

Location **1-5 Princes Parade, Golders Green Road And 1 - 3 Heather Gardens London NW11 9HS**

Reference: **18/2492/FUL** Received: 24th April 2018
Accepted: 1st May 2018

Ward: Golders Green Expiry 31st July 2018

Applicant: Mr A LANGBERG

Proposal: Demolition of remaining fire-damaged buildings at 1-3 Heather Gardens; erection of a part-3 to part-5 storey building over a basement and comprising 29 flats with private and communal amenity space; 1058m² A1 retail floor space and ancillary storage at ground and basement levels; provision of 4 parking spaces and 49 cycle parking spaces; and provision of refuse storage facilities

Recommendation: Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Affordable housing contribution of £35,000.
4. Submission of Residential Travel Plan
5. Monitoring of legal agreement (£1,575)

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director – Planning and Building Control or Head of Strategic Planning approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director – Planning and Building Control or Head of Strategic Planning:

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

11186 - 01 D (1 to 5 Princes Parade: Existing Floor Plans (Demolished))
11186 - 02 A (1 to 5 Princes Parade: Existing Elevations (Demolished))
11186 - 03 A (1A Heather Gardens: Existing Floor Plans & Elevations (Demolished))

11186 - 05 (1 & 3 Heather Gardens: Existing Floor Plans & Elevations)
11186 - 04 (Existing Site Location Plan)
11186 - 06 A (1 to 5 Princes Parade & 1A to 3 Heather Gardens: Extg Block Plan & Elevations)
11186/ 07 D (Proposed Block Plan & Basement Level Plan)
11186/ 08 C (Proposed Ground Floor Plan)
11186/ 09 D (Proposed First Floor Plan)
11186/ 10 B (Proposed Second & Third Floor Plan)
11186/ 11 B (Proposed Fourth Floor & Roof Plans)
11186/ 12 C (Proposed Front (Golders Green Road & Heather Gardens) Elevations)

11186/ 13 D (Proposed Section AA & BB)
11186/ 14 C (Proposed Elevations & B Materials Palette)

Air Quality Assessment
Daylight and Sunlight Assessment
Design and Access Statement
Financial Viability Assessment
Flood Risk Assessment
Noise Impact Assessment
Planning Impact Assessment
Retail Impact Assessment
Site Waste Management Plan
Sustainable Drainage System Assessment Form
Sustainability & Energy Statement
Transport Assessment
Utilities Statement

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 2016.

- 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 2016.

- 5 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

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

- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

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

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

6 Part 1

Before development commences other than for investigative work:

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

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

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

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

c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 5.21 of the London Plan 2016.

- 7 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

The scheme shall be based upon the principles within the agreed [1868_FRA_SWMS_Princes Parade_London_[Jul18]_Rev3] prepared by Herrington Consulting Limited dated July 2018.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development.

- 8 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 A1 use; as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

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

- 9 a) Before development commences, an air quality assessment report written in accordance with the relevant current guidance shall be submitted to and approved by the Local Planning Authority. The report shall include an assessment of the air quality impacts of the demolition, construction and operational phases of the development.

The assessment shall have regard to the most recent air quality predictions and monitoring results from the Authority's Review and Assessment process, the London Air Quality Network and London Atmospheric Emissions Inventory. The report shall include all calculations and baseline data, and be set out so that the Local Planning

Authority can fully audit the report and critically analyse the content and recommendations.

b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

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

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 3.2, 5.3 and 7.14 of the London Plan (2016).

- 10 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 from the A1 use, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

- 11 a) No development other than demolition works shall commence on site in connection with the residential use of 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 from the residential use, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

- 12 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

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

- 13 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be 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 the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and 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.

- 14 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.
- 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.

- 15 Prior to the erection and installation of photovoltaic panels, details of the size, design and siting of all photovoltaic panels to be installed as part of the development shall be submitted and approved in writing by the Local Planning Authority. Calculations demonstrating the additional carbon emission reductions that would be achieved through the provision of additional panels shall also be submitted. The development shall be carried out and constructed in accordance with the approved details.

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 CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

- 16 Glazing and ventilation materials for residential uses are to be submitted and approved by the LPA prior to commencement of the residential use to which they relate in order that the LPA can ensure the glazing and ventilation specification meets relevant internal and external noise levels as set out in Acoustic Report by WSP, No: . AC01 dated March 2018."

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with 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.

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

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

- 18 The level of noise emitted from the ventilation/ extraction plant for the residential use 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.

19 a) Prior to the first occupation of the hereby approved development, details of the proposed green roofs have been submitted to and approved in writing by the Local Planning Authority.

b) The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

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

20 Before the building hereby permitted is first occupied, in addition to the windows identified for obscure glazing on drawing nos. 11186/ 09 D, 11186/10 B and 11186/ 11 B, all the windows on the first and second floors along the south-western elevation facing No.5 Heather gardens shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

21 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. 11186/ 08 C shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016.

22 The retail use hereby permitted shall not be open to members of the public before 07:00 or after 11:00 on weekdays and Saturdays or before 09:00 or after 22:00 on Sundays and Bank and Public Holidays.

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

23 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 07:00 am or after 22:00pm on any other day.

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

24 Other than the green roof garden on the fourth floor, no other flat roofed element of the development hereby permitted shall at any time be converted to or used as a

balcony roof garden or similar amenity or sitting out area and shall only be used in connection with the repair and maintenance of the building.

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

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

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

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

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

- 27 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.

- 28 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) and the three units (flats 8, 16 and 22) identified shall be constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 29 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 35.48% 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.

- 30 The level of noise emitted from the ventilation/ extraction plant from the A1 use hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property. If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

- 31 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

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

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

- 33 The development hereby approved shall be implemented and carried out in full accordance with the information in the approved Waste Management Plan, WYG (dated March 2018) and be managed in accordance with this document in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14

of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2016).

- 34 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

RECOMMENDATION III:

- 1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 31 January 2019, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to meet the costs of provision of affordable housing. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

Informative(s):

- 1 In accordance with paragraphs 38-57 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 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

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

3 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

4 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 or by telephoning 0208 359 4500.

5 The Air Quality reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006; 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April

2014 and 10) Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 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.

6 The submitted Construction Method Statement shall include as a minimum details of:

- Site hoarding
- Wheel washing
- Dust suppression methods and kit to be used
- 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.
- Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- 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.
- For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
- 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.

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

7 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.

8 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 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

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

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

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

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

- 9 As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-nearor-diverting-our-pipes>.

We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk

Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

The proposed development is located within 15m of our underground waste water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-largesite/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewaterservices>

Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided

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

Officer's Assessment

1. Site Description

The site is located on the corner of Golders Green Road and Heather Gardens, within the ward of Golders Green. The site includes Nos. 1-5 Princes Parade, 1A Heather Garden/ Heather House and 1 & 3 Heather Gardens.

The site suffered extensive fire damage in June 2017 which resulted in the demolition of Nos. 1-5 Princes Parade and 1A Heather Gardens.

Previously Nos. 1-5 Princes Parade was a two-storey building fronting on to Golders Green Road. The parade consisted of a mix of retail units (supermarket and post office) on the ground floor, with twelve residential studios and small office suites on the upper levels. The residential units were accessed from an external staircase at the rear of the site.

1A Heather Gardens/ Heather House was a three-storey former commercial building which had been converted into 11 residential units under Prior Approval application ref: F/00443/14. The ground floor contained ancillary retail storage for Kay's supermarket.

The only currently remaining part of the site is 1 & 3 Heather Gardens, comprising of a pair of semi-detached properties. No.1 is currently vacant but comprised of 2 self-contained flats, while No.3 is a single-family dwelling.

This part of Golders Green Road consists of a mixture of commercial and residential buildings of varying styles, heights and footprints. Princes Parade continues to the north on the opposite side of Heather Gardens, although has a different built form and design to the previous existing building. There are large residential blocks in close proximity to the south and further north along Golders Green Road. Immediately adjacent to the south is a four-storey residential building (Windsor Court), a three-storey purpose built residential block (Phildor Court) lies opposite, as well as a large vacant site (Nos. 290-294) which has planning permission for the erection of a part two to part six-storey building providing 60 flats (ref: 16/3806/FUL). Heather Gardens is a residential street comprising of two-storey, semi-detached dwellings. There is a three-storey purpose built flatted building on the corner with Golders Manor Drive.

2. Site History

Reference: 17/6915/PND

Address: 1 - 5 Princes Parade Golders Green Road NW11 9PS

Decision: Prior Approval Required and Approved

Decision Date: 28.11.2017

Description: Demolition of all existing buildings

Reference: F/00443/14

Address: Heather House, 1A Heather Gardens, London NW11 9HS

Decision: Prior Approval Required and Approved

Decision Date: 21.03.2014

Description: Change of use from B1 office (first & second floor) to C3 residential (11 units)

Reference: C12863D/01

Address: 1 Heather Gardens London NW11 9HS

Decision: Refused
Decision Date: 27.03.2002
Description: Loft conversion involving addition of small roof gable and side and rear dormers.

Reference: C10541B/02
Address: 3 Heather Gardens London NW11 9HS
Decision: Lawful
Decision Date: 12.02.2003
Description: Alterations to roof including hip to gable and rear roof extension

Reference: C10541A/01
Address: 3 Heather Gardens London NW11 9HS
Decision: Refused
Decision Date: 22.03.2001
Description: Loft conversion involving dormer window extensions to side and rear of roof.

Reference: C10541
Address: 3 Heather Gardens London NW11 9HS
Decision: Lawful
Decision Date: 18.09.1990
Description: Roof extensions to side and rear

3. Proposal

The application seeks permission for the demolition of the remaining buildings at 1 & 3 Heather Gardens and the erection of a part-three to part-five storey building with basement level. The proposal comprises of new retail floor space and ancillary storage at basement and ground floor levels and 29 self-contained flats.

The proposed retail element will consist of three individual shop units; two on the ground floor and the third split over the basement/ ground floor levels. In total, 875sqm of retail space is proposed, with a further 149sqm of associated storage space.

There are 29 flats proposed, comprising of 13 x 1-bed, 13 x 2-bed and 3 x 3-bed units. There is a rear communal garden (210sqm) proposed on the ground floor, roof garden (110sqm) on the fourth floor and a number of individual balconies and terraces.

In addition, the proposal provides 3no. off-street parking spaces, 1no. service/ delivery space, 49 cycle parking spaces and provision of refuse storage areas.

The proposal has been amended during the course of the application to include the following amendments:

- Removal of proposed sixth floor;
- Reduction in the number of residential units from 31 to 29 flats;
- Proposed fourth floor has been stepped in slightly from Golders Green Road and Heather Gardens elevations.

4. Public Consultation

Consultation letters were sent to 643 neighbouring properties.
38 responses have been received, comprising 11 letters of objection and 26 letters of support.

The objections received can be summarised as follows:

- Overdevelopment;
- Design not in keeping;
- Increased density;
- Overcrowding;
- Overshadowing;
- Impact on light and privacy;
- Provision of small sized flats;
- Increase in traffic;
- Excessive number of cycle parking spaces;
- Insufficient parking spaces;
- Drainage problems.

The letters of support received can be summarised as follows:

- Positive replacement to the old buildings;
- Huge communal asset and will add greatly to the area as well as the various local businesses;
- Provision of larger purpose-built shop;
- Provision of addition residential units;
- Proposed design is in keeping with the area and brings modern facelift to Golders Green.

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 24th July 2018. 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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

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

The London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

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, CS4, CS5, CS6, CS9, CS10, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM07, DM08, DM10, DM12, DM17

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)
Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Provision of adequate accommodation for future occupiers;
- Highways, access and parking; and
- Other material considerations.

5.3 Assessment of proposals

Principle of development

Demolition

Prior to the demolition of the existing fire damaged buildings, Officers considered that the building at Nos. 1-5 Princes Parade benefitted from some architectural and historical merit. Its demolition was accepted due to the safety concerns arising from the fire. However, the LPA advised that it expected any replacement building to be of a high-quality design which positively contributes to the character of the streetscene and wider area. This will be assessed further within the report. The proposed demolition of 1 & 3 Heather Gardens raises no objections.

Mixed-use development

The application site was previously occupied by buildings in mixed commercial and residential uses prior to their demolition. The LPA has no objection to the re-development of the site for a mixed retail / residential use. It is acknowledged that the previous residential units were substandard in terms of meeting the recent minimum floorspace standards and the proposal represents an opportunity to improve the standard of accommodation across the site.

Retail

The site previously consisted of a total of 767sqm of retail floorspace. The application proposes 1058sqm of retail floor space, representing a net increase of 291sqm over and above what was previously on site. Barnet policy DM11 requires that all new out of town retail development and any extensions which exceed 200sqm gross will be required to undertake a sequential test. The proposal would fall under these criteria and as such the applicant has carried out a sequential test.

Paragraph 86 of the NPPF states main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. Paragraph 87 continues that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

In undertaking the sequential test, the report considers that as the proposed retail uses are aimed at serving the needs of the local residential area, an area of nearest town centres has only been considered. The town centres considered have been Brent Street, Golders Green and Temple Fortune. Sites circa 1,000sqm GIA floorspace will be considered within these town centres. Officers do not dispute the justification relating to the scope of the sequential test.

A survey of available sites was conducted in February 2018 and identified 29 vacant premises. The premises identified consisted of a number of small scale units, with the largest measuring 288sqm. Consideration was also given to any adjacent vacant premises which could be combined and again none would be of a sufficient size to accommodate the application proposal. As such, the report concludes that there are no suitable sites within or to the edge of three identified town centres.

Having reviewed the submitted information and sequential test analysis, Officers consider that an appropriate assessment taking into account the scale and nature of the proposed development has been undertaken which identifies that there are no other suitable sites within the designated town centre. All of the identified vacant premises were smaller than what previously existed on site. While the proposal provides a net increase, it is not considered to result in a significant change in character to the immediate area. The proposed units will serve a local need. Taking all of the factors into account, the proposal is considered to pass the sequential test and comply with the requirements of policy DM11.

Impact on the character and appearance of the site, streetscene and wider locality

Policy DM01 expects that development should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The site is notably prominent being visible from all elevations, but especially from either side along Golders Green Road, therefore care needs to be taken in order to ensure that the new building fits acceptably in the street and achieves a suitably high standard of design.

Layout

In terms of footprint, the development comprises a single building which is stepped and staggered across the site. The building facing Golders Green Road sits on a similar building line to the building that stood there previously. While this front building line sits further forward of Windsor Court, this replicates the previous position and so, no objection is raised to this element. Along Heather Gardens, the proposal is set back from the footpath by varying distances from 5 - 10m. The building line of the rear of the site is similar to that of No.5 and 7 Heather Gardens and would respect the streetscene.

Within the Design and Access Statement, there is a diagram provided which illustrates the existing and proposed footprints. From this, it can be viewed that the proposal has a similar built footprint. In terms of footprint, the proposal does not raise any significant concerns.

Scale and Massing

The proposal consists of a five-storey building at the front of the site facing Golders Green Road and steps down to four-storeys within the middle section of the site, to three-storeys adjacent to No.5 Heather Gardens.

This element of the proposal has been subject to thorough discussions with the applicant and has resulted in a reduction of storeys and the setting back of the proposed fourth floor from Golders Green Road and Heather Gardens. Following these amendments, the Local Planning Authority is satisfied that the proposal is of an appropriate scale and massing.

External appearance

Within the Design and Access Statement, it states that the proposal will match the architectural palette of materials in sympathy with the building and the local area whilst retaining its own individual appearance. A red stock brick is proposed to the main block, red brick to the rear, through-coloured render and anthracite powdered coated aluminium casement windows and doors. A green sedum is also proposed to the main roofs of this building.

In terms of the external design, the larger front building has been arranged in a stepped rhythm using 5.6m sections across the frontage width with uniform window sizes and external balconies. The stepped fourth floor would be constructed with a different coloured brick to help visually break up the massing.

Overall, the external appearance of the proposed development is considered to be acceptable and will not have a harmful impact on the character and appearance of the streetscene and wider locality.

Impact in the amenity of neighbouring occupiers

Barnet policy DM01 requires new development to have due regard to the amenity of existing occupiers in neighbouring buildings.

There are a number of neighbouring properties surrounding which have the potential to be impacted by the proposed development.

In terms of overlooking, it is noted that there are a number of windows on the north-western elevation of Windsor Court facing the application. These windows are confirmed to be non-habitable rooms. The proposal does consist of a number of windows facing these existing windows. At ground floor level, the separation distance would be 5.4m, with the above floors being stepped back at a distance of 12.7m. However, taking into account the existing Windsor Court windows are non-habitable, there would be no harmful overlooking.

The applicant has undertaken a Daylight and Sunlight report which investigated potential impacts on properties along Heather Gardens, Phildor Court, Princes Parade and Windsor Court. The report concludes that there will be a small reduction in the amount of daylight reaching the windows of the buildings that surround the proposal. However, when the tests were run, the vast majority of the windows and rooms were well within the acceptable limits set out within the BRE guidance.

Only one of the 106 windows tested falls short of the BRE recommended values for the Vertical Sky Component (VSC) at No. 5 Heather Gardens. However, it has been identified that the window affected is a secondary window, where the room also benefits from a large window in the unobstructed rear elevation of the property. Furthermore, the NSL test concluded that there would be a negligible impact on the distribution of daylight within the room. Taking these tests into account, the report concludes that the overall reduction is unlikely to be noticeable by the occupants of No.5.

In summary, the report concludes that the proposed development will not result in a notable reduction in the amount of either daylight or sunlight enjoyed by the neighbouring buildings. All of the proposed residential units will receive acceptable levels of daylight and sunlight for future occupiers.

Provision of adequate accommodation for future occupiers

In terms of the amenity for future occupiers, the LPA would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. The London Plan, policy DM02 and Barnet's Sustainable Design and Construction SPD set out the minimum space requirements for residential units.

There are 29 flats proposed, comprising of 13 x 1-bed, 13 x 2-bed and 3 x 3-bed units. After reviewing each of the units, 28 out of 29 units were meet or exceed the minimum floorspace standards. Unit 27 on the fourth floor falls short of the required 3B5P by 4sqm. Whist one of the rooms is marked as a study, it is large enough to accommodate a single bedroom. The unit has been reduced in order to accommodate Officer's comments in stepping back the whole fourth floor. While the unit represents a shortfall, it is a large unit which benefits from dual aspect outlook and overall is not considered to provide substandard accommodation.

Policy DM02 and the Sustainable Design and Construction SPD require the provision of 5sqm of private amenity space per habitable room. The proposal consists of rear communal garden, roof top garden and individual balconies/ terraces on the majority of units. These

provide a total of 555.5sqm of outdoor amenity space. The proposal consists of 100 habitable room, including those that can be counted as two (20sqm), providing a requirement of 500sqm. Therefore, the proposal provides the necessary outdoor amenity space required to service this development.

Highways, access and parking

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

The site is located within an area of PTAL 3 (average) and a controlled parking zone which operates 11:00-12:00 Monday-Friday.

The proposal proposes three car parking spaces and one service delivery space. The Council's Traffic and Development service comment the proposed level of parking is significantly less than the quantum expected. Typically, a development of this nature should provide between 26-40 spaces to be compliant with the standards set out within Policy DM17.

In the absence of sufficient parking spaces, the applicant has conducted a parking survey which was undertaken over the 29th and 30th November 2017. The parking survey has been undertaken in line with the Lambeth Methodology, which shows that the current on-street parking stress is 56% and 58% retrospectively. This level of parking stress allows for approximately 50 on-street vehicles before the 90% existing residential parking amenity threshold is reached. The applicants have also looked into the level of car ownership likely to be associated with the proposed development. Census car ownership levels for this ward and this tenure dictate that there will be 21 vehicles associated with the development. Over-spill parking by the development will account for 18 vehicles (21 vehicles associated with the development, minus the 3 proposed off-street car parking spaces). The Highway's Officer considers that the level of over-spill parking by the development will not impact on existing residents parking amenity.

London Plan stated minimum cycle parking levels suggest that a development of this nature should provide 49 cycle parking spaces. This development proposes 49 cycle spaces which is in line with London Plan minimum cycle parking standards. Cycle stores are located in a convenient place which are within a reasonable proximity to the development's accesses. No details of the specification of the cycle storage have been submitted and will be required to be submitted via a condition. Internal cycle stores should be designed to promote usage and allow for easy storage/ retrieval for persons of all strengths and allow for good accessibility to lock the bikes.

Residential refuse stores have been provided within a suitable proximity of the entrances to the development for the use by future residents. The bin stores are also located within a reasonable proximity from the public highway and can be easily accessed by refuse operatives. Refuse vehicles will not be required to enter the development, therefore no relevant swept paths are submitted. It is considered that a refuse vehicle stationary parked on the surrounding kerb side will not impact on the operation of the surrounding highway network. Retail refuse collection is to be undertaken via a commercial agent, with each of

the operators of the units managing the placement and management of the bins around collection times.

Service and refuse trip generation by the proposed residential aspect of the development is unlikely to be of a significant level. A service vehicle space has been provided for the retail aspect of the development. The space doesn't look like it will be of a size to accommodate large service vehicles associated with the larger retail store so a service management plan will be required via a condition. This is required to fully mitigate the impact of service vehicles on the surrounding highway network. The transport assessment suggests that there will be 2 larger vehicles (7.5t ridged) and 16 vans (transit size) service movements associated with the residential aspects, this level of vehicle movement can be suitably mitigated with a service management plan.

In summary, the proposed development is considered to comply with Barnet policy DM17 as the proposal will not compromise road safety or road hierarchy and will not generate a significant negative impact on the performance and safety of the surrounding highway network or its users.

Any other material considerations

Affordable Housing

In accordance with Barnet policy DM10, new housing developments are required to provide 40% of affordable housing on site. Only in exceptional circumstances will a reduction in affordable housing be accepted. Where a reduction is sought, the Planning Authority will seek that a viability report is submitted to justify the reduction and that the report is independently assessed.

The applicant has provided a financial viability statement by BNP in support of the scheme which states that it is not viable for any affordable housing to be provided. This has been reviewed independently by Colliers. The conclusion of the Colliers Report is that they are in agreement with BNP that it would not be reasonable to require a full policy compliant scheme as it is not viable. However, Colliers are recommending that a payment in lieu of £35,000 towards affordable housing be sought. The applicant has agreed to this payment.

Sustainability

The Sustainability Report submitted concludes that the proposal can achieve a 35.48% reduction in carbon emissions.

The proposal would meet Part M4(2) of the Building Regulations for 90% of the development and Part M4(3) for 10% of the development, in accordance with the London Plan requirements.

Drainage

A Flood Risk Assessment was submitted with the application. Following a review of the documents and further details provided, the Lead Local Flood Authority raises no objection in principle to the proposed development. They recommend that a condition be attached requiring a surface water drainage scheme to be submitted.

5.4 Response to Public Consultation

The majority of concerns raised within the letters of objection have been addressed within the assessment section of the report. The concern regarding drainage of the site will be dealt under the building regulations process.

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 the completion of a legal agreement and 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 or future occupiers and would not have a harmful impact on the road network. This application is therefore recommended for approval.

