

**Location**                    **3 Athenaeum Road London N20 9AA**

**Reference:**                **17/1418/FUL**                    Received: 7th March 2017  
Accepted: 7th March 2017

Ward:                        Oakleigh                                Expiry 6th June 2017

Applicant:                 Fresh Lime Totteridge Limited

Proposal:                    Demolition of existing building. Construction of four-storey building to provide office space at ground floor level and 7no self-contained residential units on upper floors. Provision of 8no car parking spaces

**Recommendation:** Approve subject to conditions

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

139/14/01 Rev A (Proposed Block Plan), 139/14/02(Site Location Plan), 139/14/02(Floor Plans GF/1F), 139/14/03(Existing Front Elevation), 139/14/04(Floor Plans PR/Roof), 139/14/05(Elevations to Athenaeum Road), 139/14/06(Rear Elevations), 139/14/08(Sections A-A), 139/14/09(Sections B-B), 139/17/01 Rev A(Proposed Block Plan), 139/17/02 Rev A(Floor Plans GF/1F), 139/17/03(Floor Plans 2F/3F), 139/17/04(Floor Plans PR/Roof), 139/17/05 Rev A(Elevations to Athenaeum Road), 139/17/06( Rear Elevations), 139/17/08(Sections A-A), 139/17/09(Sections B-B), (Planning & Environmental Statements prepared by Dublanc Studio (March 2017).

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

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

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

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

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

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

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

5 a) The non-residential development is required to meet the BREEAM Very Good; level.

b) Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

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

6 The first, second and third floors of the property shall be used as self-contained unit as shown in the hereby approved drawings under Class C3(a) and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

7 a) The disabled parking space shall be provided and clearly marked with a British Standard disabled symbol where appropriate and permanently retained for the use of disabled persons and their vehicles and for no other purpose.

b) A height clearance of 2.7m must be provided to the vehicle access to the disabled parking bay.

Reason: To ensure and promote easier access for disabled persons to the approved building in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

- 9 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.

- 10 No organised delivery of hot food shall take place from the premises using motor vehicles (including motor cycles, mopeds and motor scooters).

Reason: Any such parking would result on the public highway and would prejudice the free flow of traffic and 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.

- 11 Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the approved parking spaces to be provided with electric vehicle charging facilities. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason:

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

- 12 Before the development hereby permitted is occupied; parking spaces shall be provided in accordance with a scheme to be submitted to and approved by the highways Authority. Thereafter, 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. The parking layout should include provision of a disable parking space and electric vehicles charging points 20% active and 20% passive as required by Transport for London.

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

- 13 Prior to the commencement of the development, details of the access road shall be submitted to and approved in writing by the Local Planning Authority. The access road as approved shall be constructed in accordance with the approved details before the site is occupied.

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

- 14 The applicant should submit for approval details of a management system/ traffic lights at the access road to avoid conflict and allow priority to vehicles entering the site. Such controls shall be installed and useable prior to the occupation of the development, and shall be permanently maintained and operational thereafter in accordance with the approved details.

Reason: In the interest of highways safety and the requirements of Policy DM17 of the Development Management Policies DPD.

- 15 Before development commences, a scheme of proposed noise mitigation measures shall be submitted to and approved by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before (any of the units are occupied / the use commences).

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.

- 16 a) Part 1

Before development commences other than for investigative work:

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

Planning Authority.

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

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

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

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

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

- b) Part 2

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

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

- 17 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) and Policy 7.15 of the London Plan 2016.

- 18 a) No development shall take place until details of mitigation measures to show how the development will be constructed so as to provide sufficient air borne and structure borne sound insulation against internally 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 proposed commercial units as measured within habitable rooms of the development shall be no higher than 30dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

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

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

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

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

20 A) No development shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.

B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest are expected to survive on the site. The planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results.

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

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

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

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy 5.15 of the London Plan (2016)."

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

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

- 24 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing the north-east, shall be glazed with obscure glass to the height of 1.7m above the finished floor level only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 25 Before the development hereby permitted is first occupied, or the use is commenced obscured glazed privacy screens measuring 1.8m high from the finished floor level of the terraces, in Flats 3 and 5, shall be installed in accordance with the approved plans and shall be permanently retained in accordance with those details 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).

- 26 The ground floor premises shall be used for B1a office use only and for no other purpose (including any other purpose in Class B\_ of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

### **Informative(s):**

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.



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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £9,422 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 £36,342 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

- 3 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 4 The applicant must enter a Section 184/278 Agreement with the Highways Authority, for any works required on the public highways as a result of the proposal.
- 5 The applicant advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

The applicant is advised that photographic records should be kept of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.

To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section - Development and Regulatory Services, London Borough of Barnet, Barnet House, 1255 High Road, Whetstone N20 0EJ

- 6 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 [developmenttravelplans@barnet.gov.uk](mailto:developmenttravelplans@barnet.gov.uk) or tel: 020 8359 7603.

- 7 The applicant is advised that due to location of the site off a Traffic Sensitive Road, deliveries during the construction period should not take place between 0800 hrs - 0930 hrs and 1630 hrs - 1800 hrs. 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.
- 8 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.

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

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

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

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

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

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:1997 - Method for rating industrial noise affecting mixed residential and industrial areas;

- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

- 10 The written scheme of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with English Heritage Greater London Archaeology guidelines. It must be approved by the planning authority before any on-site development related activity occurs.

It is recommended that the archaeological fieldwork should comprise of the following:

#### Excavation

An archaeological trench should be dug across the new building footprint to establish the date and character of any surviving evidence for pre-modern occupation. Archaeological excavation is a structured investigation with defined research objectives which normally takes place as a condition of planning permission. It will involve the investigation and recording of an area of archaeological interest including the recovery of artefacts and environmental evidence. Once on-site works have been completed a 'post-excavation assessment' will be prepared followed by an appropriate level of further analysis, publication and archiving.

## Officer's Assessment

### 1. Site Description

The application site is situated on the north-western side of Athenaeum Road in the ward of Oakleigh. The site has been cleared and is currently under construction.

The site is not within a Conservation Area and is not a listed building. The site is within an area of Special Archaeological Interest and is within the Whetstone Town Centre.

### 2. Site History

B/00878/14: Demolition of an existing two storey building, Creation of a four storey building to provide commercial units on ground floor level and five self-contained units on first, second and third floors levels with associated car parking.

Decision: Withdrawn. Decision Date: 27 May 2014

B/04689/14: Demolition of an existing two storey building. Creation of a four storey building to provide commercial units on ground floor level and five self-contained units on first, second and third floors levels with associated car parking [AMENDED PLANS]

Decision: Approved. Decision Date: 12 May 2015

17/1410/CON: Submission of details of conditions 3 (Levels) 4 (Materials) 8 (Access Road) 9 (Demolition, Construction and Traffic Management Plan 12 (Noise Mitigation) 13 (Desktop Study) 14 (Noise) 15 (Mitigation Measures) 17 (Archaeological Investigation) pursuant to planning permission B/04689/14 dated 12/05/15.

Decision: Pending Consideration. Decision Date: No Decision Made

### 3. Proposal

The proposal includes the demolition of existing building and construction of a four-storey building to provide office space at ground floor level and 7no self-contained residential units on upper floors. Provision of 8no car parking spaces. In addition the total of B1 use units on the ground floor have been reduced from 78sqm in the approved scheme to 72.8 sqm . There are proposed changes to the position and size of fenestrations to the rear of the building

**The breakdown of the units is follows:**

Level	Unit	No of Persons	Size
GF	C1 (B1)	NA	36.4
GF	C2 (B1)	NA	36.4
1F	Flat 1	1bed/2person	51.40sqm
1F	Flat 2	Studio/ 1 person	38.10sqm
1F	Flat 3	2bed/3person	64.80sqm
2F	Flat 4	1bed/2person	52.50sqm
2F	Flat 5	2bed/4person	85.7sqm
3F	Flat 6	Studio/1 person	38.00sqm
3F	Flat 7	2bed/3person	67.70sqm

As noted from the history, this application follows the approval of planning application B/04689/14, which was for 'Demolition of an existing two storey building. Creation of a four storey building to provide commercial units on ground floor level and five self-contained units on first, second and third floors levels with associated car parking [AMENDED PLANS]'.

The difference between this application and the previously approved permission is as follows:

The previously approved plans have been amended to increase the number of units from 5 to 7 units. The proposal includes extending the fourth floor by approx. 1.8m on the North West side flank wall (adjoining no 1 Athenaeum Road) and 0.2m on the south east flank wall along the boundary with no.5 Athenaeum Road. In addition, creating smaller sized units by replacing the 3 bedroom units with 2 bed units and 2 studios.

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

Consultation letters were sent to 71 neighbouring properties.

9 responses have been received, comprising 8 letters of objection and 1 letter of support

Site Notice Date - 18/04/2017

The objections received can be summarised as follows:

- Impact on natural light, overlooking and loss of privacy due to the height of the development in relation to Martin's Court.
- Increase in traffic generated by the proposal including those arising from waste collection and other services.
- Parking pressure
- Impact of construction works on the structure of adjoining buildings
- Proposed height is not in keeping with the existing buildings, it will dominant skyline.
- one less storey would be in keeping with the area.
- Welcomes the concept of 1 parking space per flat
- Pleased to see property redeveloped, but concerned about overlooking of house and garden (No 9)

The support received can be summarised as follows:

- o More space for housing, but makes the planning application for the licence the property in the High Road (The Sequoria) to open as a venue until 3am each day even more questionable.

#### Internal /Other Consultations

##### LBB Highways

A total of 7 parking spaces are proposed at the rear of the site accessed via the existing vehicle access and through a new under croft arrangement. The application is recommended for approval on highway grounds subject to conditions.

The following comments are made:

In accordance with DM17 policy the residential element of the development should provide between 3-9 parking spaces therefore the provision of 9 spaces is acceptable but the

location is in a good PTAL 4 area and therefore this could be reduced. In accordance with the London Plan 20% of spaces should have access to electric charging points and 20% passive for future use. The development proposal with 2 points would meet the active provision but it will be conditioned for details to be submitted to fully meet the requirements. The minimum number of cycle spaces set out in the London Plan is 1 space for 1 bed units and 2 spaces for larger units. 10 would be required for the development with 4 x 1 bed and 3 x 2 bed units and therefore a condition would be required to show details. To accommodate wheelchair storage on top of a car the headroom needs to be 2.7m and will be conditioned.

The front forecourt is currently used as vehicle parking with a continuous crossover. It is proposed to provide a bin store in front of the commercial unit, the crossover will need to be made back to footway that is on the public highway and the applicant is required to enter into a S184/S278 agreement with the highway authority.

There is no highway objection to the proposal subject to conditions and informatives.

## **5. Planning Considerations**

### **5.1 Policy Context**

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

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

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

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

#### The Mayor's London Plan 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 2031. 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, CS5 CS9 and CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM11, DM12, DM14, DM17

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

### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted 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 harm would be caused to the vitality and viability of the local centre
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Quality of amenity for future occupants
- Whether harm would be caused to the living conditions of neighbouring residents.

### **5.3 Assessment of proposals**

- Whether harm would be caused to the vitality and viability of the local centre

The proposed class B1 units at the ground floor will not result in a loss of retail units in the local centre and would not be detrimental to its vitality or viability.

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;

The existing building has been demolished. The size and bulk of the proposal does not differ significantly from the approved scheme. The building is proposed to be 9.6m high, measured from the front of the building to the underside of eaves on the third floor. The roof is curved, and arches towards the middle of the building to a height of 12m, before arching down towards the rear of the site. The development is 9.8m wide and fills the width of the site. A throughway is proposed on the ground floor for vehicular and pedestrian access to the rear of the site. The design of the building (i.e. its bulk, scale and fenestration) is modern but complementary in design to nearby buildings, notably no. 1 Athenaeum Road, and is considered to fit sympathetically into the streetscape and will not adversely impact the character and appearance of the street scene or the locality.



## - Quality of amenity for future occupants

Each proposed flat would have a floor area which accords with the minimum requirements of the Sustainable Design and Construction SPD 2016. The room sizes would also meet the necessary minimum requirements. The proposed units would each have a dual aspect with a reasonable outlook. Each unit has access to a private amenity space provided via a balcony or terrace area that is directly connected to the living areas of the units and would provide a high level of amenity for the residents. The sizes of the amenity space is below the recommended guidance in Councils policies, however site is within a town centre and is within a walking distance of public open spaces in the area.

### Impact on the amenities of neighbours

The building adjoins the recently developed residential development located on the corner of Athenaeum Road and Oakleigh Gardens. The distances provided between the development and the adjoining flats at No 5 Athenaeum Road is considered to be satisfactory and will not be detrimental to the amenities of the occupants of the neighbouring residential property. The additional increase in the depth of the 4<sup>th</sup> floor and the additional 2 number units is not considered to result in significant harm to the amenities of the occupiers of Martins Court. No 1 Athenaeum Road is a commercial building and there would be no impact on this building.

The proposed scheme is an adaption of the one approved in May 2015, with 7 apartments instead of the 5 in the approved scheme. As with that scheme it is proposed that any window to a side elevation would have obscured glazing, and to the sides of the proposed balconies (where open) there would be 1.8metre high obscure screens, these would ensure that there is no overlooking of adjoining properties.

## **5.4 Response to Public Consultation**

The planning matters of consideration have been addressed in the approved scheme and above appraisal.

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

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

## **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

