

Location **Tower Service Station 617 Finchley Road London NW3 7BS**

Reference: **16/5296/FUL**

Received: 9th August 2016

Accepted: 26th August 2016

Ward: Childs Hill

Expiry 25th November 2016

Applicant: Mr Jeff Shapiro

Proposal: Redevelopment of the site and erection of building between 4 to 8 stories for a mixed use development comprising 28 residential dwellings, and flexible uses at ground floor comprising of A3/D1/D2 floorspace with associated works, landscaping and parking at lower ground levels

Recommendation: Approve subject to s106

RECOMMENDATION I:

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

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

3. Affordable Housing Commuted Sum £640,000

4. Affordable Housing Review Mechanism

5. Local Employment Agreement

6. Monitoring of the Agreement

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Planning Performance and Business Development Manager/Head of Development Management approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Planning Performance and Business Development Manager/Head of Development Management:

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

008.001 Revision 00
008.002 Revision 00
008.003 Revision 00
008.005 Revision 00
008.098 Revision 00
008.099 Revision 06
008.100 Revision 05
008.101 Revision 03
008.102 Revision 01
008.103 Revision 01
008.104 Revision 03
008.105 Revision 01
008.106 Revision 01
008.107 Revision 00
008.108 Revision 01
008.201 Revision 01
008.202 Revision 01
008.203 Revision 01
008.204 Revision 02
008.301 Revision 01
008.302 Revision 01
008.303 Revision 02
008.304 Revision 01
Design and Access Statement
Transport Assessment
Planning Statement
Daylight and Sunlight Assessment
Statement of Community Involvement
Flood Risk Assessment
Energy and Sustainability Statement
BREEAM Pre-Assessment Report
Construction Management Plan
Air Quality Assessment
Acoustic Report
Viability Assessment
Contamination Assessment

Utilities Assessment Structural Report

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

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

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

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

4 a) No development other than demolition work shall take place until details of the location within the development and specification of the 3 units to be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users shall be submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure that the development is accessible for all members of the community and to comply with Policy DM02 of the Development Management Policies DPD (adopted September 2012) and Policies 3.8 and 7.2 of the London Plan 2015.

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

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

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

6 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 16 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).

7 Prior to the commencement of the development hereby approved, a full design study for the proposed substation within the basement floor of the building shall be submitted to the local planning authority for approval in writing, which outlines the screening and any

mitigation required for the transformer that is to be accommodated within the proposed substation. The study should include:

i) predicted electro-magnetic levels in the residential units and the commercial floorspace and the associated calculations;

and

ii) reference to relevant standards and/or studies. The development should be carried out in accordance with the approved details.

Reason: To protect the amenities of the future occupiers of the residential properties and non residential floorspace within the building hereby approved.

8 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be

carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

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

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations

to the London Plan and the 2016 Mayors Housing SPG.

12 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 35 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

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

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

14 Before the development hereby permitted is commenced (Excluding groundworks), the applicant shall provide plans and details of how the Renewable Energy measures in their Sustainability Appraisal will be designed and located. The development shall be constructed in accordance with these details.

Reason: To ensure compliance with policy DM04 of the Adopted Barnet Development Management Policies and policy 5.2 of the London Plan.

15 Before the development hereby permitted commences (Excluding groundworks), the applicant shall provide details of any measures to improve biodiversity on the site. The development shall implemented in full accordance with these details.

Reason: To ensure policy compliance with DM16 of the Adopted Barnet Development Management Policies 2012.

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

Reason: To comply with the London Plan's SPG on Sustainable Design and

Construction and Policy 7.14 of the London Plan in relation to air quality.

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

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

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

18 Part 1

Before development commences other than for investigative work:

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

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

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

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

c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring

shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

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

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

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

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

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

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of

the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

21 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

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

This sound insulation shall ensure that the levels of noise generated from the plant 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.

23 a) No development other than demolition works shall take place until a detailed assessment for the kitchen extraction unit, which assesses the likely impacts of odour and smoke on the neighbouring properties is carried out by an approved consultant. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority

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

Reason: To ensure that the amenities of the neighbouring occupiers are not prejudiced odour and smoke in the immediate surroundings in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012) and Policy CS14 of the Local Plan Core Strategy (adopted 2012).

24 All Non Road Mobile Machinery of net power between 37kW and 560kW shall meet at least Stage IIIA of EU Directive 97/68/EC and its amendments. No vehicles or plant to which the above emission standards apply shall be on site, at any time, whether in use

or not, unless it complies with the above standards, without the prior written consent of the local planning authority.

Prior to works commencing on site, all Non Road Mobile Machinery of net power between 37kW and 560kW shall be registered on the website <https://nrmm.london/>

Reasons: In the interests of good air quality with regard to London Plan policies 5.3 and 7.14

25 a) Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority. The report shall include an

assessment of construction dust impacts .The development shall be at least "Air Quality Neutral" and an air quality neutral assessment for

both buildings and transport shall be included in the report.

The assessment shall have regard to the most recent air quality predictions and monitoring results from the Authority's Review and Assessment process, the London Air Quality Network and London Atmospheric Emissions Inventory. 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) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development. This shall include mitigation for when air quality neutral transport and

building assessments do not meet the benchmarks.

c) 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 poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 3.2, 5.3 and 7.14 of the London Plan 2011

26 An Air Quality and Dust Management Plan shall be submitted to, and approved by, the Local Planning Authority, before the development commences whose purpose shall be to control and minimise emissions attributable to the demolition and/or construction of the development.

Reference shall be made to the Mayor of London's SPG, "The Control of Dust and Emissions during Construction and Demolition". The plan shall confirm:

- a. which air quality emission and dust control measures are to be implemented;
- b. which monitoring methods are to be implemented; and
- c. that construction machinery will meet NRMM standards

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

27 Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with

the new development; and in order to avoid adverse environmental impact upon the community.

28 Before the development hereby permitted is occupied 20% active and 20% passive parking spaces shall be installed with electric vehicle charging points. Such spaces shall be permanently retained and maintained thereafter.

Reason:

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

29 The approved development shall make provision for cycle parking and cycle

storage facilities in accordance with London Plan Parking Standards. Such spaces shall be permanently retained thereafter.

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

30 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

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

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

31 Prior to the occupation of the development, a Maintenance Agreement for the operation of the car lifts must be submitted to and approval by the Local Planning Authority.

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

32 Before the permitted development commences details of the refuse collection arrangements shall be submitted to and agreed by the Local Planning Authority.

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

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

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

34 Prior to the commencement of the development, details of the amendment to the existing access on A41 Hendon Way would be submitted to Transport for London for approval and works shall only be carried out in accordance with the approved plans.

Reason: To ensure that the works on Transport for London Road Network are approved by Transport for London and works carried out in accordance with Transport for London's requirements to ensure that the works are satisfactory in terms of highway safety development and to protect the amenity of the area and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

35 No works on public highway as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the highway authority and works shall only be carried out in accordance with the approved plans. The applicant will be expected to enter into an agreement under Section 278 of the Highways Act with the Highways Authority, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

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

36 Before the development hereby permitted is occupied the proposed parking spaces within the parking area as shown in 008098 Rev.00 and 008.099 Rev. 06 submitted with the planning application shall be provided and the access to the parking spaces will be maintained at all time. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

38 a) Before the development hereby permitted is first occupied, a scheme detailing all play equipment to be installed in the communal amenity space shown on the drawings hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

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

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

39 a) Before the development hereby permitted is first occupied, a scheme detailing all play equipment to be installed in the communal amenity space shown on the drawings hereby approved shall be submitted to and approved in writing by the Local

Planning Authority.

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

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

40 Before the development hereby permitted is occupied details of any proposed green walls or roofs shall be submitted to the Local Planning Authority. The development shall be implemented in full accordance with these details and they shall be permanently maintained thereafter.

Reason: To ensure satisfactory appearance to the development in accordance with policy DM01 of the Adopted Barnet Development Management Policies 2012.

41 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 8 am or after 8 p.m. on any other day.

Reason: To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day.

42 The premises shall be used for A3/D1/D2 Class uses and for no other purpose (including any other purpose in 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.

43 Before any D2 Class use is brought into use, a report should be carried out by an approved acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the development with regards to its use as a gym. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

It should include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The approved measures shall be implemented in their entirety

before (any of the units are occupied/ the use commences).

Reason: To safeguard the residential amenities of future residents.

44 The use hereby permitted at ground floor shall not be open to members of the public before 8am or after 10pm on weekdays and Saturdays or before 9am or after 5pm on Sundays and Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

45 The level of noise emitted from the extraction and ventilation plant for the A3/D1/D2 Class usage hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

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

46 a) The A3/D1/D2 Class units shall not be occupied until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the extraction and ventilation plant for the A1/A3/D1/D2 usage, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2011.

RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 26/06/2017 unless otherwise agreed in writing, the Head of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

- 1) The proposed development makes no contribution towards affordable housing despite this being found to be viable. The proposals would be contrary to policy DM10 of the Adopted Barnet Development Management Policies 2012.
- 2) The proposed development does not include a formal undertaking to meet the costs of a Local Employment Agreement. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013) and policy DM14 of the Adopted Barnet Development Management Policies 2012.
- 3) The proposed development fails to provide adequate amenity space to serve the development and does not provide a contribution to mitigate this towards local open space provision. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013) and policy DM02 of the Adopted Barnet Development Management Policies 2012

Informative(s):

- 1 We recommend that the requirements of the National Planning Policy Framework and National Planning Policy Guidance (NPPG) are still followed. This means that all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken. This should be additional to the risk to human health that your Environmental Health Department will be looking at.

We expect reports and Risk Assessments to be prepared in line with our 'Groundwater protection: Principles and practice' document (commonly referred to as GP3) and CLR11 (Model Procedures for the Management of Land Contamination).

The Environment Agency recommends the removal of all underground storage tanks (USTs) that are unlikely to be reused. Once the tanks and associated pipelines have been removed, samples of soil and groundwater should be taken to check for subsurface contamination. If soil or groundwater contamination is found, additional investigations (possibly including a risk assessment) should be carried out to determine the need for remediation.

Refer to 'Pollution Prevention Advice and Guidance on Storing and handling materials and products'

<https://www.gov.uk/government/publications/underground-storage-tanks-ppg27-prevent-pollution> and 'Defra - The Groundwater Protection Code: Petrol stations and other fuel dispensing facilities involving underground storage tanks - for England and Wales'

<http://archive.defra.gov.uk/environment/quality/water/waterquality/ground/documents/groundwater-petrol.pdf> specifically those sections relating to decommissioning redundant underground fuel storage tanks and infrastructure.

In order to protect groundwater quality from further deterioration:

- No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution.
- Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.

The applicant should refer to the following sources of information and advice in dealing with land affected by contamination, especially with respect to protection of the groundwater beneath the site:

- From www.gov.uk:

Groundwater Protection: Principles and Practice (August 2013)

Our Technical Guidance Pages, which includes links to CLR11 (Model Procedures for the Management of Land Contamination) and GPLC (Environment Agency's Guiding Principles for Land Contamination) in the 'overarching documents' section

Use MCERTS accredited methods for testing contaminated soils at the site

- From the National Planning Practice Guidance:

Land affected by contamination

- British Standards when investigating potentially contaminated sites and groundwater:

BS 5930: 1999 A2 2010 Code of practice for site investigations

BS 10175:2011 Code of practice for investigation of potentially contaminated sites

BS ISO 5667-22 2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points

BS ISO 5667-11 2009 Water quality. Sampling. Guidance on sampling of groundwaters

All investigations of land potentially affected by contamination should be carried out by or under the direction of a suitably qualified competent person. The competent person would normally be expected to be a chartered member of an appropriate body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

- 2 The applicant must be advised to ensure that the refuse collection arrangement is agreed prior to commencement of construction works as the site is located on the edge of the borough within LBB and the proposed access arrangement falls in LBC on Burgess Hill.

London borough of Barnet (LBB) Refuse Collection Team may not be able to collect from Burgess Hill as it is not part of London Borough of Barnet.

Similarly, London Borough of Camden may not be willing to collect refuse as the properties are not in their borough.

- 3 The applicant is advised that any alteration if required to the public highway (including pavement) will require prior consent of the local highways authority. You may obtain an estimate for this work from Environment and Operations Directorate, Barnet House, 1255 High Road, Whetstone N20 0EJ.
Informative: Any details submitted in respect of the Demolition Construction and Traffic Management Plan (DCMP) above shall control the hours, routes taken by delivery and construction vehicles, delivery arrangements, means of access and security procedures for construction traffic to and from the site and for the provision of on-site wheel cleaning facilities during demolition, excavation, site

preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.

The DCMP will take into account locations of any schools in the proximity of the proposed development that may be affected by the proposed development and the applicant shall ensure that construction related traffic and or deliveries shall be avoided during the school drop off and pickup times. The applicant may need to liaise with the affected school to ensure that measures are in place to ensure pedestrian safety.

The applicant is advised that although the Travel Plan is not required as the development falls below the appropriate Travel Plan thresholds, they are encouraged to develop a Voluntary Travel Plan to promote more sustainable forms of travel. Further advice can be sought via abetterwaytowork@barnet.gov.uk or tel: 020 8359 7603.

The applicant is advised that any works required on public highway to facilitate the development will require a separate agreement with the Highways Authority under S184 or S278 of the Highways Act 1980.

The applicant is advised that A598 Finchley Road is Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday and from 9.00am to 4.30pm on Saturday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.

The applicant is advised that the development is located on or near a Strategic Road Network (SRN)/Transport for London Road Network (TLRN) and is likely to cause disruption. The Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would require TfL's approval before works can commence. Informative: The proposed amendment to the existing site access on A41 Hendon Way will require consultation and approval from Transport for London as it is part of a Transport for London Road Network.

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

offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

- 5 Gyms can create significant noise disturbance for neighbouring residents. Listed below are some mitigation measures: Gym equipment should be acoustically isolated from the building structure using acoustic matting. Machines should be sited away from structural pillars.
Amplified music should include a noise limiter. Amplified music should not be allowed from 11pm to 7am.
- 6 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
 - 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
 - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
 - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
 - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
 - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
 - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.
- 7 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

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

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 30dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for

Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

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

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

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

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

- 8 The applicant is advised to engage a qualified kitchen extraction consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory smoke and odour control. Please note that:
 - Flue(s) must be 1.5 m* above eaves or any open able windows in the vicinity (within 20 metres of the flue) if there are sensitive premises in the vicinity. The final discharge must be vertically upwards. There should be no hat or cowl on the top of the flue. If flues are to be attached to neighbouring noise/vibration sensitive premises they must incorporate anti-vibration mounts, flexible couplings and silencers. *If the flue is in a Conservation area then this height may be reduced to 1m above eaves.
 - The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (DEFRA, January 2005); DEFRA Odour Guidance for Local Authorities (DEFRA, March 2010). Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.
- 9 The submitted dust and emissions management plan shall include as a minimum details of:

- Site hoarding
- Wheel washing
- Dust suppression methods and kit to be used
- Bonfire policy
- Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999. Registration of NRMM in the following registry must occur.
- Confirmation if a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation
- Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors
- Copy of an asbestos survey

- 10 The Air Quality Stage 4 Review and Assessment for the London Borough of Barnet and further reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.
- For developments that require an Air Quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance:
- 1) Environmental Protection UK and IAQM Guidance:
Land-Use Planning and Development Control: Planning for Air Quality, May 2015); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007) 5)
London Local Air Quality Management Technical Guidance LLAQM.TG(16), 6) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014) and 7) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge
Stack Heights for Polluting Emissions'.
- Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.
- 11 Our preferred option would be for all surface water to be disposed of on site using SUDs as per policy 5.13 of the London plan. The London plan Policy 5.13 identifies a hierarchy of drainage options for surface water drainage and as such we would expect the development proposal to follow this. Policy 5.13: The Mayor will, and boroughs should, seek to ensure that surface water run-off is managed

as close to its source as possible in line with the following drainage hierarchy:
 >Store rainwater for later use >Use infiltration techniques, such as porous surfaces in non-clay areas >Attenuate rainwater in ponds or open water features for gradual release to a watercourse >Attenuate rainwater by storing in tanks or sealed water features for gradual release to a watercourse >Discharge rainwater direct to a watercourse >Discharge rainwater to a surface water drain >Discharge rainwater to the combined sewer. The use of sustainable urban drainage systems should be promoted for development unless there are practical reasons for not doing so. Such reasons may include the local ground conditions or density of development. In such cases, the developer should seek to manage as much run-off as possible on site and explore sustainable methods of managing the remainder as close as possible to the site. The Mayor will encourage multi agency collaboration (GLA Group, Environment Agency, Thames Water) to identify sustainable solutions to strategic surface water and combined sewer drainage flooding/overflows. Developers should aim to achieve greenfield run off from their site through incorporating rainwater harvesting and sustainable drainage. Boroughs should encourage the retention of soft landscaping in front gardens and other means of reducing or at least not increasing the amount of hard standing associated with existing homes. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

We require a site drainage strategy that identifies the point(s) of connection and peak flow rates for the pre and post- development scenario for both foul and surface water. As this site falls within the highly flood sensitive Counters Creek Catchment we would expect to see surface water attenuation to Greenfield run-off rates as a minimum. We note Clause 17 of the DEFRA / EA publication Rainfall runoff management for developments but have observed many developments under 1 ha proposing surface water discharge rates significantly below 5 l/s.

- 12 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. Your planning application has been assessed at this time as liable for a £155,120.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £576,315.00 payment under Barnet CIL.

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

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

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

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

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

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.

Officer's Assessment

1. Site Description

The site forms an area of approximately 0.11 hectares. The site formerly contained a petrol station which has since been removed from the site.

The site is located at a prominent intersection between a number of roads. The site forms a corner with A598 Finchley Road to the east and to the north A41 Hendon Way. Furthermore the south of the site bounds onto Burgess Hill which falls within the London Borough of Camden.

The surrounding area is predominantly residential with 'Tudorbethan' style blocks at Vernon Court to the west (4-5 storeys) and Wendover Court across the A41 to the north (4 storeys). To the east on Finchley Road are 2-4 storey residential properties within the London Borough of Camden. Burgess Hill is characterised by 2-4 storey flats and dwellings.

The site is not subject to any specific constraints.

2. Site History

None relevant

3. Proposal

The proposals are for the redevelopment of the site and erection of building between 4 to 8 stories for a mixed use development comprising 28 residential dwellings, and flexible uses at ground floor comprising of A3/D1/D2 floorspace with associated works, landscaping and parking at lower ground levels.

The proposals involve construction of a mixed used scheme of up to 8 storeys in height, with floorspace at lower levels.

163 square metres of flexible A3/D1/D2 floorspace would be provided in two units at ground floor level.

Topography varies across the site decreasing to the south and west. In this way the lower ground floor level would partly extend so that it is visible from the Hendon Way and Finchley Road frontages. To Hendon Way the maximum height is 7 storeys + lower ground floor levels not including the clock tower. This would reduce to 6 adjoining Vernon Court and 4 storeys to the rear on Burgess Hill.

To the rear of the site would be a communal amenity space courtyard area.

The lower ground floor would accommodate commercial units and one residential unit where land levels allow this. Parking would be accommodated at lower ground floor levels access via a car lift.

4. Public Consultation

Consultation letters were sent to 311 neighbouring properties.

82 responses have been received, comprising 80 letters of objection, 2 letters of support.

The objections received can be summarised as follows:

Amenity Issues

- Daylight/Sunlight Impact, Do proposals meet BRE standards?
- Increased sense of enclosure, loss of privacy and have an overbearing impact detrimental to the residential amenities

Character/Appearance Issues

- The development's size and bulk is out of keeping with the character of the properties in the area.
- All nearby new residential blocks have at least been built out of natural material predominantly red brick.
- The proposed building is too large for the site.
- The area is being swamped with new builds, with no regard to the surrounding buildings.
- The proposed scheme is drastically excessive in height, mass and bulk permitting this amount of expansion would be a very bad precedent indeed
- The proposed design is ugly, and given its prominent location, will be constantly on view, both to passers-by and from afar
- Fears it could harm Tudorbethan mansion flats and the Arts and Crafts houses in Burgess Hill
- This unusually stepped, glass box design is not within keeping of the Arts & Craft and Edwardian style of this area. It will dominate from every perspective, as it is towers over all neighbouring properties.
- It is not 8 floors high, as added to this is a huge clock structure perched on top - this is far too high, especially for the residents of Vernon Court and Burgess Hill who will be overlooked from every direction.
- This is an important and highly visible site and is a great opportunity to show case good modern architecture and design.
- The site is located next to A Quennell House (on the Finchley Road). The building is too high and too large and there is too much glass.
- The clock tower is a unacceptable gimmick, is unnecessary and inappropriate.
- Density is excessive.

Transport Issues

- Glass will be a driving hazard.
- Unacceptable to offer so much car parking when this area is very well served by public transport.
- This development will result in a massive influx of residents, users of "flexible space", visitors, deliveries and vehicles into the area. Not all will use the underground parking.
- Currently, street parking is scarce and this development will make the situation unmanageable for residents.
- All access to the site will be via Burgess Hill which is a narrow road, where only 1 car can pass at a time.
- At numerous times a day, the traffic is at a standstill here. Added to when we have the frequent coaches from the playing fields, we are already at maximum capacity
- The ground floor plans show that cars entering the basement car park have to use lifts and they are required to wait either on the road or on the pavements while the lifts return to the ground level for reuse.

Other Matters

- Sewage/Drainage infrastructure and increased pressure on this.
- From an environmental point of view the deep excavation required for this site will put further pressure on the area as far as flooding is concerned.
- Further additional strain on the diminishing public services, such as transport, doctors, schools, libraries in our area
- Air and noise Pollution
- Building will act as wind tunnel
- Subsidence.
- Underground Storage Tanks (USTs) may be removed in accordance with proper procedures? Have tests been performed for contamination by Volatile Organic Compounds (VOCs). During much of the time that the petrol station was at this site, lead-based petrol was dispensed. The site must be tested for lead contamination and proper measures taken to abate contamination of the soil and groundwater by VOCs and lead.
- Access for disabled people.

The representations received can be summarised as follows:

This scheme is for a gateway site, being the feeder road from both the A1 and the M1, so forms a vital introduction into London. It occupies a pivotal position where the A41 meets Finchley Road and deserves to be a dramatic and modern introduction to the dynamism that London now affords to Britain and the broader world. The scheme's concept, articulation, and supporting information is exemplary and deserves to be supported by the Council.

The proposals were advertised by site and press notice dated 01/09/2016. Furthermore the proposals have been advertised as a departure from the development plan.

Internal Consultation

Traffic and Transport - No objection, comments are contained within main report.

Environmental Health – No objection but have suggested conditions

Drainage – Suggested conditions in event of approval.

Greenspaces – No comments made.

Waste and Recycling – No response received

Affordable Housing - Addressed in main report.

Urban Design – Support the scheme.

External Consultation

LB Camden - No objection

Transport for London – Have withdrawn initial objection, discussed in detail in report.

Metropolitan Police – No objection, have suggested measures to be incorporated.

London Fire Brigade – No response received

Child's Hill Residents Association – No response received.

Burgess Hill Residents Association– No response received.

Redington Frognal Association

This section of Finchley Road is residential, with a good sense of rhythm and continuation as the road progresses north and west. The residential buildings are overwhelmingly Arts and Crafts style, including many by Charles Henry Bourne Quenell. The over-dominant brutalist glass blocks proposed for this prominent site are completely unsuited to this residential Edwardian streetscape located on the Hampstead border - not in Milton Keynes!

There is no precedent for glass blocks here and it would constitute a retrograde leap.

The visual impact of the cubist and brutal series of blocks will have a profoundly negative and damaging impact on the streetscape for miles around. It will additionally cause severe harm to the Mock Tudor mansion flats at Wendover, Moreland and Vernon Courts. It will furthermore cause harm to the setting of the Edwardian former banking hall at 575 Finchley Road. A listing by Historic England should be sought for this building, if it is not already listed.

The scarring of the streetscape will also negatively affect views out of the Redington Frognal Conservation Area.

The excessive height, massing and bulk will, moreover, result in loss of sunlight and daylight for residents of Vernon Court and Burgess Hill.

Finally, we query the need for 37 car parking spaces in a location with a PTAL rating of 4

We urge you to reject this application.

Lyndale Avenue Residents Association

Object on grounds of impact of size and appearance of development on area and additional traffic and resulting impact on parking.

Fortune Green & West Hampstead Hampstead Neighbourhood Development Forum

'I am writing from the Fortune Green & West Hampstead Hampstead Neighbourhood Development Forum (NDF) to strongly object to this planning application.

The site is just outside the area covered by our Neighbourhood Plan (adopted by Camden Council in September 2015) - but the site's development will affect residents in our area and will be clearly visible from our area.

Our main objection concerns the design and height of the proposed building. The structure is extremely ugly and brutalist - and makes no effort to respect or fit in with the local character. The height is excessive and is out of proportion to neighbouring buildings. It will also block views and will impose itself on the local landscape in an entirely negative fashion.

The proposed building also makes little effort to reduce the dangerously high levels of air pollution in this area. Measures such as planting at the front of the building and pollution absorbing materials should be incorporated into the design of any building on this site.

Furthermore, in order not to add to the high levels of air pollution, this site should be a car-free development - which would conform with policies in our Neighbourhood Plan, as well as a Camden Council planning policies. This would also remove the need for the costly and potentially environmentally damaging construction of a large underground car park. Finally, given the large number of objections to this development, we urge Barnet Council to reject this application and to require that the developer brings forward a scheme that is more in keeping with the site context and which addresses the problems of the local area.'

Andrew Dismore AM has objected on the following grounds:

'I am objecting to this application in my capacity as London Assembly member for Barnet and Camden.

Scale, mass, bulk, context

The proposed development represents an overdevelopment of this site with an unacceptably high density of housing. The enormous scale of eight storeys and brutalist modern design would be totally out of context with the surrounding area, adversely

affecting the period character and appearance.

Impact on Neighbours

The bulky design would have a detrimental impact on neighbours, causing a loss of light to nearly properties, such as Wendover Court. The loss of existing views from neighbouring properties would adversely affect the residential amenity of neighbouring owners, as would the inevitable overlooking and loss of privacy.

Disruption during construction

Neighbouring residents are concerned that the proposed development would dig down very deep to site the parking below ground, and that this excavation could cause damaging subsidence for the older surrounding buildings.

Parking, access and congestion

The proposed development would exacerbate parking problems in the local side streets, there are already not enough residents' parking spaces for existing residents, and not enough provision has been made for the number of flats.

I am very concerned about the plans for access to the site to be via Burgess Hill. The road is narrow and already extremely congested; realistically only one car at a time can pass through it at a time. This situation would be exacerbated by the new access point on the road. I'm also worried about what this would mean for parking on the road as existing residents and their visitors already find it difficult to park on the street.

Conclusion

The height, mass, scale and bulk of the proposed development is inappropriate and represents an overdevelopment of the site. It is also completely out of context in a mainly Edwardian neighbourhood. There are numerous detrimental impacts on neighbouring properties, such as a loss of light, overlooking and the impact during construction to consider. However, the access and lack of parking will be an acute problem for an already over congested area.

In short this application is completely inappropriate, and I urge officers to turn refuse permission.'

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was published on 27 March 2012.

This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS4, CS5, CS8, CS9, CS10, CS11, CS12, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM05, DM08, DM10, DM11, DM13, DM16, DM17

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

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Policy DM03 states that development proposals should meet the highest standards of accessible and inclusive design.

Policy DM04 sets out environmental considerations for new development.

Policy DM05 states that tall buildings outside the strategic locations identified in the Core Strategy will not be considered acceptable

Policy DM08 sets out priorities for the mix of new housing within the borough.

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

Policy DM11 advises that significant new retail and other appropriate town centre uses outside the town centres or any expansion of existing out of centre sites will be strongly resisted unless they can meet the sequential approach and tests set out in the NPPF or are identified in an adopted Area Action Plan. Edge of centre proposals will not normally be appropriate and therefore should demonstrate why they are not locating in a town centre site.

Policy DM13 advises that new community or educational uses should be located where they are accessible by public transport, walking and cycling, preferably in town centres or local centres.

New community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety. New community or educational uses will be expected to protect the amenity of residential properties.

Policy DM16 states that when considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity.

Policy DM17 sets out transport considerations for new development.

Policy CS4 sets out how Barnet will provide housing choice within the borough.

Policy CS5 advises how Barnet will ensure high quality design for new developments and sets out appropriate locations for tall buildings.

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

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

Policy CS13 advises that we will seek to minimise Barnet's contribution to climate change and ensure that through the efficient use of natural resources the borough develops in a way which respects environmental limits and improves quality of life.

Policy CS14 sets out how we will encourage sustainable waste management

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of the development is acceptable
- Affordable Housing
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring or future residents.
- Transport Issues
- Environmental/Sustainability Issues

5.3 Assessment of proposals

1. Principle of Development

1.1 Land Use

The proposals seek to develop the site for mixed use purposes with flexible use for either A3 (café/restaurant), D1 (Non-residential Institution) or D2 (Assembly/Leisure). The ground floor commercial unit has a floorspace of 163 square metres.

The principle of mixed use with residential units above is considered acceptable. The report shall address the commercial uses in turn against policy.

Officers consider that given the relatively small size of the unit and its location close to a busy interchange, a café use could be appropriate to serve the surrounding area as it is less likely to compete with other centres in the area such as Childs Hill.

Given the limited size of the unit a D1 use is also considered appropriate. Officers have some concern regarding the use of external areas for educational/nursery uses and if this were to be proposed a condition requiring further mitigation would be required.

Similarly whilst a D2 leisure use may be appropriate, there are some concerns regarding noise escape from a gym use and certain conditions would need to be attached.

1.2 Tall Building

Policy CS5 states that 'will only support proposals for tall buildings in the strategic locations we have identified in Core Strategy Policy CS5 subject to them not having an

unacceptably harmful impact on their surroundings'

The proposed building exceeds 26 metres above ground level by the reason of the clock tower part of the building.

Looking at designated viewing corridors, the site is located closest to views Golders Hill Park towards Harrow on the Hill. The building is lower than 26m with just the clock element extending above the 26m limit..

The background to policy DM05 states that obstructing or harmfully impacting on these views will not be acceptable. The views will be identified on the Proposals Map. Impacting on a Local Viewing Corridor may not necessarily be an issue as some proposals can assist in land-marking an important location within the view provided they don't impede or block its main subject. A view does not have to be one of the designated Local Viewing Corridors. A tall building can affect an existing street view or a view from an open space. Particular care should be taken with tall buildings located on the ridges and higher ground in Barnet as these can affect the skyline. In these situations more distant views should be identified and the effect of the building on them considered.

Taking into account that the only reason the proposals breach the 26m threshold is the clock tower, which is a design feature rather than integral part of the development, it is not considered that this would warrant refusal. It is considered that the proposals would not unduly affect viewing corridors within the surrounding area, and the impact on the appearance of the streetscape is addressed in section 3 of this report.

1.3 Density

The development would be of 255 units per hectare and 763 habitable rooms per hectare. Taking into account that the site is within an urban area and has a Public Transport Accessibility Level of 3, development should be no more than 170 units and 450 habitable rooms per hectare. The site is located close to PTAL zone 4 and it should be noted that the thresholds here rise to 700 habitable rooms, which the proposals would still exceed but to a lesser extent.

It is acknowledged that the thresholds within the London Plan should not be applied mechanistically. In this case the site is close to built up areas and represents an opportunity to redevelop a site that could make greater contribution to the borough's housing stock. On balance it is not considered that the density of the scheme is reason to withhold planning permission.

1.4 Unit Mix

Policy DM08 states that:

'Development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough. Our dwelling size priorities are:

- i. For social rented housing – homes with 3 bedrooms are the highest priority*
- ii. For intermediate affordable housing – homes with 3/4 bedrooms are the highest priority*
- iii. For market housing – homes with 4 bedrooms are the highest priority, homes with 3 bedrooms are a medium priority.'*

The development comprises:

8 x 1 bedroom units
14 x 2 bedroom units
4 x 3 bedroom units
2 x 4 bedroom units

This is considered to be an appropriate dwelling mix in line with policy DM08.

2. Affordable Housing

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

The applicant has submitted an affordable housing financial viability appraisal in support of the scheme by BNP Paribas.

Bespoke Property Consultants have assessed this on behalf of the Council.

Following negotiations, it has been agreed that a contribution of £640,000 can be viably be made towards affordable housing within the borough.

Commuted sums are normally only appropriate in exceptional circumstances. Given the size of the contribution, the number of housing units equivalent to this would be unlikely to be of interest to a Registered Provider of affordable housing, it would be unlikely to be viable for them.

In order to ensure that any uplift in value is considered it is suggested that a review mechanism is incorporated within any section 106 agreement to provide this contribution.

3. Impact on the character of the area

3.1 Layout

The site forms a prominent corner location in that it fronts three roads, Burgess Hill to the south, Hendon Way to the north and Finchley Road to the east.

Topography across the site decreases to the south and west. In this way as you approach the site from the west on Hendon Way the land rises and the elevated position increases the site's prominence.

From Burgess Hill, the main views of the site are against Vernon Court. Vernon Court has an irregular form, stepping back adjacent to the site.

The proposed layout would be L shaped. It would adjoin Vernon Court to the front facing Hendon Way and would wrap around the corner to Finchley Road. This would leave spacing for amenity areas to the south of the site to Burgess Hill, as well as helping to relieve the massing when viewed against Vernon Court which is stepped on this side.

The proposals include two levels of car parking accessible from car lift on Burgess Hill.

3.2 Scale/Massing/Height

The building would have a stepped appearance, increasing in height from south to north and from west to east to create a corner feature.

The massing of the building draws reference from the stepped heights of the neighbouring 'Tudorbeathan' style flat blocks.

The building would step up from 3 to 7 storeys above ground floor on the east elevation to Hendon Way as you go north.

From west to east the building would increase from 5 where it joins Vernon Court, to 6 (excluding clock tower) to 7 storeys where it adjoins Finchley Road.

The building would inevitably exceed the height of the previous single storey petrol station building. Currently views of the site are of the flank wall of Vernon Court, which is partially glazed to the rear but has a rather blank looking elevation to the front. The proposals would clearly add a building of significantly increased massing to this corner. The stepped nature of the building would help create a feature in the form of the corner of the building and clock tower, whilst stepping down so that it does not appear unduly tall in relation to buildings on Burgess Hill and Finchley Road which are closer to 3-4 storeys in height. Furthermore the building would step down to Vernon Court which would prevent the building from jarring to an unacceptable extent when viewed against this.

Overall although the building is larger than that existing on the site to a great extent, and also to neighbouring buildings to some extent, this is considered an appropriate location for a building of greater presence. It is therefore considered that on balance a building of the massing proposed would be acceptable.

3.3 External Appearance

The proposed design is unashamedly modern in style. It would be formed of square elements. These square elements are treated differently in order to add definition to the building.

The building takes reference from the neighbouring buildings which are stepped in terms of their appearance and have a sawtooth like plan form. Whilst these are more traditional buildings in their appearance, the square elements would tie the proposed building to the form of Vernon Court and prevent the juxtaposition from appearing unduly jarring.

The proposed square elements and glazing would also prevent the building from having a blank and featureless appearance from Burgess Hill.

The existing building at Vernon Court has a rendered blank flank wall which gives a rather unfinished appearance to the building and does not contribute positively to the area. The principle of joining this is therefore considered acceptable subject to acceptable amenity impacts.

The proposed colour of brickwork would be similar to that of Vernon Court and as such would appear congruous.

The proposed clock tower forms a central part of the design. The clock has 4 faces that form a 6m sided cube. This mirrors the square features above.

The proposed materials include:

- Hand crafted red bricks matched with mortar.
- Low iron glazing with fritted pattern/sandblasted.
- Extruded mesh of varying patterns and transparencies.

In order to address some concerns about the extent of glazing and whether this would fit when viewed against surrounding buildings, the applicant has looked to reduce the amount of glazing and incorporate additional brickwork. It is noted that the majority of buildings in the vicinity are of traditional appearance so this would help ensure that it's appearance is not too commercial looking.

Finalised details of materials can be secured by a planning condition.

It is considered that the proposals would ensure high quality appearance to the development that would contribute positively towards local townscape.

3.4 Landscaping

Scope for landscaping on the site is limited given the shape of the plot. The scheme incorporates living walls, and planting to Hendon Way frontage and rear amenity area. The proposals would make use of green walls to help soften the flank walls of the building particularly to the rear of the site from Burgess Hill. The proposed communal

amenity area would also benefit from planting and a condition is suggested in order to ensure full details of landscaping scheme.

4. Impact on the amenities of neighbouring occupiers

4.1 Sunlight/Daylight

Policy DM01 of the Adopted Barnet Development Management Policies states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The applicant has provided a daylight and sunlight report accompanying the planning application.

Officers have looked over the daylight and sunlight report and visited the site and also neighbouring properties.

The BRE standards used within the report are industry recognised guidelines however they do not form policy.

Generally, access to daylight is poor within Vernon Court especially at lower levels. The daylight and sunlight report states that Vernon Court and 358 Finchley Road will not achieve full compliance with the BRE Guidelines. The impact on the following rooms would breach BRE Guidelines in respect of the Vertical Sky Component (VSC) test (i.e. reduction of more than 20%):

Vernon Court

W3 Ground Floor - Kitchen

W3 First – Bedroom

W4 First – Kitchen

W3 Second – Bedroom

W4 Second – Kitchen

W10 Second – Unknown

358 Finchley Road

W4 Ground - Unknown

It should be noted that only habitable rooms have been considered as impacts on non-habitable rooms are not considered to cause harmful impact to living conditions.

Further analysis has been undertaken against No Sky Line (NSL) Criteria. The following rooms would notice a 20% or greater reduction.

Vernon Court

W3 Ground – Bedroom

W3 First – Bedroom

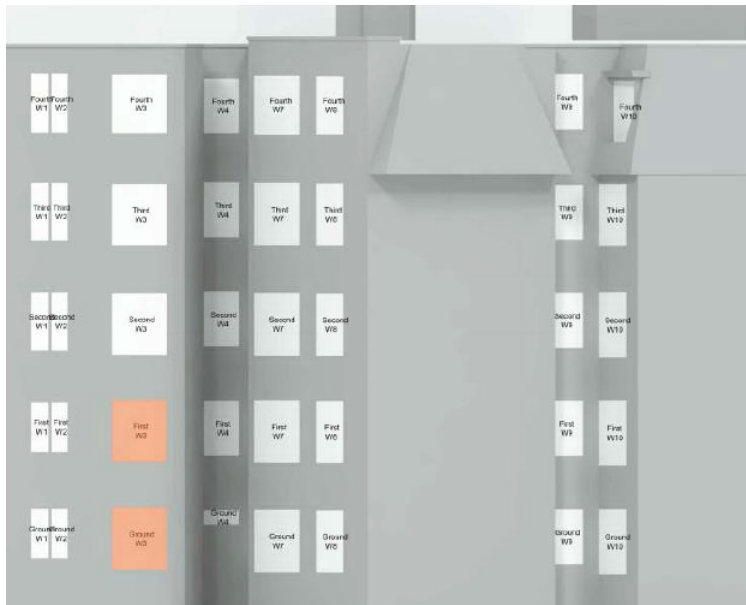


Fig. Image of above windows.

Taking these tests into account, it is considered that a relatively small proportion of the windows at Vernon Court would notice significant reduction in daylight. Furthermore taking into account the relationship of neighbouring windows to the site, any development on this site of any size will inevitably result in BRE transgressions. The urban nature of the site and relationship to neighbouring buildings must be considered.

With reference to sunlight impacts, 19/20 windows at Vernon Court meet the BRE Guidelines in terms of sunlight. The one room which does fall short of the BRE recommendations is W10 at second floor. The use of this room is unknown.

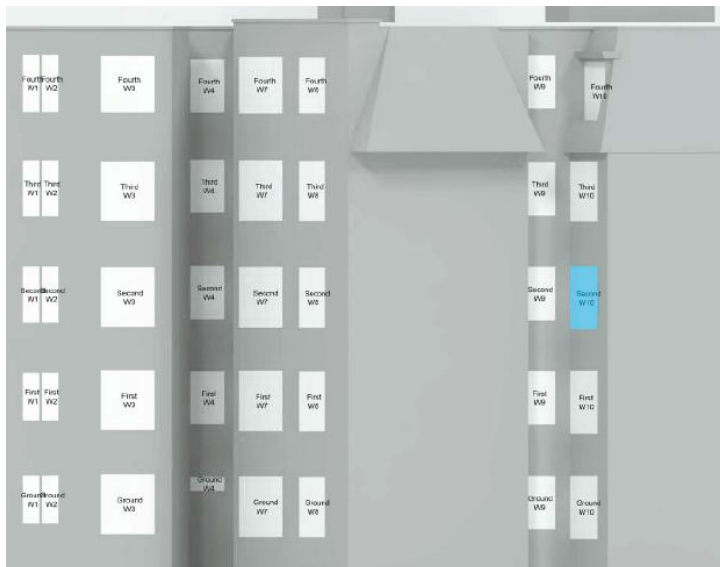


Fig. Image of W10 Second.

In this way it is considered that whilst there may be some impacts in respect of loss of light the applicant has designed the scheme to minimise impacts whilst optimising development of the site.

4.2 Visual Impact

The proposed building would replace the petrol station that previously existed on site.

In respect of distances to the west and southern boundaries of the site the following dimensions should be noted:

- At ground to third floors the building would be set back 1.7m from the Burgess Hill frontage.
- At fourth floor level the building would be set back 7.7m from the Burgess Hill frontage.
- At fifth floor level the building would be set back 13.6m from the Burgess Hill frontage.
- At sixth floor level the building would be set back 19.8m from the Burgess Hill frontage and would be set back 5.3m from Vernon Court to the west.
- The seventh floor would only be at the northeast most part of the site.

It is considered that the building that will be most impacted by the proposal is Vernon Lodge to the west. The most impacted windows would be the upper floor windows (W7 as specified within the applicant's Daylight and Sunlight Assessment.), which serve habitable rooms. Given the existing nature of the site these currently enjoy unimpeded outlook across the site. However the building has been stepped away in an L shaped form to provide outlook for the windows.

To the east, the building would be approximately 24m from the frontage of properties on Finchley Road. Whilst the building would be considerably taller than that previously on the site, it is not considered that the building would appear unduly dominating or overbearing as viewed from the front windows of these properties given the intervening distance and efforts to step the massing of the building.

To the north, the frontage of Wendover Lodge is approximately 30m away. Given the intervening distance, it is not considered that the building would appear unduly dominating or overbearing as viewed from the front windows of these properties even allowing for the increase in height to the building.

On balance, it is not considered that the proposals would not result in harmful visual impact, dominance or enclosure as perceived from neighbouring residential properties, taking into account the urban nature of the site and it's constraints.

4.3 Privacy

The Supplementary Planning Document: Residential Design Guidance sets out overlooking distances for new development. This states that ' *Privacy can be*

safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed). In new residential development there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.'

In looking at these standards it is recognised that they principally relate to more traditional relationships between buildings and perhaps with more domestic scale buildings in mind, noting that the building at approximately 8 storeys above ground level,

To the west of the site is Vernon Court. The proposed development would have windows facing this side. At first floor the flank wall facing Vernon is stepped, so distances to the flank wall of Vernon Court vary between 13m immediately to the rear of the main block, increasing to 14m however in these areas there are no facing windows, so there would be no overlooking.

Further to the south the building at Vernon Court then steps out further to allow for a gap of 19-21m across the remainder of the flank of the building. This would be in broad compliance with the 21m standard. At this part of the site there is a gap of some 9m between Vernon Court and the site. At fifth floor this would increase to 25m, and at sixth floor 27m.

There is a distance of approximately 20.3m to the frontage of nearest property to Burgess Hill opposite, and significantly further to any buildings. There are not windows on this elevation so no overlooking would result to the south.

Given the distance of approximately 29m to the buildings opposite on the east side of Finchley Road it is not considered that harmful overlooking would result, even allowing for the additional height of the building.

The proposals provide a number of external amenity areas and screens which have been taken into account when calculating the above distances.

Overall, it is considered that the proposals are designed to minimise overlooking from windows and balconies. It is not considered that harmful overlooking causing loss of privacy would result from the development.

4.4 Noise

Policy DM04 sets out environmental considerations for new development.

The site is located within a noisy existing environment. As such, the additional

The proposed building to some extent would act as a buffer against existing noise,

screening it to neighbouring residents.

4.5 Light Pollution

The proposed windows facing Vernon Court are located a significant distance away from these properties. The flats at Vernon Court generally do not have outlook facing solely east towards the site, which would help mitigate any perceived impact.

It is not considered that harmful visual light pollution will occur to neighbouring residents.

5. Impact on future occupiers

5.1 Internal Floorspace

Policy 3.5 of the London Plan states that *'LDFs should incorporate minimum space standards that generally conform with Table 3.3. The Mayor will, and boroughs should, seek to ensure that new development reflects these standards.'*

All units would be fully compliant with the minimum floorspace standards within the London Plan.

All units would be dual aspect and offer good outlook for future residents. It is considered that they would provide satisfactory living accommodation for future residents.

5.2 Amenity Space

Policy DM02 of the Adopted Barnet Development Management Policies document states that:

Where appropriate, development will be expected to demonstrate compliance with the following national and Londonwide standards supported by the guidance set out in the council's suite of Supplementary Planning Documents with reference to outdoor amenity space, the Sustainable Design and Construction SPD

The Supplementary Planning Document: Sustainable Design and Construction states that higher density development, such as flats may not always be able to provide amenity space to the standards outlined in Table 2.3. Where the standards cannot be met and an innovative design solution is not possible the council will seek a Planning Obligation.

In this case, the applicant has sought to provide balconies serving the development. The proposals are for a high density mixed use development.

A communal area of 262 square metres accompanies the development, as well as 195

square metres of balconies. These serve 19 of 28 units. Overall it is considered that taking into account the constraints of the site, the proposals would provide good quality outdoor amenity space which complies with the aims and objectives of policy DM02.

5.3 Commercial Use

The proposals seek to incorporate flexible use at ground floor level. A gym or nursery for example could form part of this and the documentation states a gym shall be used for residents although it is unclear if it will be used commercially too. Environmental Health officers considered that there should be restriction on its use.

Therefore conditions are suggested in order to ensure that there are not harmful impacts on residents of the development from noise and disturbance.

5.4 Playspace

Policy 3.6 of the London Plan is accompanied by text that states 'New development including housing should make provision for playspace. This should normally be made on-site and in accordance with LDF play policies for the area. Where development is to be phased, there should be early implementation of the play space. Off-site provision, including the creation of new facilities, improvements to existing provision and an appropriate financial contribution secured by legal agreement towards this provision may be acceptable where it can be demonstrated that it fully satisfies the needs of the development whilst continuing to meet the needs of existing residents.'

The proposals do not provide specific playspace shown on the proposed plans however the communal garden will be sufficiently enclosed by the proposed building to create private space that is protected from noise. A condition can be attached to ensure that playspace is provided.

5.5 Wheelchair Accessibility

Policy DM03 states that development proposals should meet the highest standards of accessible and inclusive design. London Plan policy 3.8 sets out wheelchair housing requirements.

The proposals make provision for three wheelchair accessible units. This represents 10.7% of the units and is considered acceptable in compliance with policy 3.8 of the London Plan (Housing Choice)

6. Transport Issues

6.1 Accessibility

The previous use of the site was as a petrol filling station with exiting access onto A41

Hendon Way

The proposal is for the redevelopment and erection of new building to provide 28 no self-contained flats comprising 8 x 1bedroom units, 14 x 2bedroom units, 4 x 3bedroom units and 2 x 4bedroom units.

The PTAL rating for the site has been assessed as 3 bordering onto PTAL 4.

6.2 Access and Safety

The vehicular access to the underground car parks is proposed via 2 car lifts operating with electronic fobs. The applicant has confirmed that the default resting position for the lift would be at ground level. This is to ensure that there is not detrimental impact on the free flow of traffic on public highway that could result from vehicles waiting on public highway to access the lifts.

The proposed vehicular car lift access is proposed on Burgess Hill which is part of London Borough of Camden (LBC) therefore the proposed access arrangement and the assessment of the likely impact of the proposed development on the public highway will require consultation with and approval of London Borough of Camden. Camden have been consulted on the proposals and have expressed no objection to the proposals.

The communal residential bin store is to be located at the ground floor level next to central lift and stairs. Private management will ensure that the bins are accessible on the day of collection on Burgess Hill.

A small bin store is being provided for the commercial units on site and a private management company is to ensure bins are accessible for collection.

Transport for London (TfL) have been consulted on the proposals. The applicant has submitted a combined Stage 1 and 2 Road Safety Audit which complies with TfL's standards. TfL's Traffic Asset Assessment Team have since reviewed the Road Safety Audit and the designer's review. TfL initially objected to the location of the proposed loading bay however additional information was provided by the applicant. The applicant has provided a car parking management Plan which demonstrates that vehicles will be regulated when parking on site. TfL is now content that the proposed servicing bay will not impede access to the bus stop, furthermore TfL and the applicant have agreed that a delivery and servicing plan will be secured by condition in consultation with TfL that includes methods to control and enforce which vehicles can use the loading bay and maintenance of the servicing bay. The ground floor commercial unit cannot be occupied until the Delivery and Servicing Plan has been approved by TfL. All outstanding concerns have been addressed and TfL has removed its objection.

6.3 Parking

37 parking spaces including 4 disabled parking spaces have been provided within

basement levels 1 and 2. Car lift access is proposed for the basement car parks with 2 car lifts.

The proposed development would require parking provision of between 21 and 39 parking spaces in accordance with the parking standards as set out in the Development Management Policy DM17. Therefore the [parking provision of 37 parking spaces is in accordance with the Parking Standards.

20% Active and 20% passive EVCPs are proposed in accordance with London Plan Parking Standards.

62 Cycle parking spaces are proposed in basement level 1 and 2.

7 Environmental/Sustainability Issues

7.1 Land Contamination

The application is accompanied by a Phase 1 Land Contamination Assessment.

Residents have raised the issue of underground storage tanks. It is understood that these were removed when the previous use was decommissioned. Furthermore the assessment addresses any issues of underground gasses and volatile organic compounds (VOCs). The report addresses any potential issues relating to unexpected storage tanks found during the construction process.

The assessment recommends the following measures:

- Full quantification of the distribution and amount of asbestos in the ground.
- Full assessment of soils in relation to Waste Assessment Criteria (WAC) to enable appropriate disposal of waste soils from the development. This will require additional chemical testing.
- Assessment of the type of water supply pipe required.
- The risk to below ground concrete from the concentration of sulphates in the ground (London Clay is well known for locally having high concentrations of sulphates which require to be taken into account when designing below ground concrete mixes). This will require additional chemical testing.
- Produce a Remediation Strategy Report – it is envisaged that a relatively short Remediation Strategy could be produced in order to set out:
 - how potential issues relating to asbestos are controlled during the groundworks;
 - how materials on site will be re-used in soft landscape areas;
 - how waste excavation arisings will be managed.
- Geotechnical site investigation to enable the foundations and basement to be designed appropriately in accordance with appropriate British Standards and guidance.

The Environment Agency have been consulted on the proposals and have no objection. They have suggested remediation to ensure that any contamination from the former use

as a petrol station is addressed.

7.2 Noise Pollution

Policy DM04 states that 'Proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.'

Environmental Health Officers have identified that the site is located within a poor quality noise climate. An acoustic report accompanies the planning application.

This states that:

- The majority of the site falls into noise exposure category C of Barnet Council's policy. To meet the target internal noise criteria within habitable rooms of the proposed development, the sound insulation performance of the glazing elements on the north facing façade should achieve 43 dB RW and the glazing elements on the east facing façade should achieve 42 dB RW

- It is understood that the ventilation strategy will be through mechanical means with heat recovery (MVHR) for all habitable rooms. When purge ventilation is required (e.g. for the release of odour or for cooling on very hot days) windows can be opened for short periods of time; although, the internal noise level criteria may be exceeded during this time.

- An assessment of the external amenity areas has also been undertaken. It has been determined that whilst it may not be possible to achieve 55 dB LAeq in all external amenity areas, the development has been designed to achieve the lowest practicable levels for this area and the use of these areas will be at the occupier's discretion.

The report suggests that residential development is appropriate in this location. The Environmental Health Team have been consulted and agree but have suggested conditions to mitigate against any harmful impacts.

7.3 Air Pollution

Policy DM04 states that Development proposals will ensure that development is not contributing to poor air quality and provide air quality assessments where appropriate.

Environmental Health Officers have identified that the site is located within an area of poor air quality. The applicant has provided an Air Quality Report in support of the scheme. This proposes mitigation to prevent harmful impacts such as:

- Sealed windows at ground, first and second floor
- Use of mechanical ventilation

-No external amenity areas on front façade below third floor level.

It is considered that subject to conditions the proposals would not have a harmful impact on air quality for future residents.

7.4 Drainage

The proposals are accompanied by a Flood Risk Assessment. This has been assessed by the Lead Local Flood Authority.

The details are generally considered acceptable however in some areas more detail is required.

Conditions are suggested to secure a full drainage strategy including details of topography, points of discharge, run-off rates, details of drainage system and water storage. There is scope from rain water harvesting to be considered.

7.5 Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2) and M4(3). The applicant has confirmed that the proposed development would meet this requirement, and a condition is attached to ensure compliance with these Policies.

Policy 5.2 of the Mayor's London Plan states that 'The Mayor will work with boroughs and developers to ensure that major developments meet the following targets for carbon dioxide emissions reduction in buildings. These targets are expressed as minimum improvements over the Target Emission Rate (TER) outlined in the national Building Regulations leading to zero carbon residential buildings from 2016 and zero carbon non-domestic buildings from 2019.'. Barnet does not currently have a carbon offset fund, so it is technically not possible to meet zero carbon standards, however this is not any fault of the applicant.

Policy 5.3 states that 'Development proposals should demonstrate that sustainable design standards are integral to the proposal, including its construction and operation, and ensure that they are considered at the beginning of the design process.'

The applicant has provided a Sustainability Appraisal in support of the planning application. This states that the proposals will require not only a source for heating, but also cooling due to the more stringent comfort requirements of a central London residential development. Therefore the appropriate systems that could provide both heating and cooling from a single technology are heat pumps.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 35% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the

requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is suggested to ensure compliance with the Policy

In terms of water consumption, a condition [is attached/would be attached in the event planning permission is granted] to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

7.6 Ecology

Policy DM16 states that 'When considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity.'

The site at present has very limited ecological potential. The proposals would provide some scope to provide biodiversity improvements and a condition is suggested in order to ensure that this is secured.

8. The impact on local security

The applicant has liaised with the Metropolitan Police Designing Out Crime Officer.

There are three general requirements:

1. Reduce Permeability.
2. Increase Surveillance.
3. Increase Territoriality.

The Designing Out Crime Officer has made the following specific recommendations:

1. Recessed or undercroft areas should be minimised to prevent loitering, with vertical surfaces resistant to attack or graffiti.
2. Under podium /basement car parking should have secure Security certificated doors/gates/roller shutters fitted to the building envelope.
Access to this level should only be by encrypted fob, with no visual/audio entry panel.
3. Cycle storage should be located in a secure area with surveillance.
4. Pedestrian side entrance/gates to be a minimum of 2m in height accessed with an encrypted fob only, with doors that are self locking and closing All walk ways to be clear,

wide and unobstructed with legible signage indicating residential and commercial aspects with flooring treatment to emphasize the change of use.

5. Uniform levels of lighting with No bollard lighting..

6. All Duplex units on the ground floor where possible are to be offered with a garden/defensible space, with 1.2 m railings and gate.

7. All doors of the building envelope will be to an acceptable security certification.

8. All opening and accessible windows will be to a security certification.

9. Perimeter around the development (rear and side) should be to a height of at least 2m high, where not protected by the raised podium construction of the site.

10. Asset rooms/ commercial units. These are units/rooms within the development which will require higher levels of security. This will be achieved by fitting of a security certificated door.

11. CCTV if used will be registered and comply with the information commissioners office guidelines and areas of capture

12. Communal Reception/Entrances areas on ground level must have audio/visual access control system with encrypted fobs and data storage facility. A secondary security certificated access controlled door will be fitted to provide a secure location for mail delivery (air lock/draft lobby).

All lifts are to be access/ fob controlled

All communal doors leading to stair cores must be to an acceptable security certification.

The proposals are considered to comply with Secure by design principles in compliance with policy DM02, and a condition is attached to ensure that this is brought forward.

9. Employment, Enterprise, Skills and Training.

In accordance with the Supplementary Planning Document on Employment, Enterprise, Skills and Training, the proposals would be expected to provide a Local Employment Agreement.

At the time of writing the report, the Business, Employment and Skills Team had advised that a contribution in lieu of a Local Employment Agreement would be acceptable given the relatively small size of the scheme and the amount will be confirmed in the addendum to the report.

10. Other Matters

It is noted that the site falls adjacent to the London Borough of Camden. In determining the acceptability of the proposals it is therefore important to consider whether there may be any cross boundary implications. It is also noted that the site is close to the area covered by the Fortune Green & West Hampstead Neighbourhood Development Forum. It is notable that the London Borough of Camden do not object to the proposals.

11. Section 106 Issues

A section 106 agreement covering the following issues would be sought:

Contribution of £640,000 towards affordable housing within the Borough
Review mechanism
Contribution towards Open Spaces within the local area
Local Employment Agreement

Under regulation 123 of the Community Infrastructure Levy Regulations these planning obligations are considered reasonable and fairly related to the development, and are related to planning. These therefore meet the test set out in the National Planning Policy Framework.

5.4 Response to Public Consultation

Amenity Issues

The issue of Daylight and Sunlight and whether the proposals meet BRE standards is addressed in the main report, as are the visual impacts and privacy implications of the development.

Character/Appearance Issues

Clearly the issue of the appearance of the development is a subjective matter. Officers are of the view that; whilst noting that the building is of larger size than those in the immediate context the stepped appearance would help mitigate this.

The Urban Design Team are supportive of the scheme.

The proposed clock tower recognises the former use of the site and is intended to be a landmark feature.

The applicant has also amended the scheme to reduce amounts of glazing in recognition that the predominant material in the area is red brick.

The issue of density is discussed within the report.

Transport Issues

The glass used would be specially designed to reduce reflection and any safety risk.

The proposed parking provision is considered both acceptable to Highways officers and TfL.

The size of the commercial floorspace is relatively low which will help reduce any associated visitor and commercial parking. Whilst there is no commercial parking a Delivery and Servicing Plan would be provided as part of a planning condition to ensure minimal disruption from servicing.

The proposed car parking lift has been considered acceptable by Highways officer who are satisfied it would not result in cars queuing on the public highway.

Other Matters

Sewage infrastructure is principally a Building Control Matter. It is noted that Thames Water have commented on the proposals and have suggested a planning condition relating to drainage.

The application is accompanied by a Flood Risk Assessment which was found to be acceptable by the Lead Local Flood Authority.

The proposals would make significant contribution to Community Infrastructure Levy which would go towards local infrastructure.

Officers are satisfied that any microclimatic impacts such as wind tunnelling and solar glare would be minimal as the scheme has been designed taking this into account.

Subsidence is a building regulations matter.

The issue of ground contamination is dealt with in the report. Both Environment Agency and Environmental Health Team are satisfied with details proposed.

6. Equality and Diversity Issues

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

"(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

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

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

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

The proposed development would provide mixed use and residential development .

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

7. Conclusion

Overall, it is considered that the following considerations need to be weighed up within the planning balance:

- The proposals would contribute positively to local townscape and are supported by Urban Design Officers
- The proposals attempt to minimise impacts on neighbouring amenity though some impact in terms of daylight and outlook remains.
- The proposals would make a contribution towards affordable housing that is considered to be the maximum viable and this is policy compliant
- The proposals would mitigate air and noise pollution impacts
- The proposals would exceed the density thresholds within the London Plan.

Overall the proposal is on balance considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

