

<b>Location</b>	<b>Registry Office, 182 Burnt Oak Broadway, Edgware HA8 0AU</b>	
<b>Reference:</b>	<b>17/6051/FUL</b>	Received: 22nd September 2017 Accepted: 25th September 2017
<b>Ward:</b>	Burnt Oak	Expiry 25th December 2017
<b>Applicant:</b>	Ms Christine Coonan	
<b>Proposal:</b>	Demolition of former Barnet Register Office (Class D1) and garages and the erection of a four-storey building containing 30no affordable homes (Class C3). Associated landscaping and car parking	

## **RECOMMENDATION I:**

- (i) Subject to no substantive issues being raised by Historic England and / or the Council's Tree Officer, to approve following completion of a Section 106 legal agreement and the conditions listed below; and
- (ii) the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

## **RECOMMENDATION II:**

The applicant and any other person having a requisite interest in the site be invited to enter into a section 106 Agreement to secure the following:

- 1 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. Provision of a minimum of 40% of the housing to be provided as affordable rental units in perpetuity, (the proportion to be provided to be calculated in terms of habitable room numbers in accordance with Local Plan policy DM10).
4. Provision of monitoring costs for a travel plan.
5. Other than for registered disabled drivers, a restriction shall be placed on residents of the approved from eligibility to obtaining resident and visitor parking permits for the East Finchley Controlled Parking Zone.

6. Meeting the costs of providing appropriate play space and public amenity space improvements within the locality of the site - (sum to be advised).
7. Meeting the Council's costs of monitoring the planning obligation - £2000.

**Conditions:**

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

A\_BA3-S24\_DR\_0001  
A\_BA3-S24\_DR\_0001 rev. B  
A\_BA3-S24\_DR\_0100 rev. I  
A\_BA3-S24\_DR\_110 rev. D  
A\_BA3-S24\_DR\_111 rev. D  
A\_BA3-S24\_DR\_200 rev. D  
A\_BA3-S24\_DR\_201 rev. D  
A\_BA3-S24\_DR\_202 rev. D  
A\_BA3-S24\_DR\_203 rev. C  
A\_BA3-S24\_DR\_205 rev. C  
A\_BA3-S24\_DR\_210 rev. C  
A\_BA3-S24\_DR\_0211rev. C  
A\_BA3-S24\_DR\_212 rev. C  
A\_BA3-S24\_DR\_300 rev. B  
A\_BA3-S24\_DR\_301 rev. B  
A\_BA3-S24\_DR\_302 rev. B  
A\_BA3-S24\_DR\_303 rev. B  
A\_BA3-S24\_DR\_304 rev. B  
A\_BA3-S24\_DR\_305 rev. B  
A\_BA3-S24\_DR\_306 rev. B  
A\_BA3-S24\_DR\_307 rev. C  
A\_BA3-S24\_DR\_308 rev. B  
A\_BA3-S24\_DR\_308 rev. B  
Design and Access Statement  
Planning Statement  
Sustainability Report SUT-61820 Issue 4 (September 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 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. Staff travel arrangement;
- ix. details of contractors compound and car parking arrangements;
- x. Details of interim car parking management arrangements for the duration of construction;
- xi. Provision of a competent banksman;
- xii. 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.

- 4 a) Before development commences other than for investigative work, a Method Statement detailing the any land contamination and requirements for remediation, using the information obtained from the site investigation, and post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority.

b) 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 first 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 2016.

- 5 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan

in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

- 6 a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage, telecommunications and installation of electric vehicle charging points including electricity supply cables) in relation to trees on and adjacent to 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 details approved under this condition.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015).

- 7 a) No development shall take place until a scheme of noise mitigation measures to mitigate externally generated traffic noise has been submitted to and approved in writing by the Local Planning Authority.

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 the amenities of occupiers are not prejudiced by traffic noise/mixed use in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.15 of the London Plan 2016.

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

include additional information on materials, detailing and finishes with particular attention to the north and rear elevations, and of the appearance and materials of the screens on the north-eastern side of the balconies serving flats within the rear wings, as set out in Section 5.3 of the Planning Officer's report for the application,.

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

c) The screens on the north-eastern side of the balconies serving flats within the rear wings shall be maintained in good order and retained in accordance with the approved details for the lifetime of the development.

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 2016.

- 9 a) No site works or works in connection with the development hereby approved shall be commenced until a biodiversity strategy, to include details of a wildlife survey of the site to include a further emergence / re-entry survey of all of the existing buildings, and of the mitigation measures to be implemented for any protected wildlife species identified in the survey together with details of any mitigation measures including the timing of development works and special techniques, has been submitted to and approved in writing by the Local Planning Authority.

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

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

- 10 a) No development shall take place until details of the levels of the building, vehicle access and footpaths in relation to the adjoining land and buildings 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 2016.

- 11 a) No development shall take place until the implementation of a programme of archaeological evaluation has been secured in accordance with a written scheme which has been submitted by the applicant and approved by the Local Planning Authority in writing and a report on that evaluation has been submitted to the Local Planning Authority.
- b) If heritage assets of archaeological interest are identified by the evaluation under a) above, then before development (other than demolition to present ground level) commences the implementation of a programme of archaeological investigation shall be secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.
- c) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under b).
- d) The development shall not be first occupied or brought into use 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 b), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To enable archaeological investigation of the site in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD and Policy 7.8 of the London Plan 2016.

- 12 No development including demolition works shall take place until a scheme of the preservation of items of heritage interest has been submitted to and approved by the Local Planning Authority.

Reason: To preserve the historic artefacts associated with the Hendon Workhouse along with any archaeological finds, in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD and Policy 7.8 of the London Plan 2016.

- 13 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 soft landscape planting, 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 October 2016) and 7.21 of the London Plan 2016.

- 14 The development hereby approved shall not commence until a surface water drainage strategy for the site has been submitted to and approved in writing by the local planning authority. All planning applications relating to major development - developments of 10 dwellings or more; or equivalent non-residential or mixed development - must use Sustainable Drainage Systems (SUDS) for the management of surface water runoff, unless demonstrated to be inappropriate.

Reason: To ensure that the development manages surface water in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-statutory Technical Standards for Sustainable Drainage Systems).

- 15 a) Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the CHP Plant shall be submitted to and approved by the Local Planning Authority. The emissions for CHP and / or biomass boilers shall not exceed the standards listed in Appendix 7 of the London Plan's Sustainable Design and Construction SPG document 2014.

The report 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. It 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. Details of the plant and evidence to demonstrate compliance with the GLA's emissions standards will be required.

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 neighbouring premises are protected from poor air quality arising from the development in accordance with the Sustainable Design and Construction SPD (adopted April 2013). 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.

- 16 a) Prior to the commencement of the development, scheme for air pollution mitigation measures based on the findings of the RPS Air Quality Neutral report shall be submitted to and approved by the Local Planning Authority.

b) The approved mitigation scheme shall then 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 development is air quality neutral in accordance with the Sustainable Design and Construction SPD (adopted October 2016) and Policies 3.2, 5.3 and 7.14 of the London Plan 2016.

- 17 a) No development other than demolition works shall take place until details of the appearance, materials and opening mechanism for an electronically controlled access gate and appearance and materials for boundary treatment 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 2016.

- 18 Prior to the commencement of the development, details of any works proposed on public highway to facilitate the development shall be submitted to and approved by the Highway Authority and the works shall only be carried out under the S184 or S278 of the Highways Act in accordance with the approved plans.

Reason: To ensure that the access is satisfactory in terms of highway safety 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.

- 19 Prior to the commencement of the development hereby approved, details and statutory orders of any highways required to be stopped up to facilitate the development shall made under Section 247 of the Town and Country Planning Act 1990, and these shall then have been submitted to and approved in writing with the Local Planning and Highway Authority.

Reason: To ensure that adequate public access is provided throughout the development.

- 20 Before the development hereby permitted is occupied the car parking spaces as shown on Drawing No. A\_BA3-S24-DR\_0100 Rev. I shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with 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.



- 21 Before the development hereby permitted is occupied cycle parking spaces as per the submitted planning application shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with 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.

- 22 The development shall not be occupied until disabled parking spaces have been provided and clearly marked with a British Standard disabled symbol where appropriate in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The disabled parking spaces shall then permanently retain for the use of disabled persons and their vehicles and for no other purpose.

Reason: To ensure and promote easier access for disabled persons within the development in accordance with London Borough of Barnet's Local Plan Policy CS9 of the Core Strategy DPD and Policy DM17 of the Development Management Policies DPD.

- 23 The development shall not be occupied until all units the ground floor flats specified on the approved plan has been constructed to meet and achieve all the criteria of Part M4(3) of Schedule 1 of 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 the remaining flats in the development have been constructed to meet and achieve all the relevant criteria of Part M4(2) of the abovementioned regulations. The development shall then be retained as such thereafter.

Reason: To ensure the development meets the needs of its future occupiers in accordance with Policy DM03 of the Development Management Policies DPD (adopted September 2012) and Policies 3.5 and 3.8 of the London Plan 2016 and the Mayors Housing SPG.

- 24 The development shall not be occupied until 20% active and 20% passive parking spaces have been installed with electric vehicle charging points in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved 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.

- 25 Prior to the first occupation of the approved development it shall have been constructed in accordance with the approved Sustainability Report (ref. SUT-61820 Issue 4, September 2017) incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 20% 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 (2015) and the 2016 Mayors Housing SPG.

- 26 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.

- 27 a) No external lighting shall be installed and used until details of the appearance and luminance of the proposed lighting has 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.

- 28 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>.
- Reasons: In the interests of good air quality with regard to London Plan policies 5.3 and 7.14

#### **Informatives:**

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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.

- 2 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:
- (i) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
  - (ii) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
  - (iii) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
  - (iv) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
  - (v) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
  - (vi) 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.

- 3 The Environmental Health Officer advises that the submitted Construction Method Statement shall include, in addition to the Highway Authority's requirement, the following minimum details to address Environmental Health:
- (i) Site hoarding
  - (ii) Wheel washing
  - (iii) Dust suppression methods and kit to be used
  - (iv) Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
  - (v) For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999. Proof within the contractor's specification that all NRMM will be registered on the local government website
  - (vi) Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
  - (vii) For major developments only: provide a copy of an asbestos survey for smaller developments confirmation that a survey has been carried out.
  - (viii) Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday – Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.

- 4 The development should discharge surface water runoff as high up the discharge hierarchy as possible. Where it is not possible to achieve the first hierarchy, discharge through the ground, applicants must demonstrate in sequence why the subsequent discharge destination was selected. Proposals to dispose of surface water into a sewer, highway drain, surface water body or another drainage system must be accompanied by evidence of the system having spare capacity downstream and acceptance of the surface water by the appropriate authority(ies).

The surface water drainage strategy shall use SuDS to manage peak surface water runoff rates in accordance with S2 and S3 of the Non-statutory Technical Standards for Sustainable Drainage Systems. SuDS shall be used to provide volume control in accordance with S4, S5 and S6.

The surface water drainage strategy for the site must be accompanied by evidence of an Adopting Authority accepting responsibility for the safe operation and maintenance of SuDS within the development, including responsibility that sufficient funds have been set aside and / or can be raised to cover operation and maintenance costs throughout the lifespan of the development.

- 5 All trees, shrubs and herbaceous plants to be planted must adhere to basic biosecurity measures to prevent accidental release of pest and diseases and must follow the guidelines below.

"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth, Obama nungara flatworm and Chalara of Ash. All material to be planted must have been held in quarantine."

- 6 If the development is carried out it will be necessary for any existing redundant vehicular crossover(s) to be reinstated to footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.
- 7 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.
- 8 To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the

basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

- 9 Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.
- 10 Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a Highways works agreement. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 11 The applicant is advised that for construction works adjacent or affecting the public highways, the council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary.
- 12 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 13 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 14 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.
- 15 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 £56,805 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 £219,105 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).

- 16 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially

registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 17 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 18 The applicant is advised that written schemes of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with Historic England Greater London Archaeology guidelines. They must be approved by the Local Planning Authority before any on-site development related activity occurs.
- 19 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.

## Officer's Assessment

### 1. Site Description

The site comprises the former London Borough of Barnet Register Office land, which is where the main part of the proposed development would be located, and a small non-contiguous area to the rear that currently comprises garages and hardstanding. The former Register Office is located at the western edge of the Borough, on the eastern side of the A5 Burnt Oak Broadway and within Burnt Oak Town Centre. South Road is directly to the rear of the Register Office, and the smaller garage site that is included in the overall site area is on the opposite side of that.

The Register Office is a single storey building, with extension and smaller buildings and structures all of which appear to have been added in a somewhat *ad hoc* fashion. The premises are understood to have been vacated early this year, when the facility moved to Hendon Town Hall.

The three-storey Appleton Court Care Home is the immediate neighbour to the south, and there is a three-storey parade of shops to the north of the site at 184-198 Burnt Oak Broadway. The closest property, at number 184, also has a car repair workshop at the rear, with its access being taken from South Road. Also on South Road, to the east and rear of the former Registry Office, there is residential development that appears to date from the late 1960s / early 1970s, in the form of terraced housing with small front and rear gardens. Access to these properties is typically from both front and rear. Numbers 2-8 South Road are located immediately opposite the registry office, with their rear elevations towards South Road and towards the proposed development. Numbers 8, 9 and 14 abut the smaller part of the site that is intended for car parking.

The A5 Burnt Oak Broadway forms the boundary with London Borough of Harrow, which lies on the opposite side of this busy arterial road, and the Town Centre designation applies therefore only to the eastern side of the A5.

In line with the site's Town Centre designation, the Burnt Oak Broadway road frontage has a strongly commercial character. Along with the parade of shops immediately to the north of the application site, there is a range of local services within the Town Centre's primary and secondary retail frontage, south of Appleton Court Care Home, and on the opposite side of the road within the London Borough of Harrow. The scale of the built form is a mix of two and three storeys in height, rising to four storeys at the Peacocks building which occupies a prominent corner site about 280 m to the south-east on the south side of the Broadway / Stag Lane junction (within the London Borough of Brent). Annex 2 in the London Plan identifies Burnt Oak Town Centre, including land on the western side of Burnt Oak Broadway that is within the two neighbouring boroughs, as being of District level importance.

The site is approximately 550m walking distance from Burnt Oak tube station. A number of major bus routes run along the A5. The Watling Estate Conservation Area is to the south, on Barnfield Road and Watling Avenue, and there is a Grade II Site of Borough Importance for Nature Conservation about 180m to the east - the Silk Stream and Burnt Oak Brook.



## **2. Site History**

There is no relevant planning history.

## **3. Proposal**

The proposal is to demolish the existing buildings at the site and to construct a four storey building to accommodate 30 flats, with car parking in two parts of the site. Ten spaces including 4 to disabled standard would be provided on the south side of the residential building, and 12 additional spaces would be provided on the opposite side of South Road, where the existing garages would be demolished. The building concept is based on a mansion block typology, to which it bears some resemblance although in addition to the communal entrance from Burnt Oak Broadway, the six ground floor flats would have their own front access. At the rear, four storey high wings would accommodate a bicycle store, refuse and recycling bin store and a plant room at ground floor level with flats above. A 203 sq.m. Amenity space would be located to the rear, with a gated access to allow residents to access the area of car parking to be provided on the opposite side of South Road.

Each flat would be arranged to be dual aspect, and main access to the upper levels would be by lift and stairs to communal walkways located at the rear of the main element of the building at first, second and third floor levels. Terraces to the rear at ground floor level provide a second access for flats on this level. The walkways would provide a physical break in the building line between the main part of the building and the southern wings, and at ground floor level this would provide access between the rear access gate, amenity space and the smaller car parking area on the south side of the building.

Existing trees including a good quality yew adjacent to the southern boundary would be retained. The layout drawing also shows two ash trees towards the southern side of the building of the Burnt Oak Broadway frontage as being retained.

## **4. Public Consultation**

Consultation letters were sent to 223 neighbouring properties.

Seven response letters have been received, including six objections that raised the following issues:

- There are bats and hedgehogs at the site, both of which are protected wildlife species.
- The area is overcrowded, and more flats and residents are not needed here.
- The Council should listen to the views of long-standing local residents.
- The area is overcrowded, and more flats and residents are not needed here.
- Prevalence of crime in the area.
- Parking in the area is difficult and will get worse if this development proceeds.
- Overlooking and loss of privacy will result from the proximity of houses at the rear of the proposed development.

A further letter on behalf of the Hendon and District Archaeological Society, which raised the following issues:

- There have been Roman finds at Thirleby Street nearby. An archaeological condition should be included in any planning permission.
- We note that the applicant proposes to donate to a local museum two items which survive from the former Hendon Workhouse. We welcome this, and suggest that the Barnet Museum might be a suitable place.

These issues are considered in sections 5.3 and 5.4 of this report.

## **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 for the next 20 to 25 years. It forms part of the development plan for Greater London and is recognised in the NPPF as such.

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

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

- Policy 2.15 - Town Centres
- Policy 2.18 - Green Infrastructure
- Policy 3.3 - Increasing Housing Supply

- Policy 3.4 - Optimising Housing Potential
- Policy 3.5 - Quality and Design of Housing Developments
- Policy 3.6 - Children and young people's play and informal recreation
- Policy 3.8 - Housing Choice
- Policy 3.9 - Mixed and Balanced Communities
- Policy 4.7 - Retail and Town Centre development
- Policy 4.8 - Supporting successful and diverse retail and related facilities and services
- Policy 5.1 - Climate change mitigation
- Policy 5.2 - Minimising carbon dioxide emissions
- Policy 5.3 - Sustainable design and construction
- Policy 5.7 - Renewable energy
- Policy 5.8 - Innovative energy technologies
- Policy 5.9 - Overheating and cooling
- Policy 5.10 - Urban greening
- Policy 5.11 - Green roofs and development site environs
- Policy 5.12 - Flood risk management
- Policy 5.13 - Sustainable drainage
- Policy 5.14 - Water quality and wastewater infrastructure
- Policy 5.15 - Water use and supplies
- Policy 6.9 - Cycling
- Policy 6.10 - Walking
- Policy 6.13 - Parking
- Policy 7.2 - An Inclusive Environment
- Policy 7.3 - Designing Out Crime
- Policy 7.4 - Local Character
- Policy 7.5 - Public Realm
- Policy 7.6 - Architecture
- Policy 8.1 - Implementation
- Policy 8.2 - Planning Obligations
- Policy 8.3 - Community Infrastructure Levy
- Annex 2 - London's Town Centres

### 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 DPD Policies:

- CS NPPF National Planning Policy Framework - Presumption in favour of sustainable development
- CS1 Barnet's place shaping strategy - the Three Strands approach
- CS3 Distribution of growth in meeting housing aspirations
- CS4 Providing quality homes and housing choice in Barnet
- CS5 Protecting and enhancing Barnet's character to create high quality places
- CS6 Promoting Barnet's Town Centres
- CS13 Ensuring the efficient use of natural resources
- CS14 Dealing with our waste
- CS15 Delivering the Core Strategy

- Relevant Development Management Policies DPD:

DM01 Protecting Barnet's character and amenity  
DM02 Development standards  
DM03 Accessibility and inclusive design  
DM04 Environmental considerations for development  
DM08 Ensuring a variety of sizes of new homes to meet housing need  
DM09 Specialist housing: Houses in Multiple Occupation, student accommodation and housing choice for older people  
DM10 Affordable housing  
DM11 Development Principles for Barnet's Town Centres  
DM13 Community and education uses  
DM16 Biodiversity  
DM17 Travel impact and parking standards

The Council's approach to development as set out in Policy DM01 is to minimise impacts 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 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.

- Mayor of London's Supplementary Planning Guidance:

- Housing
- Shaping Neighbourhoods: Play and Informal Recreation
- Affordable Housing and Viability

These Supplementary Planning Guidance documents set out a range of Standards for residential development and open space provision in London.

- LBB Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to assist in the design of new residential development. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- In respect of amenity, development should not be overbearing or unduly obtrusive and care should be taken to ensure that it does not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

## 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. The SPD approach includes providing building sustainability measures over and above those required by the minimum Building Regulations standards, provision for on-site renewable energy sources, and retention and enhancements of biodiversity within development sites.

### Other relevant planning documents

#### London Borough of Barnet Characterisation Study (2011)

- This provides a valuable analysis of urban and suburban typologies with detailed descriptions of the main residential types within the Borough.

#### Burnt Oak Looking Forward - A plan for Burnt Oak Town Centre (October 2016)

- A non-statutory document sets out community aspirations for the development and revitalisation of the Town Centre.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- The context of the development in the applicant's affordable housing programme.
- Whether the principle of residential development on this Town Centre site is acceptable in principle.
- Whether harm would be caused to the character and appearance of the street scene and the wider locality.
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the living conditions of future occupiers would be acceptable.
- Whether the proposal would result in any unacceptable impacts on archaeology and heritage.
- Whether the proposal is acceptable in terms of impacts on the highway network and sustainable transport.
- Whether the loss of trees on the application site is acceptable.
- Building sustainability.
- Protected wildlife.

## **5.3 Assessment of proposals**

### - The context of the development in the applicant's affordable housing programme

This development has been proposed by Barnet Homes, the Council's Arms Length (ALMO) social housing provider. Barnet Homes through agreement with the Council is in the process of acquiring land for the purposes of developing social housing for affordable rent including specialist accommodation for disabled people, and aim to deliver 720 units by 2020. The separate development arm known as Open Door Housing has now been registered with the HCA to deliver these units.

In acquiring the sites Open Door housing will deliver properties for affordable rent. These units will be let at a rental level of 65% and as such, will fall within the current National Planning Policy Guidance definition of affordable rent. Smaller schemes such as this one will generally not be secured through the planning system, but this benefit as a legal obligation imposed on the acquisition of the land. The occupation of these units will be for residents of the London Borough of Barnet using their adopted nominations procedures.

This approach has been adopted by Members at the Planning and Environment Committee in 2016, as well as by HB Law.

A section 106 agreement would need to be entered into which provides for at least 40% of the residential provision within the site to be retained as such on a permanent basis. Policy DM10 advises that affordable housing calculated on the basis of floor area or the number of habitable rooms, and it is recommended that the section 106 is completed on the basis of this policy compliant position.

- Whether the principle of residential development on this Town Centre site is acceptable in principle

The site is with a town centre, with a long-established community use. Policies CS6 and DM11 seek to promote and protect Barnet's Town Centres: Policy CS6 seeks to ensure an efficient use of Town Centre land, encouraging a mix of compatible uses that will add to the vibrancy and character of the area including, in addition to retail, community and residential uses. Policy DM11 (c)ii supports mixed use developments that include re-provision of employment, residential and community uses, where these would otherwise be lost. Policy DM13 protects existing community uses, and London Plan policy 3.16 sets out that additional and enhanced social infrastructure will be required to meet the needs of our growing and diverse population, and that redundant social infrastructure premises should be assessed against any defined need in the locality for other forms of social infrastructure before alternative uses are considered.

Typical patterns of residential provision in town centres with non-residential uses at ground level and flats above are found in the parade to the north of the site and to the south on Burnt Oak Broadway. Appleton Court Care Home, is a C2 residential use, which results in 60m of town centre road frontage being non-active in terms of including typical non-residential uses at ground level. In conjunction with that building, the current proposal would increase that frontage to 130m. In assessing this impact, the application cites a 2011 District Centre Survey which recommended de-designating numbers 158-198 Burnt Oak Broadway, due to shops within this address range being distant from the main retail areas within the Town Centre and because there are significant gaps in this frontage. However, this recommendation was not carried over into the Development Management Policies DPD, and the frontage up to 198 Broadway remains within the town Centre as identified in Map 15 of this DPD.

Policy DM13 states that the loss of a community use will only be acceptable in exceptional circumstances where:

- A new community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location; or
- There is no demand for a continued community or education use, and the site has been marketed effectively for such use. The policy supports new community uses in

locations that are accessible by public transport, walking and cycling, preferably in town centres or local centres...

It is noted that the Registry Office has been re-provided elsewhere, at Hendon Town Hall. The site has not been seriously considered for other possible community needs in line with London Plan policy 3.16, and the Planning Statement notes the presence of the North Road Community Centre and other community facilities near the site.

While not a statutory planning document, *Burnt Oak Looking Forward - A plan for Burnt Oak Town Centre* (October 2016) provides some preliminary direction for the redevelopment of the wider Town Centre. It identifies development opportunities within the town centre, including as site 6.3 the Register Office site. While the content of this document is conceptual only and relies largely on examples from other locations, it notes the potential for the site to provide residential development on a small mixed residential and commercial street, with public realm improvements. This is broadly consistent with Policy DM11, where the explanatory text in the DPD advises that edge of centre development should be suitably integrated into the existing town centre and should allow easy movement to support existing town centre uses. Points to be considered for development in such locations are:

- ensure the design and siting of the development promote visual continuity with the existing street scene;
- make provision for improved pedestrian links between the development and existing facilities; and
- design the site layout to give efficient access for all modes of transport.

(para. 12.6.3 in the Development Management Policies DPD)

The proposal would be a fully residential development. The former Registry Office use has been reprovided elsewhere at Hendon Town Hall, so satisfying the requirements of alternative community uses in Policy DM13. While a robust consideration of other community needs in the area has not been provided in line with London Plan policy 3.16, the proposal is considered to be justified on grounds of providing necessary affordable housing to a high standard.

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

The Design and Access Statement sets out the design concept for the scheme, which is based on the mansion block residential typology which is typical of many of London's more urbanised residential areas. In plan form the building is based on a rectangle, with three forward projecting squared bays added to the front elevation and, as already noted in the description of the proposals in Section 3 of this report, two wings to the rear.

The building would introduce a change in the scale of the prevalent patterns both at the front and rear of the site. The front elevation has been designed with two parapet lines. One of these is set at just under 10m, which is a similar height to the corresponding parapet on the building to the north (184-198 Burnt Oak Broadway). The second parapet line, across the fronts of the three forward projecting bays, would be higher at approximately 10.8 m height. The mansard roof would be set behind the lower parapet, with a roof height just under 14m in height (14.5m on the small lift overrun), with flank walls of the two rear wings also 14m in height. Balconies would be a new element in the streetscene on the front elevation. These would be set between the bays and, for the third

floor flats, behind the higher parapets of these bays. As such these are considered to be acceptable in terms of appearance. The spacing between the proposed and neighbouring building on the north side, 184 Burnt Oak Broadway, would be a minimum of 3.0 m from the lower parapet height, increasing to over 6m separation from the closest of the higher forward projecting bay elements. Separation from Appleby Court, where the height of the closest flank wall is approximately 9.5m, would be approximately 24m. It is considered that the separation on both sides and the design of the street frontage elevation of the building will result in an acceptable transition in scales that will allow the building to sit comfortably in the streetscape.

While the mansard roof sits behind the parapets around most of the building perimeter, the flank walls of the rear wings rise to 14m high. On the southern flank wall of the building the openings provided by the rear access walkways (referred to in the description of the proposals at Section 3 above) would provide a clear separation between the main part of the building and the higher flank wall of this rear wing. This visual separation along with the openings in the higher flank to be provided by windows would result in an acceptable transition in scales on this elevation. Rusticated brick work which would wrap around all four elevations for the full height of the ground floor level (approximately 3.5m) would also provide design interest here, and the height of the flank wall would be further mitigated by the presence of a large yew tree, which is discussed further below. In contrast, there are almost no openings on the northern elevation, reflecting its position facing the flank wall at 184 Burnt Oak Broadway. The flank would project approximately 7m to the rear of this neighbouring property and will be approximately 3m higher than this neighbouring building. This will require additional elevational treatment to ensure that it does not become overly dominant in the street scene, as provided for in the recommended condition regarding materials and provision of additional details of appearance and elevational treatment.

The rear elevation will be articulated by the access walkways to the rear of the main part of the building, by the projecting elements of the rear wings, and by window and door openings. As with the rear element of the northern flank wall, this elevation has the potential to be quite dominant in the streetscene and it will be important to mitigate this through careful selection of walkway railings, window frames and other detailing. While the rusticated brick work referred to above will assist in this respect, further means of ensuring that this elevation is not too “heavy” in its appearance will be required in accordance with the recommended condition.

Replacement of existing vegetation at the site with new trees both at the front and rear, and with hedges along the front boundary will be of assistance in melding the development into its surroundings. It is also considered that a hedge along the rear boundary should also be provided. Native species that encourage wildlife would be suitable for this purpose, and the recommended landscaping condition will ensure that planting is of a quality that is commensurate with the scale of the proposed building.

The larger car parking area at the rear of the site would be entirely taken up in hard surfacing. There is an opportunity here to introduce more permeable forms of paving than currently present, and this would also assist in the improvement of the character of the area.

Subject to the above conditions along with the more standard requirement for submission and approval of external materials, including hard paving materials for both parts of the site and boundary treatment, it is considered that the development will have an acceptable and positive impact on the character and appearance of the area.



- Whether harm would be caused to the living conditions of neighbouring residents

Separation distances between facing habitable room windows would be a minimum of 27m from rear facing windows in the northern rear wing to the rear of the first floor level at number 2 South Road, and a similar distance (although angled) from the southern rear wing to number 8. Separation distance increases to over 35m from the rear walkways at each level, which would face numbers 3-8. Distances from windows and the walkways to the rear garden boundaries at 2-8 South Road would range from 17m (from rear facing windows in the northern wing) to 35m (from the access walkways). Balconies serving the flats in the rear wing would face into the shared amenity space with the application site, and in order to avoid undue overlooking of neighbouring occupiers in their gardens it would be necessary to introduce screening to these balconies on the side facing South Road. In order to ensure that this does not impact on light into these flats, it would be necessary to use a translucent material such as toughened glass for this purpose. Subject to this being controlled by specific reference to this item in the materials condition, it is considered that the proposal will not result in any significant impacts on the privacy of neighbours on this side.

To the south, minimum distances to windows at Appleby Court would be 24m. While it is not known whether any of the facing rooms at the care home are used for accommodation, this separation is sufficient to ensure the mutual privacy of residents at the home and future occupiers at the development site.

A daylight and sunlight assessment was provided in the application, which assesses the impacts on light to neighbouring properties. Impacts on daylight and sunlight into the surrounding houses were shown to be within acceptable parameters in the relevant BRE guidance.

There are no south-facing flank wall windows at 184 Burnt Oak Broadway that would be adversely affected by proximity to the proposed building. Occupiers of flats at this address with rear facing windows could be impacted by proximity to the high flank wall of the northern rear wing in the proposal, which unless ameliorated by careful selection of materials and detailing has the potential to be overdominant in relation to this neighbour.

Subject to the conditions recommended above, it is considered that the proposal would not result in unacceptable impacts for surrounding residents.

- Whether the living conditions of future occupiers would be acceptable

The proposal would provide 8no. one-bedroom flats and 22no. two-bedroom flats, including four wheelchair flats on the ground floor, all achieving or exceeding the minimum floor areas set out in the Residential Design Guidance SPD.

The Building Research Establishment guidelines assess sunlight in terms of visible sky component (VSC) or “no sky view”, and daylight in terms of average daylight factor (ADF). The daylight and sunlight study submitted with the development and referred to above in relation to assessment of impacts on neighbouring properties also assessed 94 habitable rooms within the development. It found that 92% of these rooms comply in terms of VSC, and 85% comply in terms of ADF. Living / kitchen / dining rooms for five of the six ground floor flats did not meet the ADF test but passed the VSC test. At first floor level six out of eight kitchen / dining rooms did not meet the ADF case but four of these met the VSC test, and in addition all of these flats would have separate dining rooms that meet both tests. This situation is largely repeated at second floor level, while at third floor level all rooms

would comply with both tests. On balance, the levels of amenity provided for the non-complying flats are considered to balance the underperformance of some of the rooms.

With respect to external amenity space, four of the ground floor flats would have 14 sq.m. terraces and all of the first, second and third floor flats would have balconies of approximately 6 sq.m. One of the ground floor flats is shown as having a larger terrace (36.5 sq.m) on the northern side of the building, although the amenity value of this space would be limited by its aspect and overshadowing. The remaining ground floor flat would not have its own private amenity space, but all ground floor flats would have a small area of front garden delineated by hedges, and in addition the 203 sq.m. shared space at the rear of the building would provide in conjunction with the private terraces and balconies, an average 13 sq.m. of amenity space per flat. The overall provision including both private and communal space equates to 403 sq.m. of useable amenity space, which represents a shortfall of 67 sq.m. against the standards set out in the Residential Design Guidance SPD. This could be made up through an off-site financial contribution towards amenity space and play space in the locality.

- Whether the proposal would result in any unacceptable impacts on archaeology and heritage

While the site is outside the Burnt Oak area of Archaeological Importance, Historic England have commented on its proximity to the route of Watling Street, a major Roman Road, and that the site formed part of the Hendon Workhouse during the nineteenth century. There is potential for human burials that may have been carried out in association with the Workhouse. The Historic England consultation response has requested that a further desk-based assessment of archaeology be carried out, and that any planning permission be granted only following further evaluation and consultation. A desk-based assessment has been submitted and further comments are now awaited from Historic England. The recommendation is made in line with their comments.

The application has identified two remaining items in the existing building from the former Hendon Workhouse. These are a door and an ornamental exterior railing. The application statement has suggested that these be donated to a local museum. It is not known whether either of these items would be of interest to the Barnet Museum or any other museum, and a recommended condition provides for detail of the retention and preservation of these items. It may be possible to utilise the decorative railing on site in association with the landscaping scheme.

- Whether the proposal is acceptable in terms of impacts on the highway network and sustainable transport

Transport for London (TfL) have confirmed that the site has a PTAL rating of 4/5. Taking this into account, the parking requirement for the site would equate to between 26 and 30 parking spaces for the proposed development. Therefore the proposed parking provision of 22 parking spaces would result in a shortfall in parking provision of 4 to 8 parking spaces. The applicant has undertaken a parking beat survey in accordance with Policy DM17. This was carried out in the early hours of 25 and 27 April and made observed of all vehicles parked on Barnfield Road, Burnt Oak Broadway.

Streets in the London Borough of Harrow were also included in the survey (The Highlands, Oakleigh Avenue, Vancouver Road and Park Road). The Highways Officer does not consider that parking availability on these streets should not be counted into the survey, although there would be nothing to prevent future residents at the development from using

those spaces outside of times restricted by a LB Harrow controlled parking zone. Notwithstanding that, if the available spaces located on the above three streets are removed from the capacity assessment they result in 40-48 available spaces with Barnet. The Highways Officer accepts that this is sufficient to cover any additional car parking demand that is not met at the site.

In addition, the applicant has also submitted a Travel plan Statement. It is noted that the proposed development falls below the threshold for the provision of a Travel Plan, and the Highways Officer has welcomed the provision of a voluntary Travel Plan. This is provided for in the recommended conditions.

Refuse and recycling bins will be stored in a secure bin store on the ground floor of the southern rear wing. Collections will require bins to be moved for collection on the appropriate day, and a condition requiring a travel plan will therefore be required.

Any works on public highway to facilitate the development would be subject to submission and approval of the details to the Highway Authority and would need to be undertaken under S278 of the Highways Act. A separate application would need to be made to the Highway Authority for works under S278 of the Highways Act.

A secure communal and private cycle store would provide the required 52 cycle spaces (one per bedroom in accordance with the relevant standard). Additional detailed drawings would be required to demonstrate that acceptable access to the store and stands are provided, as recommended in the relevant condition in Section 1 of this report.

#### - Whether the loss of trees on the application site is acceptable

The proposal would result in the loss of 10 trees, most of which are considered to be C graded and three of which are B grade. One A grade tree, a yew that is considered to be 200 years old, is to be retained, and following the Tree Officer's initial comments on the proposal, the car parking layout has been amended to provide more soft ground around this tree and so ensure its future viability. Two ash trees are also identified for retention.

Since the Tree Officer commented on the scheme, the car parking layout has again been revised and this has resulted in a strip of ground that would have remained as soft ground in the previous layout now being provided as hard surfacing. While it may be possible to provide this using a no-dig methodology and permeable paving materials, it is considered essential that the Tree Officer's further comments be taken into account before this layout can be accepted. An arboricultural method statement will be secured by way of condition.

#### - Building sustainability

An energy statement has been provided with the application, which demonstrates how the scheme would comply with London Plan policies 5.2 and 5.3 in terms of Carbon Dioxide Emissions and Sustainable Design and Construction. On-site renewable and low-carbon energy sources are proposed, including a small CHP plant to be provided in the northern rear wing at ground floor level, and photovoltaic panels on the roof of the building.

#### - Protected wildlife

Buildings and trees within the Burnt Oak Register Office site were surveyed, including a preliminary inspection and a single follow-up emergence survey (a survey using

specialised detection equipment to ascertain whether bats are using the buildings and / or trees for roosting, feeding or 'commuting', undertaken during the warmer months when bats are active).

In compliance with policy DM16, an ecology survey of the remainder of the site should be carried out before any demolitions or tree felling takes place, including a second emergence / re-entry survey that should include the garage block as well as the Register Office buildings. One neighbour has commented that there are hedgehogs in the locality, and as the former ceremonial garden at the site provides potential for bird nesting and terrestrial species, it is agreed that the survey should also consider the potential and actual presence of these groups. A condition is recommended to provide biodiversity mitigation and improvements at the site, with native and wildlife friendly planting to be provided as part of the landscaping for the scheme.

#### - Other material considerations

An Unexploded Ordnance Report was submitted with the application. This included a survey of wartime records for the Borough of Hendon, and concluded that there is little to no likelihood of unexploded WW2 bombs or anti-aircraft shells at this site.

### **5.4 Response to Consultation**

The issues referred to in neighbour letters are addressed in the above discussion. Consultation responses are summarised here:

#### Environmental Health:

- The reports submitted show that some contamination of soils has been found and a remediation strategy is recommended. A bespoke contaminated land condition is therefore recommended.
- The Air Quality Neutral Assessment submitted shows that the transport emissions generated are not "air quality neutral" and therefore on-site mitigation measures or emissions off-setting off site is required. A condition is recommended to achieve this.
- The standard Construction Method Statement condition is recommended, to prevent dust issues.
- The noise assessment by Cass Allen Associates shows that windows on the façade of the A5 will require acoustic glazing; bedrooms will require a very good performance. This is in addition to acoustically treated ventilation. This is down to very high noise levels due to traffic on the A5. A condition to ensure adequate noise mitigation (including glazing and ventilation). Residents on the A5 façade will have to keep their windows closed to ensure suitable internal noise levels and so the ventilation system chosen is very important – a type of whole house mechanical ventilation system may be necessary.

#### Lead Local Flood Authority:

- A sustainable drainage system will be required; a condition is recommended.

#### Highways:

- The application is recommended for approval, subject to conditions. Refer to discussion in 5.3 for further details. These are set out in this report.

Tree Officer:

- Supports application subject to adequate protection for existing trees and in particular the large yew tree. This has required amendments to the car parking layout. Refer to discussion in 5.3 for further details. (Further comment is awaited on the latest very recent changes to this layout).

Greenspaces:

- Comments awaited regarding section 106 sum for off-site provision of amenity and play space.

Historic England:

- The archaeological potential at the site is such that sufficient level of investigation should be demonstrated prior to permission being granted. Refer to discussion in 5.3 for further details. (Further comment is awaited on the additional information provided by the applicant).

## **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 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, subject to conditions.