to the existing café on the site). The applicant has confirmed that since April 2014 the site has been fully vacant.

The MVR finds that Northway House is in a poor condition and suffers from a significant number of limitations. Examples of this include observations that the roof and central heating system of the building are coming to the end of their useful life and that the site lacks disabled WC facilities and has poor energy performance credentials. Taken as a whole the report advances the building is coming to the end of its economic life and that a substantial investment would be required to enable its longer term occupation. It estimates that the cost of remedying the concerns it identifies and bringing the building up to a condition and specification commensurate with what would be expected in the current office market (a figure of £8 million is suggested) would exceed the rental income which such a refurbishment could generate. It is therefore suggested that retaining the building in a B1 use is financially unviable.

Further relevant observations in the MVR include that there is currently a substantial level of vacant office space within the borough and that (excluding

Northway House) this space would be sufficient to meet the current levels of office space demand for approximately the next 4.5 years assuming no new supply comes to the market. It is suggested that the poor condition and specification of Northway House make the B1 space it provides less attractive in comparison to alternative options for potential occupiers and that in such circumstances businesses will not find it difficult to find suitable accommodation.

It is noted that objections have been received about the loss of employment uses from the site and the information supplied in the submission on this issue. Officers conclude that the submission has adequately demonstrated that the site is no longer suitable and viable for its existing or alternative business use and that an appropriate period of effective and active marketing has been undertaken. The proposed development is considered to include a suitable and policy compliant mix of new uses, including new office floorspace, residential dwellings and a unit for community uses (see other sections of this report for further details). Officers consider that the re-provision of approximately 25% of the existing Class B1 space in the building is a very important part of the case for supporting the development proposed.

The new Class B1 space would be located within the boundary of Whetstone Town Centre on the most accessible part of the site. It would also be of a higher standard (for example it would achieve BREEAM 'excellent' and be accessible to all members of the community) than the existing B1 space in Northway House, flexibly designed so that it can accommodate a range of sizes of business (including small and medium sized enterprises) and located within a wider building that has been substantially refurbished. The new Class B1 space would all be provided as office space (Class B1a). It is noted that a proportion of the existing Class B1 space at the site (the application form submitted puts this at approximately 18% of the total Class B1 space) is used for other purposes falling within Class B1, such as laboratories. This is considered significant because such uses typically employ lower densities of staff (so they employ fewer staff for a given area of space) than office space.

To ensure that the scheme delivers the benefits envisaged in these regard conditions have been recommended which require that the new Class B1 floorspace proposed is provided solely as office space, achieves a BREEAM standard of 'excellent' and is designed to be accessible to all members of the community.

In accordance with development plan policies which seek contributions to employment and training from schemes the proposal would also deliver four apprenticeships connected with the construction and operational phases of the development for residents of Barnet. Of the four apprenticeships delivered two would be at not less than a Level 2 or 3 (as defined in the National Apprenticeship Service Framework or any subsequent scheme which replaces this) and two would be at either not less than a Level 4 or an appropriate equivalent graduate scheme. Alongside the other planning benefits which the application would deliver this obligation is considered to assist in mitigating the loss of employment generating floor space the development would result in.

For the reasons set out above the reduction in the existing Class B1 floorspace sought as part of the application and the new Class B1 space proposed are both considered to be acceptable and compliant with development plan policies in principle, subject to the conditions and planning obligations recommended.

#### Community and education uses

The application proposes to reduce the level of floorspace at the site falling within Use Class D1 (Non-residential institution) from 699m<sup>2</sup> down to 324m<sup>2</sup>. Policy CS10 of the Barnet Core Strategy states broadly that the council will work with our partners to ensure that community facilities are provided for Barnet's communities. More specifically the council will support the enhancement and inclusive design of community facilities, ensuring their efficient use and the provision of multi-purposes community hubs that can provide a range of services to the community at a single accessible location. Developments that increase the demand for community facilities and services will be expected to make contributions to new and accessible facilities or improve existing facilities, particularly within town centres.

Policy DM13 (of the Barnet Development Management Policies) identifies that the loss of community or educational use will only be acceptable in exceptional circumstances where new community or education use of at least equivalent quality or quantity are provided on site or at a suitable alternative location or there is no demand for continued community or education use and the site has been marketed effectively for such use. The policy states that new community or education uses should be located where they are accessible by public transport, walking and cycling, preferably in town centres. New community or educational uses should also ensure that there is no significant impact on the free flow of traffic and road safety and will be expected to protect the amenity of residential properties.

The application documents confirm that the previous occupier of the existing space for education use on the third floor of Northway House, Buckingham College, vacated the site in July 2013. The space has not been occupied since this date. The submission also identifies that prior to their exit from the site Buckingham College were only occupying 190m<sup>2</sup> of the Class D1 space available on the third floor of the building.

Officers acknowledge that the planning permission granted for the existing educational use at the site (under application reference B/02301/10) contains a condition which states that 'The premises shall be used for Non-Residential Education and no other purpose, including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987'. Under the existing consent the use of this facility is therefore presently limited solely to educational uses (and would not be available to other uses of a community nature).

It is also recognised that the educational space currently provided on the site has a number of limitations, both in respect of the space itself and the associated facilities on the wider site (to which the education space is linked). Examples of this include the absence of air conditioning and observations that the common part staircases and lifts in the building are not fully compliant with

current equalities legislation (on providing access for all members of the community) and that the central heating system within Northway House is coming to the end of its useful life.

Unlike the current educational space in the building the new Use Class D1 space proposed in this application would be available for the full range of community and education purposes permissible under class D1. It would also be constructed to comply with current requirements on matters such as accessibility for all members of the community, achieve a standard of BREEAM 'Excellent' and be located within a building that had been substantially refurbished and upgraded more widely (for example in terms of its heating system).

The new Class D1 space itself would be situated in a location with good accessibility by public transport, walking and cycling within the defined town centre of Whetstone. As subsequent sections of this report explain in further detail, subject to the conditions recommended, the new Class D1 space would also not have a significant impact on the free flow of traffic and road safety or be detrimental to the amenities of neighbouring residential properties.

In circumstances such as this, where an existing occupier would not be prejudiced (as the space is currently vacant), it is considered that the reduction in educational floorspace proposed is adequately justified by the provision of new Class D1 floorspace that would be of a significantly better quality and available for a wider range of community and education uses. To ensure that the scheme delivers the benefits envisaged in this regard conditions have been recommended which require that the new Use Class D1 floorspace proposed is available for community and educational uses (and not used for other purposes within Class D1) and designed to be accessible to all members of the community.

For the reasons set out above the reduction in the existing Class D1 floor space sought as part of the application and the new Class D1 space proposed are both considered to be acceptable and compliant with development plan policies in principle, subject to the conditions recommended.

#### High street uses ('A' Use Classes)

The application proposes the removal of the existing mixed use Class A3 (Restaurants and Café) and A5 (Hot Food Takeaway) floorspace at the site. This is situated in a ground floor unit which fronts on to the High Road and covers an area of approximately 197m<sup>2</sup>. As proposed the site would include new office (Use Class B1) floorspace fronting onto the High Road (instead of the Use Class A3 and A5 unit), albeit in an altered building. It is acknowledged that the site is located within the designated secondary retail frontage of Whetstone Town Centre and that the supporting text to policy DM11 identifies that 'Retail units will be required where the employment site is part of the existing retail frontage or where it could be extended to increase retail frontage'. However development plan policy does not specifically prohibit or limit the change of use of Class A3 and A5 floorspace to Class B1 office space in principle. As explained in further detail in previous sections of this report, the provision of new B1 office space in town centre locations, such as this, is broadly supported in principle by development plan policy.

In this specific case officers conclude that the employment generating benefits of the new office space and the other positive impacts that such uses have on town centres (such as generating daytime activity) outweigh any harm caused by the loss of the existing Class A3 and A5 uses at the site. It is noted that prior to the introduction of the Class A3 and A5 space (through the implementation of the planning permission with Barnet reference N00189AK/06) at the site this area was part of the wider office use at Northway House. The proposal is therefore something akin to a reversion to the previous situation at the site. It is also recognised that the site is located at the very northern edge of the secondary retail frontage in the town centre and that there are several other facilities in the town centre which provide the same kinds of specific services as those last delivered in the space which would be lost (a café).

Planning policies do seek to have active frontages in the ground floor locations within town centres and it is considered that the design approach proposed in the scheme provides a suitable response in this regard.

### Residential uses

The application site has not been designated in planning policies for any specific use. As other sections of this report have set out, Barnet Local Plan policies broadly support, and in some cases expect, the inclusion of residential uses as part of proposals for mixed use schemes in locations such as this, subject to a specific scheme also meeting any other relevant particular elements of development plan policy. For example Policy DM14 identifies that in town centre and edge of centre locations proposals to redevelop office space will be expected to provide an appropriate mixed use development which includes some re-provision of employment use, residential and community use (subject to the proposal having already met other planning policy requirements). The London Plan also identifies a general need to increase housing supply in London. For example policy 3.3 states that 'The Mayor recognises the pressing need for more homes in London in order to promote opportunity and provide a real choice for all Londoners'. In this context it is considered that the site being redeveloped to include an element of residential use is acceptable in principle, subject to the specific proposal which comes forward being compliant with the other relevant aspects of planning policy (these are addressed elsewhere in this report).

It is acknowledged that a number of objections to the proposal have been made on the grounds that the introduction of residential uses at the site would have a detrimental impact upon their businesses in a variety of regards (further detail on this is provided in section 1.3 and the other relevant parts of this report). Objections to the introduction of residential uses at the site have also been received from other parties, including neighbouring residents. Officers do not consider that any of the matters raised by objectors to the scheme (either existing residents or businesses) identify issues which would justify the Council resisting the principle of the site being redeveloped to include residential uses, subject to the other requirements of planning policies having been met. The more specific concerns raised by objectors are responded to fully in the relevant sections of this report.

### Conclusions on the principle of the uses proposed

In light of the various considerations outlined above, the principle of re-developing the site to provide a mixed use scheme of the nature proposed is deemed to be acceptable and compliant with development plan policy, subject to the specific scheme put forward complying with the requirements of other planning policies.

Objections have been received that the application relates partly to land outside the ownership and control of the applicant. While these concerns are noted the A Certificate of Ownership on the application form submitted has been signed by the applicant's Agent (Barton Willmore). By doing this they have confirmed that on the day 21 days before the date of this application nobody expect the applicant was the owner of any part of the land or building to which the application relates (in this context 'owner' is a person with a freehold interest or a leasehold interest with at least 7 years left to run). A covering letter which accompanies the application specifically identifies that the site boundary has now been revised (as part of the plans consulted on in March 2014) to exclude certain areas of land that were previously part of the application site. The applicant has confirmed that they are satisfied that the land which falls within the current red line boundary falls under their ownership and that the correct Certificate of Ownership has been completed as part of the application. It is not for the Local Planning Authority to mediate and seek to resolve potential boundary and land ownership disputes. As such, the submission of further information on this matter as part of the application is not warranted. In the circumstances of this proposal it is considered that the submission made is sufficiently clear on the matter of site ownership for the purposes of registering and considering the planning application. It is not appropriate or necessary for the Local Planning Authority to interrogate the position adopted by the applicant on this matter any further.

A request has been made that the development should be referred to the Mayor of London. While this comment is noted development of the nature proposed is not referable to the Mayor of London as it does not exceed the relevant thresholds.

### **3.2 Dwelling mix**

Development plan policies require proposals to provide an appropriate range of housing sizes and types, taking account of the housing requirements of different groups. The council's Local Plan documents (Core Strategy and Development Management Policies) identify 3 and 4 bedroom units as the highest priority types of market housing for the borough. Dwellings with 3 bedrooms and 3 or 4 bedrooms are the highest priority sizes of housing for 'social rented' and 'intermediate' affordable housing respectively.

The mix of dwelling types proposed in the building across the site is as follows:

- 45 x one bedroom two person flats (approximately 31% of the dwellings)
- 11 x two bedroom three person flats (approximately 8% of the dwellings)
- 53 x two bedroom four person flats (approximately 37% of the dwellings)

- 23 x three bedroom five person flats (approximately 16% of the dwellings)
- 12 x three bedroom six person flats (approximately 8% of the dwellings).
- 1 x four bedroom seven person flat (less than 1% of the dwellings)

Of these dwellings 9 would be delivered as on-site affordable housing units. The on-site affordable housing units would be provided as 9 Intermediate (Shared Ownership) units comprising 4 x one bedroom two person flats, 3 x two bedroom four person flat and 2 x three bedroom five person flats.

The dwelling mix proposed is considered to include an appropriate range of dwelling sizes and types that would make a useful contribution to meeting the needs of the growing and diverse population of the borough. The Housing Development Partnership Team has confirmed that there is likely to be a significant demand for the type of affordable units proposed and an independent review of the viability of the scheme (discussed in greater detail below) has confirmed that this is the maximum contribution that it is viable for the development to make to the provision of affordable housing in the borough.

In light of these factors it is considered that, in this instance, the dwelling mix proposed is acceptable and compliant with planning policy.

### **3.3 Density of development**

London Plan policy 3.4 seeks to optimise the housing output of sites taking into account local context and character, the design principles in chapter 7 of the London Plan and public transport capacity. Developments should optimise housing output for different types of location within the relevant density range shown in Table 3.2 (set out below). Development proposals which compromise this policy should be resisted.

Table 3.2 Sustainable residential quality (SRQ) density matrix (habitable rooms and dwellings per hectare)

Setting	Public Transport Accessibility Level (PTAL)		
	0 to 1	2 to 3	4 to 6
<b>Suburban</b>	<b>150-200 hr/ha</b>	<b>150-250 hr/ha</b>	<b>200-350 hr/ha</b>
3.8-4.6 hr/unit	35-55 u/ha	35-65 u/ha	45-90 u/ha
3.1-3.7 hr/unit	40-65 u/ha	40-80 u/ha	55-115 u/ha
2.7-3.0 hr/unit	50-75 u/ha	50-95 u/ha	70-130 u/ha
<b>Urban</b>	<b>150-250 hr/ha</b>	<b>200-450 hr/ha</b>	<b>200-700 hr/ha</b>
3.8-4.6 hr/unit	35-65 u/ha	45-120 u/ha	45-185 u/ha
3.1-3.7 hr/unit	40-80 u/ha	55-145 u/ha	55-225 u/ha
2.7-3.0 hr/unit	50-95 u/ha	70-170 u/ha	70-260 u/ha
<b>Central</b>	<b>150-300 hr/ha</b>	<b>300-650 hr/ha</b>	<b>650-1100 hr/ha</b>
3.8-4.6 hr/unit	35-80 u/ha	65-170 u/ha	140-290 u/ha
3.1-3.7 hr/unit	40-100 u/ha	80-210 u/ha	175-355 u/ha
2.7-3.0 hr/unit	50-110 u/hr	100-240 u/ha	215-405 u/ha

The application site covers an area which has a Public Transport Accessibility Level (PTAL) ranging between 3 (west of the site) and 5 (east of the site fronting onto the High Road). In terms of its 'setting' the site is considered to

fall within an area of transition using the features identified in the London Plan. The High Road has some urban characteristics, while surrounding residential roads, Such as St. Margaret's Avenue, have strongly suburban characteristics.

Taking these factors into consideration the London Plan density matrix would suggest a range of somewhere between 35 and 260 units per hectare or 150 to 700 habitable rooms per hectare (see table above). Using the approach in the London Plan the 145 dwellings proposed include 427 habitable rooms. As the site has an area of 0.654 hectares this equates to a density of approximately 216 units per hectare and 653 habitable rooms per hectare. The proposal therefore falls within the appropriate density range in respect of the number of units and habitable rooms proposed.

The scheme is considered to comply with the objective of this policy and is found to provide an optimum density of development. The proposal puts forward an acceptable design response which complies with the relevant development plan policies, responds acceptably to the local context and character and takes account of the sites location. Further detail on these specific matters is set out in the report below.

Officers consider the density of development proposed to be acceptable and compliant with the objectives of planning policy. The scheme is not found to represent an overdevelopment of the site.

### **3.4 Standard of accommodation provided and amenities of future occupiers of the proposed dwellings**

Local Plan policies require high quality design in all new development that creates attractive places which are welcoming, accessible and inviting. Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings, outdoor amenity space and play space. Policy DM04 states that buildings should be designed to minimise exposure to air pollutants. The same policy states that proposals to locate noise sensitive development in areas with high levels of noise will not normally be permitted and also that the mitigation of any noise impacts will be expected where appropriate.

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

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



Recreation) providing detailed guidance on issue related to designing new housing to achieve acceptable amenities for its future occupiers.

### Dwelling size

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

#### **Minimum Space standards for new development**

	Dwelling type (bedroom/persons-bed spaces)	Gross Internal Area (m <sup>2</sup> )
Flats	1 bedroom 2 person	50
	2 bedroom 3 person	61
	2 bedroom 4 person	70
	3 bedroom 5 person	86
	3 bedroom 6 person	95
	4 bedroom 7 person	109

All of the flats proposed would have a gross internal floor area which meets or exceeded the requirements for a dwelling of that type. The proposal is therefore considered to be acceptable in this regard.

### Dwelling layout and daylight, sunlight and overshadowing conditions

The submission documents include an assessment of the daylight and sunlight that would be received in the habitable rooms of the dwellings proposed. It also includes an assessment of the extent to which the amenity spaces proposed as part of the development would be overshadowed. These assessments were carried out by Anstey Horne Ltd. using the methodologies found in the latest guidance (published in 2011) from the Building Research Establishment (BRE) for assessing such matters.

The Council's Sustainable Design and Construction SPD seeks to ensure that the design of schemes takes into account the levels of daylight and sunlight that will penetrate into occupied spaces, as measured by Vertical Sky Component (VSC) and the Average Daylight Factor (a more complex measure which takes into account the VSC alongside other factors such as window size and the room use).

The submission advances that the design principles which have underpinned the new build element of the scheme on the west of the site are driven by a desire for apartments to benefit from the best aspect. The scheme seeks to achieve this by ensuring that the new courtyard area is south facing and that larger apartments are dual aspect wherever possible. Those apartments without a southerly view have an easterly or westerly aspect and none of the new build homes have a single fully northerly aspect. As a result of the scheme re-using and refurbishing the existing tower of Northway House (an approach which achieves a number of sustainability benefits) the design of this element of the development needs to address particular challenges. These include the fact that as the building was constructed as a purpose built office block (without residential standards for internal daylight and sunlight

penetration in mind) the space within the building is constrained in certain respects.

Officers find that generally the proposed dwellings are well proportioned, with rooms that are not excessively deep or narrow. There are some more difficult corner dwellings and dwellings which accommodate existing structures (in the refurbished element) that have influenced the layout proposed. However, all the dwellings proposed are considered to have an adequate plan form and layout. Due to the orientation and form of the retained building the scheme does include north facing single aspect dwellings. However, these units have been designed to include features that counterbalance the impacts of this on the amenities of future occupiers. This includes each single aspect north facing dwelling having a larger area of private amenity space than is required under planning guidance and the inclusion of a winter garden within this space. In this way the design proposed is considered to provide adequate amenities for the future occupiers of the single aspect north facing dwellings proposed. The inclusion of single aspect north facing dwellings in the scheme is therefore considered to be acceptable in this instance.

Looking at the scheme more widely, the design put forward provides the significant majority of bedrooms and other living spaces in the scheme with full height windows and doors. Officers acknowledge that on parts of the scheme there is a need to enclose areas of private amenity space with winter gardens to create an environment that benefits from acceptable noise conditions (this is discussed in further detail below). There are also parts of the site where winter gardens are not needed on noise grounds and they have been proposed for the amenities they offer future occupiers (and to create a coherent overall design response). The use of such design features inevitably reduces the amount of daylight which is able to penetrate the room behind the winter garden, however, this adverse impact needs to be balanced against the benefit for future occupiers of having a feature such as a winter garden.

In terms of daylight levels, the Internal Sunlight and Daylight Report submitted finds that of the 428 rooms tested 400 (93%) would have an Average Daylight Factor (ADF) in excess of the recommendations set out in BRE guidance for a room of that type. In each case the rooms which do not meet the relevant ADF figure are affected by balconies or winter gardens provided for the properties on the next floor of the building. As with daylight, the sunlight available to future occupiers of the proposed dwellings is also affected by the inclusion of balconies and winter gardens in the scheme.

Officers consider that the design put forward includes good sized windows and glazed doors to living spaces and find the design to be sound in this respect. Taking this into consideration, in the round, officers find the levels of sunlight and daylight available to future occupiers of the proposed dwellings to be adequate in this instance. Having weighed the findings of the sunlight and daylight assessment submitted against the benefits provided to future occupiers through the inclusion of good sized private amenity spaces (and winter gardens in many instances) it is considered that the development has struck a reasonable balance for the circumstances of the site and that, taken as a whole, the design put forward provides adequate amenities for the occupiers of each of the proposed dwellings (with the conditions

recommended). It is not considered that a reason for refusal on the grounds of inadequate daylight and sunlight for future occupiers of the proposed development would be justified in this instance. Notwithstanding that officers have found that this aspect of the scheme is adequate in its own right, the case for coming to this view is supported further by the wider planning benefits of the proposed development.

As the recently consented (under application reference B/00845/13) scheme at the neighbouring property (A1 Self Storage) is now a committed scheme the applicant's assessment of the daylight and sunlight conditions for future occupiers evaluates the impact of that proposal on the development proposed in this application. The results of this evaluation show that the construction of the consented scheme on the A1 Self Storage site would lead to 2 additional rooms in the proposed development failing to reach the BRE recommended ADF figure for a room of that nature (the overall compliance rate for the scheme as a whole would remain at 93%). For sunlight, the adjacent windows on Downland Close are north facing and the results show that there would be no change in the number of windows throughout the development as a whole that would achieve the relevant BRE guidance figures for annual and winter sun as a result of the scheme consented at A1 Self Storage being implemented. It is acknowledged that a further two windows failing to reach the relevant ADF figure is not a positive aspect of the circumstances of this proposal. However, these findings (which officers accept) are considered to show that the level of change would be relatively minor in nature. The findings do not lead officers to reach a different conclusion about the acceptability of the scheme in respect of the daylight and sunlight conditions for future occupiers to that set out in the previous paragraph.

To respond to the concerns of the occupiers of the commercial units to the south-west of the site, in respect of the potential overshadowing impacts of their buildings on the amenities of the future occupiers of the proposed development, the submission documents assess the impacts of the neighbouring building on the sunlight levels received at the windows in the scheme that face south-west. The results show that of the 56 windows that face south-west, 45 would achieve the BRE sunlight criteria for both annual and winter sun. Of the 11 windows that do not, 2 of these serve rooms that contain other windows that would satisfy the BRE sunlight criteria. The remaining 9 windows are all affected by balconies which form part of the scheme proposed. Of these windows, 8 would satisfy the BRE criterion for winter sun. The fact that these windows would receive the recommended levels for winter annual probable sunlight hours (APSH) is due to the fact that in winter the sun is at a lower angle in the sky, which negates the shadowing effect of the balconies. As previous sections of this report have set out, officers accept that in this instance the benefits of providing good levels of private amenity space and the benefits of the scheme more widely outweigh the proposals limited non-compliance with certain standards on sunlight (and daylight) provision.

In terms of the external amenity spaces proposed on the south-west side of the development, the submission shows that over 50% of the residential amenity areas on the lowest parts of the development would be able to receive two hours of direct sunlight on the 21<sup>st</sup> March (the date recommended

by the BRE for testing). On this basis the submission advances that the results are fully compliant with the recommended BRE guidance on overshadowing. Officers accept these findings and consider the proposal to be acceptable in this respect.

#### External amenity space provision

All of the flats proposed would have access to their own private amenity space in the form of a balcony, winter garden or terrace (or a combination of these features). In each case this amenity space would be of sufficient size to meet or exceed the requirements of Mayoral guidance on the provision of private external amenity areas (5m<sup>2</sup> for 2 person dwellings with an extra 1m<sup>2</sup> for each additional bed space) for the size of flat proposed.

Using the Barnet standard of providing 5m<sup>2</sup> of usable external amenity space per habitable room (including kitchens over 13m<sup>2</sup> and with rooms over 20m<sup>2</sup> counting as two rooms) for flats, the development would be required to provide approximately an extra 885m<sup>2</sup> of usable external amenity space, in addition to the private balcony, terrace and winter garden amenity space proposed (which collectively, cover approximately 2364m<sup>2</sup> in total) to comply with guidance set out in the Barnet Sustainable Design and Construction SPD. The scheme seeks to meet this requirement through the creation of three communal amenity areas within the application site. These three spaces would cover an area of approximately 947m<sup>2</sup> in total and include areas of lawn, trees, hedges and other forms of soft landscaping, hard landscaping, communal roof terrace, seating and play features (the precise details of which are to be agreed under the conditions recommended). The design, quality and size of these three areas is considered to be such that they would provide sufficient external amenity space to exceed the requirements of Barnet guidance for the flats proposed. The proposal is therefore considered to be acceptable in this regard.

London Plan policy 3.6 states that proposals for housing should make provision for play and informal recreation based on the expected child population generated and an assessment of future needs. Using the approach to play space provision requirements in Mayoral guidance the scheme proposed would be expected to provide approximately 185m<sup>2</sup> of play space. The proposed scheme includes two areas of communal amenity space that would be designed specifically to include play features (the areas on the southern part of the site and within the podium level formed as part of the main western extension to the retained building). These would cover a combined area of approximately 230m<sup>2</sup> in size and the conditions recommended include controls to ensure that the spaces concerned would be implemented in a suitable manner. Subject to these controls the scheme is found to be compliant with London Plan policy 3.6 and acceptable in terms of the provision of play space.

#### Dwelling outlook

Development plan policy requires that new dwellings are provided with adequate outlook. The design approach proposed maximizes the outlook of occupiers of the new dwellings, while also taking account of the need to prevent unacceptable levels of overlooking at neighbouring properties. An example of a way in which this is achieved is the careful siting and orientation

of windows in the proposed buildings. It is considered that each of the dwellings proposed in this instance has an acceptable outlook.

#### Privacy and overlooking

The distance between directly facing clear glazed windows to habitable rooms in the proposed dwellings would not be less than 21m. The only exceptions to this are secondary windows to habitable rooms and conditions have been recommended to ensure that these are installed with obscured glass and are fixed shut (or have only a fanlight opening). The distance from a habitable room window to a directly facing private external amenity area (garden, balcony, terrace or winter garden) within the development would not be less than 10.5m. As with the window to window distance the only exceptions to this are in circumstances where suitable privacy screening can be provided (and conditions have been recommended to ensure that these are delivered). The proposal would therefore comply with the requirement (as set out in the Barnet Residential Design Guidance SPD) that in new residential development there should be a minimum distance of about 21m between properties with facing windows to habitable rooms and 10.5m to a neighbouring garden.

It is noted that concerns have been raised about the possible impacts of CCTV equipment at neighbouring sites on the amenities of the future occupiers of the proposed dwellings. While these concerns are noted, it is not considered that this equipment would result in impacts on the amenities of future occupiers of the dwellings that would justify a refusal of planning permission in this instance. This type of equipment is an increasingly common feature in a whole range of situations in the built environment. It is also considered that the future occupiers of the proposed dwellings who would be most likely to receive any impacts of this sort would be likely to be aware of the presence of such equipment (through visiting the site) prior to commencing their occupation at the development. It would then be for them to decide if they wanted to pursue this.

Concerns have also been raised about the potential for some of the proposed dwellings to be overlooked by neighbouring business premises. While it is noted that the distances between a number of entirely clear glazed windows to habitable rooms in the proposed development and facing windows to commercial premises at a neighbouring site (to the north of the application site) are less than 21m, it is not considered that the scheme would result in any demonstrable harm to future occupiers of the proposed dwellings in this respect. As such officers conclude that a refusal of the application on this basis would not be justified in this instance. Distances between such windows would be greater than 18m and the future occupiers of the proposed dwellings who would be most likely to receive any impacts of this sort would be very likely to be aware of the presence of windows in neighbouring commercial properties (through visiting the site) prior to commencing their occupation at the development. It would then be for them to decide if they wanted to pursue this.

Subject to the conditions recommended it is considered that the design and layout of the windows, doors and external amenity areas in the proposal are such that the new residential units would all be provided with an adequate

level of privacy and not suffer unacceptable overlooking. The proposal is therefore found to be acceptable in this regard.

#### Noise, vibration and air quality

The submission documents include an assessment of the impacts of the noise and vibration environment in the area on the amenities of the future occupiers of the proposed dwellings. This was carried out by Clark Saunders Associates. The submission documents also include an assessment of the impacts of the air quality conditions in the area on the occupiers of the proposed dwellings. This was carried out by WSP Environmental Ltd.

It is recognised that a number of parties have objected to the application on the grounds that the proposal would prejudice their ability to continue to operate their businesses (see section 1.3 of this report for further details) due to the conflicts that they believe would inevitably arise with the development proposed. These include noise, vibration and air quality impacts from their businesses on the residential dwellings proposed. However, the design and layout of the buildings and spaces proposed on the site has been heavily influenced by the need to create an acceptable noise, vibration and air quality environment for future occupiers of the proposed dwellings.

In terms of potential noise related impacts on future occupiers of the proposed dwellings, the surveys provided in the submission show that the prevailing environmental noise climate at the site is determined by two main sources, road traffic on the High Road and vehicular traffic accessing and egressing businesses to the north and west of the site along Downland Close. Noise breakout from industrial activity to the north and west of the site did not result in significant impacts during the survey periods. It has been confirmed that the noise surveys carried out were completed in accordance with the relevant guidance and officers accept this position.

The noise surveys found that typical external night time maximum noise events at the site ranged between an  $L_{Amax}$  of 64 to 84dB at the three survey positions used. It should be noted that as part of the assessment an increase of 3dB in the daytime  $L_{Aeq,16hour}$  noise levels sampled during the site surveys at the monitoring positions closest to the neighbouring industrial and warehousing uses was factored into calculations. This was done in order to ensure account was taken of the potential for intensification of activity, particularly in respect of neighbouring businesses. It should also be noted that the survey positions used were selected in order to establish the worst case representation of noise that would be expected to be experienced by future occupants of the proposed development. It is acknowledged that the occasional night-time traffic movements by heavy good vehicles accessing and egressing the industrial and warehouse units along Downland Close has been taken into account as part of the noise assessment carried out (and the mitigation subsequently proposed).

The survey results obtained allowed the minimum sound reduction requirements of the external building fabric of the development to be established in terms of their noise mitigating performance specification (in order to meet the relevant internal noise conditions). These measures would include the use of sound insulation within all non-glazed elements of the

building (such as masonry walls and cladding) and the use of thermally sealed double glazing. Conditions have been recommended to ensure that the development implemented includes sufficient noise mitigation in the building fabric to achieve the relevant internal noise conditions (35dB(A) or less in habitable rooms between 7am and 11pm and 30dB(A) in bedrooms between 11pm and 7am).

Officers note that in order to achieve the required internal noise conditions windows in many of the dwellings proposed would need to remain closed (occupants could still choose to open windows during quiet times or accept the higher levels of noise should they wish to do so). In light of this an allowance has been made for an alternative means of background ventilation for these dwellings so that windows do not need to be opened to provide adequate ventilation. Conditions have been recommended to ensure that where necessary suitable alternative means of ventilation are delivered as part of the scheme implemented.

In terms of the various communal and private external amenity areas proposed in the scheme, reference has been made to the guidance set out as part of the World Health Organisation's (WHO) 'Guidelines for Community Noise 1999' when designing these spaces. By virtue of the additional distance from the High Road and the screening provided by the existing Northway House and the proposed extension to it, the communal amenity and play space areas proposed on the western and southern parts of the application site would reasonably be expected to experience noise levels that fall within those identified in the WHO guidelines for external amenity spaces (55dB). The scheme is therefore considered to be acceptable in this respect. The noise levels experienced in these areas would also be expected to be broadly commensurate with the noise levels currently experienced in parts of the rear gardens of residential properties to the south of the site in St. Margaret's Avenue.

The application proposes the installation of a boundary acoustic screen at ground floor level along part of the northern and western site boundaries in order to protect the occupants of the apartments at lower levels in the scheme (in particular levels -02 and -01 on the plans, but there would also be a degree of mitigation for other floors) from the potential noise impacts associated with the activities of businesses neighbouring the site. The submission envisages that the acoustic screen implemented would be approximately 2m in height. However, the conditions recommended would control the final design of this feature and ensure that it achieved the required levels of noise mitigation (and was appropriate in other relevant regards).

Due to the noise levels experienced, all of the private amenity spaces fronting directly onto the High Road and the south facing flank façade immediately adjacent to this (on the retained part of Northway House), together with the private amenity spaces of ground and first floor dwellings fronting directly on to Downland Close have been designed to include enclosed 'winter gardens'. In these locations such features are needed in order to achieve the WHO noise level for an external amenity space (55dB). Acoustically attenuated glass screens that have been positioned closest to the source of noise have also been included on some of the projecting balconies and roof terraces

fronting Downland Close. As with the winter gardens, such features comprise what is needed in these locations to meet the WHO noise level for an external amenity space. The conditions recommended would ensure that these features are delivered and that they achieve suitable noise mitigation (and that they are acceptable in other relevant regards).

The remaining balconies and terraces in the scheme would be expected to achieve the required WHO levels for a seated occupant and would therefore not need to be subject to noise mitigation to the same level, although some more minor measures would be included, for example to minimise potential acoustic reflections (the conditions recommended would ensure these are delivered). Officers note that winter gardens have been included in other parts of the scheme, where they are not needed on acoustic mitigation grounds. These have been used for aesthetic reasons and for the general benefits that such features provide for future occupiers. This approach is considered to be acceptable by officers.

Subject to the conditions recommended the development is found to be acceptable and compliant with the requirements of development plan policies and other relevant planning guidance in respect of providing a suitable noise environment for the future occupiers of proposed dwellings. These include the Barnet Core Strategy (in particular policy CS13), Barnet Development Management Policies document (in particular policy DM04), the London Plan (in particular policy 7.15) and the guidance contained in paragraph 123 of the NPPF, the Barnet Sustainable Design and Construction SPD, the WHO document 'Guidelines for Community Noise 1999' and British Standard BS8233:1999. This last piece of guidance has now been updated (BS8233:2014) and the proposals conform to both the old guidance (BS8233:1999) and the new guidance (BS8233:2014). The proposals establish a suitable living environment and mitigate the potential adverse impacts of noise on health and quality of life.

While officers are satisfied that the proposal has assessed noise impacts in an appropriate manner and that the controls set out above would ensure that the scheme delivered included adequate noise mitigation, it should also be recognised that the planning obligations recommended include requirements that would ensure the potential purchasers of the proposed dwellings would be made aware of the businesses that surround the site. This is considered to go a significant way towards ensuring that the potential purchasers of dwellings in the scheme are aware of the noise environment surrounding the site. It would then be their choice whether or not to pursue purchasing a property within the scheme.

Turning to vibration levels, the values recorded as part of vibration exposure assessment reported as part of the Environmental Noise and Vibration Survey Report submitted demonstrate that vibration levels at the site are comfortably below the range of Vibration Dose Values corresponding to 'low probability of adverse comment'. The proposal is therefore found to be acceptable in this respect.

In terms of air quality matters, the London Borough of Barnet has been declared an Air Quality Management Area (AQMA). Accordingly, an air quality



assessment is included in the application documentation. This assessment includes a prediction of pollutant concentrations within the site as proposed, to indicate the likely level of exposure for future occupants. The results of the assessment indicate that the objectives for hourly mean NO<sub>2</sub> and annual mean and 24 hourly mean PM10 would be met at all locations within the site. However, for annual mean NO<sub>2</sub> the modelling carried out indicated that whilst the objective would be met at some locations within the site, it would be exceeded along the eastern, northern and southern facades of the retained (albeit altered) part of Northway House at both ground floor and first floor levels. However, as residential uses are not proposed at these locations in the scheme air quality mitigation would not be required. It is also noted that the noise mitigation (acoustic ventilators) used (and ensured through the conditions recommended) in the scheme would enable dwellings within the lower part of the proposal to be ventilated without opening their windows. Although this is not absolutely necessary to achieve adequate air quality conditions in these units it is a desirable benefit of the system that would be installed. For these reasons the proposal is considered to deliver acceptable air quality conditions for future occupiers of the proposed dwellings and to be compliant with planning policies in this respect.

#### Light pollution impacts

In order to ensure that acceptable amenities are provided for future occupiers of the proposed dwellings in terms of possible light pollution and light spill impacts from neighbouring sites (particularly the neighbouring businesses) officers have recommended that a condition be imposed which requires an assessment of the impact of external light sources be carried out prior to the occupation of the new dwellings. The condition also requires that any mitigation which is needed to deliver acceptable amenities for future occupiers of the proposed dwellings in this respect is installed prior to the occupation of the residential units approved. Officers consider that the condition recommended adequately addresses this potential issue and find the proposal acceptable in this respect.

#### Conclusions on the amenities of future occupiers

For the reasons set out above the development, as controlled by the conditions and obligations recommended, is found to be compliant with development plan policy as it relates to the provision of suitable amenities for the future occupiers of the dwellings proposed. Officers consider that the submission has taken account of the environment and uses surrounding the site in an appropriate manner (this is also discussed in subsequent sections of this report) and the design approach put forward is deemed to provide the future occupiers of the new dwellings with adequate amenities. The application is therefore found to be acceptable in this respect.

While officers are satisfied that the proposal has assessed the impacts of the scheme in an appropriate manner and that the controls used would ensure that the scheme delivered mitigation in respect of the amenities of future occupiers, it should also be recognised that the planning obligations recommended include requirements that would ensure the potential purchasers of the proposed dwellings would be made aware of the businesses that surround the site. This is considered to be a significant way towards ensuring that the potential purchasers of dwellings in the scheme are

aware of the environment surrounding the site. It would then be their choice whether or not to pursue purchasing a property within the scheme.

### **3.5 Design, appearance and character matters:**

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

Local Plan policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Policy DM05 of the Local Plan identifies that proposal for the redevelopment or refurbishment of existing tall buildings will be required to make a positive contribution to the townscape.

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

The buildings and spaces proposed in the scheme are considered to respond adequately to their context and have an acceptable relationship with the neighbouring buildings, streets and spaces, including the properties in St Margaret's Avenue, Downland Close and the High Road. They are also of a suitable design quality in their own right. This position has been achieved in a number of ways. In very broad terms the layout proposed results in the parts of the site adjacent to the High Road, within the town centre boundary, having the tallest parts of the development on it (in the mainly refurbished element of the building). This would also be the part of the site which contained a mixed use element (Containing uses within classes B1, D1 and C3). Such an approach is considered to be an appropriate response to the sites constraints in principle.

At the High Road the height of the proposed building comprises 13 above

ground storeys (to the west of a small single storey element). The top floor of this part of the scheme (the 12<sup>th</sup> floor) would be of a greater size than it is at present. However, the development would not be any greater in height than the maximum height of the existing building and the enlargement of the accommodation on the top floor is not considered to result in any unacceptable adverse impacts. Under the retained (albeit altered) part of the building on this part of the site the scheme includes two additional floors of accommodation below the street level of the High Road. These become above ground floors as you move westwards (away from the High Road) due to the slope of the site.

The approach to the ground floor of the retained building is considered to create a better designed frontage than the existing situation at the site. The design also creates a suitable level of activity for a town centre location such as this. This is achieved by extending the ground floor of the building towards the High Road and through the inclusion of features such as entrances to the residential and non-residential elements of the scheme and the use of extensive glazed areas.

The facades of the retained building would be comprehensively altered under the proposals. This would include the introduction of balconies, winter gardens and decked access structures across the building (including infilling the recessed area in the north-east corner of the building with winter gardens); demolition of the existing projecting stair core on the northern side of the building; and the rebuilding of the existing glazed stair core on the western end of the building. In terms of its more detailed architectural design the retained part of the building seeks to use a distinctively contemporary approach. The final materials used would be controlled through the conditions recommended (should the application be granted consent). However, they would include the extensive use of glazing, composite and metal cladding systems. Officers consider this to be an appropriate design response in this context and find that the proposal would enhance the appearance of the retained part of building (compared to the existing situation) in a way which takes suitable account of the character of the wider area.

The main extension to the retained building would be erected on the western part of the site and include the area that presently contains the multi-storey car park structure (which would be demolished). Viewed in plan form the extension would be broadly 'U' shaped, with the tops of the 'U' oriented southwards. There would also be two full podium floors beneath the 'U' shaped element of the structure. The podium floors would be predominantly used to provide car parking and cycle storage. They would also contain (in their western element) the lower level of four duplex flats. Above the podium floors this part of the building would contain new residential dwellings. The area enclosed on three sides by the 'U' shaped extension (the top of the podium level and level -01 on the submitted plans) provides a communal open amenity space.

The main western extension to the building would be up to six storeys in height (at its western most end). However, the height of structure varies significantly from west (highest) to east (lowest), partly to respond to the slope of the site. At the point where it joins the existing building the proposal is three

above ground storeys in height (at this point it is enclosing the glazed stair core on the western end of the retained building with a solid extension). The main extension to the building also varies significantly in height from north to south. Adjacent to Downland Close (to the north) the building would be up to six storeys in height. The building then steps down southwards to respond to the suburban residential elements of the sites context, including the houses in St Margaret's Avenue (to the south of the site). The south-east element of the extension would reduce down to two above ground storeys at its lowest point. The south-western element of the extension would reduce down to three storeys in height at its lowest point.

As with the retained part of Northway House the main extension to the building seek to use a distinctly contemporary design approach. The final materials used would be controlled through the conditions recommended (should the application be granted consent). However, they would predominately comprise the use of a combination of brick, reconstituted stone, glazing and metal cladding systems. Elements such as windows, winter gardens, terraces, stone detailing and brick features (for example hit and miss brickwork) are used to introduce variety into the mainly brick elevations. Officers consider this to be a suitable design approach for this part of the site and find that the development would respond successfully to the character of the wider area. Conditions have been recommended to ensure that the detailed design of the building is implemented in an appropriate way on both the retained part of Northway House and the main extension to the building.

The approach proposed is considered to deliver an acceptable design response that would adequately reduce the size, scale, bulk and mass of buildings proposed away from the High Road and St Margaret's Avenue. The design creates a scheme that has an acceptable relationship with both the parts of the site that are of a suburban residential character (to the south) and those which are characterised by commercial uses (to the west and north of the site). The design, size and siting of the proposed alterations to the building on the site are considered to be such that they would not result in detrimental impacts on the character and visual amenity of the adjacent areas of Green Belt. The impacts of the proposal on the amenities of neighbouring occupiers (both residential and non-residential) are assessed separately in sections 3.6 and 3.7 of this report.

The scheme is found to include spaces and landscaped areas that provide a suitable setting for the proposed building and which assist the development in achieving an acceptable relationship with the surrounding properties (landscaping matters specifically are addressed in section 3.9). A significant proportion of the parking proposed is delivered in the lower levels of the building. This aspect of the design approach is welcomed as it reduces the impact of the parking on the design of the rest of the site. Vehicular and pedestrian routes into and within the site are described fully in section 2.2 of this report. These aspects of the scheme are considered to be of a sufficient quality and the proposal is found to provide an acceptable overall approach to the design and layout of the development at the site.

Subject to the conditions recommended the proposal is found to be acceptable and compliant with development plan policies as they relate to

design, appearance and character matters.

### **3.6 Impacts on amenities of neighbouring and surrounding residential occupiers:**

Local Plan policies seek broadly to promote quality environments and protect the amenity of neighbouring residential occupiers and users through requiring a high standard of design in new development. More specifically policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users. Policy DM04 identifies that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses, such as residential dwellings, will not normally be permitted.

Barnet's Adopted Residential Design Guidance SPD (adopted April 2013) provides further guidance on safeguarding the amenities of neighbouring and surrounding residential occupiers and users. This includes identifying that in new residential development there should be a minimum distance of about 21m between properties with facing windows to habitable rooms and a distance of 10.5m to a neighbouring garden, in order to avoid overlooking.

It is noted that objections have been received from a number of parties expressing concerns that the proposed development would be detrimental to the amenities of neighbouring and surrounding residential occupiers and users in a variety of ways. These include loss of light, visual impact and loss of outlook, increased noise, disturbance and pollution (including air and light pollution), overlooking and loss of privacy, overbearing relationships and impacts arising from the construction of the development. The concerns raised in respect of the transport (including parking) impacts of the development are assessed and responded to in subsequent sections (including section 3.10) of this report. The concerns raised over the schemes impacts on the security of neighbouring residential properties are assessed and responded to in section 3.13 of this report.

#### **Overlooking and loss of privacy**

The development proposed does not include clear glazed windows (in either the residential or non-residential elements) which directly face existing habitable room windows in neighbouring residential buildings that are set apart a distance of less than 21m. Distances from directly facing clear glazed windows in the development proposed (residential or non-residential) to a neighbouring properties private garden are not less than 10.5m.

It is recognised that a small number of the dwellings proposed have windows and private amenity areas (such as balconies or terraces) which could potentially result in a degree of overlooking of neighbouring properties in St Margaret's Avenue if no mitigation were provided. The application proposes to address this through the use of obscured glazing (which is fixed shut or provided with only a fanlight opening) and privacy screens in the locations concerned. Given the importance of this issue conditions have been recommended to require the obscured glazing and privacy screens to be implemented in full accordance with details that have previously been approved by the Local Planning Authority and maintained as such thereafter.

With such conditions the development would comply with the specific privacy distances set out in the Barnet Residential Design Guidance SPD. This potential issue is therefore considered to be fully addressed by the controls recommended.

To ensure new windows are not subsequently introduced in the proposal under permitted development which would result in the scheme then causing unacceptable overlooking of neighbouring properties and their gardens conditions have been recommended which remove permitted development rights to carry out such works.

Subject to the controls in place under the conditions recommended officers conclude that the design and layout of the proposal is such that the development would not result in unacceptable levels of overlooking and loss of privacy at the neighbouring residential properties and would comply with development plan policy and planning guidance in these regards.

#### Daylight and sunlight

The application is accompanied by an assessment (prepared by Anstey Horne Chartered Surveyors) of the proposals impact on the neighbouring residential properties by reference to the methodologies found in the Building Research Establishment (BRE) publication '*Site Layout Planning for Daylight and Sunlight, a Guide to Good Practice*'.

This report concludes that the recommendations relating to daylight and sunlight in the BRE guidance would be met. Officers accept the findings of the assessment submitted and conclude that the application is acceptable in terms of its impact on daylight and sunlight at neighbouring residential properties.

#### Outlook and visual impact

The documents submitted with the application include verifiable photomontage images, computer modelling and scaled plans. These show the impact of the proposed development from key locations within the area surrounding the site and the relationship of the proposed buildings with neighbouring properties and spaces (including the gardens of neighbouring dwellings). The submission also includes a Townscape and Visual Impact Assessment (and an addendum to this). These documents are considered to be sufficient to enable the full assessment of the proposed developments impacts on neighbouring properties (including their gardens) in respect of visual impacts, the relationships between buildings and spaces (in terms of whether or not they are overbearing) and impacts on outlook.

In terms of potential impacts on outlook, the key sensitive viewpoints are those from the rear windows and gardens of the properties at 51 to 65 St Margaret's Avenue. These properties currently look out towards the existing Northway House, the multi-storey car park to its rear (west) and commercial units which are accessed from Downland Close. The updated Design and Access Statement (March 2014) includes diagrams and 3D computer images of the proposed development, including view from the rear of the properties in St Margaret's Avenue.

In the event that the proposed development is constructed the views from rear windows and gardens of properties 51 to 65 St Margaret's Avenue will comprise the retained part of Northway House (which would be re-clad and altered in ways described in previous sections of this report) and a more major extension to the building to the west. The extension has been designed with a 'c-shaped' configuration partly to enable the new residential amenity space proposed to be located closest to the existing residential gardens in St Margaret's Avenue. This configuration would mean that the distance between the new building and the closest parts of the rear elevations of 51 to 65 St Margaret's Avenue would be over 34m apart at their closest point (in the majority of cases distances would be greater). Distances from the gardens of the houses to the buildings on the neighbouring site would be shorter, being approximately 4m their closest point.

By virtue of the distance between the proposed development and the rear elevations of the properties at 51 to 65 St Margaret's Avenue, the design of the proposed development, which increases in height with greater distance from the properties in St Margaret's Avenue, and the gradient of the land, which slopes up from the site to the houses in St Margaret's Avenue, officers consider that quality of outlook from these properties would not suffer any significant adverse impacts. The development is found to be acceptable and compliant with development plan policies in this respect.

In terms of the visual impact of the proposal on the area surrounding the site, the submission made contains a Townscape and Visual Impact Assessment (and a subsequent Addendum to this) which includes an assessment of the visual impact of the development from 28 different viewpoints. Officers are satisfied that alongside the other information provided in the submission this assessment is sufficient to enable the evaluations of schemes visual impacts.

In terms of its current visual impacts, the land to which the application relates presently contains an existing tall building, Northway House, which can already be viewed in short, medium and long distance views around the site. This building currently has a very tired appearance and officers consider that, subject to the controls in place under the conditions recommended, visually the building would be enhanced by the changes proposed to the elevations of the retained element (which include a comprehensive re-cladding and the introduction of balconies). It is also noted that as the site already contains a tall building (in the sense intended by the London Plan and policy DM05 of the Barnet Local Plan) which is proposed for retention (it is not proposed to demolish the majority of the main Northway House building). As such it is not necessary to consider if the site is appropriate in principle for a tall building in terms of compliance with planning policies.

The proposal is designed to be read as two distinct pieces of architecture. The tall (mainly retained) building fronting onto the High Road is intended to be read as a glass dominated structure, while the main western extension to the building is to be read as a predominantly brick built structure with a more lightweight upper element. Subject to the controls in place on the detailed design under the conditions recommended officers find this approach to be acceptable.

In terms of townscape and visual impact, Officers recognise that the removal of the stairwell extension to the northeast will create a more rectangular shape to the building. This and the infilling of parts of the retained structure proposed would, alongside the contemporary façade proposed (further detail is provided in previous sections of this report), create a more successful overall design approach that the current building without resulting in any significant adverse townscape or visual impacts from long, medium and short distance views.

As a result of the slope of the application site much of the main extension to the existing building (the brick dominated structure) would be concealed in many short medium and long terms views by existing neighbouring buildings. This has the effect of minimising the visual impacts of the proposal from many points. The south facing elevation of the main brick extension to the retained building would be visible in a number of views from St Margaret's Avenue.

The Townscape and Visual Impact Assessment (and Addendum) prepared by the Applicant conclude that scale and massing of the proposal responds sensitively to the site's context and topography and assimilates with both the existing landscape and surrounding built form. Subject to the controls imposed under the conditions recommended officers accept these findings.

In terms of the visual impact of the proposal on properties in close proximity to the site, the development would result in nearby residential properties, including 55, 57, 59, 61, 63 and 65 St. Margaret's Avenue, having views of the main extension to the building (which is up to six storeys in height). The Townscape and Visual Impact Assessment (and the Addendum to this) suggests that in a worst case scenario the proposal would be expected to result in adverse visual impacts effects of moderate significance on these properties. However, it also notes that this is not likely to be the case each of the six properties (although it is accepted that these were considered in the round). Moderate adverse effects would in fact only occur in a scenario where properties have an open, direct and uninterrupted view of the proposed development. In reality the properties concerned experience a range of views from a view partially filtered through vegetation to a more curtailed view screened by vegetation. Where views are screened by intervening vegetation in rear gardens this reduces the expected visual effect to being of a minor adverse nature. The assessment provided finds that it is unlikely that any property experiences direct, open and uninterrupted views of the proposed development. The properties in St Margaret's Avenue are therefore more likely to experience effects of minor adverse significance.

The Townscape and Visual Impact Assessment Addendum concludes that the proposal affects a limited number of residential properties and finds that on balance the development would respond positively to its context and respects the views from adjacent residential receptors. In addition to the existing visual screening and physical separation between the adjacent residential properties (on St Margaret's Avenue) and site boundary the development is found to be sensitively designed so that the built form steps (up) away from the properties. It also notes that the use of a podium courtyard oriented southwards also assists in limiting the proximity and extent of built form from visible views.



Officers accept these findings and conclude that, on balance, the visual impacts of the proposal are acceptable, the scheme would not be overbearing and the development would be compliant with the objectives of development plan policies in these regards, subject to the controls in place through the conditions recommended. These include controls that require the use of suitable planting and boundary treatments (to assist with screening the site) and those that would ensure the detailed design of the proposed building is implemented in an appropriate manner.

#### Noise and disturbance

The residential dwellings proposed in the development are of a nature that they would not be expected to generate unacceptably high levels of noise and disturbance, to such an extent that they would harm the amenities of the occupiers of neighbouring properties (which include residential uses), in the normal course of their occupation. The conditions recommended are considered sufficient to ensure that any extraction and ventilation plant used, including that associated with the Combined Heat and Power system proposed, would be located so as to no result in unacceptable levels of noise and disturbance to neighbouring occupiers.

Given the scale, location and nature (use class B1 office and community and education uses within use class D1) of the uses proposed it is also considered that the non-residential element of the development would not be likely to result in levels of noise and disturbance to such an extent that they would harm the amenities of the occupiers of neighbouring properties. However, to ensure that the part of the development proposed falling within Use Class D1 does not result in unacceptable levels of noise and disturbance at neighbouring residential properties conditions controlling its hours of occupation have been included in those recommended. Subject to these controls the proposal is found to be acceptable in this regard.

Conditions have been recommended to ensure that the construction of the development does not result in unacceptable levels of noise and disturbance and to minimise the amenity impacts arising from the construction of the development more widely. These include the carrying out of the works within certain hours and in accordance with a Construction Management and Logistics Plan that has been previously agreed with the Local Planning Authority.

#### Air quality

Barnet Local Plan policies seek to ensure that new development is not contributing to poor air quality. It is noted that the part of the application site which is situated alongside the High Road is a location within the borough where European Union Standards for air quality in respect of Nitrogen Dioxide levels are exceeded (other parts of the borough also exceed the relevant standard for finer particulate matter (PM<sub>10</sub>) but this is not the case here). This is typical of several major roads in the borough and also many other major roads in London more widely.

The application is accompanied by an Air Quality Assessment which has been prepared by WSP. This report concludes that the operational phase of the

proposal would have negligible to neutral impacts on Nitrogen Dioxide levels compared to a scenario in which the development did not take place (this is also the case for PM<sub>10</sub>). Officers in the Council's Environmental Health Service have carefully assessed the proposal and concluded that the nature of the scheme is such that it would not be expected to result in any significant adverse impacts on air quality (including Nitrogen Dioxide levels) during its operational phase. The proposal is therefore found to be acceptable in this regard.

Conditions have been recommended to ensure that the construction of the development does not result in unacceptable air quality impacts. These include the carrying out of the works in accordance with a Construction Management and Logistics Plan that has been previously agreed with the Local Planning Authority.

#### Light spillage and pollution

Policy DM01 of the Barnet Local Plan requires that proposals for lighting schemes not have a demonstrably harmful impact on residential amenity. Officers find that the design of the development proposed is such that it would keep the number of windows and other openings (that could cause light pollution) which would be in close proximity to neighbouring properties to a minimum. In addition to this conditions have been recommended to control any external lighting erected at the site as part of the development. Subject to these controls it is considered that the design of the development has taken reasonable steps to prevent unacceptable levels of light spillage and light pollution occurring. The proposal is found to be adequate and compliant with development plan policies in this respect.

#### Conclusions

The proposed development is found to be compliant with the relevant development plan policies as they relate to the protection of the amenities of neighbouring and surrounding residential occupiers and users. Officers consider that the design approach proposed would not result in unacceptable impacts on the amenities of neighbouring and surrounding residential occupiers and users and find the application to be adequate in this respect.

It is noted that objections have been raised that the proposed development would adversely impact on the value of neighbouring property. While these concerns are noted they are not considered to constitute a material planning consideration in this instance. As such a refusal of planning permission on this basis would not be justified.

### **3.7 Impacts on neighbouring and surrounding businesses:**

Development plan policies seek generally to promote quality environments and protect the amenity of neighbouring occupiers and users, including businesses and other non-residential uses, through requiring a high standard of design in new development which is based on an understanding of the local characteristics. Development plan policies broadly seek to support businesses and environments which are suitable for all scales of enterprise. More specifically the Barnet Local Plan identifies that businesses will be supported through the safeguarding of existing employment sites that meet the needs of

modern business and encouraging development that improves the quality of existing employment provision.

Local Plan policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users. Proposals should also create safe and secure environments and reduce opportunities for crime and fear of crime.

In terms of noise and disturbance specifically, paragraph 123 of the NPPF states that planning policies and decisions should aim to:

- “● avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established”

Barnet Local Plan policies recognise that levels of noise and air pollution have a major bearing on the health and wellbeing of residents and that the design of the built environment has an important role in managing the degree to which people are exposed to pollution. In respect of noise it is fully accepted that persistent and intermittent noises, such as those made by industrial activities, transport and congregations of people can undermine quality of life. Policy DM04 identifies that proposals to locate noise sensitive development in areas with high levels of noise will not normally be permitted and that the mitigation of any noise impacts, through design layout and insulation, will be expected where appropriate. The same policy identifies that where there is a localised source of air pollution buildings should be designed and sited to reduce exposure to air pollutants. Although it is mainly aimed at the consideration of new lighting schemes, the supporting text to policy DM01 recognise that lighting and light pollution can affect amenity by creating light spillage and increasing glare. Local Plan policies also seek to ensure that development does not cause harm to the water environment, water quality and drainage systems.

Policy CS15 of the Barnet Core Strategy identifies that the Council will work with relevant providers and developers to ensure that necessary infrastructure is secured and delivered in time to support Barnet's consolidated growth and development and provide the facilities needed for the borough's communities.

Objections to the application have been received from a number of neighbouring businesses. The concerns identified by neighbouring businesses are acknowledged and have been taken into full account in the assessment of this application and the recommendation made by officers to grant consent for the development proposed (subject to conditions and the completion of a Section 106 Agreement in accordance with the Heads of Terms at the start of this report).

Given the particularly extensive objections raised by businesses on the development proposed the comments from these respondents are summarised in full and responded to (*response in italics*) directly below for clarity. In several cases the issues raised are explored in further detail in the relevant parts of this report. In summary, subject to the controls in place under the conditions and planning obligations recommended, the development is considered to be acceptable and compliant with the objectives of all relevant planning policies.

**Michael Gerson Investments Limited, 2 Downland Close:**

In summary the objections raised comprise that the:

Comment: Proposed development is contrary to planning policies, guidance and established practices. Approval of the application would send a message that there is no place for B8 and B2 land uses in Whetstone.

Response: *As with all planning applications, it is necessary to strike a balance between the competing needs for employment and residential uses. The London Plan has identified a severe shortfall of housing in London, which is anticipated to get worse in the coming years. The proposal makes a useful contribution to new housing provision and the applicant has provided an appropriately justified case for the development sought (as set out in the various sections of this report in more detail). The proposal is found by officers to be acceptable and compliant with planning policies in all relevant regards. It is therefore not considered that there is a justifiable basis on which to refuse the planning permission.*

Comment: Revisions made to the scheme do not address the concerns they have raised about the development proposed.

Response: *Officers consider that the scheme proposed provides an appropriate response to the sites constraints and find the application to be acceptable and compliant with the relevant development plan policies.*

Comment: Proposal is a threat to the continuation of the growing employment generating businesses on their sites and further investment in and intensification of these uses. As such the proposal is incompatible with the existing adjacent users, design principles and planning policies and guidance.

Response: *The information supplied does not demonstrate that the development proposed would prejudice the continuation, redevelopment or expansion of neighbouring businesses. The scheme has been carefully designed to take account of neighbouring businesses and includes appropriate assessments and extensive measures to mitigate potential issues, such as noise, vibration, highway safety and air quality impacts, in an appropriate manner. In the event that future proposals were to come forward for consideration at neighbouring commercial sites an assessment of the conditions which existed at that time would need to be undertaken and appropriate mitigation, to suitably control any additional impacts (such as noise and disturbance), applied.*

*In respect of the current application (presently under consideration) to redevelop Unit 4 at Downland Close (application B/01422/13) specifically, it is noted that paragraph 6.16 of the Planning Statement submitted with the application identifies that “to ensure that noise levels remain at acceptable levels, in the event that planning permission is approved, additional sound insulation would be introduced into Unit 4”.*

Comment: Proposal would prejudice the amenities enjoyed by the occupiers of the neighbouring sites (1-4 Downland Close and 1411 High Road) which include unrestricted operating hours, lack of proximity to residential neighbours, site vehicle handling capacity with maximum load weights, large power and gas supplies, high floor loadings, high clearance heights and security with well lit and well surveyed boundaries.

Existing businesses at their sites have unrestricted access at all times and can operate in a very intensive manner, which includes significant traffic movements (including very large vehicles), vehicles which can generate significant noise and light pollution, a range of noisy commercial activities, air pollution (from commercial vehicle exhaust), bright illumination (including floodlights), visual intrusion, pest control measures and high intensity CCTV surveillance. Such activities are not compatible with the proposed development and the scheme would threaten their ability to continue to operate in this way. The proposal would be contrary to planning policies in this regard and includes no suitable mitigation for these impacts.

Response: *The new residential dwellings proposed are considered to have been provided with a design and mitigation that would ensure that their future occupiers have an appropriate level of amenity and living conditions (as set out in various parts of this report in greater detail). The conditions imposed require various measures, in accordance with the requirements of the Barnet Local Plan and the NPPF, to ensure that the activities occurring at the neighbouring commercial sites can take place without creating unacceptable living conditions for the future occupants of the more sensitive residential dwellings proposed. As other sections of this report set out no evidence has been provided to demonstrate that the development proposed would prejudice the continuation, redevelopment or expansion of neighbouring businesses in the specific circumstances of this site. The scheme has been carefully designed to take account of neighbouring businesses and includes appropriate assessments and extensive measures to mitigate potential issues. The proposal creates a living environment that meets with reasonable expectations for future residents and the submission takes all reasonable steps to ensure both types of use could co-exist alongside one another without prejudicing the ongoing use of commercial uses near the site.*

Comment: They consider that at peak noise output there is a difference of 60dB when the background noise level at their site is subtracted from the rating noise level. Under British Standard 4142 it is stated that using this method a difference of around 10dB or higher indicates that complaints are likely. As such they consider noise complaints will occur. They identify that the peak noise generated by their site is when a ‘Bobcat 573’ clears snow from the roadway. This equipment is used for the clearance of snow from the road and is essential to keep the site in operation during the winter months due to

the nature of the slope on Downland Close (between 1:8 and 1:12 along its length). They also identify that during Video Equipment Rental's testing of a small PA system noise levels of 65dB were recorded inside units 1 and 2 of Downland Close and point out that it is generally in published noise tables that HGV produce 85dB at 7m. This development places residences 5m from the carriageway of Downland Close and the gradient of this road would mean that louder noises would be expected than those found on level terrain.

*Response: The impacts arising from the use of the snow plough are noted. However, as the use of such equipment is not a typical event there is no requirement to use this activity as a basis for the design of the development proposed. There is no evidence from the noise surveys carried out, which have been completed in accordance with the relevant guidance, that the activities of Video Equipment Rental generate levels of noise at the boundary of the proposed application site which would be prejudicial to the amenities of the future occupiers of the proposed development. In very general terms the applicant's noise consultant (Clark Saunders Associates) has suggested that in their experience noise levels of up to approximately 90dB(A) could be expected from such an activity. Levels of this nature would be expected to result in noise levels of around 55dB(A) at the nearest building line. This is lower than the noise levels that have been measured by the noise survey completed. It is also noteworthy that a 3dB increase has been applied to the noise levels surveyed at the site (equivalent to doubling of the acoustic energy) in the determination of the outline mitigation measures proposed. This approach accounts for possible increases in noise from the surrounding commercial units.*

*The occurrence of HGV movements on the site is acknowledged. However, based on the surveys carried out, which were completed in accordance with the relevant guidance, these movements were not typical or sufficiently frequent to use as a basis for the design of the scheme. This is also the case for the receipt and dispatch of shipments identified in previous sections of this report. Despite the comments submitted advancing that such movements occur on a regular basis and at all hours no detailed evidence of the frequency of these activities has been provided. On the basis of the survey data (which was completed in accordance with the relevant guidance) there is no evidence of such activities at frequencies that require the design of the proposal to be based on them. Having acknowledged this it should also be recognised that the mitigation proposed would offer a substantial degree of protection should such events occur.*

*Comment: Nuisances to neighbouring residential occupiers which arise from housing being permitted in close proximity to a noise source carry no weight with magistrates when action is being taken under the Environmental Protection Act 1990 and a business is being penalized.*

*Response: Officers are satisfied that the mitigation measures employed as part of the proposed development fully recognise and address the noise conditions that currently exist at the site. This mitigation also takes account of the potential for future growth of the businesses at neighbouring sites and the associated noise impacts. With such mitigation the scheme is found to create an acceptable living environment for future occupiers and is found to be*

*adequate in this respect.*

Comment: Proposed noise mitigation is inadequate and inconsistently applied. Reference is also made to the letters from Sharps Redmore Acoustic Consultants.

Response: *The noise mitigation measures included in the scheme (and secured through the conditions recommended) have been specifically targeted to ensure that each unit is provided with acceptable levels of amenity and adequate living conditions. This has been established through an assessment of the conditions at the site and by suitably qualified experts. Environmental Health officers are satisfied that the noise mitigation measures secured by the conditions recommended are adequate. The points made by Sharps Redmore Acoustic Consultants are set out and responded to below.*

Comment: Inadequate information has been supplied on the acoustic buffer proposed and this is shown to be on land outside the applicant's ownership. The screening and buffering proposed is inadequate and the scheme does not address impacts that will arise if windows to the proposed residential properties are opened.

Response: *The submission made proposes a size and location for the acoustic buffer which forms part of the scheme. However, the conditions recommended would ensure that the acoustic buffer, other noise mitigation and screening (including new landscaping and planting) which forms part of the scheme would be delivered within the application site in an appropriate manner that provides sufficient levels of mitigation (in a number of regards including noise, visual impact and privacy). The application is supported by an Environmental Noise and Vibration Survey Report. This demonstrates that the screening and buffering would, alongside the other mitigation proposed, deliver suitable levels of noise of noise attenuation. In terms of windows specifically, there is no reason why they could not be opened for personal preference or for purge ventilation purposes. However, in order to ensure the provision of acceptable living conditions for future residents of the development ventilation systems which enable residents to keep windows closed, should they wish to do so, would be installed where necessary.*

Comment: Officers have stated that there is no evidence for commercial industrial units becoming economically unviable as a result of the proximity of residential units. However, there is an example from Hoddlesden, Darwen where a firm had to relocate after 150 years of operation due to the proximity of residential units without adequate mitigation.

Response: *While the example provided is noted by officers the full circumstances of that case are not known. However, as other sections of this report have explained in detail, in the circumstances of this case officers find that the residential units proposed have been provided with adequate mitigation. Reasonable steps have been taken to assess and protect the amenities of future occupiers of the proposed dwellings and the application is therefore found to be acceptable in this respect.*

Comment: Existing uses at their sites create the noise, smells, vibration and

other environmental impacts that would be expected from 'B' Class uses. Northway House has acted as a buffer between the houses in St Margaret's Avenue and the uses to the north and west of the applicant's site, but the current proposal would compromise this and introduce residential uses much closer to their site. The loss of the existing uses at the site and the buffer they provide with neighbouring properties is unsustainable.

*Response: The new residential dwellings proposed are considered to have been provided with a design and mitigation that would ensure that their future occupiers have an appropriate level of amenity and living conditions (as set out in various parts of this report in greater detail). The application is therefore found to be acceptable in this respect. Officers also note that the development proposed would be expected to create a greater buffer between properties in St Margaret's Avenue and the businesses neighbouring the application site than currently exists at present (without resulting in any unacceptable impacts on either in its own right). It is therefore not considered that the scheme would result in any demonstrable harm or conflict with planning policy in this respect.*

Comment: Proposal creates a situation where residential users are overlooking and in direct view of their secure site. This causes a loss of privacy and security and prejudices their ability to operate sensitive and high value shipments.

*Response: The neighbouring businesses already experienced a significant degree of overlooking from the application site (when it was in use), due to the design of the existing building (Northway House). Officers consider that the design of the proposed development is such that it would not increase the level of overlooking and loss of privacy at neighbouring properties to such an extent that any additional demonstrable harm would result. It is therefore not considered that a refusal of planning permission on this basis would be justified.*

Comment: Proposing housing in such close proximity to commercial uses creates alienation and conflict which encourage trespass, vandalism and theft. The design of the proposal is contrary Secure by Design initiative and the scheme would create tensions between residents in the new development and workers on their site.

*Response: The Design and Access Statement submitted shows how the scheme has been designed in accordance with Secure by Design principles. The proposal has been examined by the Metropolitan Police Service who have not raised any objections to the proposal or requested that conditions are placed on any grant of consent. Officers consider the design of the proposal to be acceptable and compliant with planning policies on security, crime and design principles more widely.*

Comment: Local Planning Authority should ensure that the measures are implemented within the scheme that guarantee that they and their tenants have unfettered rights to continue to access their commercial properties all day and all year around and have sufficient scope to enable growth and diversified commercial activities, including those that generate noise and



visual disturbance outside of normal working hours.

*Response: The measures and guarantee's sought are considered to go beyond what can reasonably be required under planning legislation and planning policy. The scheme is considered to take appropriate account of neighbouring uses and is found to have a suitable design and include adequate mitigation in this respect. It is noted that the measures secured through the conditions recommended include appropriate screening and assume a reasonable level of growth in activity (and the associated noise and disturbance) at neighbouring sites. Any changes at neighbouring sites which require planning permission would need to be assessed on their individual merits, taking account of any relevant material planning considerations at the time they are assessed. They cannot be prejudged as part of the assessment of this application.*

Comment: Proposal would constitute poor design, provides a poor standard of accommodation and amenities for a high proportion of the new dwellings and proposes residential uses too close to the existing commercial (Class B2 and B8) uses in Downland Close. This is contrary to planning policies.

*Response: Officers consider that the application proposes an acceptable design response that would provide adequate amenities for the future occupiers of all the proposed dwellings and have a suitable relationship with neighbouring properties. The scheme is found to be compliant with development plan policies in all relevant regards.*

Comment: Proposal lacks community rooms, exercise areas, leisure facilities, rooms designated for relatives or friends to stay when visiting and visitor parking bays and spaces.

*Response: The proposal is considered to deliver suitable and policy compliant facilities for visitors and future occupiers. This includes the delivery of sufficient parking and communal facilities.*

Comment: Application fails to improve the existing junction arrangements, provides no facility for residents to cross the road (so they can remain within the town centre) and would be detrimental highway safety, including pedestrians and cyclists.

*Response: The proposed access arrangements have been carefully considered by the applicant and scrutinised by TfL and the Council's Highways Team who all consider the proposals to be acceptable. This matter is discussed in further detail in section 3.10 of this report. A Crossing Assessment is contained in the Transport Assessment submitted. This identifies that the site has a 'green' classification meaning that the site has good access to local crossing points that are also suitable for disabled pedestrians due to the inclusion of features such as tactile paving.*

Comment: Scheme would adversely affect the operation of roads in the area and increase conflicting movements, contrary to planning policies on these matters.

Response: *The Transport Assessment considers in detail the volume of additional traffic that would be generated by the proposed development. Both TfL and the Council's Highways Team accept that the relatively modest increase in traffic the proposal would generate can be accommodated within the existing highway network with no material effect on capacity.*

Comment: Access into and within the site is poorly designed and includes inadequate parking and delivery facilities. The scheme would increase the hazardous parking conditions which already occur in the area.

Response: *The design of the access into and within the site and the parking and delivery facilities proposed have been carefully assessed and are found to be acceptable and compliant with the objectives of planning policies. These matters are discussed in further detail in section 3.10 of this report.*

Comment: Proposal provides inadequate disabled access arrangements.

Response: *The submission demonstrates that sufficient care has been taken in the design of the proposal and that the scheme ensures the provision of acceptable facilities for disabled persons. Conditions have been recommended to ensure the scheme is delivered in an appropriate manner in this respect. This matter is discussed in further detail separate sections of the committee report.*

Comment: Proposal would result in the loss of jobs and employment space. The existing space at the site has been inadequately marketed and has been allowed to fall into disrepair. The Market and Viability Assessment submitted with the application does not demonstrate that the proposal is compliant with planning policies on the loss of employment and non-residential uses and should be viewed with scepticism by the Local Planning Authority who have visited the site and found it to be occupied.

Response: *These matters are addressed in section 3.1 of the committee report. In summary the application site is currently vacant and the changes proposed at the site are found to be acceptable and compliant with the objectives of planning policies on employment and non-residential uses.*

Comment: Socio-Economic Assessment provided contains incorrect data and is not sufficiently robust to determine the application.

Response: *An addendum to the original Socio-Economic Assessment was submitted in February 2014. Officers are satisfied that sufficient information is available to enable a full and robust assessment of the application.*

Comment: Proposal represents overdevelopment, seeks a density of development not appropriate for this (suburban) location and is contrary to planning policies on these matters. Scale, height, bulk and mass of the proposal represent an overdevelopment and the proposal does not respect the sites constraints or the suburban character of the surrounding area.

Response: *The density of the development is examined in section 3.3 of this report. This concludes that the proposal is acceptable and compliant with*

*planning policies on this matter. The various elements of the design of the development more widely are assessed several sections of this report. These all find the proposal to be adequate and compliant with the objectives of planning policies.*

Comment: Barnet House is a more suitable site for conversion to a residential use.

Response: *The Local Planning Authority is required to consider the planning merits of the proposal before it.*

Comment: The proposal is contrary to policies on the sequential test.

Response: *Officers consider that the proposal is compliant with planning policies on the sequential testing of new development. This matter is discussed in further detail in section 3.1 of this report.*

Comment: A recent application (with Barnet reference B/00845/13) with similar circumstances was refused on design and character grounds by the Council and the same opinion should hold true for the proposed development.

Response: *Planning applications are required to be considered on the basis of their individual planning merits. Section 3.5 of this report assesses the proposal from a character and design perspective and finds the proposal to be acceptable and compliant with planning policies in this respect.*

Comment: Extension to A1 Self Storage granted consent under application reference B/00845/13 (at appeal) is a commitment that needs to be considered.

Response: *The application identified has been fully considered as a committed scheme and taken into careful account in the assessment of this proposal in all relevant regards. This includes the impacts of the A1 Storage scheme on the current proposal and the impact of the current proposal on the consented A1 Storage scheme. Specific issues are discussed in full in the relevant sections of this report.*

Comment: The information in the submission in respect of vibration, sound, noise, fire safety, sewerage, planting, traffic accident data, affordable housing, employment data and gas supply contains deficiencies, omissions, distortions and inaccuracies. A new environmental study should be sought because of the changes at the site and the time that has elapsed since the previous report was prepared.

Response: *Officers consider that the current submission, which includes various revised information, addendum statements and clarifications, is sufficient to enable a full and robust assessment of the proposal.*

Comment: Drawings submitted are misrepresentative of reality and the ownership of land and more detailed plans should be provided.

Response: *The A Certificate of Ownership on the application form submitted*

*has been signed by the applicant's Agent (Barton Willmore). By doing this they have confirmed that on the day 21 days before the date of this application nobody expect the applicant was the owner of any part of the land or building to which the application relates (in this context 'owner' is a person with a freehold interest or a leasehold interest with at least 7 years left to run). A covering letter which accompanies the application specifically identifies that the site boundary has been revised (as part of the plans consulted on in March 2014) to exclude certain areas of land that were previously part of the application site. In the circumstances of this proposal it is considered that the submission made is sufficiently clear on the matter of site ownership for the purposes of registering and considering the planning application and that it is not for the Local Planning Authority to dispute the position adopted by the applicant on this matter.*

Comment: Submission documents show proposed development occurring beyond the application site boundary.

Response: *The application drawings have been amended (the amended drawings formed part of the consultation carried out in March 2014) to address this issue.*

Comment: Submission claims that there are 100 existing cycle spaces at the site and this is untrue and inconsistent with previous statements on this matter.

Response: *This comment is noted. However, officers do not consider that it has a significant bearing on the assessment of the current application.*

Comment: Development proposes inadequate new planting and will result in the loss of trees, including trees outside the site.

Response: *These matters are addressed in full in section 3.9 of this report. Subject to the conditions recommended the proposal is found to be acceptable in these respects.*

Comment: Application should be referred to the Mayor of London.

Response: *Development of the nature proposed is not referable to the Mayor of London. The development does not exceed the criteria set out in the Town and Country Planning (Mayor of London) Orders and as such does not trigger the requirement to be referred to the Mayor of London.*

Comment: The applicant has placed signage on the site making out that planning permission has been granted or is a formality. This is false advertising at best and at worst indicates that the planning process has been corrupted and the outcome is a forgone conclusion (with objector comments making no difference to the outcome). The use of such signage prejudices the planning process because of the false impression it creates for the community and the planning committee members. The signage may also have been erected without the necessary planning consents being obtained.

Response: *The placing of such signage on the site is not considered to prevent or preclude the fair determination of the application. When making their decision members of the planning committee will be fully aware that the application is not yet determined and the use of such signage must not influence their decision either for or against the application. The position in terms of the obtaining of the necessary planning consents to erect the signage is currently being investigated by officers in the Planning Enforcement Team to ascertain if there have been any breaches of planning legislation.*

Comment: The application is invalid and contains false, misleading and inaccurate information and should not even be considered by a committee.

Response: *These points are responded to in detail in the relevant parts of this report. In summary, the submission is found to constitute a valid application which is considered by officers to be acceptable in all relevant regards, subject to the planning conditions and obligations recommended.*

**A1 Dairies Limited, 1 Downland Close:**

In summary the concerns raised comprise that the:

Comment: Planning application drawings are misrepresentative of the ownership of the land which forms the application site and the buildability of the proposed development. Applicant's plans advance that they own land which they do not and show development occurring in land which is not within their control or ownership. As such they consider that the incorrect ownership certificate has been completed and therefore the application is invalid.

Response: *These points are responded to in earlier sections of the report.*

Comment: Proposed development would undermine the road they use to access their site and this would interfere with the business on their land.

Response: *The possible structural and engineering implications of the proposal for adjoining land (including the road) are considered to be adequately addressed by the requirements of other legislation in this instance. As other sections of this report set out in greater detail the development proposed is considered to include suitable access arrangements subject to the conditions and planning obligations recommended.*

Comment: Extent of the applicant's ownership has implications for the position and effectiveness of the acoustic wall proposed in the application documents.

Response: *The precise location of the acoustic screen will be agreed pursuant to the conditions recommended. Officers are satisfied that adequate space exists within the application site (as defined in the submission drawings) to accommodate a suitable acoustic screen without a need to incur onto the adjoining land.*

Comment: Information in the Environmental Noise and Vibration Survey Report is lacking in detail and accuracy. They would question the findings of the report and suggest that the acoustic wall proposed could increase noise to

the proposed dwellings rather than reduce it.

*Response: The Environmental Noise and Vibration Survey Report submitted provides a sufficiently robust assessment of the conditions that currently exist and would be experienced on the site following the implementation of the development. The acoustic wall, the full details of which will be agreed under the conditions recommended, would be designed to ensure it provided a suitable level of mitigation for the proposed dwellings.*

Comment: Plans submitted propose parking spaces on land which is located outside the application site identified in the submission.

*Response: This point is responded to in earlier sections of the report.*

Comment: The scheme represents an overly dense development.

*Response: This point is responded to in the relevant sections of this report.*

Comment: Information submitted to the Local Planning authority is inadequate to enable the proper assessment of the application in terms of parking; on site manoeuvring and parking space; on site pedestrian and traffic safety; the proximity of vegetation to residential properties; and the effectiveness of the visual and acoustic screening.

*Response: As the various relevant sections of this report identify the information submitted is considered to be sufficient to enable a full and robust assessment of the proposal. In all regards the application is found to be acceptable and compliant with the objectives of planning policies.*

Comment: Local Planning Authority need to take full account of their business and its nature, as the right to carry on an activity which results in noise which would cause an actionable nuisance (say to a nearby residential occupier in the new development) is capable of being an easement and it therefore vital that the proposed development does not seek to interfere with their land or business and takes full account of their rights.

*Response: As the various relevant sections of this report identify the submission assesses and proposal takes care to ensure adequate amenities are provided for future occupiers of the new dwellings. Full account has been taken of the conditions created by the neighbouring commercial uses. The proposed development is contained entirely within the confines of the application site boundary and will not incur onto or prejudice the ability to access neighbouring land.*

Comment: Information in the Utility Feasibility Report submitted contains inaccuracies.

*Response: The latest information submitted is considered to be sufficient to enable a full and robust assessment of the relevant planning considerations.*

Comment: National Grid have attempted to reduce the electrical and gas supply capacity of their site. They consider that the National Grid should

maintain the supply capacity which they originally provided and which is appropriate to their buildings (and note that they have not provided any evidence that they are not obliged to do so) and advance that this is important as industrial tenants are attracted by the electrical and gas supply available at the site. Council should independently verify that the gas supply capacity in Whetstone is sufficient to supply this development whilst maintaining the full supply capacity at their properties and others in the area, as the attempts by National Grid to reduce their gas supply capacity may be connected to the proposed development.

*Response: National Grid have commented on the application and they have not raised objections on capacity (or other) grounds. National Grid are the recognised statutory undertaker appointed to deal with these matters and it is not considered that any further assessment is required to enable the determination of this application. It is considered that the submission made, the engagement by the applicant (as part of preparing their Utility Feasibility Report) on this matter and the consultation with National Grid carried out by the Local Planning Authority are sufficient to meet the objectives of policy 5.4A (Electricity and Gas Supply) of the Draft Further Alterations to the London Plan (published January 2014). This draft policy identifies that developers, especially of major schemes, should engage at an early stage with the relevant boroughs and energy companies to identify the gas and electricity requirements arising from their development proposals.*

Comment: Proposal may result in increased infrastructure being needed to support the development and the full cost of this should be borne by the applicant and not levied on them, their tenants or the wider community in Whetstone.

*Response: The contributions the development would make through the planning obligations recommended and the Barnet and Mayoral CIL systems are sufficient to mitigate the impact of the proposal on local infrastructure as far as is relevant to the assessment of this planning application.*

Comment: Parking bays for the development should be located not less than 6 feet from the carriageway with Downland Close and that the Council should protect their site boundary and right of way.

*Response: The parking bays proposed are considered to have an acceptable and policy compliant design and are located within the application site boundary.*

Comment: Their previous comments on the application remain fully valid and should continue to be taken into consideration when a decision is made on the application.

*Response: The previous comments by A1 Dairies have been taken into full account in the assessment of this application and the recommendation made by officers.*

**Video Equipment Rentals (VER), 3-4 Downland Close:**

In summary the concerns raised (on their behalf by Contour Planning and

including the submission of reports by Sharps Redmore Acoustic Consultants) comprise that:

Comment: Proposal would detrimentally affect the operation of their business which moved to the site because of its location away from residential properties and flexibility for expansion which could generate significant additional employment.

Response: *Planning policies encourage developments to make effective use of previously developed land, such as the application site. The scheme proposed is considered to take appropriate account of neighbouring uses and is found to have a suitable design that includes adequate mitigation for the conditions created by adjacent businesses. It is noted that the existing residential properties in St Margaret's Avenue are located approximately 40m from 4 Downland Close and it is understood that no noise complaints having been raised by existing local residents in respect of this to date. The presence of residential properties in the vicinity of the existing businesses does not rule out the alteration and expansion of such businesses in principle. Instead, in the event that proposals for neighbouring sites were to be considered, these would need to be judged on their own individual merits. These cannot be fully anticipated as part of this planning application, but they are likely to include suitable mitigation measures that accord with any relevant recognised standards. It is also noted that the measures secured through the conditions recommended assume a reasonable level of growth in activity (and the associated noise and disturbance) at neighbouring sites.*

Comment: Proximity and design of the proposed development to VER's property and other businesses in this area (including A1 Self Storage) raises concerns about overlooking of their commercial premises (the proposed facades are within 20m of their industrial/commercial buildings) and the submitted noise and vibration assessment is inadequate, does not provide sufficient detail or adequate mitigation to protect the future position and viability of these important local businesses.

Response: *Matters relating to overlooking of neighbouring non-residential properties and the robustness of the Environmental Noise and Vibration Report submitted are addressed in other sections of this report.*

Comment: Noise generated by VER carrying out its operations, which includes testing full concert/festival sound systems (which it expects to increase), and the decision to locate residential properties within 18m of Unit 4 on Downland Close (which they occupy) would be very likely to result in complaints from the future occupiers of these dwellings about noise levels.

Response: *Noise surveys have been conducted in accordance with recognised industry standards to account for the ambient noise conditions found at the site. This included a testing position located immediately adjacent to 4 Downland Close. Having considered these survey results, mitigation measures, including the use of winter gardens on some of the westward facing balconies and acoustic screens along the western site boundary have been recommended to ensure noise conditions for the proposed dwellings and the associated external amenity spaces are at acceptable levels. As*



*referred to above, in the event the current application at 4 Downland Close is approved, it will be necessary for suitable noise insulation to be installed (as proposed by the applicant).*

Comment: Allowing of residential properties so close to their commercial site, which currently has unrestricted 24 hour operations including the testing of PA systems, increases the potential for noise complaints and potentially litigation against VER for noise nuisance.

Response: *It is considered that the development proposed, as controlled by the mitigation secured, takes adequate account of the potential for businesses neighbouring the site to impact on the amenities of neighbouring occupiers, including noise. Noise surveys have been conducted in accordance with recognised industry standards to account for the ambient noise conditions found at the site. This included a testing position located immediately adjacent to 4 Downland Close. Having considered these survey results, mitigation measures, including the use of winter gardens on some of the westward facing balconies and acoustic screens along the western site boundary have been recommended to ensure noise conditions for the proposed dwellings and the associated external amenity spaces are at acceptable levels.*

Comment: Latest noise surveys ignore potential night time noise disturbance generated in Downland Close since no night time HGV movements were observed on Downland Close during the site visit. Night time activities regularly take place in Downland Close and the noise survey should reflect this and take account of the noise disturbance which could occur (given the close proximity of the proposed residential properties to an active commercial site).

Response: *The Environmental Noise and Vibration Survey Report is considered to provide a sufficiently robust assessment of the noise conditions at the site. This acknowledges that there is traffic, which includes HGVs accessing and egressing from adjacent sites via Downland Close throughout the daytime period. These are relatively limited in number when compared to HGV movements on High Road, and may provide a small contribution to the noise climate on Downland Close, which is otherwise determined by traffic noise on High Road. Whilst no night-time HGV movements were observed along Downland Close throughout the duration of the two survey periods, the report acknowledges there are occasional night-time HGV movements on Downland Close. It is noted that night-time HGV movements may occur on Downland Close, although these are not considered to be typical or sufficiently frequent to be considered in the assessment of internal maximum noise level as described in BS8233:1999 and World Health Organisation (WHO) Guidelines. Currently, they do not occur more than several times in any hour at night (BS8233:1999) nor are there more than 10-15 events per night (WHO 1999). As such, there is no evidence to demonstrate that HGV movements occur with such regularity and frequency so to be reasonably expected to cause material harm to the future occupants of the proposed residential units.*

Comment: Proposal makes no assessment of the external activities taking place at commercial units in Downland Close (the letter refers to noise

surveys the objectors consultant has undertaken but these have not been supplied to the Council by VER at the time of writing), does not take account of the nature of the use being carried out by VER, relies on the premise that windows will be closed at all times as part of its mitigation and is based on insufficient survey information.

*Response: Two separate noise surveys were conducted in November 2012 and June 2013 to account for the prevailing noise conditions experienced at the application site. These surveys would have detected any activities taking place at the commercial units along Downland Close and it is these which have informed the approach subsequently adopted.*

Comment: Noise assessment which accompanies the application does not contain sufficient information to make an informed decision about potential impacts on both future residents and the operation and future expansion of VER and the wider industrial estate.

*Response: This point is responded to in previous sections of this report.*

Comment: Businesses on Downland Close should have been contacted in respect of when noise surveys were carried out.

*Response: There is no requirement for the applicant to have contacted businesses on Downland Close before the noise surveys took place. The surveys were conducted by a suitably qualified expert in line with recognised practice and industry standards. They are therefore considered to be sufficient to enable the assessment of the application.*

Comment: VER currently have no residential dwellings in such close proximity to them. The commercial units operate throughout the night and day and the flexibility of operations is very important for the businesses. This would be seriously jeopardised by the proposal.

*Response: This point is responded to in previous sections of this report. It is also noted that there are residential properties on St Margaret's Avenue that are approximately 40m from 4 Downland Close. These properties do not benefit from the kind of mitigation measures proposed for the dwellings which form part of this application and have not experienced noise conditions that have lead to noise complaints being lodged with the Council to date.*

Comment: Proposal will prevent any future expansion of their business and may restrict the operation of the business to less than current levels. This includes the expansion of their business, proposed in a current planning application (Barnet reference B/01422/13), to enable the testing of equipment in a full stage set up prior to dispatch to clients.

*Response: This point is responded to in previous sections of this report. Of particular note is the intent referred to in the current planning application for 4 Downland Close for noise insulation to be incorporated as part of the enlargement of the neighbouring building. However, further details of this have not been included within the application (reference B/01422/13).*

Comment: Loss of employment space on an established commercial site, which is of a size and type capable of meeting a local need, would have an adverse impact on office floorspace in Whetstone Town Centre and employment land supply in the wider borough. The proposal would be contrary to development plan policies and national planning guidance on the protection of employment land and education facilities. The loss of employment use at Northway House would have a significant impact on the local community and economy and the scale of employment floorspace proposed is inadequate and the applicant has approached the issue of the loss of employment at the site inappropriately. The marketing evidence supplied by the applicant is inadequate to address planning policies, inconsistent and does not reflect the Council and VER's observations. It is suggested that the type of space provided in the site are desirable for small and medium sized businesses.

Response: *These points are responded to in the relevant sections of this report.*

Comment: Development of residential accommodation to the rear of Northway House would remove the possibility of providing future employment generating uses in a location which is entirely appropriate for such accommodation.

Response: *The principle of redeveloping the rear of the site to provide new residential accommodation is considered to be entirely acceptable, subject to the more detailed aspects of the proposal being compliant with the relevant planning policies (these are addressed throughout this report).*

Comment: Proposal represents an overdevelopment of the site and would significantly exceed the appropriate density identified in the London Plan for locations such as this. The schemes scale, height, bulk and mass represent an overdevelopment of the site.

Response: *The density of the development is examined in section 3.3 of this report. This concludes that the proposal is acceptable and compliant with planning policies on this matter. The various elements of the design of the development more widely are assessed several sections of this report. These all find the proposal to be adequate and compliant with the objectives of planning policies.*

Comment: Position of dwellings so close to an established and well used commercial site has little regard to the living conditions for the future residents of these properties, who would be affected by the noise and light impacts associated with being in such close proximity to an active employment site.

Response: *This point is responded to in other sections of this report.*

Comment: Scheme proposes inadequate screening and the provision of improved buffers and screens and setting the proposed buildings back further from the adjacent businesses would help to reduce the impact of commercial operations at adjoining sites on the residential properties proposed.

Response: *This point is responded to in previous sections of this report.*

Comment: Submission does not address the concerns they raised about overshadowing that would take place from existing commercial properties on residents living on the western part of the application site. It is also noted that unit 4 is proposed for enlargement (under an application which is presently under consideration) and that this should be considered as part of this assessment.

Response: *The concerns that the commercial building to the west of the site would cause overshadowing impacts on the future occupiers of the proposed development are noted. The submission documents (letter from Anstey Horne dated 14th March 2014) find that of the 56 windows that face south west, 45 would achieve the BRE sunlight criteria for both annual and winter sun. Of the windows that do not, 2 of these serve rooms that contain other windows that would satisfy the BRE sunlight criteria. The remaining 9 windows are all impacted on by balconies above. Of these windows, 8 would satisfy the BRE criterion for winter sun. The fact that these windows would receive the recommended levels for winter Annual Probable Sunlight Hours is due to the fact that in winter the sun is at a lower angle in the sky, which negates the shadowing effect of the balconies above these windows.*

*Looking at the lowest level (level -2) of the scheme, all of the habitable rooms proposed contain at least one window that would meet the recommended BRE criteria for both annual and winter sunlight. The fact that the lowest level of the development achieves the BRE target supports the view that it is the presence of the balconies, as opposed to the surrounding warehouse buildings, that is having an effect on sunlight availability to the south west windows. As Anstey Horne's Internal Daylight & Sunlight Assessment (March 2014) explains, that although balconies inevitably reduce levels of sunlight to windows positioned below them, they also provide valuable private amenity space for residents (and solar shading where required). Residents also have the option of stepping out on the balconies to maximise sunlight potential should they wish to do so.*

*Anstey Horne's Internal Daylight & Sunlight Assessment, has had regard to the effect of the additional massing that would be created as part of the extant planning permission (Barnet reference B/00845/13) granted for the neighbouring site at A1 Self Storage. These results conclude that in the event the enlargement to this neighbouring building were to go ahead, acceptable levels of sunlight and daylight would continue to be received by the windows that face onto the site.*

*It is noted that 4 Downland Close is also currently subject to a planning application (Barnet reference B/01422/13) to enlarge a building. This application is yet to be determined. This reduces the weight that may be given to it as part of the determination of this application, as there is no guarantee that proposals will be granted consent. Notwithstanding this, it is considered that the orientation and separation distance between the proposed development and 4 Downland Close is sufficient to allow sunlight and daylight to continue to penetrate into the amenity spaces serving the proposed development and the westerly facing windows, should the planning*

*application for 4 Downland Close be granted consent in due course. The enlargement of the neighbouring building proposed in application reference B/01422/13 would not be expected to result in a permanent shadow being cast across the development proposed in the current proposal for Northway House throughout the day.*

*Anstey Home have undertaken a Potential Overshadowing Study (dated March 2014) for the new private gardens that would serve dwellings on the south-west elevation of the building as proposed (at level -2). The results of this study show that all the gardens would achieve the BRE target for available sunlight hours. The corresponding balconies above the gardens would also receive good levels of sunlight.*

*The submission is considered to demonstrate that both the internal parts of the proposed dwellings on the south-west side of the development and their associated private external amenity areas would have an adequate expectation of sunlight. The proximity of the proposed development to the neighbouring warehouse buildings would not cause it to suffer a significant detrimental effect on the sunlight amenities of future occupiers (even where neighbouring buildings are extended under extant permissions).*

**A1 Self Storage Limited, 2 Downland Close:**

In summary the concerns raised comprise that the:

Comment: Proposal is contrary to planning practice as it places housing directly adjacent to land in a B8 and B2 Use Class which operates at all times of the night and day and involves HGV movements. Proposal has no regard to the amenity of existing surrounding land users and fails to protect employers from disastrous long term repercussions.

Response: *These points are responded to in previous sections of this report*

Comment: Proposal is a risk to their ongoing business and the vehicle handling capacity of the site (which attracts customers to their facility).

Response: *No detailed evidence has been provided to demonstrate that the proposed development would have the repercussions advanced. As other sections of this report set out the design proposed takes adequate account of adjacent uses and, subject to the conditions and obligations recommended, it is considered that the development would provide acceptable living conditions for future occupants without prejudicing the operations or amenities of neighbouring businesses.*

Comment: Proposal threatens the continuation of their employment use (which may include 24 hour 7 days a week unattended access for customers) and its wider economic benefits. As such the development is contrary to development plan policy on promoting business activity; maximising job creation; protecting employment land; the potential incompatibility of new development with existing industrial and commercial activities; and anticipated growth in the distribution (warehousing), business service and small business sectors.

Response: *These points are responded to in previous sections of this report.*

Comment: Proposal will make them less attractive to customers who value the current privacy and seclusion of their site.

Response: *The neighbouring businesses already experienced a significant degree of overlooking from the application site (when it was in use), due to the design of the existing building (Northway House). Officers consider that the design of the proposed development is such that it would not increase the level of overlooking and loss of privacy at neighbouring properties to such an extent that any additional demonstrable harm would result. It is therefore not considered that a refusal of planning permission on this basis would be justified.*

Comment: Proposal would be detrimental to the local and small businesses and residents which they provide facilities for.

Response: *These points are responded to in previous sections of this report.*

Comment: Proposal will encourage trespass, vandalism and theft and is contrary to planning policy and guidance on designing safe and secure environments. The development would foster feelings of alienation and fear.

Response: *These points are responded to in previous sections of this report.*

Comment: Proposal will reduce the security of their staff as they will be more easily observed (from the development).

Response: *Natural surveillance is recognised by Secure by Design principles as a means to help reduce instances of crime. More widely these points are responded to in previous sections of this report.*

Comment: Proposal would increase the risks arising from potential terrorism, as terrorists have been known to use and raid self storage facilities.

Response: *The Metropolitan Police Service has been consulted on the application and they have not raised any objections or requested that conditions are imposed in relation to these issues. In the circumstances of this case it is not considered that a refusal of planning permission on terrorism related grounds would be justified.*

Comment: Proposal has no regard to the impact of their business on the amenities of the occupiers of the proposed dwellings. This includes impacts on privacy and the right to quiet enjoyment which will arise from traffic, artificial lights (including flood lights and flashing beacons), CCTV cameras, noise (from vehicle movements, alarms, sirens, reversing beepers and the activities associated with the facilities at the site) and vibration associated with the operation of their business. This is especially the case in summer when residents will want to open their windows.

Response: *As the relevant sections of the committee report set out in more detail the new residential dwellings proposed are considered to have been*

*provided with a design and mitigation that would ensure that their future occupiers have an appropriate level of amenity and living conditions. The conditions imposed require various measures, in accordance with the requirements of the Barnet Local Plan and the NPPF, to ensure that the activities occurring at the neighbouring commercial sites can take place without creating unacceptable living conditions for the future occupants of the more sensitive residential dwellings proposed. As other sections of this report set out no evidence has been provided to demonstrate that the development proposed would prejudice the continuation, redevelopment or expansion of neighbouring businesses. The scheme has been carefully designed to take account of neighbouring businesses and includes appropriate assessments and extensive measures to mitigate potential issues. By creating a living environment that meets with reasonable expectations for future residents, the submission ensures both types of use could co-exist alongside one another without prejudicing the ongoing use of commercial uses near the site.*

Comment: Proposal would be contrary to policies which seek to keep noise sensitive uses away from existing noise creating uses. The sound and vibration study submitted deals with time periods far too short to be representative of the traffic on Downland Close which can be sporadic in nature.

Response: *Planning policies do not prohibit residential development in the vicinity of noise creating development in principle. Provided appropriate mitigation is delivered, as would be the case in this instance, such uses can co-exist alongside one another. The noise assessment submitted with the application was conducted in accordance with the relevant standards (ISO 1996-2:2007 Description, measurement and assessment of environmental noise Part 2- Determination of environmental noise levels) and has been found to provide a sufficient basis for the determination of this application by Environmental Health Officers.*

Comment: Scheme does not take account of the biological and ultrasonic pest control methods they use and the distress they can cause to residential pets.

Response: *The presence of pest control measures which may cause distress to pets is not a matter which is controlled by the planning system and such measures could be introduced on a site for a variety of reasons without any reference to the planning system. It is not considered that the possible impacts of such measures on the future occupiers of the proposed dwellings or their pets would constitute justifiable grounds for the refusal of planning permission in the circumstances of this case. It is also noted that through the planning obligations recommended reasonable steps have been put in place to ensure the future occupiers of the proposed dwellings are aware of the nature of the uses in place at neighbouring sites prior to them purchasing a dwelling.*

Comment: The proposal includes no or inadequate screening and buffering.

Response: *These points are responded to in previous sections of this report.*

Comment: Submission documents present inaccurate information and do not

enable an adequate assessment of the proposal.

*Response: Since the original submission was made the applicant has changed a number of the application documents to correct inaccuracies. Officers consider that the current submission contains sufficient information to enable the full assessment of the proposal put forward.*

*Comment: Area contains a lack of affordable office space and the submission believes that no serious attempt was made to retain the building for office and employment space. The buildings infrastructure was neglected and the building was not placed on the open market.*

*Response: These points are responded to in previous sections of this report. The proposal is considered to be compliant with development plan policies on office space (loss of the existing and the new space proposed) and is found to be acceptable in this respect.*

*Comment: Proposal needs to be considered in the context of the planning consent that they have received at their site (Barnet planning reference B/00845/13) for alterations (including enlargement) to the warehousing facilities.*

*Response: It is considered that the submission takes appropriate account of the proposals potential for impacts on the recent consent received at the neighbouring site (under Barnet planning reference B/00845/13). The current application (for the Northway House site) is not found to result in any impacts in this respect that would justify a refusal of planning permission. It is also considered that the recent consent at the neighbouring site would not impact unduly on the development proposed under this application.*

*Comment: Proposal would impact unacceptably on the passive thermosyphonic air heaters proposed as part of the consent they have recently received (under the above reference), as it would deprive the installation of solar radiant energy for the coldest parts of the year rendering it useless and increasing carbon emissions (rather than reducing them). Consider that the proposal is contrary to local, strategic and national planning policies and guidance as a result. State that the assessment of these impacts in the submission documents is fundamentally flawed and assumes that their scheme proposes photovoltaic panels (which it does not). The comments made also find that the proposal would directly impact on their amenity and directly increase their costs as a result of these impacts.*

*Response: In response to the concerns raised by A1 Self Storage at 2 Downland Close the applicants advisors (Anstey Horne) have prepared an Overshadowing Assessment detailing the extent of any shadow that may be cast on the buildings at this site by the proposed development. The analysis conducted utilised the scaled drawings submitted with the application as well as having regard to the drawings that accompanied the applications at the neighbouring sites. A1 Self Storage at 2 Downland Close has recently benefitted from planning permission (Barnet reference B/00845/13), allowed at appeal, to enlarge and alter the self-storage warehouse building. As part of the planning permission, Thermosyphonic Air Heaters were proposed to be*



*installed on the south facing flank wall of the enlarged warehouse building.*

*Officers note that there is no technical basis within the BRE Guidelines to evaluate the overshadowing impact of new development on Thermosyphonic Air Heaters or any other thermodynamic systems. Furthermore, whilst the Council's planning policies seek to protect the amenities of the occupiers of neighbouring buildings in general and encourage sustainable renewable energy generation, there is no development plan policy basis on which to expressly require the protection of thermodynamic systems or other renewable energy technology systems.*

*The applicant has chosen to assess the potential overshadowing impact from the mid-point of the Thermosyphonic Air Heaters. Whilst it is true to say that the lower section of a number of the air heaters are likely to experience more overshadowing than is suggested by the Overshadowing Assessment, it is also true to say that the sections of the air heaters (the top elements) will be impacted on to a lesser extent. It is, however, fully recognised that the proportion a Thermosyphonic Air Heaters overshadowed does not directly correlate with the effect on the efficiency of the air heater. Given the lack of any particular recognised guidelines to inform such overshadowing assessments, taking the mid-point would seem to be a reasonable basis on which to conduct any assessment.*

*Sun path diagrams contained in the Overshadowing Assessment examine the existing conditions at the Northway House site and show the extent of any overshadowing to the Thermosyphonic Air Heaters (approved under application B/00845/13) to be attached to the enlarged 2 Downland Close. It is noted that when taken from the mid-point of the Thermosyphonic Air Heaters there would be an almost completely unobstructed view of the sky. The only existing obstruction of any sort is the existing building at Northway House, which obstructs sun in the early part of the day for about half of the year. The new block as proposed would cause some additional loss of potential sunlight but this would be confined to the period of approximately a single month covering December and January, where the sun is lowest in the sky, and only for a very limited period (circa 1 hour) at the beginning of the day for panels W1 and W2 and at the beginning and end of the day for panels W3 and W4 (panels identified are those approved under application B/00845/13). This would equate to approximately 30 hours of overshadowing throughout the whole of the year and therefore represents a very limited impact on these panels. In addition, it is noted that the months of December and January also generally experience very little in the way of sunshine hours, which would mean the Thermosyphonic Air Heaters are unlikely to function at a particular efficient level during these months in any event.*

*Whilst the amount and duration of overshadowing may be marginally greater in the lower half of the affected Thermosyphonic Air Heaters than that suggested by the Overshadowing Assessment prepared by Anstey Horne, the magnitude of the impact is still likely to be relatively limited. The Thermosyphonic Air Heaters will therefore still have reasonable access to potential sunlight for the majority the day throughout the year, even during the winter months.*

*Notwithstanding the above analysis of the proposals impacts on the amount of sunlight received by Thermosyphonic Air Heaters approved at the neighbouring site, when the potential adverse impacts of the scheme in this respect are weighed against the significant planning benefits associated with the proposed development, in terms of housing supply, expected employment generation and aesthetic enhancement, it is not considered that the severity of the harm caused is sufficient to warrant a refusal of planning permission.*

Comment: Proposal would benefit the applicant financially but be detrimental to them, an established local business and small business catalyst.

Response: *For the reasons set out in various parts of this report it is not considered that the development proposed under this application would result in any material harm to or impacts on neighbouring businesses that would justify a refusal of planning permission.*

Comment: Proposal they have obtained consent for has followed the highest standards of sustainable development in its design, while the applicant's proposal has ignored planning policy on sustainability including housing density, Secured by Design and separation between planning user classes (which they consider to be a fundamental reason for planning legislation).

Response: *These points are responded to in more detail in the relevant parts of this report. In summary the application is found to be acceptable in all relevant regards and to represent a sustainable form of development. Some specific elements of the developments sustainability credentials are discussed in further detail in section 3.15 of this report.*

Comment: Proposal represents an overly dense form of development.

Response: *This point is responded to in previous sections of this report.*

Comment: Proposal should undergo substantial alteration creating vertical and physical separation between users types if it is to be even considered in this location (as proposed it should be refused), as without any buffer the scheme will cause the B2 and B8 land to become marginalised or untenable.

Response: *This matter is largely responded to in previous sections of this report. The development proposed is found to not result in any impacts on neighbouring businesses that would justify a refusal of planning permission. As such alterations of the nature identified have not been sought.*

Comment: Their previous comments on the application remain fully valid and should continue to be taken into consideration when a decision is made on the application.

Response: *The previous comments by A1 Self Storage have been taken into full account in the assessment of this application and the recommendation made by officers.*

## **Aurora Leasing Limited, 2 Downland Close:**

In summary the concerns raised comprise that the:

Comment: The proposal shows a complete disregard for the privacy and amenity of both its own occupants and the occupants of existing and adjacent users. It would result in unacceptable levels of overlooking of their premises which will mean they will need to be wary of being overlooked when they review confidential documents in their office.

Response: *The design put forward has given adequate consideration to the position and layout of the proposal and is considered to provide reasonable separation distances between the new development and neighbouring properties.*

*The privacy distances identified in the Councils Residential Design Guidance SPD are intended to relate to relationships between residential properties rather than relationships involving commercial uses. However, the distances between an external amenity space in the proposed development and a window at a neighbouring commercial property would be greater than the distance of 10.5m identified in this guidance as appropriate between directly facing windows and amenity spaces (distances would be greater than 12m). Notwithstanding this, the distances are considered by officers to be sufficient to achieve adequate levels of privacy and prevent unacceptable overlooking in the circumstances of this proposal (from either parties perspective).*

*Distances between clear glazed windows in the proposed development and facing windows at a neighbouring commercial property would not be less than 18m (which is less than the 21m distances identified as appropriate between directly facing residential windows in the Council's adopted SPD). This is considered by officers to be a sufficient distance to achieve adequate levels of privacy and prevent unacceptable overlooking (from either parties perspective) given the circumstances and relationships found on the site.*

*Matters relating to privacy and overlooking in respect of neighbouring residential properties are addressed in previous sections of this report.*

*Subject to the conditions recommended the design and layout of the windows, doors and external amenity areas in the proposal are such that the neighbouring residential and commercial properties would all be provided with an adequate level of privacy and not suffer unacceptable overlooking. The impact on privacy at neighbouring properties is not found to be materially harmful and it is not considered that a refusal of planning permission on this basis would be justified in this instance. The proposal is therefore found to be acceptable in this regard.*

Comment: The size, scale, height and location of the proposed development is such that it will result in a loss of daylight and sunlight at neighbouring commercial properties, particularly during the winter months, and adversely affect their working environment.

Response: A number of sunlight, daylight and overshadowing assessments have been prepared by Anstey Horne and submitted in support of the planning application. Anstey Horne have conducted their analysis in accordance with the BRE Guidelines and are suitably qualified to carry out such assessments. The findings of these assessments are considered to be sufficiently robust and a fair interpretation of the likely impacts of the development. As previous sections of this report explain in more detail the impacts of the proposed development in terms of daylight, sunlight and overshadowing at neighbouring properties is found to be acceptable by officers.

The neighbouring commercial units along Downland Close comprise warehouse style buildings with relatively few window openings (for buildings of their size). During an inspection of the site and the surrounding area by officers, it was noted that there are a number of windows along the flank elevation of 2 Downland Close that face onto the application site. Whilst the proposed development would lead to some loss of natural light to these windows during the early morning and later in the day, particularly during the winter months, daylight and sunlight would still continue to be received by these windows during much of the day. It is not considered that a reason for refusal on the basis of the impacts that would arise would be justified in this instance and officers find that a reasonable working environment would be maintained for employees of the neighbouring commercial units.

Comment: The development is likely to kill the mature trees that screen warehouse number 4.

Response: The tree impacts of the proposal are set out in full in subsequent sections of this report. In summary the submission made includes an appropriate tree survey and arboricultural impact assessment, conducted by a suitably qualified and experienced party. This identifies that 7 trees will need to be removed in order facilitate the development. None of these trees are subject to Tree Preservation Orders. The conditions recommended require the use of appropriate tree protection measures elsewhere in order to protect the remaining trees on and around the site. An extensive landscaping scheme is proposed as part of the development (and required through the conditions recommended). This incorporates the planting of more trees than would be removed (in excess of 30 trees is anticipated) and includes the use of trees to provide a buffer between the application site and various neighbouring properties.

Officers consider that the tree related impacts of the proposal are acceptable subject to the conditions recommended.

Comment: The overshadowing caused by the proposed development will cause snow and ice to persist on the steepest parts of Downland Close in places where the sun currently melts it and makes the incline easier to negotiate for vehicles and pedestrians. This is contrary to development plan policies.

Response: The existing building at the application site already overshadows part of Downland Close. Whilst the new build element of this proposal would

*create some additional overshadowing during the early morning and later in the day, particularly during the winter months, daylight and sunlight will still continue to be received on Downland Close itself towards the middle of the day.*

*Notwithstanding this, Downland Close is a private road. It is the responsibility of the relevant land owner to ensure that any vehicles using the highway can safely ingress and egress. Maintaining safe road conditions during the winter months, where snow and ice could be present, may therefore require gritting or other measures. However, this is likely to be the case whether or not any additional shadow is cast over the road by the proposed development and would not solely be contingent on the amount of sunlight received by roadway (which during the winter months could be limited in any event due to overcast weather conditions).*

*In this case, the owner of Downland Close would need to ensure safe conditions are maintained for road users regardless of the outcome of this planning application. Given that Downland Close is a private road (and not land controlled by the highway authority), it is not within the gift of this planning application to ensure all relevant potential road safety measures are used on this road. The application is not found to be contrary to development plan policies on providing safe access and highway safety matters more widely (which are discussed in more detail in other parts of this report).*

Comment: Large pieces of plant and equipment are occasionally recovered by their business, the transporting of which can create noise vibration that would disturb future occupiers of the proposed development and potentially pose a danger to them from a lorry crashing through their residence. The activities at neighbouring businesses also generate an environment more widely (traffic, lights, intrusive CCTV, noise and vibration) that has not been taken adequate account of in the development of the proposal.

Response: *These points are responded to in previous sections of this report.*

### **3.8 Affordable Housing**

London Plan Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought when negotiating on individual residential schemes, having regard to:

- Current and future requirements for affordable housing at local and regional levels identified in line with Policies 3.8 and 3.10 and 3.11.
- Affordable housing targets adopted in line with Policy 3.11.
- The need to encourage rather than restrain residential development (Policy 3.3).
- The need to promote mixed and balanced communities (Policy 3.9).
- The size and type of affordable housing needed in particular locations.
- The specific circumstances of individual sites.
- The resources available to fund affordable housing and maximise affordable housing output
- The priority accorded to affordable family housing provision

Affordable housing negotiations are required to take account of a sites individual circumstances, including development viability, the resources available from registered providers, the implications of phased development and other scheme requirements. London Plan policies also make it clear that affordable housing should normally be provided on site and off site contributions to affordable housing will only be accepted in exceptional circumstances.

This approach is reflected in Local Plan policy DM10 which requires the maximum reasonable amount of affordable housing to be provided on site, subject to viability, having regard to a borough wide target that 40% of housing provision should be affordable. Local Plan policy CS4 identifies that on sites which are suitable for the provision of an element of affordable housing the Council may exceptionally accept the provision of off site affordable housing or a commuted payment instead of such provision.

The proposal would provide a total of 9 affordable housing units on site with the following mix of dwellings types:

9 Intermediate (Shared Ownership) units in total comprising:

- 4 x one bedroom two person flats
- 3 x two bedroom four person flat
- 2 x three bedroom five person flats

This provision equates to approximately 6.2% of the total dwellings proposed and 5.8% of the total habitable rooms proposed in the development.

To explain and justify this level of contribution Redrow Homes have submitted a confidential report which evaluates the economic viability of the proposed development making a contribution to affordable housing provision. The Council then commissioned Deloitte Real Estate to independently review this report and examine its findings.

Taking account of the costs associated with bringing the development forward, including the associated planning obligations and likely CIL payments, and the value that the applicant would be likely to generate from the scheme, Deloitte Real Estate conclude that proposed contribution represents the maximum reasonable amount of affordable housing that it is financially viable for the development to provide. Therefore in this instance the proposed contribution to affordable housing is considered to be acceptable and compliant with the objectives of planning policies. As set out in section 3.2 of this report the mix of affordable dwellings proposed is considered to be acceptable.

As set out in the heads of terms towards the start of this report (at Recommendation 1), officers recommend that a subsequent re-appraisal of the viability of the development is carried out if the development is not substantially implemented within 12 months of the date when the period under which the application is potentially challengeable under judicial review proceedings has passed (or 12 months after the date on which any Judicial review is resolved). This would ensure that should circumstances change and

the scheme became more economically viable a correspondingly appropriate financial contribution to the provision of affordable housing within the borough would be made to the Council. This would be up to a maximum of the equivalent value of 35% of the units proposed (reduced from 40% due to the on-site contribution to affordable housing agreed) and such a payment would be in addition to the on-site affordable housing obligation set out above.

### **3.9 Trees and Landscaping:**

Policy DM01 identifies that proposals will be required to include hard and soft landscaping that:

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

The policy also states that trees should be safeguarded and when protected trees are to be felled the council will, where appropriate, require replanting with trees of an appropriate size and species.

The application is accompanied by a Tree Survey and Arboricultural Impact Assessment (prepared by Midland Forestry Ltd), which identifies and evaluates the impacts of the proposal on existing trees within and around the site. This report sets out that the development would result in the loss of 7 existing trees from the site. Of the trees which would be lost 4 are category C trees and 3 are category B trees (using the chart on tree quality assessment found in the BS5837:2012). None of the trees proposed for removal (and none of the trees within the application site) are covered by a Tree Preservation Order (TPO). A further 6 individual trees and 2 groups of trees, which form part of the area assessed under the report, would be retained.

The scheme includes the planting of substantial numbers of new trees to mitigate the trees which would be lost through the proposed works and also as part of providing suitable landscaping for the development more widely. While the specific number of new trees to be planted as part of the proposal has not been identified in the submission documents it is clear from the application drawings that there is significant scope for new planting within the site as proposed. For example there is undoubtedly the potential to plant well in excess of twice the number of trees which would be lost through the development proposed.

It is accepted that the removal of 7 trees from the application site is unfortunate. However, officers consider that the new trees which would be planted as part of the landscaping works associated with the proposed development provide adequate mitigation for the trees which would be lost in this instance. Conditions have been recommended to ensure that the trees

and wider landscaping implemented as part of the development would be of a sufficient quality, including the planting of new trees of a suitable size, species and number. Conditions also have been recommended to ensure that all appropriate measures are taken to protect the trees proposed for retention within and adjacent the site. Officers take the view that appropriate consideration has been given to trees in the development of the scheme.

More generally the landscaping proposed for the site is considered to include an adequate balance of hard and soft surfaces (including new areas of lawn and shrub planting) and provides an appropriate setting for the buildings proposed. Conditions have been recommended to ensure that the landscaping finally installed is of an appropriate design and quality and makes a positive contribution to the area, including assisting in the creation of a safe and secure environment. Matters relating to access, parking biodiversity and habitat provision are addressed in other sections of this report in full. However, in each of these regards the landscaping proposed is found to be acceptable.

It is concluded that the development provides more than adequate mitigation for the trees which would be lost as part of the works proposed and that the scheme is acceptable and compliant with development plan policy in respect of tree and landscaping matters.

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

#### Policy context

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

Major development proposals with the potential for significant trip generation will be expected to be in locations which are, or will be made, highly accessible by a range of modes of transport and supported by a Transport Assessment that fully assesses the transport implications of the development across all modes. Schemes are also required to implement and maintain a satisfactory Travel Plan to minimise increases in road traffic and meet mode split targets.

#### Parking provision

The car parking standards for residential development, as set out in the Barnet Local Plan, recommend a range of parking provision for new dwellings



based on the on a sites Public Transport Accessibility Level (PTAL) and the type of unit proposed. For the different types of unit the range of provision is as follows:

Four or more bedroom units - 2.0 to 1.5 parking spaces per unit  
Two and three bedroom units - 1.5 to 1.0 parking spaces per unit  
One bedroom units - 1.0 to less than 1.0 parking space per unit

Using the standards set out in the Barnet Local Plan the residential element of the development generates a maximum car parking provision of between 100.5 to 195.5 car parking spaces. The Barnet Development Management Policies Document recommends that flexibility is applied when assessing residential parking provision. More specifically paragraph 18.8.2 states that:

“18.8.2 Our approach to parking provision accepts the need for restraint, but intends to apply it with sensitivity to local circumstances. While all non-residential development should comply with the parking standards set out in the London Plan in deciding on residential parking requirements, we will continue to apply the standards set out in the adopted Unitary Development Plan 2006. This provides flexibility to consider the accessibility of individual locations, based on:

- The level of public transport accessibility (PTAL);
- Parking stress including the level of on-street parking control;
- The population density and parking ownership of surrounding areas;
- The location (i.e. is it in a town centre);
- Ease of access by cycling and walking; and
- Other relevant planning or highways considerations, such as to whether the proposal is a conversion of an existing use.”

The proposed parking provision of 154 spaces is within the range that planning policies would expect to be provided for the residential element of the scheme. Given the sites circumstances, including its location in an area that has a Public Transport Accessibility ranging between 3 (the western part of the site) and 5 (the eastern part of the site) and which is either in or on the edge of Whetstone Town Centre (and the amenities it offers), the parking provision proposed for the residential element of the scheme is found to be acceptable in this instance. Based on the circumstances of the site and the nature of the scheme the level of parking proposed is found to strike the appropriate balance between the need to minimise the impact of parking associated with the development on the surrounding area and the requirement to not undermine the use of more sustainable modes of transport (walking, cycling and public transport).

Barnet Local Plan policies (in the Development Management Policies Document) identify (at paragraph 18.8.2) that ‘all non-residential development should comply with the parking standards set out in the London Plan’. The parking standards at Table 6.2 of the London Plan recommend a provision of up to 1 car parking space per 100 to 600m<sup>2</sup> of Class B1 office use proposed. The London Plan does not identify specific standards for uses within Class D1. Instead parking provision for such uses is to be assessed individually.

Taking into consideration the circumstances of the site, including its location within walking distance of Whetstone Underground Station and several bus routes and proximity to the amenities provided by Whetstone Town Centre (the site is partially within and partially on the edge of the town centre), and the nature of the uses proposed the provision of 13 parking spaces is considered to be acceptable for the non-residential elements of the development. While the level of parking for the non-residential uses proposed is towards the higher end of what planning policies might expect, it is considered that this is justified in this instance by the nature of the D1 uses sought (and the parking demand they may be expected to generate). The level of parking is considered to strike the appropriate balance between the need to minimise the impact of parking associated with the development on the surrounding area and the requirement to not undermine the use of more sustainable modes of transport (walking, cycling and public transport).

Conditions have been recommended to ensure that the parking spaces proposed are provided prior to the occupation of the development and allocated and managed in an appropriate way. Conditions and planning obligations requiring the provision of appropriate Travel Plans have been recommended. These will assist in encouraging travel by non-car modes of transport. Subject to the controls in place under the conditions and obligations recommended the provision of a total of 167 car parking spaces for the development proposed is considered to be acceptable and compliant with the objectives of development plan policy.

Development Plan policies require that proposals provide 10% of the car parking spaces in a scheme to a disabled parking space standard. The application proposes to provide 17 of the 167 spaces proposed to a disabled parking space standard, including 1 of the 13 car parking spaces proposed for the non-residential element. This is considered to be an acceptable approach that is compliant with the requirements of development plan policies.

Development Plan policies require that schemes provide 1 in 5 parking spaces (both active and passive) with electric vehicle charging points (EVCP). The conditions recommended require that not less than 31 (20%) of the car parking spaces proposed for the residential element of the scheme are provided with active EVCP and that a further 20% of the residential parking spaces proposed would have passive EVCP provision. The conditions recommended also require that not less than 3 (20%) of the car parking spaces proposed for the non-residential element of the development are provided with active EVCP and that a further 10% (in accordance with the standards identified on Table 2 of the London Plan) of the non-residential spaces proposed would have passive EVCP provision. Subject to these conditions the scheme is found to be acceptable comply with planning policy in this regard.

The development includes dedicated areas for the storage of 259 cycles. This comprises facilities for the storage of 26 cycles associated with the non-residential element of the scheme and facilities for the storage of 233 cycles associated with the residential part of the scheme. This level of provision is considered to be acceptable and policy compliant and a condition has been

recommended to ensure it is carried through into the implementation of the scheme.

It is noted that a number of objections have been received that the development has inadequate parking and would result in an unacceptable adverse impacts on the road network surrounding the site and the amenities of neighbouring occupiers. However, for the reasons outlined, it is considered that the proposed development, as could be controlled through the conditions and planning obligations recommended, is acceptable and compliant with development plan policies in respect of parking matters.

It is also recognised that TfL have stated that the level of car parking in the scheme should be reduced for both the residential and non-residential elements. However, for the reason set out above it is considered that the levels of parking proposed are appropriate in this instance.

#### Access and site layout

The main point of vehicular ingress and egress for the proposed development would be provided from a single location at the northern end of the sites High Road frontage (eastern side of the site). This point currently contains an existing access which would be reduced in width from approximately 10m to approximately 6m under the works proposed. Officers consider that the reduction in the width of the existing vehicular access proposed would be beneficial to pedestrian movement on the High Road, while still providing suitable vehicular access arrangements for the proposed development. A second vehicular access point would also be provided at the southern end of the sites High Road frontage. However, this would be solely for the use of emergency vehicles.

The vehicular access proposed at the southern end of the sites High Road frontage for the use of emergency vehicles would be located partly within an existing bus stop cage. In order to facilitate the provision of suitable access for emergency vehicles at this point and still provide adequate arrangements for buses users, including disable people, a design has been proposed that includes the use of 'chamfered' kerb (instead of a dropped kerb). The London Fire and Emergency Planning Authority have confirmed that they find the access arrangements proposed to be acceptable. The arrangement is also considered to be acceptable by TfL (including in terms of its potential impact on the operation of the bus stop). Given that this access is solely for the use of emergency vehicles and will only be in operation on very rare occasions the Council's Traffic and Development Team do not raise any objections to the approach proposed.

In order to deliver the new emergency vehicular access at the sites southern end and maintain this as a clear potential route a range of works to the public realm will be needed. This is likely to include the introduction of the chamfered kerb, other new hard landscaping on the public highway, the relocation of at least one lamp column (but potentially more), alterations to road markings and changes to waiting restrictions. Given its importance to the safe operation of the scheme and the nature of the works involved a planning obligation has been recommended which would ensure that the access and the associated changes to the public realm are provided in an appropriate manner prior to the

development being occupied. This includes the measures to be used to ensure that the access is used solely by emergency vehicles. It is also recommended that a financial contribution of up to £3,500 is sought (through a separate obligation). This sum would specifically fund modifications to waiting restrictions at the entrance to the proposed new emergency access (further sums may need to be paid under the requirements of other legislation to deliver other changes associated with these works).

Within the site access to the multi-level car parking areas provided as part of the development would be achieved through a ramped road (running east west) along the northern part of the site (accessed from the main northern point on the High Road). Details of the gradient of this structure have been provided and these are considered to be acceptable for the use of cars accessing the parking facilities proposed. However, conditions have been recommended to ensure that this aspect of the development is implemented in an appropriate manner. In addition to the on-site car parking facilities the main (northern) access point would serve an area that would be used to provide a delivery and servicing area for the development and also act as a refuse collection point. The application seeks the provision of all 167 of the parking spaces proposed on communal parts of the site. Conditions have been recommended to ensure that the parking facilities implemented would be acceptable in the relevant regards.

Several points of pedestrian access would be provided along the length of the sites High Road frontage. These include a point at the southern end of the site specifically for the residential dwellings proposed (which would also provide cycle access) and a dedicated walkway at the sites northern access point (alongside the access route to the car park) which would provide a route to the non-residential floorspace proposed.

A condition has been included in those recommended to ensure that appropriate refuse and recycling facilities are delivered within the development and that a suitable strategy for the collection of refuse and recycling from the site is in operation at the point that the development is brought into use. Subject to such controls the proposal is found to be acceptable in this respect.

Council Highway Officers conclude that the layout and access arrangements of the development proposed do not present any defects that would raise a highway safety concern. The proposal is found to be acceptable and compliant with development plan policies in this respect.

It is noted that comments have been received which put forward potential measures to mitigate the transport and highways impacts of the development (including traffic lights). It is not considered that such measures are necessary for the development proposed to be acceptable and they do not form part of the proposal under consideration.

#### Trip generation

To establish the trip generation associated with the existing uses on the site traffic and pedestrian surveys were carried out in October 2012 (before the site became vacant). The survey carried out showed a total of 23 car driver

trips in the AM Peak and 30 car driver trips in the PM Peak. The peak hour trips survey observations are summarised in Table 6.3 below, which is taken from the Transport Assessment submitted with the application.

Table 6.3 Existing Multi-Modal Trips

Mode of travel	AM Peak			PM Peak		
	Inbound	Outbound	Total	Inbound	Outbound	Total
Car Driver	16	7	23	7	23	30
Car Passenger	0	0	0	0	0	0
Motorcycle	0	0	0	0	0	0
Bicycle	0	0	0	0	0	0
Taxi	0	0	0	0	0	0
Walk	2	0	2	3	10	14
LUL	2	0	2	3	9	11
Train	1	0	1	1	3	4
Bus	3	0	3	5	13	18
<b>Total Person</b>	<b>23</b>	<b>8</b>	<b>31</b>	<b>19</b>	<b>58</b>	<b>77</b>

*\*Note: Numbers Rounded*

For the residential element of the proposed development the expected trip generation (for car driver, car passenger, motorcycle, bike, walk and public transport) have been calculated using a combination of TRAVL database trip rates and Census 2001 Method of Travel to Work data. Trip generation associated with the non-residential uses proposed (Classes B1 and D1) have been calculated using a first principles approach and, as the Class B1 use is expected to have a more intensive person trip generation during peak hours, the Class D1 space has been included within the Class B1 trip generation.

Estimates for the Class B1 space (which include the Class D1 space) are based on assumptions of 1 employee per 30m<sup>2</sup> of floorspace, that 85% of occupiers will be on site on any given day and that 55 % of employees will arrive and 10% depart in the AM Peak Hour (with reverse arrival and departure profiles in the PM Peak Hour). The total person trips for the proposed development have then been assigned to modes of transport based on Census 2001 Journey Method Travel to Work Daytime Population for Totteridge ward. However, as vehicle trips to the site will be curtailed by the on site car parking provision the car mode trip figures have been adjusted accordingly. The methods used are considered to be adequate approaches to calculating and assigning trip generation for a proposal of this nature.

Since the submission of the original (dated November 2013) Transport Assessment there have been small changes (an increase in floorspace) to the commercial element of the development proposed. These changes are predicted to negligibly increase (by three) the two way total person trips in both the AM and PM peak periods. Officers consider that such changes would not result in a significant additional impact on the public highways and find the original trip generation analysis (in the November 2013 Transport Assessment) to provide a sufficiently robust assessment of the current

proposal. However, updated assessments have been carried out by officers where this is considered appropriate.

Using the methods outlined above the predicted total trip generation for the proposed development by mode (reflecting the latest scheme) in the AM and PM peaks (08:00AM to 9:00AM and 17:00PM to 18:00PM) are as set out in the table below:

Total Future Trip Generation from the Proposed Development

Mode of travel	AM Peak	PM Peak
	Total	Total
Car Driver	39	37
Car Passenger	12	9
Motor Cycle	2	5
Pedal Cycle	3	1
Taxi	1	1
Walk	13	15
Underground	32	43
Rail	4	6
Bus	16	19
Total Person	122	135

Note: Numbers rounded

A summary of the expected net changes in trip generation for the site by mode (reflecting the latest scheme) in the AM and PM peaks (08:00AM to 9:00AM and 17:00PM to 18:00PM) following the implementation of the proposed development (compared to the situation surveyed in October 2012) are set out in the table below:

Net Change in Trip Generation Following the Proposed Development

Mode of travel	AM Peak	PM Peak
	Total	Total
Car Driver	16	7
Car Passenger	12	9
Motor Cycle	2	5
Pedal Cycle	3	1
Taxi	1	1
Walk	10	1
Underground	30	32
Rail	3	2
Bus	13	1
Total Person	90	59

Note: Numbers rounded

In terms of vehicular trips the assessment carried out forecasts that for the whole development there would be an increase of 16 vehicle trips in the AM Peak and an additional 7 vehicle trips in the PM Peak following the proposed development. This equates on average to one extra vehicular movement

every 4 minutes and about one every 9 minutes in the AM and PM Peak hours respectively. Officers find that the predicted vehicle trip generation associated with the proposed development would not be expected to have a significant detrimental impact on the highway network. Transport for London have also concluded that the scale and nature of the proposal is such that it would not be expected to have a negative impact on the highway network. It is concluded that the development would not be expected to result in any significant detrimental impacts on the local highway network. This conclusion is also reached when the traffic impacts of relevant committed developments in the surrounding area are taken into consideration. As such the proposal is considered to be acceptable and compliant with the objectives of policies in this respect.

The vehicle movements, although more constant throughout the day are predicted to be lower in numbers outside of peak hours than they are at peak hours. As such predicted vehicle movements outside peak hours are not expected to have a detrimental impact on the public highway network either.

A Stage 1 Road Safety Audit was submitted to assess the impact of the access into the development. The findings of the road safety audit identified a minor risk at the existing vehicular access on the High Road due to restricted visibility in the presence of an on street bus stop adjacent to the access. It is noted that the last 3 years accident history identify two slight Personal Injuries Accidents (PIA). However, the causes for both accidents were related to driver conditions and not to vision affected (stationary or parked vehicles). Taking into consideration that this is an existing access, which will be reduced in width under the proposal, where there will be a small number of additional trips resulting from the development (maximum 16 additional two way vehicle trips at the AM Peak hour), the nature of bus movements in the area and the accident history at this junction it is considered that the use of this vehicle access as proposed is acceptable. It is concluded that the proposed development would not be detrimental to highway safety and that the scheme is acceptable and compliant with the objectives of development plan policies in this respect subject to the conditions and planning obligations recommended.

In terms of movements on foot the proposed development is expected to generate a total of 13 two way pedestrian trips in the AM peak hour and 15 in the PM peak hour. A further 52 and 68 movements on foot are forecast to be assigned to public transport in the AM and PM peaks respectively. As two way trips arriving at and departing from the site (as proposed) on foot this equates to a total of 65 movements in the AM Peak and 83 in the PM Peak. This represents an increase of 56 trips on foot in the AM Peak and 33 in the PM Peak. It is anticipated that the main desire lines for pedestrians would be towards Chandos Avenue (for Oakleigh Park Railway Station), towards Totteridge Lane (for Totteridge and Whetstone Underground station) and towards bus stops and facilities to the north and south of the site.

A Pedestrian Environment Review System (PERS) assessment has been submitted as part of the application. This includes assessment of a total of five links, one crossing, two Public Transport Waiting Areas, one interchange space and one route. The findings of the PERS assessment were positive,

with all items being classified as 'green' (positive overall). The audit did identify that the local bus stops do not benefit from raised kerbs to assist in the boarding and decanting of the mobility impaired. However, following the submission of further information on this matter TfL confirmed that the existing kerb heights adjacent bus stops meet the minimum requirements. As such planning obligations to deliver enhancements to local bus facilities have not been sought in this instance.

Officers conclude that the proposal is acceptable and compliant with development plan policies in terms of its impacts on pedestrians and the pedestrian environment created, subject to the conditions and planning obligations recommended.

The submission estimates the impact of the proposal on public transport facilities, including the bus, London Underground and rail networks. In each case the proposal is found to have imperceptible or minimal impacts on the public transport network. Officers accept these findings and conclude that the impact of the proposal is acceptable in this respect. Transport for London have also found that the development would not have a negative impact on the public transport network.

#### Transport management plans

A Framework Travel Plan has been included in the documentation submitted with the application. However, conditions and obligations are recommended to ensure that an acceptable and policy compliant strategic level Residential Travel Plan is provided for the residential element of the development prior to its occupation. The Residential Travel Plan provided will be required to include the appointing of a Travel Plan Champion and the use of (financial) Travel Plan incentives for the first occupier of each residential unit. The Travel Plan incentives would comprise a voucher to a minimum value of £300 per dwelling to encourage the use of more sustainable modes of transport (this requirement is included in the obligations recommended). The voucher provided would allow the occupier concerned to purchase two of the following Travel Plan incentives up to a limit of £150 per incentive:

- Subsidised membership of and credit for a Car Club.
- Credit on an Oyster Card travel pass.
- A bike voucher.

As the commercial (Use Class B1) uses proposed exceed the relevant criteria a local level Commercial Travel Plan is required in conjunction with the development. Conditions and obligations are therefore recommended to ensure that an acceptable and policy compliant Commercial Travel Plan is provided prior to the occupation of this element of the scheme.

The Traffic and Development Team have advised that should the community or education uses proposed (Use Class D1) be occupied by a nursery or other similar educational use then a Nursery or Education Travel Plan that meets the appropriate criteria would be needed in connection with the development. As with the other Travel Plans conditions and obligations have therefore been recommended to ensure that an acceptable and policy compliant Travel Plan is provided prior to the occupation of the scheme for nursery or educational uses.



In order to ensure that the objectives of the Travel Plans are being met a monitoring contribution of £10,000 is included in the planning obligations recommended.

To mitigate any adverse impacts from construction traffic on the road network surrounding the site a Construction Management and Logistics Plan would need to be prepared and implemented in respect of the proposal. A condition to this effect has therefore been recommended. A condition has also been recommended to ensure that an appropriate Servicing and Delivery Plan is provided for the non-residential uses proposed. This will minimise the impacts of the servicing and delivery activities associated with these uses.

#### Parking, highways and transport conclusions

The Council's Traffic and Development Team have assessed the proposal and consider it to be acceptable in all relevant regards. For the reasons outlined above the scheme is found to be acceptable and compliant with the objectives of development plan policy in relation to parking, highways and transport matters subject to the imposition of the conditions and planning obligations recommended.

#### **3.11 Creating inclusive environments for all members of the community:**

Planning policies make it clear that new developments should be accessible, usable and permeable for all users. Statements should be submitted with proposals explaining how the principles of inclusive design have been integrated into the development for which consent is sought.

The documents submitted with the application identify a number of ways in which the design of the proposal has been influenced by the desire to make it accessible for all members of the community. The Design and Access Statement provided sets out that the proposed dwellings would all meet the relevant Lifetime Homes standards and that level access will be provided to the main entrance of each block. At least 10% of the dwellings proposed (15 in total) would be designed to meet wheelchair accessible standards or be easily adaptable to meet such requirements and 10% (17 in total) of the parking spaces proposed would be provided to a disabled parking space standard.

Conditions have been recommended to ensure that all the proposed dwellings would meet the relevant Lifetime Homes standards, not less than 10% of the dwellings proposed would meet or be easily adapted to meet wheelchair accessible standards, the site would be developed at appropriate levels and 10% of the parking spaces proposed are provided to a disabled parking space standard. As the uses within significant parts of the development would not technically be subject to the requirements of Part M (access) of the Building Regulations a condition has also been recommended to ensure that the development as a whole achieves an appropriate minimum standard in terms of creating an environment that is accessible to all.

Subject to the controls in place under the conditions recommended officers conclude that the design and layout of the proposal is such that it is acceptable and compliant with development plan policy in terms of creating a

development that is accessible, useable, permeable and inclusive for all members of the community.

### **3.12 Contaminated land and water quality issues:**

The Council's Environmental Health Service has confirmed that any potential concerns they may have regarding contaminated land issues are adequately addressed through the conditions recommended in this respect. The Environment Agency has not raised any objection to the proposal or requested that any conditions be imposed on a grant of consent in terms of contaminated land or water quality matters.

Having evaluated the information submitted, it is considered that, subject to the conditions recommended, the proposal is acceptable and compliant with development plan policy in respect of contaminated land and water quality matters.

### **3.13 Safety and security matters:**

Development plan policies require new developments to provide a safe and secure environment for people to live and work in and reduce opportunities for crime and fear of crime.

The London Fire and Emergency Planning Authority and Metropolitan Police Service have not raised any objection to the proposal or requested that conditions are placed upon any grant of consent. A condition has been recommended to ensure that the development provides suitable access for emergency vehicles.

It is recognised that responses to the consultation have been received from residents suggesting that the proposal would have an adverse impact on their safety and security. Conditions have been recommended to ensure that appropriate means of enclosure and landscaping are implemented as part of the development. Subject to these controls officers consider that the proposal has gone as far as it reasonably could be expected to in terms of providing a safe and secure development for future occupiers and neighbouring properties. It is also noted that the Metropolitan Police have not identified any concerns in this regard.

The design and layout of the development proposed is considered to be such that, as controlled through the conditions recommended it would provide a safe and secure environment. The proposal is deemed to be acceptable in respect of providing a safe and secure development with an environment which reduces opportunities for crime and the fear of crime.

### **3.14 Flooding and water infrastructure matters:**

The application site does not fall within an area identified as being at risk of flooding (Flood Zone 1). The Environment Agency has responded to the consultation and has not raised any objection to the proposal or requested any conditions be placed on a grant of consent in respect of flood risk matters. The Environment Agency has commended the inclusion of green and brown

roofs, swales and filter drains in the proposal (as described in the Flood Risk Assessment (November 2013) by WSP submitted with the application). Conditions have therefore been included in those recommended to ensure that these items and other appropriate drainage infrastructure and systems are implemented as part of the development.

Thames Water have responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed upon any grant of consent. Thames Water has made a number of points in respect of waste water and water infrastructure matters and these have been included as informatives. It is acknowledged that objections have been received in respect of the potential impact of the proposal on sewage infrastructure capacity in the area. While these concerns are noted Thames Water has specifically advised that with regard to sewage infrastructure capacity they would not have any objection to this application. Conditions have been recommended in respect of the water and drainage infrastructure to be installed as part of the development and, subject to the imposition of these, the proposal is found to be acceptable in this regard.

The Environment Agency has identified it as positive that the part of the development (new build residential element) which has been committed to be delivered at Code for Sustainable Homes Level 4 should include the water efficiency measures needed to achieve a maximum water usage of 105 litres/head/day. They find that this will go a long way to relieving pressure on the water supplies in this area. The Environment Agency has also suggested that the inclusion of water efficiency measures should be considered for the commercial parts of the scheme. To address the objectives of development plan policy on water efficiency conditions have been recommended to ensure that water efficiency measures seeking to achieve a usage of not more than 105 litres per head per day are implemented as part of the residential element of the proposal. Other conditions have been recommended to ensure that the development more widely (including the non-residential elements) includes suitable water efficiency measures, such as low flow taps and dual flush toilets, and minimises water usage. Subject to these conditions the development is found to be acceptable in this respect. Both businesses potentially supplying water to the development (Affinity Water Company and Thames Water) have been consulted on the application and neither has raised any objections to the development in relation to water supply matters or on any other grounds.

The proposal is considered to be acceptable and compliant with planning policies on flooding and water infrastructure matters, subject to the conditions recommended.

### **3.15 Energy, climate change and sustainable construction matters:**

London Plan Policy 5.2 requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy

Residential and non-domestic developments should currently achieve a 40% reduction in carbon dioxide emissions when compared to a building constructed to comply with the 2010 Building Regulations. Policy 5.3 of the London Plan goes on to set out the sustainable design and construction measures required in new developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation.

Policy 5.4 (Retrofitting) identifies that the impact of existing areas should be reduced through policies and programmes that bring existing buildings up to the Mayor's standards on sustainable design and construction. For existing building stock particular emphasis is placed on reducing carbon dioxide emissions, improving the efficiency of resource use (such as water) and minimise the generation of pollution and waste.

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

Where proposals include the construction of new homes this element of the scheme is expected to comply with the guidance set out in the council's SPD in respect of the level of the 'Code for Sustainable Homes' that is achieved. The council's adopted Sustainable Design and Construction SPD requires that newly constructed homes in developments of the nature proposed commit to a Code Level 4 or above against the Code for Sustainable Homes. Where proposals relate to either the conversion of existing buildings or include a non-residential element (both of which occur in this application) schemes are expected to achieve a standard of 'Very Good' under the Building Research Establishment Environmental Assessment Method (BREEAM).

#### Carbon dioxide emissions

The application is accompanied by an Energy Strategy (dated February 2014). This confirms that the new build element of the scheme (blocks B to E containing 48 new dwellings) would achieve a reduction of just over 40% in terms of carbon dioxide emissions relative to a building constructed to comply with the minimum requirements of the 2010 Building Regulations. Such an improvement is sufficient for this element of the scheme to comply with the requirements of policy on the reduction of carbon dioxide emission in its own right. A condition has been recommended to ensure that this part of the development achieves the level of carbon dioxide reductions identified in the Energy Strategy as a minimum at implementation.

Taking the development as a whole (the new build and conversion elements) the Energy Strategy identifies that the proposal would achieve a reduction of 28.6% in terms of carbon dioxide emissions relative to a building constructed to comply with the minimum requirements of the 2010 Building Regulations. It

is acknowledged that this falls short of the reductions sought under the London Plan. However, it is also recognised that a significant element of the scheme relates substantively to a conversion of an existing building on the site. This approach results in both constraints and benefits in terms of the objectives of reducing carbon dioxide emissions and achieving a sustainable development more widely. Officers consider that the substantial level of carbon dioxide reductions that the Energy Strategy submitted identifies the scheme would achieve (as a whole) and the broader sustainability features included in the scheme (as set out in various parts of this report) justify the approach taken in this particular instance. The sustainability of the development more widely is demonstrated by the non-residential and residential conversion elements of the scheme both achieving BREEAM 'Excellent' when they are only required to achieve 'Very Good' under Barnet's Sustainable Design and Construction SPD (see report below for further details on this matter). A condition has been recommended to ensure that the development as a whole achieves the level of carbon dioxide reductions identified in the Energy Strategy as a minimum. Subject to this condition (and conditions ensuring the delivery of other sustainability objectives) the proposal as a whole is found to be adequate in respect of reducing carbon dioxide emissions.

The submission indicates that the use of on site renewable energy generation technologies is not proposed as part of the development. It is accepted that the introduction of the potentially viable on-site renewable technologies would limit the use of features, such as green roofs, which have been proposed as part of this scheme and will be positive sustainability features in their own right. Given the sustainability benefits arising from the use of green roofs and the levels of carbon dioxide reductions the scheme is committed to achieving (relative to a building Regulations compliant scheme) the absence of on site renewable technologies in the proposal is found to be acceptable in this particular instance.

#### Other aspects of sustainable design and construction

A Sustainability Statement, prepared by WSP, has been submitted with the application. This identifies a number of sustainable design features that the proposal would incorporate to develop in a sustainable way, mitigate and adapt to climate change, conserve resources and minimise pollution. These include elements such as measures to reduce water consumption, the provision of appropriate recycling facilities, the inclusion of energy efficiency measures, the construction of 10% of the new dwellings as wheelchair accessible units and the installation of facilities for cyclists.

The submission includes a preliminary Code for Sustainable Homes assessment for the new build (entirely residential) element of the scheme. This makes it clear that the proposal could meet Code for Sustainable Homes Level 4. It is considered that the details provided in the submission are acceptable in this regard and that this aspect of the application would result in a development which reaches an appropriate standard in respect of sustainable design and construction matters.

The submission also includes preliminary BREEAM assessments for the non-residential and residential conversion elements of the scheme. These show

how both these parts of the development could achieve a BREEAM level of 'Excellent'. It is considered that the details provided in the submission are acceptable in this regard. These elements of the application would result in a development which exceeds the minimum requirements (BREEAM 'Very Good') of Barnet's Sustainable Design and Construction SPD on this matter. The non-residential and residential conversion portions of the scheme are found to be of an appropriate standard in respect of sustainable design and construction matters.

To ensure that the commitment to reaching Code Level 4 (new build residential), BREEAM 'Excellent' (non-residential and residential conversion) and certain other key elements of developing sustainably are carried through to implementation conditions on these aspects of the proposal have been recommended. Such an approach allows a degree of flexibility as to the precise sustainable design and construction measures that are incorporated in the development, while ensuring that, taken in the round, the scheme achieves an appropriate level of sustainability.

To address policies on urban greening specifically the development includes areas of planting and soft landscaping at a ground level and areas of green roof covering 1390m<sup>2</sup> in total (confirmed in the Flood Risk Assessment submitted). Conditions have been recommended to ensure that suitable landscaping and the green roofs are delivered at the implementation stage of the development (landscaping is addressed in greater detail in section 3.8 of this report). Subject to these conditions the proposal is found to be acceptable in this regard.

### **3.16 Biodiversity matters**

The application is accompanied by a Desk Study and Extended Phase 1 Habitat Survey (dated November 2013) prepared by Thomson Ecology Limited (TE). This report presents its findings on the ecology of the site and makes a number of recommendations on what is needed for the development to comply with biodiversity legislation and policy.

The TE report recommends that measures should be taken in respect of the protection of breeding birds, common toad and reptiles. A condition has been included in those recommended which requires a scheme of measures (that have previously been agreed with the Local Planning Authority) to be in place that ensures the implementation of the proposal is compliant with policies and legislation on the protection of breeding birds, common toads and reptiles. Subject to the imposition of this condition the proposal is found to be acceptable in this regard.

The TE report identifies that no bats were recorded within 1km of the study area by the desk study carried out. The TE report also confirms that following a survey of the buildings and trees on the site by a suitably qualified specialist it has been found that the site has a negligible potential to support roosting bats. Officers accept these findings.

The TE report identifies a number of biodiversity enhancements that the scheme could deliver. These include the installation of bat and bird boxes, the

landscaping of the site with suitable species and the management of the soft landscaped areas to promote biodiversity objectives. Officers find these to be suitable biodiversity enhancements for a proposal of this nature in principle and a condition has been recommended to ensure that they are appropriately delivered as part of the schemes implementation.

Natural England has responded to the consultation on the application and has not raised any objections to the proposal. Natural England have recommended that the Council secure biodiversity enhancements for the site if it is minded to grant consent for the proposal. As noted above conditions securing appropriate biodiversity enhancements have been included in those recommended.

The tree and wider landscaping matters are addressed more fully in earlier sections of this report. However, the conditions recommended are considered sufficient to ensure that these aspects of the scheme make appropriate contributions to biodiversity protection and enhancement.

Subject to the controls in place under the conditions recommended and the requirements in place under other legislation the proposal is found to be acceptable and compliant with development plan policy on biodiversity and nature conservation matters.

### **3.17 Environmental Impact Assessment Regulations:**

The development for which consent is sought is not considered to be of a description identified in Schedule 1 of the Regulations (Town and Country Planning (Environmental Impact Assessment) Regulations 2011). However, the development is considered to be of a description identified in column 1 of Schedule 2 of the Regulations. The development described in the submission is deemed to fall within the description of 'urban development projects'. The site identified in the plans accompanying the application is not considered to be in or partly in a sensitive area as defined in Regulation 2. As a development falling within the description of an urban development project, the relevant threshold and criteria in column 2 of Schedule 2 of the Regulations is that the area of development exceeds 0.5 hectares. The area of development identified in the information submitted exceeds this threshold. The proposal is therefore Schedule 2 development.

The characteristics, location and the impacts of the development proposed are described in significant detail in other sections of this report and so are not repeated here. Having considered the characteristics of the development, the location of the development and the characteristics of the potential impacts of the proposal (the criteria set out in Schedule 3 of the Regulations) it is concluded that in each of these respects and taken in totality the proposal would not be likely to give rise to significant effects on the environment in the sense intended by the Regulations. It is considered that the proposal is not a major development which is of more than local importance, is not a proposal situated in (or partially within) a particularly environmentally sensitive or vulnerable location and is not a development with unusually complex or potentially hazardous environmental effects. This is considered to support the conclusion that the proposal would not be likely to give rise to significant

effects on the environment in the sense intended by the Regulations.

Taking account of the criteria set out in Schedule 3 of the Regulations and all other relevant factors it is considered that the development described in the information accompanying the application would not be likely to have significant effects on the environment, in the sense intended by the Regulations. Therefore an Environmental Impact Assessment is not necessary and an Environmental Statement, in line with the Regulations, is not required to be submitted with the application.

### **3.18 Planning obligation matters:**

Policy CS15 of the Barnet Local Plan states that where appropriate the Council will use planning obligations to support the delivery of infrastructure, facilities and services to meet the needs generated by development and mitigate the impact of development.

In accordance with development plan policies the following obligations are required to be secured through a legal agreement with the developer. It is considered that the package of planning obligations and conditions recommended would, when considered alongside the financial contributions that the development would be required to make under the Barnet CIL, mitigate the potential adverse impacts of the development and ensure the provision of the funding needed for the delivery of the infrastructure that is necessary to support the scheme.

#### **Affordable Housing**

In accordance with policy 3.12 of the London Plan and policies CS4, CS15 and DM10 of the Barnet Local Plan Officers recommend that a Section 106 Agreement be used to secure the following number and mix of affordable housing unit types and sizes at the application site:

9 Intermediate (Shared Ownership) units in total comprising:

- 4 x one bedroom two person flats
- 3 x two bedroom four person flat
- 2 x three bedroom five person flats

As set out in the heads of terms towards the start of this report (at Recommendation 1), officers recommend that a subsequent re-appraisal of the viability of the development is carried out if the development is not substantially implemented within 12 months of the date when the period under which the application is potentially challengeable under judicial review proceedings has passed (or 12 months after the date on which any judicial review is resolved). This would ensure that should circumstances change and the scheme became more economically viable a correspondingly appropriate financial contribution to the provision of affordable housing within the borough would be made to the Council. This would be up to a maximum of the equivalent value of 35% of the units proposed (reduced from 40% due to the on-site contribution to affordable housing agreed) and such a payment would be in addition to the on-site affordable housing obligation set out above.



Affordable housing matters are discussed in greater detail in section 3.8 of this report.

#### Employment and Training

In accordance with development plan policies which seek contributions to employment and training from schemes the proposal would deliver four apprenticeships connected with the construction and operational phases of the development for residents of Barnet. Of the four apprenticeships delivered two would be at not less than a Level 2 or 3 (as defined in the National Apprenticeship Service Framework or any subsequent scheme which replaces this) and two would be at either not less than a Level 4 or an appropriate equivalent graduate scheme. Alongside the other planning benefits which the application would deliver this obligation is considered to assist in mitigating the loss of employment generating floor space the development would result in.

#### Formation of Suitable Site Access and Modification of Waiting Restrictions

In order to deliver the new emergency vehicular access at the sites southern end and maintain this as a clear potential route a range of works to the public realm will be needed. This is likely to include the introduction of the chamfered kerb, other new hard landscaping on the public highway, the relocation of at least one lamp column (but potentially more), alterations to road markings and changes to waiting restrictions. Given its importance to the safe operation of the scheme and the nature of the works involved a planning obligation has been recommended which would ensure that the access and the associated changes to the public realm are provided in an appropriate manner prior to the development being occupied. It is also recommended that a financial contribution of up to £3,500 is sought (through a separate obligation). This sum would specifically fund modifications to waiting restrictions at the entrance to the proposed new emergency access (further sums may need to be paid under the requirements of other legislation to deliver other changes associated with these works).

#### Travel Plan and Travel Plan Monitoring

In accordance with policy DM17 of the Local Plan the applicant is required to enter into Travel Plans for the residential and non-residential elements of the development which seek to reduce reliance on the use of the private car and promotes sustainable means of transport.

The Residential Travel Plan provided would be required to include the appointing of a Travel Plan Champion and the use of (financial) Travel Plan incentives for the first occupier of each residential unit. These incentives are discussed in further detail in section 3.10 of this report, but they would comprise a voucher to a minimum value of £300 per dwelling to encourage the use of more sustainable modes of transport.

A contribution of £10,000 is required towards the monitoring of the Travel Plans for the development. This contribution is to enable the Local Planning Authority to continue to monitor the scheme to ensure the development is making reasonable endeavours to meet travel related sustainability objectives in accordance with policy DM17 of the Local Plan.

### Monitoring of the Section 106 Agreement

The delivery of the planning obligation from the negotiations stage to implementation can take considerable time and resources. As the Council is party to a large number of planning obligations, significant resources to project manage and implement schemes funded by planning obligation agreements are required. The Council therefore requires the payment of £5280 towards the costs of undertaking the work relating to securing the planning obligations recommended in line with the adopted Supplementary Planning Document for Planning Obligations.

### **3.19 Barnet Community Infrastructure Levy**

The proposed development is liable for charge under the Barnet Community Infrastructure Levy (CIL). Because of the nature of the way in which CIL is calculated it is only possible to estimate the contribution which will finally be made through the Barnet CIL at the time planning applications are determined. The applicant has stated that the existing floorspace on the site has been occupied lawfully for 6 of the last 36 months. As such it is possible that only the new floorspace generated by the development (less the area of undercroft car parking proposed) would be potentially liable for charge under the Barnet CIL. Taking account the relief from a CIL charge which the affordable housing element of the scheme could be eligible for the development might be expected to generate a Barnet CIL payment of **£713,684.90**.

### **3.20 Mayoral Community Infrastructure Levy**

The proposed development is liable for charge under the Mayoral CIL. Because of the nature of the way in which CIL is calculated it is only possible to estimate the contribution which will finally be made through the Mayoral CIL at the time applications are determined. The applicant has stated that the existing floorspace on the site has been occupied lawfully for 6 of the last 36 months. As such it is possible that only additional floorspace generated by the development would be potentially liable for charge under Mayoral CIL. Taking account the relief from a CIL charge which the affordable housing element of the scheme could be eligible for the development might be expected to generate a Mayoral CIL payment of **£185,841.27**.

## **4. EQUALITIES AND DIVERSITY ISSUES**

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

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

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

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

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

As the uses within significant parts of the development would not technically be subject to the requirements of Part M of the Building Regulations a condition has been recommended to ensure that the development as a whole achieves an appropriate minimum standard in terms of creating an environment that is accessible to all. In addition to this other conditions recommended for the application would ensure that in several regards the buildings which form part of the development proposed would exceed the minimum requirements of legislation such as Part M of the Building Regulations. Examples of this include all the proposed residential units being constructed to meet the relevant Lifetime Homes standards, not less than 10% of the residential units proposed being constructed to be wheelchair accessible or easily adaptable for residents who are wheelchair users and the inclusion of disabled standard parking spaces (as set out in greater detail in earlier sections of this report).

With the conditions recommended both the residential and non-residential elements of the proposal are found to accord with development plan policies as they relate to the relevant equalities and diversity matters. This has been achieved by providing a high quality inclusive design approach which creates an environment that is accessible to all and would continue to be over the lifetime of the development. The design of the buildings to which the application relates is such that they would be an improvement over the existing buildings on the site, in terms of achieving equality and diversity objectives specifically. The development would therefore have a positive effect in terms of equalities and diversity matters.

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

## **5. COMMENTS ON GROUNDS OF OBJECTIONS**

The objections raised are all considered in the appraisal and analysis set out in the relevant parts of the main body of the report report.

## **6. CONCLUSION**

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

For the reasons set out in the previous sections of this report it is concluded that the proposed development generally and taken overall accords with the relevant development plan policies and constitutes a sustainable form of development. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to the satisfactory completion of the Section 106 Agreement, APPROVAL subject to conditions is recommended, as set out in the recommendations section at the beginning of this report.

### **APPENDIX 1: KEY PLANNING HISTORY FOR THE APPLICATION**

#### **Northway House, 1379 High Road, Whetstone**

N00189AK/06 'Change of use of part of ground floor to cafe/take-away (classes A3 & A5)' APPROVED SUBJECT TO CONDITIONS (March 2013).

B/02301/10 'Change of use of third floor from B1 (office) to D1(non-residential education)' APPROVED SUBJECT TO CONDITIONS (August 2010).

B/03173/12 'Environmental impact assessment screening opinion' ENVIRONMENTAL STATEMENT NOT REQUIRED (September 2012).

B/00421/13 'The extension, refurbishment, alteration and change of use of Northway House to provide for a residential led mixed use development comprising a total of 191 new dwellings (use class C3); 340 square metres of retail (use class A1 or A3) floorspace; 190 square metres of flexible education or community use (use class D1) floorspace; 618 square metres of office (use class B1) floorspace; together with ancillary reception floorspace and associated landscaping, car parking and access.' APPLICATION UNDER CONSIDERATION.

B/02148/13 'Application for determination as to whether the prior approval of the Local Planning Authority is required for the change of use of the existing office floorspace (Use Class B1 (a)) to a residential use (Use Class C3), comprising 95 dwellings.' NOT PERMITTED DEVELOPMENT AND THE PRIOR APPROVAL PROCESS IS NOT APPLICABLE (July 2013).

B/02158/13 'Application for determination as to whether the prior approval of the Local Planning Authority is required for the change of use of the existing

office floorspace (Use Class B1 (a)) to a residential use (Use Class C3), comprising 95 dwellings.' NOT PERMITTED DEVELOPMENT AND THE PRIOR APPROVAL PROCESS IS NOT APPLICABLE (July 2013).

B/03322/13 'Application for determination as to whether the prior approval of the Local Planning Authority is required for the change of use of the existing office floorspace (Use Class B1 (a)) to a residential use (Use Class C3), comprising 74 dwellings.' NOT PERMITTED DEVELOPMENT AND THE PRIOR APPROVAL PROCESS IS NOT APPLICABLE (September 2013).

B/03490/13 'Application for determination as to whether the prior approval of the Local Planning Authority is required for the change of use of the existing office floorspace (Use Class B1 (a)) on the eighth floor of the building to a residential use (Use Class C3), comprising 4 dwellings' NOT PERMITTED DEVELOPMENT AND THE PRIOR APPROVAL PROCESS IS NOT APPLICABLE (September 2013).

#### **A1 Self Storage, 2 Downland Close, Whetstone**

B/00845/13 'Installation of access ramp to northern elevation, increase in height of warehouse, and installation of Thermosyphon solar air heating panels on southern elevation.' REFUSED (August 2013) AND APPEAL ALLOWED (February 2014).

#### **Video Equipment Rentals, Unit 4, Downland Close, London, Whetstone**

B/01422/13 'External alterations to warehouse building including increase in height.' APPLICATION UNDER CONSIDERATION.

#### **Land off High Road/Chandos Avenue and the Brethren Meeting Hall and Well Grove School, Well Grove, Whetstone**

B/03068/11 'Demolition of existing buildings and redevelopment comprising of 70no dwellings (62no houses and 8no flats). Erection of 512sqm building for use class D1 purposes (Non-Residential Institution). Provision of associated car parking, landscaping and open space. Use of existing accesses from High Road and Well Grove (OUTLINE APPLICATION).' APPROVED SUBJECT TO CONDITIONS (March 2012).

#### **1230 High Road, Whetstone**

N01078X/06 'Demolition of all existing buildings and erection of a six storey building comprising basement car park ground and first floor offices and 28 self-contained flats on upper 4 floors.' APPROVED SUBJECT TO CONDITIONS (February 2007).

B/02471/11 'Erection of six storey building to provide 1,015 sqm of ground floor offices and 39 no. self-contained flats on the upper five floors plus roof top plant room, external amenity space at first floor level. Basement car park for 45 no. cars with cycle storage provision and associated works.' APPROVED SUBJECT TO CONDITIONS (February 2012).

B/02684/12 'Variation of condition 1 (Plan Numbers) and removal of conditions 25 (Noise Report for Site Plant) and 31 (Biomass Boiler) of planning permission B/02471/11 dated 21/02/12 for 'Erection of six storey building to provide 1,015 sqm of ground floor offices and 39 no. self-contained

flats on the upper five floors plus roof top plant room, external amenity space at first floor level. Basement car park for 45 no. cars with cycle storage provision and associated works.' Variation to include additional internal escape staircase; revision of vehicular ramp and basement layout; increase in ground floor height; omission of top floor plant room; adjustments to the design of roof, parapet edges to fifth floor, fenestration and rear elevation; location and levels of front entrances adjusted: dwelling mix adjusted.' APPROVED SUBJECT TO CONDITIONS (February 2013).

B/02128/13 'Erection of six storey building to provide ground floor offices and 42 no. self-contained flats on the upper five floors, external amenity space at first floor level, a basement car park for 44 no. cars with cycle storage provision and associated external works.' WITHDRAWN (September 2013).

**Former BP Petrol Filling Station, 1412 to 1420 High Road, Whetstone**

N16024/08 'Demolition of former petrol filling station forecourt shop building, and erection of a seven storey mixed use building, comprising class A1, A2, A3 and B1 commercial floorspace at ground floor and 40 residential units on upper floors with associated car parking at basement level.' REFUSED (May 2008).

B/01561/13 'Mixed use redevelopment of former petrol station to erect a six-story building to provide 22 self-contained units and 2 retail units at ground floor level. Provision of basement car and cycle parking.' APPLICATION UNDER CONSIDERATION.

**Sweets Way, Whetstone**

B/02627/12 'Environmental impact assessment screening opinion.' ENVIRONMENTAL STATEMENT NOT REQUIRED (August 2012).

B/02710/13 'Demolition of all existing buildings and outline planning permission (with all matters other than access reserved) for new residential dwellings (Use Class C3), comprising up to 189 houses and up to 171 flats (up to 360 new dwellings in total), and a community building (Use Class D1) providing up to 292m<sup>2</sup> of floorspace. The provision of site access from Sweets Way and Oakleigh Road North.' REFUSED (January 2014).

## APPENDIX 2: PLAN OF THE PROPOSED DEVELOPMENT

Site layout and context as proposed:



### APPENDIX 3: INFORMATIVES

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance. In this case, formal pre-application advice was sought prior to submission of the application.
2. For the purposes of this decision notice 'Groundworks and Site Preparation Works' are defined as and limited to the following works:
  - Demolition of existing structures including removal of asbestos, the stripping out of buildings, disconnecting services and grubbing up foundations.
  - Removal of existing and surplus rubble from the site.
  - Removal of services on the site including service trenches.
  - Carrying out CAT scans on site to confirm all existing services are clear.
  - The Erection or re-establishment of a hoarding line for the construction site.
  - Providing piling matting.
  - Providing clear health and safety information on the site.
  - Piling works.
  - Substructure and underground drainage works.
3. The applicant will be required to submit an application under Section 184 of the Highways Act (1980) for the proposed new vehicular access and the alterations to the existing vehicular access at the site. The proposed access design details, construction and location will be reviewed by the Highways Development Team as part of this application. Any costs for alterations to the public highway layout that may arise due to the design of the development, including the reinstatement of redundant vehicle access, will be borne by the applicant. The applicant is advised that Transport for London will be consulted regarding the impact of the scheme on the bus stop in the vicinity of the proposed vehicle access. To receive a copy of our Guidelines for Developers and an application form please contact: Traffic and Development Team, Regional Enterprise, North London Business Park, Building 4, Oakleigh Road South, London N11 1NP.
4. The applicant is advised that the Emergency Services should be contacted directly to discuss their requirements and agree any measures necessary to allow access for emergency services to the site or provide acceptable alternative arrangements.
5. The formation of the proposed new emergency access will require the relocation of at least one lamp column. The cost of any works on the



public highways associated with this development, including the relocation of lamp columns, will be borne by the applicant. Requests for the relocation of lamp columns by the applicant should be directed to the Street Lighting Team, London Borough of Barnet, North London Business Park, Oakleigh Road South, London N11 1NP

6. The applicant is advised that unless refuse collection arrangements which are acceptable to the Council are provided at the site refuse collection by a private company will be necessary.
7. Should refuse collection for the development by the Council be sought unobstructed access for refuse vehicles will need to be provided on the day of the collection, the development access needs to be designed and constructed to allow refuse vehicles to access the site and refuse collection points should be provided within 10 metres of the public highway. Alternatively the refuse containers will need to be brought to the edge of public highways on collection days. Any queries regarding refuse collection should be referred to the Traffic and Development Team, Regional Enterprise, North London Business Park, Building 4, Oakleigh Road South, London N11 1NP.
8. The applicant is hereby advised that the Council will not adopt the estate roads constructed as part of the development. However, if the council's refuse vehicles are required to enter the site, the estate roads constructed must be implemented to adoptable standards. Details of the relevant road construction requirements can be obtained from, Traffic and Development Team, Regional Enterprise, Building 4, North London Business Park, Oakleigh Road South, London N11 1NP.
9. The applicant is advised that the development is located on the Strategic Road Network (SRN). The Traffic Management Act (2004) requires the Council to notify Transport for London about construction works on such a road. The developer will be expected to work with the Council to mitigate any adverse impacts on the public highway and will require Transport for London's approval before the works approved under this consent can commence.
10. The applicant is advised that the A1000 is a Traffic Sensitive Road. Deliveries during the construction period should not take place between 8:00am and 9:30am and 4:30pm and 6:30pm from Monday to Friday. Careful consideration must be given to the optimum routes for construction traffic and the Traffic and Development Team (Regional Enterprise, Building 4, North London Business Park, Oakleigh Road South, London N11 1NP) should be consulted in this respect.
11. The applicant is advised to contact the Traffic and Development Team (Regional Enterprise, Building 4, North London Business Park, Oakleigh Road South, London N11 1NP) to discuss the possible need for Highway Licenses in respect of construction works adjacent to the public highway associated with the development proposed.

12. Due to the presence of National Grid apparatus in proximity to the site, any person wishing to implement the development must contact National Grid before any works are carried out, to ensure their apparatus is not affected. The National Grid Plant Protection Team can be contacted at on 0800 688 588 and at [plantprotection@nationalgrid.com](mailto:plantprotection@nationalgrid.com) or at Plant Protection, National Grid, Block 1 Floor 1, Brick Kiln Street, Hinckley LE10 0NA.
13. In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to 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.
14. The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

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

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

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

The assessment and report on the noise impacts of a development

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

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

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.

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

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

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

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

Services on 08458502777 to discuss the options available at this site.

17. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
18. The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](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 a £185,841.27 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a ££713,684.90 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

## APPENDIX 4: SITE LOCATION PLAN

Northway House, 1379 High Road, Whetstone, London

