

**Location**                      **117-125 West Hendon Broadway London NW9 7BP**

**Reference:**                      **15/00750/FUL**                      Received: 6th February 2015  
Accepted: 18th February 2015

Ward:                              West Hendon                              Expiry 20th May 2015

Applicant:

Proposal:                              Construction of a new building up to 5-storeys high comprising of 43 no. self-contained flats (Class C3) and 437sqm of (Class A1) retail space at ground floor level with basement parking. Associated landscaping, refuse stores, cycle stores and amenity space

**Recommendation:** Approve subject to s106

#### RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
  
3. 3. Affordable Housing - Provision of 7 affordable housing units on the site, split up into the following types:  
Affordable Rented Accommodation:  
  
3 x 2 bedroom (3 person)  
4 x 2 bedroom (4 person)
  
4. Monitoring of the Agreement - £500.00

#### RECOMMENDATION II:

That upon completion of the agreement the Assistant Director of Development Management and Building Control approve the planning application under delegated powers subject to the following conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 1031-PL-100 PL2, 1031-PL-101 PL2, 1031-PL-102 PL2, 1031-PL-103 PL2, 1031-PL-200 PL2, 1031-PL-250 PL2, 1031-PL-300 PL2, 1-PL-350 PL2, 1031-PL-400 PL2, 1031-PL-450 PL2, 1031-PL-500 PL2, 1031-PL-600 PL2, 1031-PL-601

PL2, 1031-PL-602 PL1, 1031-PL-605 PL2, 1031-PL-606 PL2, 1031-PL-607 PL1, 1031-PL-610 PL2, 1031-PL-611 PL2, 1031-PL-615 PL2, 1031-PL-DOC02.

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

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

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

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

5 Before the building hereby permitted is first occupied the proposed first and second floor windows in the south-west elevation facing Esmar Crescent shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management

Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

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

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

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

## 7 Part 1

Before development commences other than for investigative work:

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

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.

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 Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2011.

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

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

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

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

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

9 No development shall take place until car parking is provided in accordance with a scheme to be submitted to and approved by the Planning Authority and spaces shall not be used for any purpose other than parking of vehicles in connection with the approved development. The parking layout should include provision of disable parking spaces for all elements of the development.

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

10 The applicant should submit a scheme showing details of the proposed internal roads layout for approval, including layout and ramp gradient details for internal roads and access to car parks, details of swept paths and turning movements for Heavy Goods Vehicles and Refuse Collection vehicles entering the site and that Heavy Goods Vehicles can turn around within the internal roads. Although the Council will not consider the proposed internal roads for adoption as public highways, the internal roads submitted details should include specification of carriageway construction to adoptable standards to allow for refuse vehicles to enter the site.

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

11 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. All works must be carried out in full in accordance with the approved details unless previously agreed in writing by the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

17 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall be commenced until details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2011.

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

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2011.

19 Before the development hereby permitted is commenced (Excluding demolition), details of the location and details of proposed playspace to be provided shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details and they shall be permanently retained thereafter.

Reason: To ensure that playspace is provided on the site in accordance with the Mayor's London Plan.

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

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

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

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2011.

22 a) No development other than demolition work shall take place until details of the location within the development and specification of the 4 units to be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users shall be submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure that the development is accessible for all members of the community and to comply with Policy DM02 of the Development Management Policies DPD (adopted September 2012) and Policies 3.8 and 7.2 of the London Plan 2011.

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

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

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2011.

24 Before the development hereby permitted is occupied, details of a scheme for the ecological enhancement of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details and permanently maintained thereafter.

Reason: To comply with policy DM16 and secure ecological improvements to the site.

25 The development shall not be occupied until a scheme detailing the measures suggested by the Energy Statement has been approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details and permanently maintained thereafter.

Reason: In order for the development to comply with policy 5.2 of the Mayor's London Plan and policy DM04 of the Development Management Policies 2012.

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

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

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted



September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan 2011.

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

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

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

28 Prior to the first occupation of the new dwellinghouses (Use Class C3) hereby approved they shall all have been 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 replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8 and 7.2 of the London Plan (2015) and policy DM02 of the Barnet Development Management Policies document (2012).

29 Prior to the first occupation of the new dwellinghouses (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures so that mains water consumption would meet a standard of 105 litres per head per day or less. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy 5.15 of the London Plan (2015)

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

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

31 No development (Other than Demolition) shall commence until the proposed amenity areas and car park to the rear of the site are laid out in full accordance with the approved plans.

Reason: To ensure that the proposed amenity spaces and parking areas are provided.

32 Before the development hereby permitted commences details of the Electric Vehicle Charging Points with 20% active and 20% passive shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the Electric Vehicular Charging provision is in accordance with the London Plan requirements.

33 The part of the ground floor of the front block as shown on the approved plans shall be used for retail use and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

34 Prior to the occupation of each phases hereby approved, a Car Parking Management Plan including details of the allocation of parking spaces, parking enforcement and operation of the barriers shall be submitted to and approved in writing by the Local Planning Authority:

Reason: To ensure that parking is provided and managed in line with the council's standards in the interests of highway and pedestrian safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

### RECOMMENDATION III:

#### 0 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 10/12/2015 unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to provide on site affordable housing. The proposal would therefore not provide the maximum amount of affordable housing in compliance with policy DM10 of the Development Management Policies, Supplementary Planning Document: Affordable Housing, and the Planning Obligations SPD (adopted April 2013).

## **Informative(s):**

### **1 Waste Comments**

No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary.

Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

#### **Water Comments**

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes.

### **2** In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has

negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

- 3 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](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 £226,310.00 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 £690,660.00 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

- 4 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 5 The applicant is reminded that the corner of the site is required for road widening works as part of a Compulsory Purchase Order as part of the West Hendon Regeneration Scheme.
- 6 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 7 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

## **Officer's Assessment**

### **1. Site Description**

The site is a plot of land on the corner of West Hendon Broadway and Cool Oak Lane. The site covers an area of approximately 0.4 hectares.

The site was previously occupied by Raw Spice restaurant and the Welsh Harp Public House.

The site is not located within any specific designation other than it is located within the Brent Cross and West Hendon Development Framework Area.

The applicant has submitted a site location plan which includes the area between 1-4 Esmar Crescent and the site. It is understood that there is a dispute over the ownership of this land and that this is subject to a land tribunal application.

### **2. Site History**

W00017D - Single-storey side and front extension and formation of car park at rear. - Approved - 17/06/1987

W00017N - Use of first floor as function room and ancillary facilities to the existing publichouse, alterations to front elevation and provision of metal fire escape staircase. - Approved - 09/10/1996

W00017P - Use of first floor as a function room with a modification of condition 2 of planning permission W00017N to allow it to be used until 1.00 am on Monday to Thursday mornings and 2.00 am on Friday to Sunday mornings. - 13.05.1997

W00017S - Continued use of first floor as a function room with a modification of condition 02 of planning permission W00017N to allow it to be used until 1.00 am on Monday to Thursday mornings and 2.00 am on Friday to Saturday - Refused - 29.06.1999

W00017T/00 - Continued use of first floor as a function room with a modification to condition 02 of planning permission W00017N to allow it to be used until 11.00p.m Monday to Wednesday; 1.00a.m Thursday; 2.00a.m Friday and Saturday and 11.30p.m on Sunday using the Cool Oak Lane access at these later times. - Approved - 29.06.2000

W00017U/07 - Variation of Condition 2 of planning permission W00017T/07 to allow use of first floor function room to be used until 01.30hrs Sunday to Thursday, and until 02.30 Friday and Saturday. - Refused - 14.08.2007

W00017V/07 - Continued use as hand car wash and valet, open from Monday to Saturday 8:00am to 6:00pm and Sunday 10:00am to 4:00pm. - Approved - 10.01.2008

### **3. Proposal**

The proposals are for 'Construction of a new building up to 5-storeys high comprising of 43 no. self-contained flats (Class C3) and 437sqm of (Class A1) retail space at ground floor level with basement parking. Associated landscaping, refuse stores, cycle stores and amenity space'

The proposed building would step down from West Hendon Broadway to the west. It would be five storeys on the corner of West Hendon Broadway and Cool Oak Lane. This would reduce to four stories centrally, and further to two storeys where it is closest to houses on Cool Oak Lane.

The proposed building would be approximately 15.6m high at its highest point fronting West Hendon Broadway and approximately 7.8m at its lowest point on Cool Oak Lane.

The proposed materials include buff London Stock brick, blue/grey facing brickwork, grey curtain walling with spandrel panels, and glazed elements to the roof, and zinc cladding to the corner of the building.

Further to the initial submission the applicant has made the following changes to the scheme:

- Reduction in units from 47 to 43.
- Overall reduction in height.
- Design amendments to middle block roof.
- Elevational changes, including removal of portion of end block on West Hendon Broadway to allow for sky gap, removal of balconies and addition of rear block windows.
- Alterations to material palette and further elaboration on design principles.
- Addition of Play Area to site.
- Clarification of amenity area and parking provision.

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

Consultation letters were sent to 301 neighbouring properties.

To the initial plans, 25 responses have been received, comprising 25 letters of objection.

The objections received can be summarised as follows:

- Lack of parking
- Overcrowding
- Noise
- Impact on foundations
- Pollution
- Impact on local character
- There is already a lot of development in West Hendon
- Overlooking
- Loss of light/Overshadowing
- Loss of privacy
- Loss of trees and open space

Further to the initial consultation the scheme has been amended to reduce the size of the proposed building and reduce the number of flats. 3 further objections were received.

These objections can be summarised as follows:

- Adverse possession of land dispute
- The amendment drawings presented for planning is still based on original boundary with landscape commercial car park and access road to scale
- If in case Land Registry decision comes in my side any further amendment presented for planning must be approved on condition that it maintains land scape commercial parking



and access road in present size and scale and moves in single block to new boundary without any change in dimensions doing otherwise would compromise my privacy

- The amended proposals do not appear to satisfy the issues that have already been raised by the Council.

- The serious issue of privacy for residents of Esmar Crescent has not been properly addressed. Whilst some balconies appear to have been removed, these do not appear to have been taken from the area overlooking Esmar Crescent. There does not appear to be an actual reduction in height of the proposed development

- the plans have been amended to reduce the parking spaces. This is a bizarre decision; where do the architects expect residents to park? The overflow will have a huge detrimental effect on the surrounding streets, where parking is already an issue. This is before the issue of commercial parking is taken into account.

Consultation has been undertaken with the following:

Highways - No objection

Environmental Health – Following the submission of additional information are satisfied that the proposals are acceptable.

TfL - request that the provision of car parking is reduced to be in line with London Plan (2015) standards- 1 and 2 bed units should have less than 1 car parking spaces in areas of good PTAL.

20% of all parking spaces should have active Electric Vehicle Charging Points (EVCPs) and 20% passive EVCPs.

TfL are satisfied with the provision of Blue Badge spaces.

TfL request an increase in cycle parking spaces in line with London Plan (2015) standards of 1 space per studio and 1 bed and 2 spaces all other dwellings and 1 space per 250sqm A1.

London Fire Brigade – Requested clarification regarding dry risers. The applicant has illustrated the proposed dry riser positions within the stair cores in accordance with Building Regulations Approved Document B Section B5.

London Borough of Brent - No objection

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

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

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

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

### The Mayor's London Plan 2015

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

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

The following policies are considered relevant:

- Policy 3.3 – Increasing Housing Supply
- Policy 3.4 – Optimising Housing Potential
- Policy 3.5 – Quality and Design of Housing Developments
- Policy 3.8 – Housing Choice
- Policy 3.9 – Mixed and Balanced Communities
- Policy 3.10 – Definition of Affordable Housing
- Policy 3.11 – Affordable Housing targets
- Policy 3.12 – Negotiating Affordable Housing
- Policy 3.13 – Affordable Housing Threshold
- Policy 4.3 – Mixed Use Development and Offices
- Policy 4.7 – Retail and Town Centre development
- Policy 5.2 – Minimising carbon dioxide emissions
- Policy 5.3 – Sustainable design and construction
- Policy 7.1 – Building London's Neighbourhoods and Communities
- Policy 7.2 – An Inclusive Environment
- Policy 7.3 – Designing Out Crime
- Policy 7.4 – Local Character
- Policy 7.5 – Public Realm
- Policy 7.6 – Architecture
- Policy 7.14 – Improving air quality
- Policy 7.15 – Reducing Noise
- Policy 7.18 – Protecting local open space and addressing local deficiency
- Policy 7.19 – Biodiversity and access to nature
- Policy 8.1 – Implementation
- Policy 8.2 – Planning Obligations
- Policy 8.3 – Community Infrastructure Levy

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM10, DM11, DM12, DM16, DM17

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

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

### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

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

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

The main issues for consideration in this case are:

- Whether the principle of the development including the loss of the existing use is considered acceptable
- Whether the development makes acceptable provision for affordable housing
- Whether the proposals would have an acceptable impact on the character and appearance of the area
- Whether the proposals would have an acceptable impact on the amenities of neighbouring and future occupiers
- Whether the proposals would harm highway or pedestrian safety
- Whether the proposals would have an acceptable impact on ecology
- Whether the proposals would have an acceptable impact on drainage
- Sustainability Issues

### **5.3 Assessment of proposals**

Whether the principle of the development including the loss of the existing use is considered acceptable

#### *Land Use*

Policy DM11 states that significant new retail and other appropriate town centre uses outside the town centres or any expansion of existing out of centre sites will be strongly resisted unless they can meet the sequential approach and tests set out in the NPPF or are identified in an adopted Area Action Plan. Edge of centre proposals will not normally be appropriate and therefore should demonstrate why they are not locating in a town centre site. The property has previously been used as a restaurant under A3 use class. A certificate of lawfulness exists for the conversion of the premises to A1 Class (Retail). This would represent a fall-back position that should be given significant weight. The proposed development would provide 437 square metres of retail floorspace, and this is less than the 922 square metres that could be converted lawfully. It is therefore considered that it would be unreasonable to refuse planning permission on the grounds that the town centre use is not appropriate in the area.

#### *Density*

The proposals are for development consisting of a retail use at ground floor with flats above.

The scheme has been amended to reduce it to 43 flats.

The development would consist of 5no. 1 bedroom 2 person units, 25no. 2 bed 3 person units, 13no. 2 bedroom 4 person units. It is considered that this is an appropriate mix for the site, taking into account its location close to West Hendon Town Centre.

The site (0.32 hectares) is located in a urban area and is located in an area of PTAL rating 3. The London Plan advises that development should be at 45-170 units/hectare. The proposals appear to be at 134 units/hectare which indicates that the development is appropriate in density.

#### Whether the development makes acceptable provision for affordable housing

Policy DM10 states that:

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

The proposals are accompanied by a viability report from 'Affordable 106 Ltd'. This has been independently assessed by DVS.

The proposals make provision for 7 affordable units within the development. This constitutes a percentage of 16.3% provision within the development. Whilst this is below the borough wide target of 40%, policy DM10 states that viability will be considered. This has been independently reviewed by DVS and they consider that the affordable housing offer would be reasonable.

It is therefore considered that the proposals would comply with policy DM10 in respect of affordable housing provision, as the maximum amount of affordable housing would be provided taking into account the viability of the development.

#### Whether the proposals would have an acceptable impact on the character and appearance of the area

The height and massing of the rear block closest to Cool Oak Lane has been lowered in height following discussions with officers, and the design of the building altered so that it would step down more to the south to West Hendon Broadway. The proposed external materials have been revised to provide a simplified approach.

#### *Layout*

The proposals involve the segregation of commercial and residential parking, so that residential parking is accessed from Cool Oak Lane, and commercial parking from West Hendon Broadway.

Amenity space would be provided in the form of a grassed area split over two levels, centrally located.

There would be additional soft landscaping to the frontage facing Cool Oak Lane. Soft landscaping would be provided to both the west and south boundaries.

#### *Scale/Massing*

The proposed building would be five storeys with additional set back roof level, on the corner of West Hendon Broadway and Cool Oak Lane. To the west, this would step down to four storeys, and then again to two storeys further to the west.

It is considered that the height of the tallest part of the building at five storeys would be in keeping with the height of buildings on West Hendon Broadway, which includes three storey traditional building with substantial roof levels, which are of comparable height to the proposed building.

The proposed building would step down to three storeys to the south, to reflect the height of the neighbouring Hyundai garage.

The proposed building as revised would step down to two storeys to the west of the site. It is considered that this would respect the more suburban scale of houses on Esmar Crescent and Cool Oak Lane.

### *External Appearance*

The proposed materials include buff London Stock brick, blue/grey facing brickwork, grey curtain walling with spandrel panels, and glazed elements to the roof, and zinc cladding to the corner of the building. These have been amended following discussion with the case officer.

There are a variety of materials present in the locality, including a mixture of red bricks, buff bricks and rendered buildings on West Hendon Broadway. The proposals would include a mixture of bricks, which would take some reference from the surrounding area but also would add more modern influence. It is considered that the proposed materials would ensure a suitable appearance to the development subject to a condition ensuring suitable details are submitted.

### *Landscaping*

The applicant proposes a soft landscaping scheme including planting to the Cool Oak Lane frontage, to provide a buffer to the rear of the parking area to the houses on Esmar Crescent, and to the amenity space areas.

It is suggested that a condition is attached to any grant of planning permission in order to expand on this detail and secure this as part of the development, and provide management proposals.

Overall it is considered that the proposed development would respect the character and appearance of the streetscene and general locality.

### Whether the proposals would have an acceptable impact on the amenities of neighbouring and future occupiers

#### *Neighbouring Amenity*

#### *Daylight/Sunlight*

At it's nearest point where it is two storeys, the building would be approximately 17m from the boundary with no.1 Esmar Crescent, and a distance of 27m from the rear wall of the house itself.

At four storey level, the building would be a further 9m away, and at five storeys, a further 23m above this.

There is a decrease in levels across the site, so that land drops to the west towards Esmar Crescent.

The applicant has provided a Daylight and Sunlight Report to accompany the application. In terms of the impact on neighbouring residents, this suggests that there would not be harmful loss of sunlight or daylight to neighbouring occupiers.

Taking into account the distance of the building away and that it has been stepped away from the boundary with properties on Esmar Crescent, it is not considered that it is likely that there would be a materially harmful loss of daylight or sunlight to the windows or gardens of these properties.

Given the distance away, it is not considered that there would be harmful loss of light to residential properties to the east and north on West Hendon Broadway.

It is not considered that the proposed development would cause a materially harmful loss of daylight or sunlight or overshadowing to any neighbouring residents.

#### *Outlook and Visual Impact*

Given the distance of the building to neighbouring residential properties, it is not considered that it would cause harmful loss of outlook or appear overbearing or unduly dominant as perceived from neighbouring windows and gardens.

#### *Privacy*

The proposed development would comply with the overlooking distances with the Supplementary Planning Document: Sustainable Design and Construction. This states that in new residential development there should be a minimum distance of 21 m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 m to a neighbouring garden. The proposals would significantly exceed these standards.

A condition is suggested to ensure that the side windows and gardens of the building facing Esmar Crescent, are obscure glazed and fixed shut, and that screening is provided to the proposed terraces.

#### *Noise and Disturbance*

The proposals would involve a reduction in the commercial floorspace when compared to the existing restaurant. It should be acknowledged that the existing use would have been likely to generate a degree of activity and it is known that there were some issues with late night activity as can be inferred from the history of the site. Taking these matters into consideration it is not considered that the proposed retail use would be likely to generate a harmful level of noise and disturbance as perceived from neighbouring residential properties.

It is acknowledged that the use of the site for 43 residential units, principally accessed from Cool Oak Lane has potential to generate some noise and disturbance. The building itself has been sited away from the boundary with these properties, and any impact is likely to be confined to the use of parking spaces adjacent to the boundary, and to a lesser extent the use of amenity areas and noise escape from windows. Taking into account the existing use of the property, the distance of the property, it is not considered that this impact is likely to be materially harmful to the residential amenities of surrounding occupiers.

### *Future Occupiers Amenity*

The proposed dwellings would all comply with internal space standards within the Mayor's London Plan.

The proposals would provide 681 square metres of amenity space for future residents. This would comply with standards within the Supplementary Planning Document on Sustainable Design and Construction, which requires 5 square metres of amenity space for each habitable room within the development.

It is noted that the development would take the form of a number of flats accessible from corridors. The majority of flats would be dual aspect however a minority of the units would be single aspect. Taking into account the relatively high level of amenity in other regards it is not considered that this would warrant refusal of the development.

### *Air and Noise Quality*

The front of the site facing West Hendon Broadway suffers from poor air quality. The applicant has confirmed that it will seek to adopt the AQA recommendations from the report provided and that the detailed design / working drawings will incorporate the air quality mitigation "whole house ventilation" system, and secured by way of a suitably worded planning condition. The details of the mitigation system to be submitted to the Council prior to commencement of development. This is considered acceptable.

The revised scheme does not have any balconies to West Hendon Broadway or Cool Oak Lane. Terraces are only at roof level and will be screened with glass balustrading with terrace areas protected by 1800mm screens, which will assist mitigation of sound attenuation. All residents will have access to use the rear communal amenity space.

### Whether the proposals would harm highway or pedestrian safety

The site is located on the A5 West Hendon Broadway at the junction with Cool Oak Lane. The A5- West Hendon Broadway is part of the Strategic Road Network (SRN) and a bus route.

The site is located, in proximity to local amenities and bus routes. Several waiting restrictions operate on the highway network surrounding the site; including no waiting or loading at any time in West Hendon Broadway along the site's frontage and single yellow line operating Monday to Saturday 8 am to 6 30 pm along the site's frontage in Cool Oak Lane. Resident parking bays and single yellow lines restrictions are in place on the opposite side of Cool Oak Lane along the site's frontage, both operating Monday to Friday 10 am to 11 am.

The application site is currently occupied by an A3 restaurant use with an area of 922 sqm and car sales display. A car wash also operates on the site. Two points of access are provided from the A5 and an additional vehicle access is provided from Cool Oak Lane.

Public Transport Accessibility Levels (PTALs) are used to assess the extent and ease of access by public transport. The range of accessibility levels is defined as PTAL 1/2 - low accessibility, PTAL 3/4 medium accessibility and PTAL 5/6 - high accessibility.

The site is located within a PTAL 3 area, which is a medium accessibility level.

A total of 47 parking spaces are proposed for the residential use, 43 in the underground car park and 4 at surface level. A further 4 spaces at surface level will be provided for staff of the retail element of the proposal.

### *Access*

The existing vehicle accesses will be removed. Two new vehicle accesses are proposed, one from West Hendon Broadway and one from Cool Oak Lane. Vehicle access for the commercial element, servicing and refuse collection will operate in a one-way direction with entry from the new access at West Hendon Broadway and exit via the new Cool Oak Lane access. The new Cool Oak Lane access will also provide entry and exit for the residential use vehicles including basement car park. Barriers within the site are proposed to manage the use of the commercial and residential parking areas.

The existing vehicle accesses which will no longer be used should be reinstated to footway level.

A condition will be required to submit a scheme showing details of the proposed internal roads for approval, including layout and gradient of internal roads and access to car parks, undercroft height clearance, swept paths for heavy goods vehicles at both accesses, details of the operation of the access road including proposed barriers. Although the council will not consider the proposed internal roads for adoption as a public highway, the internal roads submitted details should include specification of carriageway construction to adoptable standards to allow for refuse vehicles to enter the site.

### *Refuse*

The internal road layout should be designed to ensure that refuse vehicles will be able to stop within 10 metres of refuse collection points. The submitted refuse collection location for the commercial use is within 10 metres of the refuse collection vehicle route and is therefore acceptable. Residential refuse collection arrangements including collection location must be submitted for approval.

Details of carriageway construction to adoptable standards to allow for refuse vehicles to enter the site must be submitted for approval.

### *Parking*

The Maximum Parking Standards as set out in the Development Management Policies (DMP) of the Barnet Local Plan approved in September 2012 are as follows:

For 4 or more bedroom units	- 2.0 to 1.5 parking spaces per unit
For 2 and 3 bedroom units	- 1.5 to 1.0 parking spaces per unit
For 1 bedroom units	- 1.0 to less than 1 parking space per unit

This equates to parking provision for the proposed residential units ranging between 36 - 65 parking spaces to meet the parking standards set out in the DMP approved September 2012. The proposal includes provision of 47 residential spaces. The parking provision is in accordance with Local Plan standards and is considered acceptable at this location. The parking provision should include a minimum of 4 spaces suitable for disabled use. A minimum of 20% active and 20% passive electric car charging spaces must be provided for the residential element of the proposal

A total of 4 additional spaces, two of which are suitable for disabled use are proposed for commercial use staff. A Car Park management Condition is included to manage the



allocation of spaces. The parking standards in the London Plan recommend that a maximum of 8 to 14 parking spaces are provided for a retail use development in a medium accessibility level area.

Taking into consideration several factors including parking controls in the vicinity of the site, the parking provision for this use, in principle is considered adequate for the expected demand, in conjunction with a Travel Plan. However further details should be provided regarding the estimated use of the commercial premises including number of staff, expected trip generation, travel modes and parking demand.

The proposal includes 47 cycle parking spaces for residents.

The London Plan standards included in the Further alterations to the London Plan recommend for residential developments a cycle parking provision of 1 space per 1 and bedroom units, 2 spaces per 2+ units plus 1 space per 40 units for visitor use. This would equate to a total of 83 residents spaces and 1 visitors spaces. Therefore the residential cycle parking provision should be revised to meet this requirement.

For A1 use the recommendation is for 1 short stay space per 40 sqm and 1 long stay space per 175 sqm. This equates to the provision of 10 short stay and 3 long stay cycle parking spaces. A total of 24 cycle parking spaces are proposed for the commercial use which meets the required minimum standards.

### *Trip Generation*

As there is no customer parking associated with the commercial use there will be minimal trip generation to be accommodated other than the occasional operational trip and four staff car parking spaces, therefore vehicle trips at peak hours associated with this use have not been included.

The assessment of existing and expected trip generation indicates an increase of 3 vehicles in the AM peak and a reduction of 19 trips in the PM peak. Therefore a minimal increase is expected in the Am peak likely to be imperceptible and a reduction in afternoon peak which would be likely to have a positive effect on the local highway.

Site vehicle accesses construction and any necessary associated works on the public highway including reinstatement of footway and redundant vehicle accesses.

The application is recommended for approval on highway grounds

### Whether the proposals would have an acceptable impact on ecology

The Raw Spice site is predominantly hard paved with limited tree and shrub cover. The development proposals would require demolition of existing buildings and clearance of much of the site, whilst retaining tree and outgrown shrub cover to the south-west boundary. The development will introduce extensive new planting measures, increasing in planting diversity, to provide a range of immediate and long term wildlife habitat and food sources. The applicant has stated a willingness to provide bird boxes within the new development on the retained and new trees.

The proposals are considered to comply with policy DM16 of the Development Management Policies.

### Whether the proposals would have an acceptable impact on drainage

Much of the existing site is car park hard standing or building with a positive surface water drainage connection to the main public surface water drainage system.

The proposed development will utilise the existing drainage connection supported by on-site attenuation. SUDs drainage solutions will also be investigated and these include the following:

Permeable Paving – the proposal includes soft landscaping, and new hardstandings for access roads and car parking will utilise permeable paving finishes.

Green Roofs – Provision of a living roof scheme on part of the development.

Soakaways - Soakaways provided in the vicinity of the building to discharge roof runoff to ground and provide storage for all storm events.

A condition will be attached to require details of details of surface and foul water drainage systems and attenuation capacity.

The existing restaurant has a foul drainage connection to the main public sewer network. The manhole positions around the building are identified on the supporting topographical survey. It is proposed that the new development will utilise the existing connection.

A condition is suggested in order to ensure that suitable information in relation to drainage is provided.

### Sustainability Issues

The proposals would need to comply with policy 5.2 of the Mayor's London Plan which sets out requirements in terms of minimising Carbon Dioxide emission. The applicant has provided an energy statement which states that the proposals would achieve 34% improvement in emissions over the 2013 regulations using solar PV and/or Solar Thermal technology. This would comply with the requirements of the Mayor's London Plan in terms of being Lean, Clean and Green.

Conditions are suggested to ensure that the development is London Plan compliant in terms of reductions in emissions, water usage, and Lifetime Homes compliance.

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

Generally Addressed in main report

Lack of parking - *The parking provision would comply with Local Plan policy*

Overcrowding - *The proposed density of the development would be London Plan compliant*

Noise - *The noise resulting from the development would be considered acceptable taking into account the existing use of the site*

Impact on foundations - *This is principally a building regulations issue*

Pollution *The proposals would not themselves harmfully increase air or noise pollution*

Impact on local character *Addressed in main report*

There is already a lot of development in West Hendon *It is acknowledged that there is a lot of development taking place as a result of the West Hendon Regeneration Scheme. However, the proposals would make provision for residential development which are required by the Barnet Core Strategy and Development Plan*

Overlooking - *The proposals would be policy compliant and would not result in harmful overlooking*

Loss of light/Overshadowing - *The proposals would not result in harmful loss of light or overshadowing*

Loss of trees and open space *Trees on the site are not subject to a Tree Preservation Order and the scheme makes provision for soft landscaping and the retention of trees*

Adverse possession of land dispute *This is acknowledged. At the present time a decision on this has not been reached by the courts. The applicant is advised that if the courts find in favour of the residents then this scheme could not be implemented*

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

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

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

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

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

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

## **7. Conclusion**

Taking the above issues into account, it is considered that the development would provide significant additional housing within the Borough for which there is known demand. The proposals would fit appropriately within the streetscene, have acceptable impact on highway safety, and would not significantly harm the amenities of neighbouring occupiers. The planning application is recommended for APPROVAL.

