

MEETING

PLANNING COMMITTEE

DATE AND TIME

TUESDAY 14TH JANUARY, 2020

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

Item No	Title of Report	Pages
5.	ADDENDUM (IF APPLICABLE)	3 - 40

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PLANNING COMMITTEE

14th January 2020

AGENDA ITEM 5

ADDENDUM TO SERVICE DIRECTOR OF DEVELOPMENT MANAGEMENT AND BUILDING CONTROL'S REPORT

**19/5827/FUL– Phase 6b, Millbrook Park (Former Inglis Barracks) NW7 1PX
Pages 143 – 196**

Members are advised that subsequent to the publication of the agenda. An area Tree Preservation Order (TPO) has been issued on the 9th January 2020 covering the trees on the adjoining scout camp land to the north.

There are no changes to the officer recommendation as a result of the TPO as the advice from the Council's Arboricultural Officer is that the proposal would not adversely affect the trees on the adjoining land. A TPO does however provide extra statutory protection to these trees, and it is an offence to wilfully cause damage to trees protected by such an order.

An additional supplementary objection letter has been submitted by the Barnet and District Scout Council. A summary of the comments are as follows:

Impact on Safeguarding. Proposal would result in significant overdevelopment and overlooking. Site is used intensively by young people for scouting and also by Oakbridge Special Education Needs Facility.

Impact upon trees. Concerns expressed in relation to applicants supporting documents. Ecology and Arboricultural reports maintain that roots were severed 1m from boundary but no proof provided, proposal involves significant ground excavation adjacent to the boundary to create basement, retaining wall and vent, which would affect adjoining trees. The Scouts have commissioned their own tree survey which advises that the proposed roots could protrude further than this.

Officer Comment:

Advice from the Council's Arboricultural Officer is that the photos submitted by the applicant are consistent with the applicant's statement about the roots being severed at 1m from the boundary, however it is not possible to categorically prove this without either excavating the soil or conducting a radar scan of the root area. The Council's Arboricultural Officer does not consider that a condition is necessary although one could be attached should members consider it necessary.

**19/4171/FUL – 27 Woodside Avenue, N12 8AT
Item No.9: Pages 199 – 220**

Members are advised that there was an error in the formatting of the published report. The committee report should appear as below. Please note the content of the report remains unchanged.

Location **27 Woodside Avenue London N12 8AT**

Reference:	19/4171/FUL	Received:	29th July 2019
		Accepted:	31st July 2019
Ward:	Totteridge	Expiry	25th September 2019

Applicant: Ms Brigette Jordan

Proposal: Demolition of existing property and erection of a part single, part two and part four storey building to provide a residential children's home and intervention centre (Class C2 use) with associated amenity space, refuse, storage, cycle parking and off-street car parking

Recommendation: Approve subject to conditions

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)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Drawing Number 1726-SBA- XX-01 -DR-A -001Rev B Site Plan;
 - Drawing Number 1726-SBA- XX-LG-DR-A -010 Rev D Proposed Lower Ground Floor Hub Plan;
 - Drawing Number 1726-SBA- XX-LG-DR-A -011 Rev D Proposed Ground Floor Plan;
 - Drawing Number 1726-SBA- XX-ZZ-DR-A -012 Rev D Proposed Ground, First, Second Floor Plans & Roof Plan;
 - Drawing Number 1726-SBA- XX-ZZ-DR-A -013 Rev D Proposed Sections A & D;
 - Drawing Number 1726-SBA- XX-ZZ-DR-A -014 Rev D Proposed Sections B & C;
 - Drawing Number 1726-SBA- XX-ZZ-DR-A -015 Rev D Proposed Elevations;
 - Drawing Number 1726-SBA- XX-ZZ-DR-A -016 Rev D Proposed Greenbank Elevation;
 - Drawing Number 1726-SBA- XX-ZZ-DR-A -017 Rev D Proposed Woodside Avenue Elevation;
 - Drawing Number 1726-SBA- XX-ZZ-DR-A -018 Rev D Proposed Rear Elevation;
 - Preliminary Roost Assessment Survey, Arbtech Consulting Ltd, July 2019;
 - Bat Emergence and Re-entry Surveys, Arbtech Consulting Ltd, 6th August 2019;
 - Construction Management Plan & Demolition Plan, Graham Construction, no date;
 - Design and Access Statement, Saunders Boston Architects, July 2019;
 - Drawing Number WSA-TRI-ZZ-ZZ-PL-L-1001 Rev P00 General Arrangement - External Landscape (Planning Issue);

- Drawing Number WSA-TRI-ZZ-ZZ-PL-L-1071 Rev P00 General Arrangement - Tree Planting Plan (Planning Issue);
- Drawing Number MCCH-CAP-00-XX-DR-C-0010 Rev P01 Swept path analysis Vehicle manoeuvring assessment;
- Drawing Number MCCH-CAP-00-XX-DR-C-0010A Rev P01 Swept path analysis Vehicle manoeuvring assessment;
- Planning Statement, Saunders Boston Architects, July 2019;
- Revised Transport Statement, Capita, July 2019;
- Pre-Development Tree Survey and Constraints, Tree maintenance Limited, no date;
- Arboricultural Implications Assessment and Tree Protection Plan Method Statement Rev A; Tree Maintenance Ltd, Revised October 2019;
- Drawing Number 14480/60707 – Tree Removal and Protection Plan
- Sustainable Drainage System (SuDS) Report, Design ID, July 2019.
- Materials Schedule, Saunders Boston Architects, 9th December 2019;

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

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

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

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 4 Notwithstanding the details within the submitted Construction Management Plan & Demolition Plan (Graham Construction), construction work resulting from the planning permission shall not 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).

- 5 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday; or before 10.00 am or after 12.00 pm on Saturdays; or before 09.00

am or after 2.30pm pm on other days. Unless otherwise agreed in writing with the Local Planning Authority.

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

- 6 The C2 premises hereby approved shall be used as a children's care home for a maximum of 6 residents plus 1 member of staff in residence and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

- 7 The development shall be implemented in full accordance with the details approved in the submitted Construction Management Plan & Demolition Plan (Graham Construction).

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 polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 8 a) 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.

b) 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.

- 9 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).

- 10 The proposed window(s) in the side elevation facing Teynham Court 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).

- 11 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic/mixed use 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 the first occupation of the development and retained as such thereafter.

Reason: To ensure the amenities of occupiers are not prejudiced by traffic/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 April 2013), and 7.15 of The London Plan 2015.

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

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

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

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

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

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

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

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

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

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

15 No development shall take place until the applicant has secured measures for the provision of a scheme of replacement tree planting off site that reflects the amenity value of the trees lost to facilitate the development.

Reason: To ensure appropriate tree planting to mitigate for the loss of special amenity value on site in accordance with Policy CS of the Local Plan Core Strategy (adopted September 2012) and Policy DM01 of the Development Management Policies DPD (adopted September 2012).

16 A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

Reason: In the interests of safeguarding the existing road corridor.

17 No works on public highway as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans.

The applicant will be expected to enter into with the Highways Authority under Section 278 Agreement of the Highways Act, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and

consequential damage to public highway as a result of the proposed development.

Reason: To ensure that the works on public highway are carried out to the satisfaction of the highway authority in the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 18 The use of the land for vehicle parking shall not be commenced until the area has been laid out, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority and shall be permanently maintained thereafter to the Authority's satisfaction.

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.

- 19 Prior to commencement of the development details of the vehicular sight line to the either side of the proposed site access with the Public highway shall be submitted to and approved in writing by the Local planning Authority. The access is thereafter is to be constructed in accordance with the approved details and be maintained free of all obstructions over a height of 0.6 metre above the level of the adjoining highway.

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

- 20 Prior to commencement of the development details of the vehicular sight line to the either side of the proposed site access with the Public highway shall be submitted to and approved in writing by the Local planning Authority. The access is thereafter is to be constructed in accordance with the approved details and be maintained free of all obstructions over a height of 0.6 metre above the level of the adjoining highway.

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

- 21 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.

22 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

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 applicant is advised to engage a qualified kitchen extraction consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory smoke and odour control. Please note that:
 - Flue(s) must be 1.5 m* above eaves or any open able windows in the vicinity (within 20 metres of the flue) if there are sensitive premises in the vicinity. The final discharge must be vertically upwards. There should be no hat or cowl on the top of the flue. If flues are to be attached to neighbouring noise/vibration sensitive premises they must incorporate anti-vibration mounts, flexible couplings and silencers. *If the flue is in a Conservation area then this height may be reduced to 1m above eaves.

- The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (DEFRA, January 2005); DEFRA Odour Guidance for Local Authorities (DEFRA, March 2010). Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 3 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.

- 4 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security 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 noninfection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine."

- 5 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.

Officer's Assessment

1. Site Description

The application site relates to the property known as 27 Woodside Avenue, which is located in the Totteridge ward. The site consists of a large detached dwelling house, finished in red brick, with a large garden area to the rear. The building is understood to date from the late 19th Century. Access is from Woodside Avenue. The last known use is believed to have been as a hostel; however there is no planning history to confirm when it was converted to such a use. The site is located at the corner of Woodside Avenue and Green Bank. Green Bank is characterised by two storey terraced residential buildings. The site backs onto lock up garages serving Green Bank.

Woodside Avenue consists largely of detached dwellings, although there is a mix of styles in the immediate area, including on cul-de-sac roads off the Avenue. The adjoining site to the north is occupied by a block of flats (Teynham Court).

The application site is not within a conservation area, nor does it contain a locally or statutory listed building.

The application site and immediate area has a verdant setting and some of the on-site trees are statutorily protected. There is relatively good access to surrounding services and facilities, including local public transport links.

2. Site History

Reference: 18/2032/FUL

Address: 27 Woodside Avenue, London, N12 8AT

Decision: Approved subject to conditions

Decision Date: 8 November 2018

Description: Change of use from hostel (sui generis) to residential children's home (C2 use), including roof extension to create a side dormer and alterations to existing fenestrations. Demolition of existing single storey outbuilding to side elevation and erection of a single storey side extension with new access steps and railing to rear elevation. Extension and excavation of existing basement to create lower level basement area. Erection of a single storey building to the rear for use as an ancillary intervention centre; creation of two separate access with gates and new boundary fences. Associated hard and soft landscaping

3. Proposal

This application seeks planning permission for the demolition of existing property on the site and erection of a part single, part two and part four storey building to provide a residential children's home and intervention centre and education hub.

The home would be for six children and associated support staff. The home would be on the ground, first and second floors or of the property. It would have a terrace on the western side of the property, leading out to a garden with hard and soft landscape features. Boundary treatments would be provided through new trees, hedges and fencing. A parking area for the home with two parking spaces would be provided at the front (east side) of the property.

The Family Intervention Centre/Education Hub would provide space for family support, counselling and family learning. The Hub would be within the lower ground semi basement area, below the Children's home. The two facilities would have independent access, with

the Hub accessed from Green Lane. This would require the installation of a path on the existing green verge. The Hub would have a garden area separate from the home's garden.

The proposed building's wall materials would be red facing brick, painted render and projecting brick string courses. The roof would use brown plain concrete tiles. Windows and doors would be in aluminium, with the colour to be confirmed.

Following consultation with relevant stakeholders and comments received from members of the public, the proposed front (east) elevation has been amended and redesigned to better reflect the existing residential character and appearance of the street scene. The changes include, exposed roof truss to the front gable; the addition of 2 mock brick GRP chimneys along the roof ridge; a more symmetrical rationale to the fenestration and window openings to appear more in keeping with a residential frontage, including the removal of 2 windows on the side (south) elevation fronting Green Bank; and the removal of the front entrance canopy.

4. Public Consultation

Consultation letters were sent to 183 neighbouring properties. 67 letters of objection were received, with the main points summarised as follows:

- o Objection to the demolition of beautiful and characterful Victorian house.
- o There are enough modern developments along Woodside Avenue.
- o Proposed house would not be of architectural merit or aesthetically pleasing.
- o Why can't the money used to build a new house be used to refurbish the existing property?
- o Object to loss of mature trees in this leafy area.
- o It would be possible to keep the façade.
- o Not an appropriate location for the development at the double junctions of Green Bank and St. Andrew's Close, both of which adjoin Woodside Avenue within 50 metres.
- o Proposed parking is inadequate.
- o There is no additional on-street parking available in the area to accommodate parking overspill.
- o The Council should sell this property and develop the proposed home in another location.
- o The Council have a responsibility to value the history and architecture in the area.
- o Four storeys of modern build is out of keeping with the area.
- o Concerns on the Council's approach to public consultation.
- o There are multiple brown sites on the High Road that could be converted to provide such housing.
- o Increase congestion and traffic.
- o Will generally cause aggravation to those who moved to the area for its reasonable serenity.
- o So called 'residential avenues' will be a thing of the past.
- o Concern that the building may exacerbate on-going structural problems at 29 Woodside Avenue.
- o Loss of light to neighbouring properties caused by the construction of a larger building.
- o The proposed demolition raises urgent waste and environmental issues - incredible amount of material will be wasted through the demolition.
- o Disruption and inconvenience to the residents during construction stage.
- o Reduction in resale value of Teynham Court.
- o Possible damage to utility connections to Teynham Court.
- o The existing property is in basically good repair.

- o Impact on privacy at Teynham Court.
- o Increase in the noise level.
- o Large block properties spoil neighbourly character.
- o Impact of dust.

Two letters of support were received. Support noted that the proposed use is well suited to the location and in most respects would be an improvement on the existing site. It was suggested that the proposed car parking provision would be too low but more could be accommodated on site.

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 revised National Planning Policy Framework (NPPF) was published on 19th February 2019. 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.

Local Plan Core Strategy (Adopted September 2012): Policies NPPF CS NPPF, CS1, CS4, CS5, CS9, CS10, CS11

- Local Plan Development Management Policies Development Plan Document (Adopted September 2012): Policies. DM01, DM02, DM03, DM04, DM08, DM13, DM16, DM17

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

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

The Council requires new development to avoid unacceptable levels of noise and must not increase flood risk, as set out in policy DM04.

Policy DM08 supports a mix of dwelling types and sizes in order to provide choice for a growing and diverse population in the borough.

Policy DM13 acknowledges the positive contribution community and educational facilities can have. It requires new community and educational uses to be located in areas accessible by public transport, walking and cycling. New community and educational uses should ensure that there is no significant impact on the free flow of traffic and road safety, or on the amenity of residential properties.

Policy DM16 seeks the retention and enhancement, or the creation of biodiversity.

Policy DM17 sets out the considerations in ensuring that new development contributes to a safe, effective and efficient transport system. This includes parking standards that development should accord with.

Supplementary Planning Documents

Affordable Housing SPD (Adopted 2007)

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 the development;
- 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;
- Provision of adequate accommodation for future occupiers;

- Highways issues;
- Trees and Landscaping considerations;
- Effect on biodiversity;
- Drainage.

5.3 Assessment of proposals

The site benefits an extant planning permission (18/2032/FUL) for the change of use from an established hostel to a proposed Children's Home (C2 use). This new application is principally the same as that consented but involves the demolition of the existing building and re-build with a purpose built building.

Principle of redevelopment

The principle of the development

The proposed development is for a children's care home, which includes an element of education/training ancillary to the care home element. The proposed use falls most comfortably within use class C2 as a residential care home.

National guidance within the NPPF at para 162 outlines a desire for local authorities to work with other providers to assess the quality and capacity of infrastructure for inter alia social care, and its ability to meet forecast demand.

Policy 3.17 outlines that the Mayor of London will support the delivery of high quality health and social care facilities in areas of under provision or where there is an identified particular need.

Policy CS4 of the Core Strategy aims to create successful communities by "seeking a variety of housing related support options that maximise the independence of vulnerable residents including young people, people with disabilities, older people, homeless people and other vulnerable adults". This includes promoting independence but recognising the need for accommodation to provide support services.

Policy CS11 also aims to, where local need exists, to help ensure choice in the housing market for vulnerable groups. The planning system should where possible support the aims of the relevant social services bodies.

Therefore national, regional and local guidance pays attention to the desire to meet demand for, and provide choice, in local housing need for all sections of society.

The proposed aim of Children's Services is to transfer an existing use from the site at 68A Meadow Close, Totteridge, EN5 2UF to the application site. Whilst physically upgrading the existing facility has been considered, it is deemed that the new centre will offer a more realistic opportunity of achieving the Council's strategic objective of providing an 'outstanding' standard of care quality across all of its children service facilities. In terms of demand, this already exists in that existing facilities meeting a need would transfer to this site.

Woodside Avenue is a residential road containing a mix of residential uses, including multi-unit properties. The application site is able to accommodate the proposed new build home and hub, with its proposed associated facilities. The site benefits from being a corner plot and having a heavy vegetative screen. There are no residential neighbours on the Green Bank flank or rear boundary and there is a detached block of flats on the northern boundary.

Good access exists to the range of facilities available on the High Road, including access to public transport links.

The proposed development has the potential to provide a quality facility for a vulnerable group. The use of this site meets a local need and addresses a core planning principle of the NPPF of making the best and most versatile use of a brownfield or previously developed site. The proposed use would be no more intensive than previous uses and is located in area that includes flatted developments on plots of similar sizes.

The application site has no land use allocation or designation within the Local Plan.

The principle of the proposed use was established as part of approved planning application 18/2032/FUL.

Subject to material planning considerations and the proposal's general compliance with these, the principle of children's home and educational hub is acceptable.

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

Development proposals must respect the character and appearance of the local area, relate appropriately to the site's context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies DM01 and CS05 of the Barnet Local Plan, and 7.4 and 7.6 of the London Plan. Policy DM01 states that all proposals should preserve and enhance the local character of the area.

The overwhelming objection to the proposal is the proposed loss of the site's existing building. The building dates from the late 19th Century and is one of the last remnants of the area's original development. It is a two storey brick property with a steeply pitched roof that accommodates an additional floor. The front elevation is enlivened by a double height bay window, timbered gable feature, arched doorway and several stone string courses. It makes a positive contribution to the street. However, the building is not listed, locally listed or located within a conservation area. Whilst an attractive building, it does not display particularly high quality or uniqueness in its architecture. It could only be described as a non-designated heritage asset of low significance.

It should be noted that the property has been subject to an application to Historic England for listing. Historic England rejected this request as they did not consider the existing building to be worthy of Statutory designation.

As advised under paragraph 197 of the NPPF, when making a decision on the loss of a non-designated heritage asset, Local Planning Authorities must make a balanced judgement based upon the scale of loss and the significance of the asset. The Local Planning Authority should consider the public benefits that would be achieved from the loss. The applicant has explained the reasoning for proposing the use of this site for the children's home and Hub. Barnet Council has the strategic objective of providing an 'outstanding' standard of care quality across all of its children service facilities. The existing Meadow Close facility would not be able to achieve that level. A site review was undertaken across a range of both Council-owned and private sites that could successfully accommodate a new children's care facility, including the option of upgrading the existing Meadow Close facility. The physical limitations of the Meadow Close site and the required major remedial works would be economically unviable, and would also compromise the wellbeing of the existing residents. The application site was assessed as the most appropriate site that could accommodate the facility to the necessary standards.

Planning permission was granted under application 18/2032/FUL to accommodate the facility within the site's existing building. Subsequent detailed investigations and feasibility studies have been carried out and it has been concluded that the existing building is beyond reasonable economic repair. The erection of a purpose-built building would be most appropriate to meet the required standards.

Whilst the demolition of the original Victorian building is regrettable, given its low level significance, the costs associated with its restoration and the ability for it to be refurbished into a care facility of the required high standards, alongside the benefits of providing a high quality purpose-built facility, its loss can be justified. The planning balance is considered that the loss of the property to be replaced with a children's home is a suitable justification for the loss of the non-designated asset of low significance. It should also be noted that the LPA have undertaken a review of its local listing and 27 Woodside Avenue was not identified as of local interest.

Woodside Avenue has no particular architectural style. Most properties date from the mid-20th Century, and range from traditional pitched roof single dwellings to flat roofed apartment blocks with little detailing.

The proposed new building would have a traditional architectural style, with a pitched, hipped roof, gable feature and bay window. The proposed materials would be red brick, red tiles and render. The proposed building would include several design elements to enliven its appearance, including the proposed bay window, stair tower with clerestory windows and gable. The general approach to the building's appearance in terms of style and materials is reflective of a suburban area and is acceptable.

Furthermore, the proposed front (east) elevation has now been amended and redesigned to better reflect the existing residential character and appearance of the street scene. The changes include, exposed roof truss to the front gable and a more symmetrical layout to the fenestration and window openings to appear more in keeping with a residential frontage. This rationale also includes the removal of 2 windows on the side (south) elevation fronting Green Bank; and the removal of the front entrance canopy. It is considered that these are sensitive changes which would improve the appearance of the new building and would better reflect the established residential character and appearance of the immediate and wider street scene.

The application site is a large plot. Although the proposal will extend deeper into the site and create a lower ground floor level which is apparent when viewed from the rear of the property. There is no visual manifestation of the lower ground level from the front of the site, it is not considered that this would be harmful to the site and does not result in a cramped form of development. It is considered that with adequate landscaping and screening the proposal will be softened in appearance. The proposed building would be located in the same location within the plot as existing building. Although the proposal will extend marginally closer to the neighbouring property, this reduced separation is not considered to be harmful to the character of the area, there is still sufficient distance to ensure the two buildings appear as detached and separate from one another. It should be acknowledged that these two properties are distinct in their design and character as existing and the reduced separation will not change this.

The height of the proposed building would be, when viewed from Woodside Avenue, 7.9m to the eaves and 12.4m to the roof ridge. At the rear of the property, to accommodate the additional floor within the sloping rear garden, the height would be 10.7m to the eaves and 15.2m to the ridge. The overall height would be marginally taller than the height of the

existing building's chimney and approximately 1.0m taller than its roof ridge. The overall effect would be of a slightly bulkier appearance than the existing building at roof level but the large plot is considered able to accommodate this increase in size and the impact upon the appearance of the site and street scene would not be significant or unacceptable.

The submitted plans propose timber fencing to the boundaries, along with hedges and trees. The principle of this is acceptable but further details are needed to understand their appearance. This can be managed by condition.

In having regard to Local Plan policy DM01, the proposed development would be acceptable in terms of its design.

Whether harm would be caused to the amenity of neighbouring occupiers

It is important that any scheme addresses the relevant development plan policies (namely policy DM01 of Barnet's Development Management Policies and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers with regards to privacy, overshadowing, over bearing and impact upon outlook. This will include taking a full account of all neighbouring sites.

Teynham Court sits to the north of the application site. The proposed building would be approximately 0.5m closer to this apartment block than the existing building and there would be an increase in bulk in roof level. In considering the effect the site's existing building has upon outlook, over bearing and overshadowing, it is not considered that the proposed building would result in a significant difference. The impact is considered acceptable.

There are two windows proposed on the first floor level on the building's north elevation. These would serve bathrooms. The amended drawings now illustrate that these would be obscured glazing. It is also considered that these windows should not fully open in order to protect the privacy of Teynham Court's residents. A condition to this effect is therefore recommended. An additional condition is recommended to ensure that no further windows or doors would be added to the building's north elevation in the future.

It is not considered that neighbours in any other direction would be affected by the proposal with regards to privacy, overshadowing, over bearing and impact upon outlook.

Some third party representations have raised concern about potential noise and disturbance in relation to the use. However there is no substantive evidence to suggest that the facility would be anything other than a well-managed facility, including the provision of an on-site supervisory presence. There will be movement to and from the proposed Hub facility, however given the limited numbers involved and general layout of the site, adjacent to lock up garages and the entry to Green Bank, it is not considered that the impact would be excessive. The building would also retain a gap to all property boundaries. The Council's Environmental Health team have had an opportunity to consider the proposals. To ensure the avoidance of excessive noise, they have advised conditions relating to traffic noise, noise from the plant room and noise from kitchen extraction equipment.

Some third party representations have raised concern about the potential for disturbance during the construction period. The Environmental Health team have advised the submitted Construction Method Statement is adhered to throughout the construction period.

The Council's Environmental Health team have also advised conditions relating to the proposed kitchen extraction equipment to ensure there would be no unacceptable impact arising from fumes and smell.

For the reasons highlighted above, it is considered that the proposal would have an acceptable impact on the residential amenity of neighbouring occupiers.

Provision of adequate accommodation for future occupiers

Commentary around this proposal from professionals in the care field points to a facility for a vulnerable group of local people that would provide high quality accommodation. Officers have no reason to form a contrary view and the plans indicate a spacious and well serviced-modern care facility would result.

Highways issues

A Transport Statement has been submitted as part of the application.

The PTAL is 2 (poor) with bus and tube the only public transport mode available within the PTAL area. The development is located in a controlled parking zone (CPZ) which is operational for one hour during the day.

Two off street parking spaces have been provided in association with the proposed use. There are no specific parking standards for children's care homes and therefore the applicants have used the Local Plan's parking provision associated with a 4+ bedroom house, which is 1.5 to 2 car parking spaces. The applicant has advised that only one staff member (home staff) will require a parking space at all times. With regards to the Hub, which would fall under the D1 use class, there are no specified requirements for such a use. Based on the staff numbers, minimal traffic generation is envisaged and therefore only one parking space is proposed. The applicant has identified a number of on-street parking spaces that could be used if needed.

It should be noted that the use of the building remains as per previously approved under application 18/2032/FUL with no objections to highways matters raised at this time by our highways team. The parking provision required would not change as a result of this new proposal. There are no changes proposed to staffing or children numbers accordingly the scheme will be as per approved in respect of highways, no objection is raised.

There are a number of residential objections which relate to the construction process. To fully mitigate this, the details set out in the construction management plan will be conditioned to ensure the impact during the construction phase on surrounding residents is reduced and to ensure accesses and the public highway are kept clear.

Trees and Landscaping considerations

A number of TPO trees are present on site and contribute positively to the verdant setting of Woodside Avenue. The application has been supported by a Tree Survey and proposed landscaping scheme that indicates the removal of some trees on site, and the proposal to plant new trees on site, along with some maintenance and protective approaches to ensure the health of those trees to be retained.

There is a concern that the proposal would result in loss of trees of public amenity value, to the detriment of the street scape. Whilst acknowledging this point, the proposed development is seen as vitally important in providing high quality social care for vulnerable young adults within the Borough. Officers accept that for the development to proceed there will be a loss of established trees that will impact on the character of the area. However, it is also considered that a good quality landscaping scheme would be implemented and that a public interest element exists in terms of the importance of this type of accommodation being provided in the Borough. As a result, it is considered that although the loss of trees is regrettable it can, on balance, be justified when making a complete assessment as to the appropriateness of the proposed development. In addition the provision of a CAVAT value to compensate for the loss of the tree has been suggested by the Council's greenspaces team and the tree officer. The CAVAT value will cover the replacement of the tree to provide a suitable solution.

Effect on biodiversity

The application site has no designation relating to biodiversity.

A Preliminary Roost Assessment Survey has been submitted as part of the application. The Survey sets out the findings with regards to signs of bats on the site and to consider the value and suitability of the structures for roosting bats, plus the likelihood of presence or signs of breeding birds, and the suitability of the site for barn owls.

The Survey recommends that the site's existing building has low habitat value for bats due to the limited number of suitable features present on the building. However, the surrounding habitat provides good foraging and commuting resources, which increases the likelihood of bats roosting within the building. For this reason, it is recommended that a further bat survey is carried out during mid-May to September by three surveyors to provide full coverage of the building. This can be secured via condition.

A tree on the site was identified as having moderate habitat value for roosting bats. This is an oak tree on the southern boundary of the site. The tree is proposed to be retained but some works to reduce the crown of this tree are planned. A climbing survey is recommended prior to this work to inspect the potential roosting features present, with further recommendations for further dusk emergence/dawn re-entry surveys if necessary.

The site and surrounding trees and vegetation provide suitable habitat for nesting birds. Vegetation removal should not be carried out during the nesting season of March to August. It is recommended that bird boxes be installed on the proposed building to enhance biodiversity in line with the NPPF and Local Plan.

Drainage

A Sustainable Drainage System (SuDS) Report has been submitted. It explains that the surface water would be managed via a soakaway in the rear garden and provides confirmation from Thames Water that there will be sufficient sewerage capacity in the adjacent foul water sewer network to serve your development. The submitted details are considered acceptable.

5.4 Response to Public Consultation

Some third party representations raised concerns about the effect the proposal would have on the structural integrity of the adjacent Teynham Court. The proposal will be subject to full scrutiny under Building Regulations and it is advised that any such concerns would be identified and addressed through that process.

An objection was received regarding a concern that the proposed development would affect utility supply to adjacent Teynham Court. There is no evidence before the Local Planning Authority that would raise concerns in this regard and in any case is a matter beyond the scope of planning control.

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

In light of the above appraisal it is considered that the proposed development is acceptable in policy terms and has many positive attributes including providing a potentially high class facility for a local disadvantaged group. The proposed demolition of the existing building and erection of a new building is considered acceptable with regards to design, amenity, highways, landscaping, drainage and biodiversity. It is therefore recommended that consent is granted subject to conditions.

19/4661/FUL

Unit 4, Hyde Estate Road, London, NW9 6JX

Pages 23 – 144

Report Changes

- Page 25 - within the Heads of Terms the monitoring fee for each of the travel plans is stated as £25,000. It should be noted that this is the correct figure and the £20,000 figure stated in paragraphs 12.9 and 12.10 should be disregarded.
- Page 26 – additional item to be added to the heads of terms, requiring that a permissive path agreement/public right of way be agreed for the pathway adjacent to the Silk Stream.
- Page 31 – The section relating to CIL, should also make reference to Regulation 122.
- Page 31/32 – the report makes reference to an Environmental Statement being received in support of the application. It should also be stated that an addendum to the ES was received and considered in accordance with the regulations.
- Page 35 - The accommodation schedule set out at paragraph 2.5 should be incorrect. Correct schedules are set out within the published Accommodation Schedule document.

- Page 37 – Paragraph 2.14 makes reference to Silk Park representing 38% of the site area. It should be noted that the 7700 sqm figure relates to all of the private, communal amenity space and public open space which represents 38% of the site area.
- Page 41 – within the officer response to objections relating to overdevelopment, it should be noted that the annual housing target for LBB has been revised upwards to 2364 within the Draft London Plan.
- Page 43 – within the officer response to objections relating to construction disruption and pollution, it should be noted that the referenced DCMP also incorporates Environmental mitigation and is a Demolition, Construction and Environmental Management Plan.
- Page 59 – Paragraph 5.3 the uplift in net sales area should read 616 sqm which is the correct figure.
- Page 66 – There is a typo of “net11” within the Convenience Goods Floorspace column. This should read “net”.
- Page 72 – In the minimum floorspaces table set out and extracted from the London Plan, the row relating to 3 bed (5 persons) should relate to flats rather than houses. A new row should also be added relating to 1 bed (1 person) which has a minimum floorspace requirement of 36 sqm.
- Page 73 – paragraphs 7.9-7.12, it should be noted that the application is in accordance within the London Plan Housing SPG in relation to open space.
- Page 74 – It should be noted that the playspace calculator referenced within paragraph 7.14 is a GLA tool.
- Page 77/78 – In paragraphs 7.32 to 7.33, it should be noted that the relevant policy for considering ‘Agent of Change’ is Draft London Plan Policy D13.
- Page 104 – It should be noted that the BREEAM requirements relate to all commercial units, with the exception of Sainsburys which is subject to alternative assessment criteria.
- Page 107 – Paragraph 12.21 – the correct carbon offset contribution figure should read £1,275,064.
- Page 119 – Condition 2 – The Design and Access Statement and Planning Summary should be removed from the list of approved documents.
- Page 132 – Condition 22 wording should read as follows:

Reason: In the interests of visual amenity, community safety and to prevent light pollution and adverse impacts affecting the amenity of adjacent residential properties and in the interests of ecology in accordance with Policy DM04 of Barnet's Local Plan (2012

- Page 147 – Condition to be amended to state that all commercial units across the development will meet the Shell Very Good BREEAM standards (in line with the Energy Strategy which has been assessed by Barnet and scrutinised by the GLA who have not raised any concerns in relation to the BREEAM approach); and that the flexible commercial units will meet Fit Out Very Good standards.

Additional Representation – LBB Transport and Highways

An additional representation has been received from the Council's Transport and Highways officers which is set out below.

At the outset it is important to state that the principal of regeneration and redevelopment of this site is acceptable and is supported considering the overall benefits that this scheme will provide in terms of placemaking, amenity, housing, open space etc.

The key issues in Transport terms are, however, found in the details of the scheme.

There are 3 key areas where there are transport interfaces or impacts of the scheme, these are set out below: -

1) Impact on the existing transport network – trip generation distribution and modal split

The development has a relatively high modal share for sustainable and public transport modes – in Barnet terms, really in accordance with modern transport policy objectives.

This, manifests itself in requirements for additional bus services - TfL and the developers have agreed funding of 900k for 2 local bus routes to be increased in regularity.

There are also rail impacts with increased passenger numbers at Hendon Central and Hendon NR Thameslink station anticipated. Taking these in turn:

a) Hendon Central

At Hendon Central Tube Station, the developer's assessment of trip generation and distribution indicates currently that in the peak the stairs will be at 99% of capacity.

The assessment fails to take account of recently committed schemes as well as additional background growth. A cumulative assessment based on committed schemes, background growth and the development itself would result in the station staircase being at over 100% capacity.

TfL have sought, and the developers have agreed to, a £60k contribution for a station entrance feasibility study which would look at the feasibility of opening, up, a second entrance on Queens Road to access the platforms, however, despite officer discussions with TfL there has been no request from TfL for Infrastructure funding to construct any feasible solution.

Without any implementation costs in addition to the feasibility study, it cannot be categorically stated that the impact of the development has been mitigated.

Officer response – the feasibility study and contribution has been agreed between the applicant and TFL after protracted discussion, and the contribution would be secured through the S106. LBB cannot ask for any contribution over and above the £60,000 that has been agreed.

b) Hendon Thameslink Station

At Hendon, the developers have again shown that additional trips would be generated. They have prepared a station capacity assessment which indicates that there is sufficient spare capacity remaining at the station and have therefore proposed no significant mitigation be identified or funded. Network Rail have very recently responded to this capacity assessment and are critical of its methodology and conclusions and have indicated that they do not regard the assessment as being of sufficient quality. They consider that a more comprehensive assessment is required before they can form a view on the impacts and if appropriate and necessary, seek mitigation for impacts.

Officer response – following the most recent response from Network Rail, further assessment was undertaken by the applicant in line with the methodology suggested. The summary of which is set out below:

- 1. Vectos is appointed to provide transport advice to St George City Ltd and Sainsbury's Supermarkets Ltd (the Applicant) in relation to the proposed development of a site at 4 Hyde Estate Rd, London NW9 6JX.*
- 2. A planning application (19/4661/FUL) was submitted to London Borough of Barnet (LBB) on 21st August 2019 to demolish the existing Sainsbury's store and Petrol Filling Station and construct a mixed use development comprising a replacement Sainsbury's store, 1,309 residential units 951 sqm GIA flexible commercial space.*
- 3. Vectos prepared a Transport Assessment (TA) dated August 2019 to accompany the planning application which considered the transport effects of the proposed development. This included an assessment of the development's impact on the public transport network based on a modal split agreed with LBB and TfL during pre-application discussions.*
- 4. Following the submission of the planning application, an assessment of the potential impact of the proposed development on Hendon station was undertaken at the request of transport officers from LBB. This was summarised in a Technical Note from Vectos dated 11th November 2019.*
- 5. Network Rail provided comments on this note in an e-mail to LBB dated 19th December 2019. The applicant responded to these comments in an e-mail to LBB dated 23rd December 2019. Network Rail provided a reply to LBB in an e-mail dated 9th January 2020. Copies of all of this correspondence are provided at Appendix A.*
- 6. Whilst Network Rail do not necessarily think that the proposed development will result in an unacceptable impact on the station, they suggest that the Vectos Technical Note does not provide sufficient information for them to be sure. In particular, no assessment was undertaken of the station access points and the issue of train demand spreading was not adequately addressed.*
- 7. This Technical Note has been prepared to address these issues.*

Access Assessment

8. There are three access points to Hendon station. They are listed below along with their measured widths:

- A door within the station building (1.0 m);*

- A gate at the east end of the pedestrian overbridge across the platforms (0.85 m); and,
- A gate between the car park and platform 1 (1.05 m).

9. The Network Rail Station Capacity Planning Guidance (November 2016) does not include specific formula for assessing access points at stations.

10. In their most recent comments, Network Rail suggest that the formula for passageways or stairways are used for assessing Hendon station.

11. Having reviewed the formulas for both, it is clear that that the formula for passageways (page 25 of Network Rail guidance) is most onerous in terms of the resulting width required based on the recorded pedestrian movements at the station. It should be noted that the formula gives the required passageway width. It does not give the required door or gate width.

12. Tables 1 – 3 below compare the widths of the existing station accesses with the required passageway widths based on the flows per minute in the peak 5 minutes. It should be noted that for the development flows it is assumed that a maximum of 50% of the entry flows for each train arrive in any one of the five minutes preceding it.

Table 1: Assessment of Width of Station Building Access

	Existing Access Width (m)	Required Passageway Width (m)
Observed Flow	1.0	0.68
“With Development” Flow	1.0	0.85
“Sensitivity Test With Development” Flow	1.0	1.03

Table 2: Assessment of Width of Pedestrian Overbridge Access

	Existing Access Width (m)	Required Passageway Width (m)
Observed Flow	0.85	1.65
“With Development” Flow	0.85	1.83
“Sensitivity Test With Development” Flow	0.85	2.0

Table 3: Assessment of Width of Car Park Access

	Existing Access Width (m)	Required Passageway Width (m)
Observed Flow	1.05	1.08
“With Development” Flow	1.05	1.25
“Sensitivity Test With Development” Flow	1.05	1.43

13. It can be seen from the above that, with the exception of under the sensitivity test, the current width of the station building access exceeds the passageway width required by the Network Rail formula.

14. Both the pedestrian overbridge and car park accesses are narrower than the passageway width required by the Network Rail formula under the observed flows. Addition of the development flows increases the required passageway widths by a small amount under both scenarios. It should be

highlighted that the “with development scenario” is the one that Vectos think likely to be the case in reality. The “sensitivity test with development scenario” is one requested by LBB and Vectos consider it highly unlikely that it will occur in practise.

15. When considering the potential impact of the proposed development on the station accesses it is worth highlighting that under the realistic “with development” scenario there would only be an additional 7 people accessing trains during any one minute and they would use one of the access points at a time.

16. It is therefore considered that there will not be a significant negative effect on station access as a result of the proposed development.

Train Demand Spreading

17. Vectos undertook surveys of the pedestrian movements on the staircases, between the platforms and the overbridge, and the accesses for the purposes of considering the impact of the proposed development on Hendon station.

18. It is accepted however that the Network Rail Station Planning Capacity Guidance says that when calculating the peak minute exit flow it should be based on numbers of people alighting trains during a certain period.

19. In the light of the comments from Network Rail, the Vectos survey data has been reviewed to establish peak minute flows using the staircases and to compare these to the available staircase widths.

20. For the platform 1 staircase, there was a maximum of 81 people going down in any 5 minute period. That means the peak minute entry flow was 16 (81×0.2). The maximum number of people going up the staircase in any 5 minute period was 13. That means the peak minute exit flow was 10 ($13 \times 1.25 \times 0.6$). On this basis, the observed total peak minute access flow was 26.

21. According to the Network Rail formula for two-way staircases, the required staircase width for this flow is 0.93 m. The measured width of the platform 1 staircase is 1.63 m.

22. For the platform 2 staircase, there was a maximum of 14 people going down in any 5 minute period. That means the peak minute entry flow was 3 (14×0.2). The maximum number of people going up the staircase in any 5 minute period was 94. That means the peak minute exit flow was 71 ($13 \times 1.25 \times 0.6$). On this basis, the observed total peak minute access flow was 74.

23. According to the Network Rail formula for two-way staircases, the required staircase width for this flow is 2.64 m. The measured width of the platform 2 staircase is 1.5 m.

24. Based on the above exercise, the platform 1 staircase has spare capacity at present whereas the platform 2 staircase has none.

25. As stated at paragraph 14, the proposed development is likely to result in an additional 7 people accessing a train in any one minute. It is considered that whether the staircases are under or over capacity based on the Network Rail formulas, the impact of these additional trips on people currently using them in real terms will be minimal.

26. Vectos has undertaken an assessment of the potential impact of the proposed development on the station accesses which comprise a door and two gates.

27. There is no specific Network Rail formula for assessing doors and gates so the assessment has been undertaken using the passageway formula. This results in higher required widths than the staircase formula and so its use is robust.

28. The assessment shows that existing door width is greater than the required passageway width in the "with development scenario". The existing gate widths are less than the required passageway widths under the observed flows and the addition of the development flows makes the difference between the two larger.

29. Vectos has undertaken an exercise to better reflect the effect of train demand spreading on exiting flows. This shows that the existing platform 1 staircase exceeds the staircase width required by the Network Rail formula under the observed flows. By contrast, the existing platform 2 staircase is below the staircase width required by the Network Rail formula under the observed flows.

30. It is considered that the additional information provided within this Technical Note addresses the two points raised by Network Rail and should enable them to conclude that the proposed development will not result in an unacceptable impact on Hendon station which their responses to date indicate is their view.

31. When considering all of the assessment undertaken to date of Hendon station, it must be remembered that the proposed development is likely to add up to 12 extra people to each train service calling at Hendon station and up to 7 people accessing a train in any one minute.

32. Therefore, it remains the view of Vectos that the proposed development will not result in a significant negative impact on Hendon station.

For the sake of completeness; the original response from Network Rail is set out below:

As we discussed, from my perspective I cannot accept this report as assurance that there will be no negative impacts from the development. This is not to say that I do expect there to be, as I do not have a position on this, but the report should inform and provide assurance, which it does not.

The methodology is limited and the response provided in the earlier email does not provide any further assurance. As an example, the response states that:

"Section 3.6 is entitled Access and Interchange. It has specific sub-sections for passageways, passenger conveyors (travelators), ramps, staircases, escalators and lifts. There is no reference to entry/exit points so there was no basis for assessing them. We didn't have to undertake a calculation of the necessary smart card readers but we did it based on the TfL guidance as we thought it would be helpful."

However our guidance states: Station entrances and the curtilage shall be designed to accommodate station related flows, other background movements in the urban realm and allow for future rail and background growth. Station entrances are often meeting points and generous space provision is required. The sizing of entrances and forecourt areas is important and shall be discussed with the NR SCT on a case by case basis. This needs consideration for normal and degraded modes of operation as well as strategic placement of links to other travel modes such as trams, metros, buses, taxis, car and cycle parking. Any bottlenecks in the station periphery, outside of railway land, shall be jointly addressed with the relevant local authorities and businesses.

This does not therefore suggest that no basis for assessing entrances exists and I have never seen this argument made before. The majority of the work I have seen in similar examples refers to a station entrance as an access, and then uses either the passageways or stairways criteria, depending on what “type” of access the entrance is. In minority of examples, a clear statement that the entrance is not a key bottleneck with a robust explanation is provided, which if logical, is of course acceptable.

On the other points raised I have not seen a response, such as train demand spreading. The argument that the station is busy anyway and has queueing is reasonable, but not since our guidance does not call for perfect, queue free stations and instead offers quantitative targets to create functional, safe stations, I do not feel this is applicable in this case.

As outlined previously, my position is not that I feel these proposals would create unacceptable issues or crowding at the station, but I would expect this work to inform the position of all parties, to answer that question with confidence, which I do not feel that it does.

Following on from the additional assessment, undertaken by the applicant, the following additional comments were made by the Council’s Transport and Highways officers;

- *Trips have been spread across all 8 services serving Hendon Station*
 - *This does not reflect the fact that the majority of trips will be southbound during the AM peak toward Sutton (noting this service calls at 5 stations within the CAZ and another 17-21 stations dependant on which route each train is taking).*
 - *This does not reflect that in the PM peak the majority of trips will be northbound toward St Albans City and alighting passengers will create a larger peak demand on the Platform 2 Staircase.*
 - *A realistic split between services must be agreed and the assessment re-run – noting that this will place further demand onto the Platform 2 staircase.*
- *Staircases*
 - *We are unable to reconcile the figures in Para’s 20 and 22 and believe that these figures may be incorrect.*
- *Pedestrian Overbridge*
 - *This feature is significantly narrower than that required by NR’s standards for the total volume of passengers predicted to use the station.*
 - *Noting the above point about the spread of trips and resultant increases in flows within the peak minute and 5-minute periods discussed, demand on the footbridge will be even greater.*
- *Car Park Access*
 - *Firstly this shouldn’t be considered as a primary access due to the detour required by most to use it.*
 - *Further, it is unclear as to whether or not the inclusion of this access has resulted in a reduction in the number of people using the Pedestrian Overbridge and Platform 1 Staircase.*

- *Lastly the inclusion of this access implies that residents could be driving to the station, which is less desirable in transport terms.*
- *Accessing of Trains*
 - *A comment (para 25) is made about the number of people whom can access a train in any 1 minute. The boarding rate for a boarding train will be significantly higher than this. It is therefore unclear of what this comment relates to and this raises further questions and concerns.*
- *Doorway and Gate Widths*
 - *Para 28 - The doorway widths are similar to the passageway widths, and the passageway widths have been highlighted as below standard. We are therefore uncertain as to why the doorway widths are considered to have additional or implied capacity.*
 - *The assessment accepts that the gate width is below standards and under capacity, and accepts that the additional demands created by the development worsen this situation.*
- *Addressing NRs Concerns*
 - *Para 30 – It is stated that the assessment addresses NR’s concerns, however we cannot quite understand how this conclusion is reached given the points set out earlier in the assessment.*
 - *Para 31 – as per our comments above, the additional 12 trips have been added to all services departing Hendon without consideration of absolute peak or tidal flows and the greater employment pull of the Central London Central Activities Zone.*
 - *Para 32 – Based on the evidence of the note above, we cannot agree the consultant’s conclusion that the additional demands placed on the station will not adversely affect the station and it’s existing users, which in our view is material and could potentially be significant.*

2) *A5 Corridor and Health Streets*

The developers have completed an Active Travel Zone assessment in accordance with TFL guidance, which has highlighted several issues within the 20-minute cycle time zone on key routes, however, the developers have proposed little by way of improvement to rectify the existing deficiencies in the public realm and the walking and cycling network which they have identified.

They have agreed to repave the A5 public realm so that it consistent and ties in with the West Hendon materials and scheme to the south at an estimated cost of £36-37K however they have not, despite, a request, prepared what the transport officers consider should be scheme which addresses the points of TFL’s Healthy streets approach – such a scheme should in our view include:-

- *Narrowing the existing A5 junction with Garrick Road to facilitate easier pedestrian movement and road safety.*
- *A public realm enhancement scheme along the A5 to the South of Garrick Road junction incorporating high quality materials, wayfinding, planting, tree cover and seating etc in accordance with TFL’s healthy streets guidance.*

- *Measures to highway measures to facilitate bus movement and potentially, cycling movement along the A5 corridor;*
- *a contribution of £100k is sought for separate off-road cycling facilities to extend the Barnet ring proposals which have already been initially developed in relation to the West Hendon Scheme to the south.*

Officer response: taking each of the aforementioned bullet points in turn, officers would respond as follows:

- A footway improvement scheme would be secured through the S106 which would extend beyond Garrick Road and join up with the West Hendon public realm enhancements. Such a scheme would be subject to the approved of the LPA which would allow the LPA to retain control over the quality of the works and to ensure that pedestrian safety and comfort is fully considered;
- As set out above, with the additional comment that wayfinding would be secured through a separate S106 item;
- The junction works to Hyde Estate Road/A5 and the S278 works to the A5 frontage would be secured through Section 278. The final detailed design would thus be subject to LPA approval which would allow for the LPA to ensure that bus movement, pedestrian movement and cycle movement are fully provided for;
- In the absence of an adopted policy document setting out the Barnet Ring proposals or any similar local cycle scheme, there is no policy basis for the LPA to seek such a contribution.;

3) Highways impacts and Transport modelling

Whilst we do not have any immediate highway capacity concerns in terms of the traffic modelling / trip generation, we are awaiting confirmation that the models as presented accord to TfL standards and are shown to be robust.

The ongoing discussions with TfL over the LMAP process do not appear to have been mentioned within the committee report.

Officer response: As set out within paragraphs 19.23 to 19.27, the TFL LMAP audit is ongoing at the time of writing the report. Nevertheless, based on the modelling that has been undertaken, TfL is satisfied that, subject to securing a package of transport improvements to support mode shift to public transport and active modes, that there will not be an undue impact on the Strategic Road Network. Further auditing as part of the LMAP process will help to inform the detailed design of the junction works, which would be secured through S278.

Additional Representation – Ropemaker Properties

An additional representation has been received from Mr Ian Ferguson of Barton Willmore, acting for Ropemaker Properties who own the freehold of the adjacent Garrick Road Industrial Estate.

We write on behalf of Ropemaker Properties, the freehold owner of the Garrick Road Industrial Estate (the Estate).

Our client has reviewed the Committee Report for the Silk Park Proposals, including the proposed planning conditions, which is due to be presented to the Council's Planning Committee on Tuesday 14 January. While it generally supports the proposed development, our client's view is that the failure to provide sufficient (or any) mitigation for this Agent of Change development represents a serious threat to the viability of the Estate, and cannot be approved in its current form.

The Estate is located to the immediate east of proposed site, across Silk Stream. It is designated as a Locally Significant Industrial Site (LSIS) and provides the Borough's largest area of designated industrial land. The Council's development plan makes clear that the purpose of an LSIS designation is to protect and maintain viable industrial land.

We submitted an objection to the above proposals on behalf of our client on 11th October 2019 (see Appendix 1). Our client made clear in its objection that it is keen to see the Silk Park proposals go ahead, subject to the protection of its operations from any potential exposure to nuisance complaints from residents. However, our client is not satisfied that the Committee Report and the proposed conditions and obligations currently address the proposal's status as an 'agent of change' adequately or at all, so, regrettably, it must maintain a strong objection to this scheme.

Our client's strong objections can however be easily addressed and resolved. Our client would be happy to see this proposal approved, subject to some specific and discrete amendments to the proposed planning conditions and obligations. These are set out below under the heading 'Changes to Committee Report'.

Protecting the integrity and future viability of the LSIS will only require limited amendments to the proposed conditions and obligations relating regulating the acoustic and thermal performance of windows and walls and how residential units are ventilated (i.e. whether the scheme design relies on residents opening their windows). These amendments will have only modest effects on the proposed scheme but will make a significant difference to the amenity of residents and the viability of the Estate.

The applicant and the Council have both acknowledged that, if approved, Silk Park would be an Agent of Change. As noted above, we do not consider that the steps required to reconcile these two disparate uses are significant.

Therefore, it is disappointing that there has been no serious effort by either the Council or the applicant to treat the risks arising from this development seriously. We hope that Members will agree with us that, any potential conflict between the amenity of residents in the proposed development and the viability of the Estate as an LSIS must be resolved now.

Lastly, I will note here that our client has already engaged noise consultants who in any case have reservations about the robustness of the noise assessment already undertaken, even without considering 'agent of change'. We have not dwelt on these here, given that our client considers a replacement noise assessment should be sought via planning condition in any case.

Context

The Garrick Road Industrial Estate is made up of 24 units, with occupiers including The Bread Factory. Approximately 1,000 people currently work across the Estate. Two new units are being built for the extension and intensification of the Bread Factory's operations, following grant of planning permission in 2018. The activities at the Estate mean that it necessarily has effects beyond its boundaries, including in terms of noise, odour and air quality.

The Silk Park proposals will accommodate 2,750 new residents beside the Industrial Estate. Our client is understandably concerned that these residents may come to complain about activities at the Estate, even though this designated Locally Significant Industrial Site was there first.

Planning policy and guidance (cited in Appendix 1) seeks to protect uses which are vulnerable to complaints from an 'agent of change'. The principle is that these vulnerable uses (e.g. the Garrick Road Industrial Estate) should be protected from the risks of complaints being made by agents of change (e.g. residents of the Silk Park proposals) and not the other way around. Moreover, planning policy does not only seek to protect such uses (i.e. the Estate) as they are now but to ensure they continue to be viable and indeed that they can grow. The current draft of the

Committee Report (e.g. paragraph 7.33) cites effects of the Estate on the occupiers of the proposed development (thereby incorrectly implying that the onus is on the Estate to mitigate noise emissions, rather than the developer of the Silk Road scheme) and so misunderstands the purpose of the agent of change approach. This must be rectified and properly addressed before the matter can be considered by the planning committee.

In instances such as this, agents of change schemes must consider the potential for more intensive uses of land than those that may currently take place. It may be helpful to think of this in terms of 'maximum adverse effects'. In considering what a more intensive use of the estate is likely to comprise, the following must be considered:

- *The original planning permission from 1980 (W01406W) approving the Estate's development allowed 24-hour use. This principle continues to apply to all the original 24 units. The 2 newly permitted units can also be used by the Bread Factory on a 24-hour basis. The Bread Factory, the Estate's largest tenant, currently operates on a 24-hour basis.*
- *The most recent planning permission (cited above) also confirms the lawfulness of 24-hour deliveries taking place across the entire Estate.*
- *A range of industrial uses (which could include as an example the noisiest available uses such as metal sheeting) could take place at the Estate without need for an amendment to the existing planning permission(s).*
- *The Estate is designated as a Locally Significant Industrial Site. As such, planning policy provides in principle support for further development/redevelopment at the Estate which could lead to it being more intensively used for industrial and similar purposes.*

Activities at the Estate could intensify exponentially, without any requirement to obtain further consent from the Council. It remains the case that the occupiers of the units on the Estate will have to avoid causing a statutory nuisance in terms of noise, odour and air quality. However, the point remains that the potential for a significant intensification of use before the residents occupy the scheme or thereafter must be considered (and appropriately mitigated) as part of the assessment of the Silk Park planning application.

1. *A planning policy summary must be provided which clearly sets out relevant policy relating to agent of change.*
2. *The summary of the GLA Stage 1 Report at paragraph 4.3 should state GLA Officers' position on agent of change policy.*
3. *Conditions 8 and 9 (which relate to noise) should be combined (there is no basis for these being separate) and a new condition 9 must be inserted that meets the policy requirements*

relating to agent of change and, more importantly, mitigates the risk that this development poses to the viability of the LSIS. We suggest the following:

‘Prior to the commencement of development, a replacement noise assessment, carried out by an approved acoustic consultant, which assesses the potential impacts of noise on the development from all nearby land on all noise sensitive uses, must be submitted to and approved in writing by the Local Planning Authority. The report must consider a) baseline surveyed noise emissions and b) modelled reasonable maximum adverse effects which might arise from i) a more intensive use of neighbouring land as may occur without need for planning permission and ii) potential development/redevelopment of such land for purposes as supported in principle by planning policy.

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.

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 i) the use of nearby land for its authorised purposes is not adversely affected, as per the ‘agent of change’ principle set out in the NPPF, PPG and draft London Plan and ii) the amenities of occupiers of the approved development (in particular those most exposed to emissions from the Garrick Road Industrial Estate) are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2015. Measures the ‘agent of change’ principle set out in the NPPF, PPG and draft London Plan and ii) the amenities of occupiers of the approved development (in particular those most exposed to emissions from the Garrick Road Industrial Estate) are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2015. Measures protecting the amenities of occupiers of the approved development must reflect noise levels as models undertaken for the assessment indicate may be experienced from within those properties.

4. *In line with Planning Practice Guidance (see Appendix 1), a planning obligation should require information to be provided to prospective purchasers or occupants about mitigation measures that have been put in place in relation to the application’s status as an agent of change, to raise awareness and reduce the risk of post purchase/occupancy complaints. The text below is adapted from obligations agreed under a planning permission at Eileen House in Southwark (GLA ref: 1100a), which is located close to the Ministry of Sound nightclub.*

‘ADJOINING OCCUPIERS

The Owners and the Developer covenant with the Council [and the GLA] that:

- 1. the marketing materials given to each purchase or potential purchaser of a Dwelling (which for the purpose of this paragraph only will include anyone taking an interest by way of a lease) will contain information about the location of the Garrick Road Industrial Estate, NW9; and*
- 2. the lease of each Dwelling will contain information about the location of the Garrick Road Industrial Estate.*

SECTION 73 AND 96A APPLICATIONS

The Owner and the Developer covenant with the Council [and the GLA] that they will not make any applications pursuant to sections 73 or 96A of the Act to amend details securing the noise mitigation works unless the amendments improve or do not make worse the performance of the noise mitigation works.

NOISE MITIGATION

The Owner and the Developer covenant with the Council [and the GLA] that for a period of the shorter of:

- 1. twenty (20) years from the Completion of the Development; or*
- 2. the use or occupation of the Garrick Road Industrial Estate, NW9*

they will not make any planning application in relation to any part of the Site unless such planning application either improves or does not worsen the acoustic performance of the noise mitigation works approved under and conditioned by conditions [] of the Planning Permission unless the Owner and the Developer can demonstrate to the satisfaction of the Council that they have the written consent of the then owner(s) of the Garrick Road Industrial Estate.'

- 5. The 'Agent of Change' section at paragraphs 7.32 and 7.33 should be rewritten to reflect the above.*

Officer response: in respect of Agent of Change, the relevant policy is Draft London Plan Policy D13. The policy states the following:

In order to reduce, manage and mitigate noise to improve health and quality of life, residential and other non-aviation development proposals should manage noise by:

1. avoiding significant adverse noise impacts on health and quality of life
2. reflecting the Agent of Change principle to ensure measures do not add unduly to the costs and administrative burdens on existing noise-generating uses
3. mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on development
4. improving and enhancing the acoustic environment and promoting appropriate soundscapes (including Quiet Areas and spaces of relative tranquillity)
5. separating new noise-sensitive development from major noise sources (such as road, rail, air transport and some types of industrial use) through the use of distance, screening or internal layout – in preference to sole reliance on sound insulation
6. where it is not possible to achieve separation of noise-sensitive development and noise sources without undue impact on other sustainable development objectives, then any potential adverse effects should be controlled and mitigated through applying good acoustic design principles
7. promoting new technologies and improved practices to reduce noise at source, and on the transmission path from source to receiver.

Boroughs, and others with relevant responsibilities, should identify and nominate new Quiet Areas and protect existing Quiet Areas in line with the procedure in Defra's Noise Action Plan for Agglomerations.

In the Stage 1 response from the GLA, the following was noted in relation to Agent of Change. In line with draft London Plan Policy D12 the applicant will need to demonstrate that there would be sufficient mitigation measures in place to ensure that: i) the proposed combination of future employment and residential uses at the site would successfully coexist as part of the proposed co-location; and, ii) surrounding businesses/industrial areas would not be compromised by the proposed development in terms of their function, access, servicing and hours of operation, particularly in relation to block 1 and its relationship to nearby industrial uses and the A5.

In terms of the wording of condition 9, these conditions were specifically requested by the Council's Environmental Health officers and thus the main requirements of the conditions must be retained within the conditions. Nevertheless, the applicant has engaged with the respondent with a view and agreeing mutually appropriate wording which officers consider acceptable. The revised wording of the condition is set out below:

Condition 9 – Noise Assessment

Prior to the commencement of any above ground works for Phase 1 and 2 only, a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development, taking account of surrounding commercial development including Garrick Road Industrial Estate (including a modelling exercise to account for how the use of the estate may reasonably intensify over time and the maximum adverse effects which may arise) and measures to be implemented to address its findings shall be 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.

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

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed-use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2015. To ensure that the use of nearby land (including Garrick Road Industrial Estate) for its authorised purposes is not adversely affected, as per the 'agent of change' principle set out in the National Planning Policy Framework, Planning Practice Guidance and Policy D13 of the London Plan (Intend to Publish version 2019).

In relation to the respondent's request relating to S73/S96 applications, officers consider that it would be inappropriate for such a covenant to be entered into. At the time any such S73/S96 application is made to the LPA, full consideration would be given at that time as necessary. It would be inappropriate for the LPA to fetter the consideration of any such application through entering into such a covenant.

Additional Representation – Mr Gerry Glynn – Silk Stream Group

An additional representation was received from Mr Gerry Glynn, representing the Silk Stream Group which is set out below:

KEY ISSUES

1. New population of 2746 quoted in report. All schedules of room layouts show capacity for 3848 residents. Essentially a mini-town to be put on site. Potential for overcrowding to over 4133 people as occupancy is never monitored in high rise units.

2. Density of build, **exceeded** at 899 habitable rooms per hectare

3. Height of buildings, **exceeded** Tall Buildings Policy, not in any designated Tall Buildings area.

Comparing approved and committed sites to this proposal when it suits and then claiming that development must be assessed on its own merits as a standalone site and so can be acceptable deviations to policies – this is totally disingenuous.

Colindale BT exchange:

Phase 1 **13% over 8 storeys**

Phase 2&3 **25% over 7 storeys**

Silk Park: **92% is over 11 storeys** STAGGERINGLY EXCESSIVE

4. Single aspect flats in many towers, **poor design feature** that should not be accepted.

5. **Minimum distance between habitable rooms** in new buildings not provided. Many flats do not have the 21 m minimum between windows and planners are ignoring the fact that the taller the building the greater the separation distances required.

6. Many residents pass through **ALL** 10 local viewpoints from Malcolm Park to Colin Crescent, Russell Road and Station Rd bridge and the playing fields off Goldsmith Ave. The visual impact of this monster tower estate is devastating – destroying the character of the area.

Encroaching on Blackheath to St Paul's vista rules as the top of 28 storey block can be seen to the right of St Paul's cathedral

7. Issues such as pollution/traffic congestion/provision of infrastructure are not truly addressed when the solutions are financial contributions to council/TFL.

Traffic management/feasibility studies not current solution to existing increasing traffic conditions

Carbon offset payments do not reduce pollution long term

Employment/enterprise offset contributions do not help the employment/enterprise situation

8. Pollution: poor air quality admitted by Environment Agency- no way to mitigate that because traffic **will not** be reduced because of the extra cars and buses during and after construction.

9. Traffic congestion - Overall parking provision at 0.3 spaces per unit (the standard for this area is 0.7)

Increase in car movements from residents, visitors, users of supermarket and retail stores, large goods vehicle for deliveries and refuse

432 residents' car spaces. GLA has requested number to be reduced to 180 spaces to be compliant to GLA policies. Creates strain on public services (trains, tube and buses are already at breaking

point). Creates shortage of parking for residents. overspill onto local roads within 200m, now already seen on Rushgrove Ave, Colin Crescent, Goldsmith Ave and Hyde Crescent.

10. The site sits next to a protected industrial area of local significance, Garrick Road Industrial Estate. Current homes next to it already experience issues with noise and pollution from industrial activities eg Bread Factory operating 24/7 with regular 'booms' from its equipment all through the night. This proposal sits the closest to the industrial estate. It should remain a wholly commercial site in line with the industrial nature of the area including Silkbridge Retail Park and The Hyde.

Proposal is OVERDEVELOPMENT - built to the boundaries and breaking all height limits, affecting neighbouring properties, even those on the new build itself and next to Colindale BT exchange.

1. Many conditions attached can only be discharged during the life of the project; they are requirements to meet and if not met or cannot be met (e.g. remedial works for contamination, surveys for gas infrastructure or sewer capacity, Silk Stream boundary treatment) it causes delays and perhaps even amendments need to be sought to work through problems. The conditions are inadequate.
2. The proposal must be scrutinised closely to determine more definitively what is achievable. Too many loose ends to be decided later when this is a full planning permission application. It gives applicant too much leeway; at the end of 10 Or 15 years, the final development might be nothing like the original. e.g. Hendon Waterside increasing the building heights from the original storeys. The conditions attached are not definitive or specific enough for the life of the approval.
3. Even smaller householder developments require basement feasibility reports/flood risk reports/ drainage survey carried out and presented before the committee accepts and approves applications. Such an extensive build for residential and commercial use should have all necessary reports, assessments and studies carried out before presenting to committee for a decision.
4. If any sort of mixed-use development is proposed, it has to be more sensitive to the suburban nature of the area.

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