

Location **Land At 1-7 Moxon Street And At 44 Tapster Street Including Land To The Rear Of 1-11 Moxon Street And Opposite The Old Printworks Barnet EN5 5TY**

Reference: **15/06410/FUL** Received: 19th October 2015
Accepted: 11th February 2016

Ward: High Barnet Expiry 12th May 2016

Applicant: London Borough Of Barnet

Proposal: Demolition of existing buildings and redevelopment of site to provide 12 residential units (use class C3-Dwelling Houses) and commercial space (use classes A1-Shops and B1-Business) comprising 9 houses (2-3 storeys) and a three storey building fronting Moxon Street containing ground and first floor commercial accommodation providing 512 square metres floorspace, and three apartments on second floor. Provision of new pedestrian and parking access for 3 cars off Moxon Street and new vehicular access off Tapster Street with 9 residential parking spaces, cycle parking, refuse/recycling stores, landscaping and external amenity space

Recommendation: Approve subject to conditions

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

- Site Location Plan - Dwg. No. 910-000 P00 (submitted February 2016)
- Existing Site Plan - Dwg. No. 910-100 P00 (submitted February 2016)
- Proposed Site Plan - Dwg. No. 910-101 P02 (submitted April 2016)
- Apartments and Commercial Floor Plans - Dwg. No. 061-250 P03 (submitted Sept 2016)
- Apartments and Commercial Elevations - Dwg. No. 061-251 P03 (submitted Sept 2016)
- Cluster Plan 1 - Plan, Section, Elevation – Type 2C - Dwg. No. 060-210 P00 (submitted April 2016)
- Cluster Plan 2 - Plan, Section, Elevation – Type 2D - Dwg. No. 060-211 P01 (submitted Sept 2016)
- Cluster Plan 3 - Plan, Section, Elevation – Type 2G - Dwg. No. 060-212 P01 (submitted April 2016)
- Proposed Moxon Street Elevation - Dwg. No. 910-201 P03 (submitted Sept 2016)
- Proposed Site Sections AA, BB and CC - Dwg. No. 910-200 P01 R (submitted Sept 2016)

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) Notwithstanding the details contained within the submission, no development other than site preparation works 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 2015.

- 4 a) Notwithstanding the details contained within the submission, no development other than site preparation works shall take place until details of the materials to be used for the external surfaces of the buildings and hard surfaced areas hereby approved, including all doors, windows, garage doors, rainwater goods and louvres to the flank elevation have been submitted to and approved in writing by the Local Planning Authority. The details shall include scale drawings detailing the proposed location of rainwater goods, and the method of constructing the vertical brick detail shown on the elevations hereby approved.

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 2015.

- 5 a) No site works or works in connection with the development hereby approved shall be commenced until an ecological method statement and details of the protective measures to be implemented for the wildlife species protected by law and details of any mitigation measures including the timing of development works and special techniques has been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 6 a) No development or site preparation works shall take place on site until a Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for:

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

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

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.3 and 5.18 of the London Plan (2015).

- 7 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, including foundation design and method of construction, 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 and adjacent protected trees 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).

- 8 A Method Statement detailing the remediation requirements set out in the contaminated land survey and 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. Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

- 9 a) No development other than site preparation works shall take place until a scheme of proposed noise pollution mitigation measures has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the amenities of occupiers are protected from the noise in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.3 of the London Plan 2015.

- 10 a) A scheme of hard and soft landscaping, including details of the material, size and design of the fence between the frontage building and No. 9 Moxon Street, and 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, other than site preparation works.

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

c) Any 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 and DM06 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 2015.

- 11 a) Before the development hereby permitted is first occupied, details of the means of sub-division of the amenity areas shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented 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) and the Sustainable Design and Construction SPD (adopted April 2013).

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

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

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A-G of Part 1 of Schedule 2 of that Order shall be carried out within the curtilage of the dwellings hereby approved.

Reason: To safeguard the amenities of future occupants, neighbouring occupiers, and the general locality in accordance with policy DM01 and DM06 of the Development Management Policies DPD (adopted September 2012).

- 14 The dwellings hereby approved shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 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.

- 15 No development shall take place until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The scheme shall include:
- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 8 affordable rent habitable rooms (3 units);
 - ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing on this site;
 - iii. the arrangements for the transfer of the affordable housing to an affordable housing provider;
 - iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The scheme shall be implemented as approved in its entirety and maintained as such in perpetuity, and the affordable housing units hereby approved shall remain as such, and governed by this approved scheme thereafter.

Reason: To ensure the development hereby approved provides for adequate affordable housing in accordance with Policy DM10 of the Development Management Policies DPD (September 2012) and to ensure that affordable housing is constructed, managed and kept available as affordable housing in perpetuity.

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

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

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan 2015.

- 17 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. The three flats proposed in the building fronting Moxon Street shall not be first occupied until they have been constructed to meet and achieve all the relevant criteria of Part M4(1). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8, 7.2 and 7.6 of the London Plan (2015) and policies DM02 and DM03 of the Barnet Development Management Policies document (2012).

- 18 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

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

- 19 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).

- 20 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) no installation of any structures or apparatus for purposes relating to telecommunications shall be installed on any part the roof of the building(s) 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 2015 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 DM01 and DM18 of the Development Management Policies DPD (adopted September 2012).

- 21 a) No development shall take place on the building fronting Moxon Street until details of mitigation measures to show how the residential development will be constructed so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration from the first floor non-residential uses 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 first floor uses as measured within habitable rooms of the development shall be no higher than 35dB(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 2015.

- 22 No development shall take place until details of windows and doors at a scale of 1:10 have been submitted to and approved in writing by the local planning authority. The details shall include the proposed materials, cill details and details of recess. The development shall be implemented only in accordance with the approved details.

Reason: To safeguard the character and appearance of the building and the conservation area, in accordance with Policies DM01 and DM06 of the Development Management Policies DPD.

- 23 Before the development hereby permitted is first occupied turning space and parking spaces shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles in connection with the residential development hereby approved. The details shall include details of the allocation of parking spaces and parking controls to be implemented.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2015.

- 24 a) The non-residential development is required to meet the BREEAM Very Good level.
b) Before the development is first occupied the developer shall submit certification of achieving the selected generic environmental standard.

Reason: To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.2 and 5.3 of the London Plan (2015).

- 25 No development shall take place until a mechanism to ensure future occupants of the residential development hereby permitted may not purchase parking permits for the Chipping Barnet Controlled Parking Zone has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the proposed development does not result in additional parking pressures to the existing CPZ, and resultant harm to the free flow of traffic and highway safety in accordance with

Policies CS NPPF and CS9 of the Local Plan Core Strategy (Adopted September 2012), DM17 of the Development Management Policies DPD and Policy 4.12 of The London Plan 2015.

- 26 The eastern part of the roof (adjacent to Apartment C) of the building fronting Moxon Street shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy. This application is liable for both CIL charges.

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

- 3 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.
- 4 The applicant is advised that there are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of a public sewer. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.
- 5 The applicant is advised that it is their responsibility 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. Where you propose to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, and they can be contacted on 0800 009 3921. The above is in order to ensure that the surface water discharge from the site is not detrimental to the existing sewerage system.

Officer's Assessment

1. Site Description

- 1.1 This application relates to a plot of land located to the north of Moxon Street and west of Tapster Street in High Barnet. The site is broadly L-shaped, wrapping around Nos. 9 and 11 Moxon Street. It has an area of approximately 0.2ha.
- 1.2 The existing Moxon Street frontage contains a two storey white-painted building with a hipped roof, which is currently in use as a tile showroom. Adjacent (east) of this is an industrial building, approximately 1.5 storeys in height with a pitched roof oriented from front to rear. A single storey lean-to element abuts the footway. To the east of the building is a pair of two-storey brick-built dwellings. Whilst of a similar appearance, it should be noted that No. 9 (directly adjacent to the site) is a Grade II Listed Building. An existing vehicular access provides a gap of about 7.6 metres between the listed building and the main industrial building on the site.
- 1.3 The rear part of the site is accessed via Tapster Street. It contains some single storey storage buildings and on the whole is covered in concrete with soft vegetation along the boundaries.
- 1.4 The southern part of the site, including the industrial building, is located within the Wood Street Conservation Area. The boundary of the conservation area bisects the site such that the area of hardstanding and single storey buildings to the northern part of the site is outside the conservation area. The site is within an area of special archaeological significance, and within the Chipping Barnet Town Centre boundary, although it is not within a primary or secondary retail frontage.
- 1.5 There are various land uses around the site. To the immediate west of the site is the rear of units which have a frontage onto Barnet High Street. Opposite the site is a light industrial car repairs workshop. To the immediate east of the site is the Grade II Listed Building at No. 9 Moxon Street. The dilapidated Royal British Legion site is opposite this pair of houses. The eastern side of Tapster Street is fronted by houses. To the north of the site are light industrial units between two and three storeys in height.

2. Site History

- 2.1 15/01344/OUT: Demolition of existing garages and erection of 2no 3 storey office blocks (OUTLINE APPLICATION). Approved May 2015. [NOTE: This application relates to the rear part of the site, accessed via Tapster Street].

3. Proposal

- 3.1 This application proposes the demolition of all buildings on site and the redevelopment of the site to provide 12 residential units and four commercial units.
- 3.2 Plots 1-7 comprise a 47.6m row of terraced houses, located on the northern part of the site and set at least 3m from Tapster Street. The terrace would run from east to west. The mid-terraced properties would be three storeys in height, whilst the end terraced properties would have two storeys and a steeply-pitched mansard style roof. Six of the terraced houses would have a private garden to the north (maximum depth 6m), whilst the seventh would have a private garden (maximum depth 6m) to the south and west. Parking bays would be provided to the front of the plots. The mid-terraced houses would be three-bed, five person units and would have roof terraces. The end-terraced units would be two-bed, four-person units.
- 3.3 To the south of plot 7 would be one 13.8m wide pair of semi-detached part two, part three storey houses. These houses would have integral garages, a roof terrace, and have private garden areas to the west with a minimum depth of 4 metres. They would be two-bed, four-person units. These units would all be accessed via a new vehicular access from Tapster Street.
- 3.4 The proposed four commercial units would occupy the ground and first floor area of a new three storey building fronting Moxon Street. It would have a 31.4m wide frontage. At second floor level, three apartments are proposed. Two would be two-bed, four-person units and one would be one-bed, two person. The apartments would have roof terraces fronting onto Moxon Street. The main front façade of this building (facing Moxon Street) would be two storeys in height, with the third storey (containing residential accommodation) set back 1.2 metres from the frontage. Part of the

ground floor of this building would contain three car parking spaces. An open space approximately 4.2m wide would be included between this building and the neighbouring building to the east.

- 3.5 The following documents have been submitted by the applicant to support this application (content summarised where relevant)

Planning Statement

- The intended approach is to secure a high quality residential and commercial development which provides for a range of accommodation in an attractive landscaped setting. The scheme comprises 12 units (9 houses, 3 apartments), 512 sqm employment space and 13 car parking spaces. All dwellings would have private gardens or balconies and terraces.
- The employment units are split into two ground floor and two first floor. It is intended that the existing commercial tenant will relocate whilst the development is constructed and then move back to occupy the ground floor. The first floor would provide office space to let.
- The site comprises three parts: 1) 1-7 Moxon Street, comprises a range of interconnecting buildings, including a single storey warehouse, a lean-to and a two storey structure providing retail and office space. 2) 44 Tapster Street is a former council highways depot, also previously used as a builders depot but vacant since 2006. The property is boarded up and dilapidated single storey storage buildings are also on site. 3) land adjacent to The Old Printworks. This land comprises mainly hardstanding user for parking of commercial vans, and 3 garages used for storage. It also provides access for servicing to the rear of 110-119 High Street, and parking space.
- The site is next to one of Barnet's largest district centres. The surrounding area is characterised by a mix of residential and commercial development.
- The proposal will re-provide the majority of the existing developed floorspace within a high quality building.
- The need for all forms of new housing in London is well documented and the provision of new residential accommodation is supported at all levels of planning policy.
- The proposed development is well within the density range set out in the London Plan's density matrix. The density is a product of a design-led approach which carefully balances the re-provision of new business space and the delivery of homes whilst enhancing the character of the area.
- The proposed layout introduces a small mews, accessed from Tapster Street via a new vehicular junction. The arrangement presents a clear urban form and creates a sense of street enclosure, shielding the development from adjoining commercial uses.
- The proposed building fronting Moxon Street presents a three storey block, with commercial floorspace on the ground and first floors with 3 apartments above. The ground floor incorporates 4 parking spaces to serve the commercial and residential uses. The commercial element is accessed from the front and the apartments from the rear, thereby keeping the two uses separate.
- The proposal would enhance the appearance of the site and the Moxon Street frontage, and respect the surrounding and historical context. The scheme reinforces the strong building line of the street with buildings erected at the back edge of the pavement.
- The massing and architectural rhythm of the proposed Moxon Street elevation reflects the scale and fenestration pattern of the adjoining dwelling. The use of high quality and appropriate materials will complement the varied materials, textures and colours prevalent in the conservation area.
- The development would be set away from the adjoining listed building to respect its setting and appearance. The impact is further reduced by the stepping back of the second floor from the front of the building.

Heritage Assessment

- There is one listed building close to the site. No. 9 Moxon Street is an early-mid 19th century two storey, yellow-grey stock brick house. The centrally positioned door with matching sash windows either side gives the building a distinctly symmetrical frontage on Moxon Street, but this is slightly off-set by a tall and broad chimney stack at its western end. The pitch of the roof is very shallow and is largely unseen from the street. The building has special historic interest by virtue of its age (c 1840) and architectural interest by virtue of its well-composed design and detail (in particular the surviving fanlight, curved sash windows at ground level and gauged brick arches).
- The listed building has a mixed setting at present. A house (No. 11) adjoins its eastern end which is complementary to the listed building in appearance and is possibly similar in age. It is subtly distinguished from its neighbour through its paler brick and asymmetrical composition,

with the door positioned at its west end. It is identified as a positive building in the Wood Street Conservation Area Townscape Appraisal Map. On the other side of the listed building is a low lying timber warehouse or workshop with corrugated roof. It has a low single storey element extending forward to the back of the pavement edge. There is a brick building further west which is taller and over-painted.

- The proposals include a terrace of seven townhouses arranged in parallel to Moxon Street but at the back (north) part of the site which currently has no street presence. The easternmost house will be positioned on Tapster Street. The houses are three storeys and will be in a dappled colour brick which would be selected to complement the listed building on Moxon Street. The terrace will read as a horizontal mass with a regular vertical rhythm and lively roofline.
- On Moxon Street a new block will be positioned on the back of the pavement edge. It will be three storeys and form a horizontal mass overall whilst displaying a vertical rhythm of bays within that mass. The roof level will be set back from the storeys below.
- The block proposed on Moxon Street will be articulated into four bays, the proportions of which have been composed to correspond to the listed building. The first floor of each bay will have three vertical windows and at roof level the third storey would be set back and clad in slate-like material behind a short parapet which will correspond with the shallow pitch of the roof of the listed building and will provide a balcony for the residents.
- The brick colour will be selected to correspond to the mottled London stock of the listed building and will be subtly detailed to display a vertical emphasis which will counter the breadth of the building's mass overall. It will strongly differentiate the lower two storeys, the height of which will read in relation to the two storeys of the listed building.
- In the architectural elevation, the third level of the new terrace proposed beyond the Moxon Street block appears above the shallow pitched roofline of the listed building. However due to the narrow character of the streets in the area it is unlikely much of the terrace roofline will be seen above the listed building. Only in views from the opposite side of Moxon Street will the terrace be glimpsed beyond and it will be in the same brick colour and with slate-like elements at upper levels selected to complement the materials and character of the listed building.
- The existing temporary warehouse structures and their blank street frontage would be replaced by a block which will visually complement the mass and character of the listed building whilst displaying a distinctly modern idiom and which will restore the street line at ground level and bring activity which will connect it to the High Street. The historically mixed residential and commercial character of the setting of the listed building will be preserved. The building's special interest as an early 19th century house in the area and as a well composed and detailed building will be enhanced by a new and improved context of modest-scale residences and commercial units of high design quality and well-articulated in brick.
- At present the site includes an open area on its north side which allows some views further north along Tapster Street to the west tower of St John the Baptist Church across the site. The church is a key aspect of the conservation area and the visibility of its tower is important. Development of the site will affect views of the church tower from Tapster Street, however these views are from outside the conservation area, are incidental in character and are significantly diminished in quality by the tarmacked space, fence and shrubbery in the foreground of this neglected back-street area.
- Views from the High Street along Moxon Street of the countryside would be improved by the proposed development which would restore the street edge and channel views.

Design and Access Statement

- No additional comments to summarise over and above those above from the Planning Statement.

Ecology Report

- The closest nature reserve to the site is 1.9km to the north east (Covert Way, in the London Borough of Enfield). The closest Site of Importance for Nature Conservation is King George's Fields (approximately 317m from the site).
- Site surveys recorded no notable plant species.
- During the first site survey, a single common lizard was observed under some debris. A reptile survey was subsequently initiated, but cancelled due to health and safety concerns due to the overgrown vegetation, uneven ground, rubbish and building materials scattered throughout which made access difficult. To ensure compliance with the Wildlife and Countryside Act, reptiles will need to be considered prior to the works and a method statement for sensitive site clearance required.

- The site was assessed as having low potential for roosting opportunities for bats. The size and location of the site offers poor/limited foraging opportunities for bats. The site is within a well-lit suburban setting which limits the foraging/commuting value of the site.
- The scrub and trees on site were isolated and lack ecological connectivity to wider woodland habitats. The site lacks species present in optimal dormice habitat. The development is considered unlikely to result in any negative impacts to dormice.
- The site does not provide any suitable habitat for great crested newts.
- The tree and scrub have some potential to hold breeding bird species. There is an opportunity to enhance the site by erecting nesting boxes.

Tree Appraisal and Impacts Assessment

- Three tree groups were identified on the site, and one individual tree located on third party land. Two of the groups and the individual tree are graded as C with the final group graded as U.
- To accommodate the proposal, all trees in the site would be removed. The loss of these trees is not significant.
- New tree planting will offset the loss of the trees.

Transport Statement

- Direct access to the site will be via a new junction off Tapster Street.
- The junction visibility splay required is 2m x 20m. The achievable visibility is 2m x 5.9m to the south and 2m x 11m to the north. This does not conform to Manual for Streets requirements, however the junction is located in a quiet residential area with low speeds. The restriction in visibility would create enhanced driver caution.
- The site requires between 11 and 19 parking spaces to be provided, in accordance with Policy DM17. The site provides 9 spaces. Although short on compliance, the site has a PTAL of 4 and is well connected to the public transport network.#
- Moxon Street is a narrow cul-de-sac in a good condition with residential properties toward the High Street end.
- A traffic survey found that traffic levels on Tapster Street are low throughout the day. During the survey, 35 vehicles were recorded in the morning peak and 43 in the afternoon peak. Given the small scale of the proposal it is considered that development traffic will have minimal impact on existing traffic.
- Traffic speed surveys (on Tapster Street) found the 85th percentile northbound speed to be 18.1mph and southbound 15.9mph.
- A parking survey found a total of 97 legal parking spaces in the study area. Parking peaked at 85 vehicles. Parking levels at 08:45 and 18:00 were very low. Given the relatively small scale of the proposed development, it is considered that residential parking will have minimal impact on parking conditions in the area.

Highways Design and Access Statement

- The existing road network will enable residents and users to utilise existing public transport networks and infrastructure. The site is well served by public transport via a frequent bus service operating nearby.
- High Barnet Underground Station is located 0.6km from the site.
- On-site parking will be provided in the form of two garages and 7 on-street parking bays for the residential development, and 4 garaged parking spaces for the commercial use.

Flood Risk Assessment

- The site is within Flood Zone 1 and is at low risk for fluvial flood events up to the 1 in 1000 year return period event. The site is also at low risk from tidal, groundwater and artificial sources.
- Surface water flood risk is considered to be low-medium for the site.

Drainage Strategy Report

- Foul flows will be drained into the existing system.
- The site currently has a high impermeable area. The development layout dictates that underground storage tanks for attenuated surface water will be placed in the access road off Tapster Street.

- Surface water drainage strategy has been designed so that all flows from the proposed development are sufficiently attenuated to the 100 year return period event plus 30% allowance for climate change.

Geotechnical Desk Study

- The ground conditions are anticipated to comprise Made Ground. It is recommended that ground investigations are undertaken.

Contaminated Land Desk Study

- The site is classified as low risk with respect to potentially contaminated land.
- The proposed landscape areas to the residential element present the most sensitive land use and suitably clean topsoil and subsoil cover will satisfactorily reduce the risk to end users of the site.

Air Quality Assessment

- The key pollution source is moderate levels of traffic. Background pollution levels are below the National Air Quality Objectives. The site is not adjacent to the A1000. Accordingly no mitigation is required.

Acoustics Survey

- The noise assessment has identified the main noise source is from road traffic on Moxon Street and Tapster Street, but the noise is intermittent and significantly reduced compared with the noise levels on the A1000.
- No specific mitigation is required for the majority of units, however for the two southernmost properties close to the commercial premises on Moxon Street enhanced glazing and mechanical ventilation is recommended.

Archaeological Desk Based Assessment

- The site is likely to have been located in an area of dense woodland until at least the Saxon period and there is little evidence of prehistoric or Roman activity in the vicinity.
- The site has low potential for pre-medieval archaeology to be present. The site was on the periphery of the village during the medieval period and has the potential to contain deposits from this period on.
- The development of the post-medieval buildings on the southern area of the site is likely to have impacted on any archaeological remains in these areas. The apparently relatively undeveloped north of the site is likely to have suffered less previous impact, although the overall potential of the site is low.

Other documents: Structural Engineering Report, Pre-Construction Information, Code for Sustainable Homes Preliminary Assessment, BREEAM Preliminary Assessment Report, Waste Statement, Statutory Utilities Report,

4. Consultation

Public Consultation

- 4.1 As part of the original planning application, consultation letters were sent to 300 neighbouring properties. A site notice was displayed, and a notice was also published in the newspaper. At the end of April 2016, amended drawings and some additional information were submitted. A new public consultation period was opened. In total 18 responses were received. These comprise 16 objections and 2 comments. Details of the responses received are summarised below:

Summary of Objections:

- The application does not mention the Conservation Area. The design of the property is starkly contemporary and not in keeping with surrounding properties. Other recent developments in the area have made considerable efforts to blend in with the character of the area, for example with pitched slate roofs and sash windows.

- Neither the box structure on the roof, nor the colour of the bricks, can be seen to reflect the character or composition of any of the nearby properties.
- The property is large and risks dominating the area, particularly the adjacent cottages that it will tower over.
- Balconies will overlook the garden of No. 9 Moxon Street which is Grade II Listed.
- The site is within a conservation area and the modern, bulky design of the units does nothing to enhance or preserve the conservation area. This is the sort of site which should be sympathetic to its surroundings, not at odds with it.
- The proposal would result in a loss of parking spaces in Tapster Street which will make parking even more difficult, and an increase in traffic along Moxon Street and Tapster Street.

Summary of Neutral Comments:

- The scheme can generally be commended in redeveloping parts of the shabby upper end of Moxon Street and Tapster Street, but there are specific issues relating to Urban Design that appear to have been overlooked.
- The top end of Moxon Street suffers from intermittent antisocial behaviour due to its location off the High Street and the general lack of passive surveillance. Development should maximise passive surveillance, however the units to the rear turn their back on the new roadway.

Barnet Resident's Association (Object)

- We support the objectives of the proposal. The scheme should bring about a vast improvement to an unsightly and neglected area of the town centre. We do not propose to comment on houses to the rear but do have major concerns with the property facing Moxon Street.
- The land facing Moxon Street is in the Wood Street Conservation Area, in the oldest part of the town centre and therefore merits a sensitive approach to redevelopment. The Planning (Listed Buildings and Conservation Areas) Act 1990 puts a general duty of care on councils that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area". The proposal makes no reference to the conservation area. It is evident from the contemporary design that no such consideration has taken place. The design of the windows and the box-like structure on the roof in particular cannot be said to reflect any of the property around and even the colour of the bricks is a clash. To reflect the conservation area, we would expect a pitched or mansard roof in slate, a brick finish and windows reflecting the prevailing styles around.
- Without a pitched or mansard roof the building is far too overbearing, and this is acute in relation to the immediately adjacent Georgian cottages. The roof terrace also appears to overlook the gardens of these houses which would be intrusive.

The Barnet Society

- The Barnet Society generally welcomes the proposal for a residential-led mixed use scheme.
- Our first concern is regarding the potential loss of the business that occupies the present premises which has been based there for many years and is highly valued locally.
- Our second concern is that insufficient design effort has been made to respect the Wood Street Conservation Area and especially the adjacent listed Georgian house. We do not object to a modern aesthetic but neither the proposed massing, scale nor materials are sympathetic to this particular context. The windows lack the delicacy of either High Street shop fronts or Georgian sash windows. The easternmost apartment has an overbearing scale in relation to its Georgian neighbour and its terrace would overlook its garden.

4.2 The following objections (summarised below) were received from 5 interested parties following the receipt of amended documents and the subsequent second consultation period:

- Tapster Street and Moxon Street are dead-end roads which already have considerable traffic, all of which has to go-out and come in the same way. The proposal can only make the situation worse.
- Cannot see the need for more commercial building when the High Street has such a high proportion of vacant properties.
- Three storeys will not flow with the older properties in the area and will overlook existing residents, impacting their privacy. It is a narrow part of the road and such a height will dominate the skyline.
- Proposal blocks views to the church when viewed from Tapster Street.

- Bulk and mass of proposal in the conservation area and in relation to adjoining listed building does not comply with planning policies.
- Proposal would result in loss of privacy from second floor roof garden to neighbouring property.
- Insufficient separation distance from new flats at The Old Print Works to the north of the site.
- Buildings are out of character with surrounding properties.
- The large mansard roofs have no rooms proposed, therefore the roof could be lowered drastically if there is no need for the space to be there.
- It is highly unlikely that all of the proposed commercial/retail will ever be occupied. Moxon Street is a fairly quiet street with a limited footpath. Barnet High Street already has a few commercial buildings that have been empty for a while.
- Three storey development to the front will suffocate the area. The design in no way enhances the look for the space.
- The proposal is to build a three storey block in a conservation area in a street where every other building is two storeys high.
- The major purposes of the proposal is to provide ground floor retail space but none is required, and not in a street where there is only width of pedestrian access on one side of the road. There are already vacant purpose built retail units in the High Street and the Spires. The middle floor is to be created for commercial space but there is no requirement for this space.
- Attractive new buildings that are sympathetic with existing housing stock are being built in High Barnet - the housing development in Union Street. The current proposal is coming from an entirely different design approach.

Consultee Responses

- 4.3 The following responses were received from the as a result of consultation with internal and external consultees:

Barnet/Re Urban Design and Heritage Team

- The site lies largely within the Wood Street conservation area, although the builder's yard to the rear, and its frontage to Tapster Street, lies just outside the boundary. No.9 Moxon Street, is a Grade II listed building which lies immediately to the east of the main Moxon Street frontage. The Wood Street Conservation Area and the Georgian listed building are designated heritage assets. The setting of the listed building contributes to its significance.
- The NPPF states (para 132), 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.' It continues, 'Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'.
- Barnet's Residential Design Guidance SPD makes the point that, the design and layout of new development should respect the character of the area in which it is located and should recognise and respect the scale, massing and roof form of surrounding buildings where they are a positive attribute of the of the area's character.
- Wood Street Character Appraisal: Although the Wood Street Conservation Area contains a variety of building types and sizes, the immediate environment of the site is characterised by buildings of a modest scale, mostly 2 storeys in height with shallow pitched roofs. These characteristics contribute to the visual quality of the conservation area. The Character Appraisal for the Wood Street Conservation Area, approved in 2007, refers to no's 9 and 11 Moxon Street as being of particular note. The terraced pair of houses at 9 and 11 Moxon Street make a significant impact in the streetscene and contribute to the character of the wider conservation area. Any new development should thus be designed with due regard to their setting.
- Although the site contains no buildings of recognised historic or architectural merit, it is located within a very sensitive setting where any new development will require careful consideration. Consequently, although no objection is raised in principle to the demolition of the existing buildings, any new development must pay regard to its setting in order to achieve the preservation or enhancement of this part of the conservation area.
- In an attempt to reduce the appearance of the mass of the Moxon Street block and to improve the visual relationship with the neighbouring listed building a number of revisions have been made recently to the Moxon Street front elevation. These include, reverting to a part-raised parapet, which had previously been proposed. The roof design has also changed and now has a vertical rather than a steep pitch and there are fewer windows in the upper storey, which sit lower in the roof. On the ground floor the windows have been sub-divided. No changes were made to the terraced houses on the rear part of the site.
- The design changes are not considered to overcome the concerns previously raised with the applicants, which relate principally to the design, form and scale of the proposal, which is

considered to be intrusive and out of keeping and with the character of the area. The development would have a dominant and overwhelming impact in relation to the setting of the neighbouring listed building and will cause harm to this part of the conservation area.

- The harm caused to the setting of the listed building and the conservation area's significance as a heritage asset is considered to be less than substantial, although this harm should be weighed against any public benefits of the proposal.
- The bulk, height and massing of the development will have a significant and dominating impact in the Moxon Street streetscene.
- The three storey height of the buildings will appear at odds with the modest scale of the two-storey houses in the immediate vicinity and will also have a harmful effect on the setting of the Grade II listed building at 9 Moxon Street, which is part of its significance.
- The proposed block fronting Moxon Street fails to respect the finer grain of existing buildings in the road and despite some changes to the design, has a horizontal rather than vertical emphasis. This contrasts heavily with the adjoining listed building and other modest houses in the immediate vicinity.
- The combination of the large plate-glass shopfronts and vehicular access door on the ground floor of the block fronting Moxon Street relates poorly with the domestic detailing of windows and doors found on Moxon Street.
- On the first floor of the Moxon Street block, the uniform pattern of fenestration (12 regularly spaced windows on the same horizontal plane) will have an uncomfortable relationship with the more diverse pattern and positioning of windows in the street. - The flat roofs and front-facing amenity areas, including glazed balustrade and raised brick parapets are at odds with the traditional pitched roof forms found locally.
- The use of zinc as a roofing material is alien in appearance to natural slate, which is the characteristic roofing material in Moxon Street. Its use would serve to further distinguish the proposal from neighbouring buildings.
- The end of terrace on Plot 1 faces inwards and thus has a large flank elevation facing directly onto Tapster Street. The opportunity could have been taken to front the street and thus provide visual interest similar to those houses directly opposite.
- In conclusion, I do not consider that the proposed development pays adequate consideration to the sensitivities of this historic setting, and as a result fails to preserve or enhance the character and appearance of the Wood Street conservation area, whilst having a dominant and harmful impact on the setting of 9 Moxon Street, which is grade II listed.

Barnet/Re Traffic and Development

- Vehicular access to the site is from Tapster Street and Moxon Street. Speed survey was undertaken to determine the vehicular speed in Tapster Road. The speed survey results indicated that the 85th percentile speed in the northbound direction was 18.1 mph, whilst in the southbound direction the 85th percentile speed was 15.9 mph. Based on an assumed speed limit of 20mph (estimated 85th percentile), the Junction visibility splay requirements are 2m x 20m. However, the traffic consultants have confirmed that the achievable junction visibility is 2m x 5.9m to the south and 2m x 11m to the north. Therefore the south visibility splay does not conform to the requirements of MfS; however, the junction is located in a quiet residential area with 85th percentile speeds on Tapster Road measured below 20mph. Therefore the restriction in visibility is acceptable and at this location would create enhanced driver caution.
- Parking provision of between 11 to 17.5 parking spaces is required to meet the parking requirement in accordance with the parking standards as set out in the Barnet Local Plan, Development Management Policy DM17. For the within PTAL rating of 4 would require parking provision of approximately 14 spaces therefore the proposed 9 parking spaces would result in a shortfall of 5 parking spaces. It would therefore be necessary to exempt the occupants of the new development from purchasing parking permits for the Chipping Barnet Control Parking Zone (CPZ). A contribution of £2000 would be required towards the amendment to Traffic Management Order.
- The application is recommended for approval on highway grounds subject to the above comments, and the subsequent conditions and informatives.

Scientific Services (Environmental Health)

- No objections, subject to conditions requiring the submission of a construction method statement, the installation of acoustic fencing and other noise mitigation to reduce noise coming from commercial premises, and a condition restricting the hours during which deliveries can be carried out to the proposed commercial premises.

Thames Water

- No objections with regard to sewerage infrastructure capacity.

Historic England: Historic building and historic areas

- Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Historic England: Archaeology

- The planning application lies in an area of archaeological interest. The application site lies within a borough designated archaeological priority area. The Archaeological Desk Based Assessment (Oxford Archaeology, October 2015) which has been submitted with the application indicates that the site lay on the periphery of the medieval settlement of Chipping Barnet and that there is a potential for associated features such as refuse pits and cess pits to survive particularly in the northern part of the site while previous development has been limited. A review of the development proposals suggest that the archaeological impacts are likely to be localised.
- Appraisal of this application using the Greater London Historic Environment Record and information submitted with the application indicates that the development is likely to cause some harm to archaeological interest but not sufficient to justify refusal of planning permission provided that a condition is applied to require an investigation to be undertaken to advance understanding. The archaeological interest should be conserved by attaching a condition.

Monken Hadley and Wood Street Conservation Area Advisory Committee:

- Moxon St elevation: The design does not respect the guidelines for a Conservation Area - eg should have stall risers, glazing bars in upper windows, colour of bricks should be more sympathetic, garage doors could be panelled. Gate on Moxon St is unnecessary as there is access from Tapster St. Should have some affordable housing.

- 4.4 Following assessment of the Heritage Assessment submitted by the applicant and review of the consultation response from the Council's Conservation and Design officer, it was apparent that the impact of the development on the character and appearance of the conservation area would be intrinsically linked to the adjacent development sites; The Royal British Legion Site and the Moxon Street Car Wash. In order to ensure that all of the sites were treated in a holistic manner and to ensure congruity in terms of scale and character, the LPA instructed an independent heritage consultant to carry out a comprehensive review of the 3 sites and thereafter to produce an independent heritage statement. This statement is summarised below.

AD Heritage Planning - Planning Appraisal

- This report relates to three potential development sites in close proximity to this current application site - the site itself, the land formerly used as the Car Wash to the southern side of Moxon Street, and the Royal British Legion site on the southern side of Moxon Street at the junction with Tapster Street. The report covers the historical development of Moxon and Tapster Street, the character of Moxon and Tapster Streets, and an appraisal of the three development sites. The comments in respect of the current application site are as follows:
- All of the building of this development would be of three storeys with the mews-type houses to the rear of the new buildings on Moxon Street being accessed via a pedestrian link from Moxon Street and a new vehicular access off Tapster Street. The nine mews-houses would comprise of a pair of semi-detached units aligned at right angles to the Moxon Street buildings and a row of seven terraced houses aligned along the back of the site. These buildings have been scaled to complement the neighbouring commercial properties at Nos. 98-108 High Street and the domestic proportions of Nos. 2, 9 and 11 Moxon Street.
- In order to protect the setting of the listed building at No. 9 Moxon Street, both the new buildings on Moxon Street and the mews-type terrace at the rear would be set away from the west and north boundaries of the property, and the second-storeys of the Moxon Street buildings would be stepped-back from the façade of the buildings with a parapet/mansard roof arrangement, to create an appropriate relationship with the listed building.
- The proposed layout of this scheme would reinforce the strong building line of Moxon Street with the new buildings constructed at the back edge of the pavement which is a key feature in defining the area's special character, and the roofline would reflect the variation seen in the

surrounding townscape. In addition, the massing and architectural rhythm of the new buildings would be in-keeping with the scale and fenestration pattern of the adjoining buildings and the adoption of a contemporary architectural style, along with the use of traditional facing materials for the replacement buildings, would create a high-quality and elegant development.

- This scheme is considered to be appropriate and compatible with the neighbouring area and its heritage interest, thereby making a valuable contribution to the regeneration of the local environment and the heritage significance of the adjoining listed building and of the Wood Street Conservation Area. This scheme needs to set the standard for the redevelopment of the two other sites.
- The approach to the redevelopment of the two sites on the south side of Moxon Street needs to follow the example of that proposed for the redevelopment of the larger site on the northern side of the street in that it should seek to ensure a high quality residential and commercial development that provides for a range of accommodation in an attractive landscaped setting which reflects the mixed use character of the surrounding area and its historic context.
- Such a scheme needs to reinforce the strong building lines along Moxon and Tapster Streets with the new buildings constructed on the back edge of the pavements, which is a key feature in defining the character of the area. Furthermore, the replacement buildings need to be three storeys reflecting the massing and architectural rhythm of those proposed for the site opposite at Nos 1-11 Moxon Street, with the possibility of emphasising the building on the corner so as to take advantage of the prominent site.
- The roofline needs to have variation to reflect that of the surrounding townscape and the adoption of a contemporary style of architecture for the new buildings, whilst using traditional facing materials, would enhance the character and appearance of the local environment.
- The current opportunity available to the local planning authority to secure the comprehensive regeneration of the three sites on Moxon and Tapster Streets whilst taking account of their historical context, could lead to the significant improvement of the character and appearance of this part of the Town Centre.

5. Planning Considerations

Policy Context

National Planning Policy Framework and National Planning Practice Guidance

- 5.1 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.
- 5.2 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. At the heart of the NPPF is a presumption in favour of sustainable development, which means approving development proposals that accord with the development plan without delay. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.
- 5.3 The NPPF sets out 12 Core Planning Principles. These include:
 - Planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
 - Planning should take account of the different roles and character of different areas;
 - Planning should contribute to conserving and enhancing the natural environment;
 - Planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 5.4 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 5.5 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'. Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area over the lifetime of the development, should establish a strong sense of place using streetscapes and buildings to create attractive and comfortable places to live, work and visit,

and should respond to local character and history. The NPPF also makes it clear that planning policies and decisions should not attempt to impose architectural styles or particular tastes, and should not stifle innovation, originality or initiative.

The Mayor's London Plan 2016

- 5.6 The Minor Alterations to the London Plan, the overall strategic plan for London, sets out an integrated economic, environmental, transport and social framework for the development of London over the next 20-25 years. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.
- 5.7 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.
- 5.8 The revisions consolidated in the 2015 plan have been driven partly by the realisation that the population of London has grown much faster than was anticipated in the 2011 London Plan. As a result, London's annual housing target has been increased.
- 5.9 Policy 3.3 sets out that the Mayor recognises the pressing need for more homes in London, and the Mayor will seek to ensure housing provision consistent with at least an annual average of 42,000 net additional homes. The Plan sets out a minimum ten year target for Barnet of 23,489 homes. Policy 3.5 confirms that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment.
- 5.10 Other relevant policies include Policy 3.4 (optimising housing potential), 3.6 (Ensure all children and young people have safe access to good quality, well designed, secure and stimulating play and informal recreation), 3.8 (Housing Choice), 3.9 (Mixed and balanced communities should be promoted), 3.11, 3.12 and 3.13 (Seek to maximise affordable housing provision), 5.2 (Minimising Carbon Dioxide Emissions), 5.3 (Sustainable Design and Construction), 5.7 (Renewable Energy), 5.13 (Sustainable Drainage), 5.14 (Water quality and wastewater infrastructure), 5.15 (Water use and supplies), 6.9 (Cycling), 6.13 (Parking), 7.1 (Lifetime neighbourhoods), 7.3 (Designing Out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture), 7.8 (Archaeology), 7.19 (Biodiversity and access to nature), 7.21 (Trees and woodland).
- 5.11 The Mayor's Shaping Neighbourhoods: Play and Informal Recreation SPG (September 2012) and Housing SPG are also of relevance.

Barnet's Local Plan (2012)

- 5.12 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 (Compliance with the NPPF), CS1 (Barnet's place shaping strategy), CS4 (Providing quality homes and housing choice in Barnet), CS5 (Protecting and enhancing Barnet's character to create high quality places), CS9 (Providing safe, effective and efficient travel), CS13 (Ensuring the efficient use of natural resources), CS14 (Dealing with our waste).
 - Relevant Development Management Policies: DM01 (Protecting Barnet's character and amenity), DM02 (Development standards), DM03 (Accessibility and inclusive design), DM04 (Environmental considerations for development), 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), DM14 (New and existing employment space), DM16 (Biodiversity), DM17 (Travel impact and parking standards).

Supplementary Planning Documents

- Sustainable Design and Construction SPD (adopted April 2013)
- Residential Design Guidance SPD (adopted April 2013)
- Affordable Housing SPD (February 2007)
- Planning Obligations SPD (adopted April 2013)

- Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD (adopted October 2014)
- Wood Street Conservation Area Character Appraisal
- Chipping Barnet Town Centre Strategy

5.12 Main Issues for Consideration

5.13 Officers consider that the main issues for consideration in this case are:

- The principle of the residential led, mixed use development;
- Whether a sufficient level of affordable housing would be provided;
- The impact of the development on the character and appearance of the street scene and the wider locality, or to the setting of the adjacent conservation area and Grade II listed building;
- The quality of the residential accommodation provided for future occupants;
- The impact of the development on the residential amenity of neighbouring residents;
- Whether harm would be caused to trees of special amenity value;
- Whether harm would be caused to highway safety; and
- The biodiversity impacts of the development.

Principle of Development

- 5.14 This proposal includes the demolition of existing commercial buildings, and the replacement with four commercial units and 12 residential properties. The existing buildings are used for a range of A1/B1/B8 uses, including a tile showroom, associated offices and warehousing/storage.
- 5.15 Policy DM11 sets out that the council will expect a suitable mix of appropriate uses as part of development within town centres to support their vitality and viability. It sets out that appropriate mixed use re-development will be expected to provide re-provision of employment use, residential and community use.
- 5.17 Policy DM14 states that 'proposals to redevelop or reuse an existing employment space which reduces the levels of employment use and impacts negatively on the local economy will be resisted'. This application would include four non-residential units and 12 residential units.
- 5.18 The applicant has submitted a briefing note relating to employment uses at the site. This note explains that whilst the proposal would lead to a reduction in overall employment floorspace (from 773 square metres to 512 square metres), it will not lead to a reduction in actual employment but will enable a significant uplift in employment at the site. The proposal includes new retail/commercial floorspace on the ground floor in a flexible form to meet demand for either a sole occupier or two or three occupiers. The internal arrangements allow for access to the first floor accommodation which could act as ancillary space for ground floor tenants or as standalone office space. The note explains that the overall quality of the accommodation will be to a high modern standard and a far higher standard than the current accommodation. It also explains that whilst the submitted application form lists the existing employment numbers at the site as 13, the existing occupier has advised that only 7 are permanently on site. The first floor of the proposed commercial building would have an area of approximately 286 square metres. Based on the Homes and Communities Agency Employment Density Guide, this first floor area has the capacity to generate in excess of 20 jobs in office use.
- 5.19 The proposed mix of uses is considered to be appropriate having regard to the town centre location of the application site. In addition, having regard to the quality of the proposed office accommodation when compared to the existing, and the potential job creation that could occur, it is not considered that the proposal would be detrimental to the supply of employment floorspace in the borough.
- 5.20 Overall, it is therefore considered that the principle of the loss of some employment floorspace but provision of four commercial units, along with 12 residential units, would be appropriate in principal in this town centre location.
- 5.21 The site is previously developed land and would be classified as a brownfield site. Given that it is previously developed and given the town centre location, the redevelopment of the site is considered acceptable in principle.

Affordable Housing

- 5.22 Policy DM10 of the Development Management Policies DPD states that having regard to the borough-wide target that 40 per-cent 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. The tenure mix which is sought is 60 per-cent social rented and 40 per-cent intermediate. The above guidance has been superseded in part following an order of the Court of Appeal dated 13 May 2016 which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and essentially means that affordable housing contributions can only be sought from all new sites providing 11 or more units.
- 5.23 The current application seeks to provide 12 units, and therefore two units in excess of the number that could be proposed without any obligation to provide affordable housing. As part of this application, the applicant proposes three affordable units. The three flats in the second floor of the building fronting Moxon Street are proposed to be affordable rented units. The applicant has submitted a viability appraisal which seeks to demonstrate that with 3 affordable rented units (25% of the total housing proposed being affordable), the land value for the application scheme would be lower than the market value of the site, meaning no further affordable housing can be provided. The Local Planning Authority has commissioned an independent review of the applicant's appraisal. This review confirmed that the proposed scheme is not viable with 25% affordable housing provision. Therefore, the proposal is providing more than the maximum reasonable amount of affordable housing, subject to viability. The affordable housing will be secured by planning condition.

Conservation and Design

- 5.24 There are two main elements to this proposal. The first is the new building fronting Moxon Street, which would replace a series of existing buildings described in the 'Site Description' section above. The second element is to the rear and would be accessed via a new road off Tapster Street. The second element comprises a residential development of two and three storey houses.
- 5.25 In assessing the heritage and conservation aspects of the development, it is necessary to assess both the impact of the development on the character and appearance of the Wood Street Conservation Area and surrounding streetscene, and the impact of the development on the setting of the Grade II listed building at No.9 Moxon Street. Each of these issues is addressed in the subsequent sections of this report.
- 5.26 In addition to the issues outlined above and following assessment of the Robert Tavernor Consultancy Heritage Assessment submitted by the applicant along with a review of the consultation response from the Council's Conservation and Design officer, it is was apparent that the impact of the development on the character and appearance of the conservation area is intrinsically linked to the adjacent development sites; The Royal British Legion Site and the Moxon Street Car Wash. In order to ensure that all of the sites were treated in a holistic manner and to ensure congruity in terms of scale and character, the LPA instructed an independent heritage consultant to carry out a comprehensive review of the 3 sites and thereafter to produce an independent heritage statement. All three of the heritage assessments carried out are summarised fully within Sections 3 and 4 of this report and are referenced in the subsequent paragraphs where appropriate.

Impact on the Character and Appearance of the Wood Street Conservation Area and Surrounding Streetscene

- 5.27 The starting point for the assessment of the impact of the development on the character and appearance of the Wood Street Conservation Area and the surrounding streetscene is to establish the existing character of Moxon Street and Tapster Street. In relation to this part of the Conservation Area, the Wood Street Conservation Area Statement outlines the following:
- Buildings positioned at the back edge of pavement; tight grain in accordance with medieval burgage plots. Buildings are elongated and stretch back deeply into each plot;
 - Buildings are mainly two or three storeys with a mixture of vernacular architecture, form, detailing and materials demonstrating the area's organic growth characteristic of English market towns;
 - Mixture of materials but dominant ones include red brick with decorative detailing, clay tile, render in muted colours, yellow stock brick and slate;

- Of note in Moxon Street are nos. 9 and 11 and the hall opposite, which was built as Moxon Street School in 1834. No.9 is grade II listed, a two storey yellow stock brick house, with low pitched slate roof;
- There is good new residential development on the corner of Moxon Street and Tapster Street;
- There is a notable absence of buildings visible behind the roofscape on High Street creating distinctive views;
- Moxon Street includes a number of run-down buildings and temporary uses that detract from the character of the area.

5.28 The south part of the application site, adjacent to Moxon Street lies within the Conservation Area and are currently occupied by buildings which are specifically identified as a negative aspect of the area and *“vacant sites together with buildings adjacent to No. 9 Moxon Street”* are included under the category of *“Some buildings relate poorly to their neighbours and every effort should be made to improve them as the opportunity arises”* (pages 44-45 of the Wood Street Conservation Area Statement).

5.29 As negative contributors to the Conservation Area, the loss of the buildings within the application site it is inexorable that the loss of the buildings would not cause harm to the Conservation Area. All of the heritage assessments undertaken in relation to the current application have come to a similar conclusion in this regard. The key issue is therefore whether the proposed development which would replace the negative contributors would be appropriate in their setting and would preserve or enhance the character and appearance of the Conservation Area.

Height, Scale, Bulk and Massing:

5.30 Due to its location within the Conservation Area boundary, the primary impact of the development on the character and appearance of the Conservation Area would be manifested through the frontage development. As set out within paragraph 5.25 of this report, the main bulk of this part of the building would be two storeys in height with a third recessed storey clad with the contrasting zinc finish. In appraising the height of the development, the heritage report from Tavernor Consultancy outlines that *“the proposed development on Moxon Street which will be of an appropriate scale”* whilst the Council’s Conservation officer took the view that *“the three storey height of the buildings will appear at odds with the modest scale of the two-storey houses in the immediate vicinity”*.

5.31 Subsequent to the two heritage assessments undertaken above, the heritage report from AD Heritage Planning appraised the development and in relation to the height and scale of the development concluded that *“the buildings have been scaled to complement the neighbouring commercial properties at no.’s 98-108 High Street and the domestic proportions of no.’s 2, 9 and 11 Moxon Street”*.

5.32 Immediately opposite the application site, the Moxon Street Car Wash and the Royal British Legion site lie in a dilapidated state with buildings mostly of a single storey nature. These sites are identified as negative contributors to the conservation area and have been the subject of recent planning applications seeking to comprehensively redevelop the sites. Given the immediacy of the relationship between the sites and the importance of both sites coming forward in a congruent manner, within their heritage assessment AD Heritage Planning were instructed to carry out of an appraisal of all three sites. In relation to the sites to the south of Moxon Street, this appraisal concluded inter alia that *“the replacement buildings should be of a three storey height reflecting the massing and architectural rhythm of those proposed for the site opposite (the application site)”*.

5.33 Taking a balanced view on the height of the frontage building, it is clear that there is no uniformity in height with single, two and three storey buildings in both the immediate and wider vicinity. The ground and first floor of the proposed frontage building would be of a solid brick nature with the top floor recessed in a contrasting modern finish, offsetting its scale and bulk. Officers therefore consider that the height of the frontage building is appropriate for its context and would not in itself result in any harm to the character and appearance of the conservation area. This is notwithstanding the comments of the Council’s Conservation and Design officer which were given without the holistic and comprehensive appraisal of the surrounding development sites as was the case with the independent heritage appraisal subsequently commissioned by the LPA. The independent appraisal reached the clear conclusion that the 3 storey proposed development is appropriate for its setting and should set the tone for the emerging development on the sites opposite to come forward at 3 storeys in height.

- 5.34 Turning to the terrace of 7 dwellings to the rear of the site, all of these would be three storeys in height. The two end-terrace properties would have mansard-style roofs with a slight pitch. The mid-terrace properties would all have a three storey front and rear façade. To the west of this part of the site, larger buildings varying between 2 and 3 storeys are in situ whilst to the north is a large four storey residential building. In this context, it is considered that the height of the terrace would not be incongruent within its surroundings. Furthermore, the distance from the Conservation Area and the layout of the development would mean that element of the development would not be readily viewed in the context of the conservation area and as such officers consider that any impact would be negligible.

Layout, Design and Appearance:

- 5.25 The frontage building would be constructed at the back edge of the pavement which has been identified as a key feature in defining the areas special character. In this regard, the positioning of the frontage building at the back edge of the pavement reinforces the strong building line that is prevalent on Moxon Street, harmonising with its surroundings and preserving the character and appearance of the conservation area. To this end, the independent appraisal reaches this conclusion and it should also be noted that the Council's Conservation and Design officer did not identify any harm on this matter in isolation.
- 5.26 The frontage building would be of a buff brick construction on the ground and first floors with standing seam zinc cladding. The detailed design of the frontage building was amended during the course of the application to introduce a parapet of varying height and to introduce a vertical slope to the recessed second floor. In addition some windows were removed from the top floor and those that were retained are set lower on the roof whilst the ground floor windows were subdivided. The amendments to the scheme were made following discussion with the Council's Conservation and Design officers.
- 5.27 Given the parapet roof arrangement and the contrasting zinc clad recessed second floor, architectural style of the development is manifestly contemporary. Turning back to the heritage assessments carried out, it is clear that there is disparity in the view taken by the Council's Conservation and Design officer and both the statement by Tavernor submitted by the applicant and, of more relevance, the subsequent and comprehensive independent assessment from AD Planning.
- 5.28 The Council's officer considered that *"the flat roofs and front-facing amenity areas, including glazed balustrade and raised brick parapets are at odds with the traditional pitched roof forms found locally. The use of zinc as a roofing material roof is alien in appearance to natural slate... its use would serve to further distinguish the proposal from neighbouring buildings"*. The officer then goes on to conclude that the extent of discordance results in harm to the Conservation Area.
- 5.29 Whilst acknowledging the contemporary form of the development, the independent appraisal considered that *"the massing and the architectural rhythm of the new buildings would be in keeping with the scale and fenestration pattern of the adjoining buildings and would create a high quality and elegant development"*.
- 5.30 With regards to the fenestration to the façade, the Council's Conservation and Design officer is of the view inter alia that the *"large plate-glass shopfronts would relate poorly with the domestic detailing of windows and doors found on Moxon Street"* whilst *"on the first floor... the uniform pattern of fenestration will have an uncomfortable relationship with the more diverse pattern and positioning of windows in the street"*. In this regard, at first floor level, the window apertures have the same height as those in the properties at no.'s 9 and 11 Moxon Street providing some continuity. This is reflected in the comments within the independent assessment set out in paragraph 5.29. At ground floor level, the large shopfront openings are vertically aligned with each of the row of three windows at first floor level above, providing an element of vertical integration. Furthermore, the large openings serve commercial premises and as such, are fit for purpose.
- 5.32 Officers therefore have to come to a balanced view on the appropriateness of the contemporary form of the development, and specifically how this is expressed through the detailed design. In this regard, officers consider that the development offers a well-executed contemporary development which demonstrates good, robust design and does not attempt to pastiche the surrounding development. Notwithstanding the contemporary architectural language, the use of the traditional buff brick gives the development some grounding within its context and provides an element of synergy with the surrounding development. It is acknowledged that zinc is not an established roofing material within the surrounding area however, given the contemporary form of the development – a

contrasting roofing material to offset the mass and bulk of the ground and first floor is considered to be appropriate. Samples of all of the facing materials would be required by condition to allow officers the opportunity to fully assess the appearance. In conclusion, and on balance, it is considered that the detailed design and form of the frontage building is acceptable.

- 5.33 Turning to the part of the development located to the rear of the site, adjacent to Tapster Street, this enjoys a back-land location and is largely stand-alone development. The layout and the location of this part of the development allow it to have its own character which is expressed again through a contemporary form. The detailed design of this part of the development is considered to be acceptable in its context.

Conclusion

- 5.34 Having regard to all of the above and taking a balanced view on the basis of the varying views taken within all of the heritage appraisals undertaken, officers consider that the proposed development would not result in harm to the character and appearance of the Wood Street Conservation Area. The development would involve the replacement of buildings identified as negative contributors with a well-executed and elegant contemporary development. The development would set a good precedent for the future development of the adjacent development sites, as identified within the independent heritage appraisal from AD Planning.

The Impact of the Development on the Setting of the Grade II Listed Building

- 5.35 The last key part of the heritage assessment, is to consider the impact of the development on the setting of the Grade II listed no.9 Moxon Street. The listed building description of the heritage assets reads as follows *"circa 1840. Yellow stock brick house. Three windows, 2 storeys with basement. Central entrance door and blank recessed panel over. Gauged brick arches with curved sashes to ground storey. Good fanlight. Modern door. Low pitch hipped slate roof."*
- 5.36 The existing building adjoins no.11 Moxon Street which enjoys some shared character with the listed buildings however is subtly distinguished from its neighbour through its paler brick and asymmetrical composition. No.11 Moxon Street is identified as a positive contributor within the Wood Street Conservation Area Statement. To the opposite side of no.9 Moxon Street, the existing single storey, pitched roof timber building occupying the development site is separated from the listed building by a vehicular access road with the flank elevation of no.9 abutting the access road.
- 5.37 The key issue is whether the proposed development would result in any harm to this setting. As set out within Sections 3.5 and 4.3 of this report respectively, the Heritage Assessment carried out by Robert Tavernor Consultancy on behalf of the applicant, and the assessment of the application by LBB's Conservation and Design officer and the independent appraisal from AD Planning reached differing conclusions on the relative impact of the development on the setting of the Grade II listed building.
- 5.38 The Council's Conservation and Design officer considered that inter alia *"the three storey height of the buildings ... will also have a harmful effect on the setting of the Grade II listed building at 9 Moxon Street, which is part of its significance Having a dominant and harmful impact on the setting of 9 Moxon Street"*. The subsequent independent heritage appraisal from AD Planning states that *"in order to protect the setting of the listed building at No. 9 Moxon Street, both the new buildings on Moxon Street and the mews-type terrace at the rear would be set away from the west and north boundaries of the property, and the second-storeys of the Moxon Street buildings would be stepped-back from the façade of the buildings with a parapet/mansard roof arrangement, to create an appropriate relationship with the listed building"*.

Conclusion

- 5.39 The two elements of the development would have distinctly different relationships to the listed building. The frontage building would, at its closed point, be approximately 4.2 metres from the adjacent Grade II Listed Building. The space between the application building and the neighbouring building would incorporate some planting but would nevertheless provide a clear and marked separation between the sites. With regards to the height of the frontage building, the second floor would be recessed from both the front and flank elevations to further distinguish the two buildings. The ground and first floor of the frontage building would relate well to the listed building in terms of the material fabrication and height and scale.

- 5.40 The rear part of the development would be three storeys in height and the front elevation would be located approximately 15 metres to the rear of the listed building. At the point where no.9 stands on Moxon Street is narrow and is characterised by buildings built to the back of the pavements, as identified in the heritage appraisals. As a result of this character, there are limited vantage points where the rear terrace and no.9 Moxon Street would be readily visible in the same view. From the limited points where such views could be enjoyed, officers consider that the separation distance is adequate to ensure that the terrace would not dominate or overwhelm the views. The special interest of the heritage asset would still be fully perceptible and officers consider that, on balance, the development would not result in harm to the setting of the listed building.

Quality of Living Conditions for Future Occupiers

- 5.41 The proposed units would exceed the minimum internal size requirements set out in the London Plan. The rooms would also exceed the minimum sizes. In terms of the quality of the internal space, the proposed houses are all dual aspect. In respect of the flats, the two outer flats are dual aspect. The central one-bed, two-persons flat is only single aspect. This flat has south-facing windows only. The council's Sustainable Design and Construction SPD recommends that proposals should avoid single aspect dwellings that are north-facing. The flats would not be north facing. On this basis, and having regard to the fact that the flats would all also receive some light from rooflights which would improve the quality of the internal environment, it is considered that overall the quality of the proposed accommodation would be acceptable.
- 5.42 The proposed flats, and the row of 7 houses to the north of the site, are arranged and spaced to ensure that no building within or adjacent to the application site would appear overbearing or visually intrusive when viewed from any building proposed as part of this development. The same can also be said for the northern house in the pair of semi-detached dwellings. The proposed dwellings and flats are oriented to ensure that there would be no mutual overlooking between units within the site. The submitted Daylight and Sunlight Report from GL Hearn shows that all of the proposed units would receive adequate levels of both daylight and sunlight.
- 5.43 In terms of outdoor amenity space for the proposed houses, the majority of these do not provide sufficient outdoor amenity space to comply with the requirements of the Sustainable Design and Construction SPD. Only Plots 7, 8 and 9 provide sufficient outdoor amenity space. In total over the 12 units, 520 square metres of amenity space is required, and there is a shortfall overall of approximately 78 square metres, or 15 per-cent of the requirement. However, it should be noted that the application site is within a town centre location. The Planning Obligations SPD acknowledges that in town centres and for some higher density schemes it may not be feasible for development to provide adequate private or communal amenity space. In these circumstances the development has a fairly low shortfall over the recommendations. Each unit benefits from some private outdoor amenity space and the units themselves are of good size and dual aspect. It is not considered that the shortfall in amenity space would result in any demonstrable harm to the amenities of future occupants.
- 5.44 The proposed houses would have gardens with a depth of no more than 6 metres. Beyond the rear of the gardens is an access road which links Tapster Street to the rear servicing area of units fronting the High Street. Access is also provided to a group of buildings known as the Old Print Works. Of these buildings, one benefits from a grant of prior approval to convert from offices to residential. In addition, a building is currently under construction which would contain four flats, two of which would face the current application site. The residential uses have not commenced at the adjacent sites. The proposed terrace of houses to the rear of the application site would have windows which face toward the Old Printworks site. The houses are between 15 and 22 metres apart from the Old Print Works buildings. Reducing the separation distance below standard has given the opportunity to ensure the maximum number of dwellings, including affordable units, is delivered on this site. Moreover, the houses proposed are all dual aspect and provide outdoor amenity space.
- 5.45 Policy 3.8 of the London Plan requires 90% of new housing to meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings' and 10% of new housing to meet Building Regulation requirement M4(3) 'wheelchair user dwellings'. The Mayor's Housing SPG (March 2016) acknowledges that in certain specific cases, the provision of a lift (where necessary to achieve this requirement) may cause practical difficulties, make developments unviable and/or have significant implications for the affordability of service charges for intended residents. The SPG states that where necessary, Policy 3.8 should be applied flexibly to ensure that residential or mixed use development is deliverable. The SPG is clear that if proposals do not include step-free access, they should clearly demonstrate that achieving step free access would make the development unviable or would mean

that service charges are not affordable for the intended residents. If the LPA accepts this then the base Building Regulation M4(1) could be applied. In this instance the applicant has advised as follows:

“The provision of an accessible lift would cause a number of practical difficulties, requiring major redesign of the building leading to the loss of commercial floor space and one of the proposed affordable units. It would also require the introduction of a lift overrun at roof level which would have a significant detrimental effect on the building's roof profile and visual impact. The inclusion of a lift would also lead to a significant increase in build costs. As the submitted (Private & Confidential) Viability Assessment sets out, the value of the application scheme, without the additional build cost of including a lift, is already below the site's market value. The inclusion of a lift would clearly have a further detrimental impact on viability. Furthermore, the inclusion of a lift would result in associated annual service charges which would not be affordable for the intended residents.”

- 5.46 The applicant has advised that, in respect of the service charges, a figure in the region of £2000-£2500 could be expected, which would not be sustainable for two affordable rented flats. Based on the above, it is considered that providing step free access would make the development more unviable, and would mean that service charges are not affordable for the intended residents. On this basis, the three flats in the building fronting Moxon Street are required to meet Part M4(1) only. Of the terrace of houses, the applicant has confirmed that these will meet Part M, including 10% M4(3) compliance. This level of compliance is considered acceptable and will be secured by condition.
- 5.47 London Plan Policy 3.6 requires proposals for housing to make provision for play and informal recreation based on the expected child population generated and an assessment of future needs. Using the Mayor's guidance, this scheme is expected to provide approximately 28 square metres of play space. The Planning Obligations SPD notes that development proposals should make communal play provision for under-fives on-site where suitable provision does not already exist within walking distance of 100 metres. In addition, it notes that proposals which include units with gardens may have the yield for under-fives discounted. Taking these into account, along with the small size of the development overall, and the proximity of the site to public parks and recreational areas (approximately 180 metres from the Old Court House Recreation Ground), it is considered in this instance that the lack of play provision is appropriate.
- 5.48 In respect of air quality, the main source of air pollution is from traffic on the High Street. The development is set at least 37 metres from the High Street. Traffic generated by the development would have only an insignificant impact on the High Street and will not demonstrably add to local air pollution. No mitigation measures are required.
- 5.49 In terms of noise impact, the submitted report concludes that subject to the incorporation of mitigation measures, the site is suitable for a residential or mixed use development. The suggested mitigation involves the use of glazing and ventilation of specific properties to ensure a satisfactory internal environment. These will be secured by condition.

Impact on the Amenities of Neighbouring Properties

- 5.50 The proposed new houses would be set away from the nearest neighbouring residential properties. The proposed commercial and apartment building would replace an existing building and be set away from the nearest residential properties. As a result, the proposed development is not considered to appear overbearing or visually intrusive when viewed from any neighbouring property. The Daylight and Sunlight report from GL Hearn shows that all of the surrounding windows would retain a good level of daylight following the development.
- 5.51 In terms of privacy, given the relationship between the proposed houses and the nearest residential properties, it is not considered the houses would adversely affect the privacy of the occupants of any neighbouring residential property.
- 5.52 It is noted that the roof terrace serving the flats may introduce some overlooking toward neighbouring properties, however it is considered that this could be reduced and controlled by the installation of privacy screens, which would be secured by condition. Such screens would reduce actual overlooking, and would also reduce the ability of residents to access parts of the roof terrace (other than for repair and maintenance purposes). Subject to this, it is not considered the proposal would be detrimental to the privacy of the occupants of any neighbouring property.

Impact on Trees Within and Adjacent to the Site, and Landscaping Implications

- 5.53 As noted above, there are no trees of any significance proposed to be removed as part of this application. The application will include a landscaping scheme and full details of proposed landscaping would be secured by condition. There are no objections to the loss of the existing trees on site given their quality.

Impact on Highway Safety

- 5.54 The council's Traffic and Development team have been consulted. They conclude that given the quiet nature of the immediate surroundings that the proposed junction into the site from Tapster Street is acceptable. In terms of parking provision, between 11 and 17.5 spaces is required to meet the parking standards. Having regard to the site's PTAL rating, 14 spaces should be provided. Nine parking spaces are proposed (ie one space per unit) and this results in a shortfall of 5 spaces. The application site is within a controlled parking zone (CPZ), and the Traffic and Development team have recommended that occupants of the proposed residential development should be exempted from purchasing parking permits, to ensure the development does not result in any additional pressures on this already very busy CPZ. This will be secured by condition, and subject to the condition no objections are raised in respect of the highway impact.

Impact on Biodiversity

- 5.55 Policy DM16 states that when considering development proposals, the council will seek the retention and enhancement, or the creation of biodiversity. It requires development to meet the requirements of London Plan Policy 7.19E. This requires development to follow a hierarchy of 1) avoid adverse impact to the biodiversity interest; 2) minimise impact and seek mitigation; 3) only in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts, seek appropriate compensation.
- 5.56 The submitted ecology report sets out that this site supports very little biodiversity. The proposed landscaping scheme and associated provision of bird boxes will assist nesting birds following completion of the development, and will be secured by condition. A single common lizard was identified on the site, and a condition will therefore be attached to ensure details of appropriate methods of working are submitted to and approved in writing prior to works taking place to safeguard any other reptile populations at the site. The site has limited opportunities for bat roosting or foraging and overall the ecological impacts of the proposal are low.

Sustainability

- 5.57 The dwellings would all be built to achieve a balance between solar gain and heat loss. In addition, photovoltaics have been specified for the buildings, sited on flat roofs or unobtrusive sloping roofs. Further details of these will be secured by condition. The submitted energy reports confirm the proposal has been designed to improve on 2010 building regulations requirements by 40% and this is in accordance with the requirements of the London Plan.
- 5.58 The site is not in an area of high flood risk, and a detailed drainage scheme has been submitted. Thames Water have no objections to the submitted details. No objections are raised in respect of drainage matters.
- 5.59 The proposed commercial element has been designed to meet a BREEAM 'Very Good' standard and will accord with the council's guidance.

Other Matters

- 5.60 The scheme would be liable for the council's Community Infrastructure Levy, chargeable at £135 per square metre. This will be secured through the CIL Regulations and would go toward highways, education, health, community and open space projects in the borough. The scheme would also be liable for Mayoral CIL, which goes toward Crossrail.

6.0 Response to Public Consultation

- 6.1 The comments received are addressed in the appraisal above, either within the main body of the report or by means of planning conditions.

7.0 Equality and Diversity Issues

- 7.1 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."
- 7.2 For the purposes of this obligation the term "protected characteristic" includes:
- age;
 - disability;
 - gender reassignment;
 - pregnancy and maternity;
 - race;
 - religion or belief;
 - sex; and
 - sexual orientation.
- 7.3 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.
- 7.4 The site would provide various tenures of housing and units varying in number of bedrooms and overall size. All tenure types have been designed to be accessible and dedicated parking spaces for people with a disability will be provided.
- 7.5 The proposals are considered to be in accordance with national, regional and local policy by establishing an inclusive design and providing an environment which is accessible to all.

8.0 Conclusion

- 8.1 The application is acceptable in land use terms and whilst there would be a net loss of employment floorspace, the employment floorspace being reprovided within the development would be a higher potential employment density than the existing employment uses on site. The introduction of residential uses onto the site is considered to be appropriate. 3 of the 12 units being provided would be affordable representing an affordable housing level of 25%. Whilst this is below the policy target of 40%, the level of 25% has been fully justified through a viability assessment which has been independently reviewed on behalf of the Council.
- 8.2 The development would provide a good standard of accommodation for future occupiers and would not result in harm to the residential amenity of adjoining residential occupiers. The development provides an appropriate level of parking and would be acceptable in terms of its highways impacts.
- 8.3 Officers consider that the key issue in determining the application is the design and appearance of the development and its heritage and conservation impact. As set out within Sections 5.24-5.40 of this report and on balance, officers consider that the development offers a well-executed and elegant design which would not result in harm to the character and appearance of the Wood Street Conservation Area, surrounding streetscene and would not harm the setting of the Grade II listed no.9 Moxon Street.
- 8.4 Based on all of the above and subject to the conditions listed at the start of this report, it is considered that the application is acceptable and as such is recommended for approval.

9.0 Recommendation: To approve application 15/06410/FUL subject to the conditions listed