

MEETING

PLANNING COMMITTEE B

DATE AND TIME

WEDNESDAY 30TH MARCH, 2022

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF PLANNING COMMITTEE B (Quorum 3)

Chairman: Councillor Golnar Bokaei
Vice Chairman: Councillor Melvin Cohen LLB

Cllr Ammar Naqvi
Cllr Reema Patel

Cllr Alan Schneiderman
Cllr Roberto Weeden-Sanz

Cllr Nicole Richer

Substitute Members

Eva Greenspan
Anne Hutton

Pauline Coakley Webb
Charlie O-Macauley

Val Duschinsky
Alex Prager

In line with the Constitution's Public Participation and Engagement Rules, requests to speak at a Planning Committee must be submitted by 10AM on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is Friday 25th March at 10AM. Requests must be submitted to planning.committees@barnet.gov.uk

You are requested to attend the above meeting for which an agenda is attached.

Andrew Charlwood – Head of Governance

Governance Service contact: planning.committees@barnet.gov.uk

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ASSURANCE GROUP

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ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the last meeting	5 - 12
2.	Absence of Members	
3.	Declaration of Members' Disclosable Pecuniary Interests and Other Interests (if any)	
4.	Report of the Monitoring Office (if any)	
5.	Addendum (if applicable)	
6.	Land adjacent to the National Grid Sub-station Partingdale Lane London NW7 1NS - 20/4241/FUL - Mill Hill	13 - 56
7.	38-44 Ballards Lane London N3 2BJ - 21/4977/FUL - West Finchley	57 - 106
8.	Dental Surgery 150 Broadfields Avenue Edgware HA8 8SS - 21/6150/FUL - Edgware	107 - 120
9.	133 Brent Street London NW4 4DA - 21/4966/FUL - Hendon	121 - 154
10.	19 Esmer Crescent London NW9 7BL - 21/6135/HSE - West Hendon	155 - 164
11.	Rear of 184 Burnt Oak Broadway Edgware HA8 0AS - 21/4174/OUT - Burnt Oak	165 - 178
12.	Railway Arches Colindeep Lane London NW9 6HD - 21/3264/RCU - Colindale	179 - 190
13.	1 Albert Road Barnet EN4 9SH - 21/5554/FUL - East Barnet	191 - 230
14.	Any item(s) that the Chairman decides are urgent	

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Decisions of the Planning Committee B

15 February 2022

AGENDA ITEM 1

Members Present:-

Councillor Golnar Bokaei (Chairman)
Councillor Melvin Cohen (Vice-Chairman)

Councillors:

Councillor Reema Patel
Councillor
Alan Schneiderman

Councillor
Roberto Weeden-Sanz
Councillor Nicole Richer

Councillor Charlie O-
Macauley (Substitute for
Councillor Ammar
Naqvi)

Apologies for Absence

Councillor Ammar Naqvi

1. MINUTES OF THE LAST MEETING

RESOLVED that the minutes of the meeting held on 5 January 2022 be agreed as a correct record.

2. ABSENCE OF MEMBERS

Apologies were received from Councillor A Naqvi who was substituted by Councillor T O-Macauley.

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS (IF ANY)

None.

4. REPORT OF THE MONITORING OFFICE (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

Items contained within the addendum were dealt with under individual agenda items. The Committee noted the addendum to the Planning Agenda which was published and circulated prior to the meeting.

6. LEE CLOSE NEAR 13 - 24 EN5 5HP TPF/1068/20 (HIGH BARNET)

The report and addendum were introduced and slides presented by the Tree Officer.

There were no speakers in attendance.

The Committee had the opportunity to ask questions of the officers.

Following discussions, the Committee voted on the whether to REFUSE CONSENT.

Votes were recorded as follows:

For (Refusing Consent): 5

Against (Refusing Consent): 2

RESOLVED that CONSENT be REFUSED as the loss of these trees of special amenity value is not justified as a remedy for the alleged subsidence damage on the basis of the information provided.

7. 12 MEADWAY CLOSE, NW11 7BA TPF/0956/20 (GARDEN SUBURB)

The report were introduced and slides presented by the Planning Officer.

Cllr J Marshall spoke against the application.

The Committee had the opportunity to ask questions of the speaker and officers.

Following discussions, the Committee voted on DEFERRAL.

For (Deferral): 1

Against (Deferral): 5

Abstention: 1

The motion was lost.

The Committee voted on REFUSING CONSENT.

Votes were recorded as follows:

For (Refusing Consent): 6

Against (Refusing Consent): 0

Abstention: 1

RESOLVED that CONSENT be REFUSED as the loss of these trees of special amenity value is not justified as a remedy for the alleged subsidence damage on the basis of the information provided.

8. 60 HERVEY CLOSE, LONDON, N3 2HJ 21/6321/HSE (WEST FINCHLEY)

The Committee noted that the application had been withdrawn.

9. 124 BULWER ROAD BARNET EN5 5EX 21/1377/FUL (HIGH BARNET)

The report and addendum were introduced and slides presented by the Planning Officer.

The Committee received verbal representations from the Agent for the Applicant.

The Committee had the opportunity to ask questions of the speaker and officers.

Following discussions, the Committee voted on the Officer recommendation to APPROVE the application as set out in the report and the addendum.

Votes were recorded as follows:

For (Approval): 3

Against (Approval): 3

Abstention: 1

As the vote was tied the Chairman used their casting vote and voted in favour of the application.

RESOLVED that the application be APPROVED, subject to conditions as detailed in the report, addendum

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 their absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

10. 43 WENTWORTH PARK N3 1YH 21/4025/FUL (WEST FINCHLEY)

The report and addendum were introduced and slides presented by the Planning Officer.

The Committee received verbal representations from Ms Helen Simons and Mr Nick Williams who spoke in objection to the application.

The Committee received verbal representations from the Agent for the Applicant.

The Committee had the opportunity to ask questions of the speakers and officers.

Following discussions, the Committee voted on the Officer recommendation to approve the application subject to S106 as set out in the report.

Votes were recorded as follows:

For (Approval): 2
Against (Approval): 5
Abstention: 0

Therefore, the application was **NOT APPROVED**.

Councillor A Schneiderman moved the motion to REFUSE the application, which was seconded by Councillor N Richer for the following reasons:

The proposed sub-division to form four self-contained flats would constitute an over-development, resulting in the loss of a single family dwelling and a harmful increase in comings and goings and general activity, to the detriment of the character of the host property and surrounding area and the residential amenities of neighbouring occupiers, contrary to Policies D3 and D14 of the London Plan (2021), Policies CS NPPF, CS1, CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policies DM01, DM04 and DM08 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Residential Design Guidance SPD (2016)

The vote on the motion to refuse the application was recorded as follows:

For (Refusal): 7
Against (Refusal): 0
Abstention: 0

RESOLVED – that the application be REFUSED for the reasons stated above.

11. 14 WYCOMBE GARDENS NW11 8AL 21/3470/FUL (CHILDS HILL)

The report was introduced and slides presented by the Planning Officer.

The Committee received verbal representations from Mr T Sodeinde and Mr J Levine who spoke in objection to the application.

The Committee received verbal representations from the Agent for the Applicant.

The Committee had the opportunity to ask questions of the speakers and officers.

Following discussions, the Committee voted on the Officer recommendation to APPROVE the application subject to S106 as set out in the report.

Votes were recorded as follows:

For (Approval): 2
Against (Approval): 5
Abstention: 0

Therefore, the application was **NOT APPROVED**.

Councillor A Schneiderman moved the motion to REFUSE the application, which was seconded by Councillor C O-Macauley for the following reasons:

The proposed development will introduce flats within a road characterised by houses, resulting in the loss of a single family home at odds with the established dwelling size priorities and detrimental to the character of Wycombe Gardens, contrary to Policies DM01 and DM08 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Residential Design Guidance SPD (2016).

The proposed sub-division to form three self-contained flats would constitute an over-development, resulting in a harmful increase in comings and goings and general activity, to the detriment of the character of the host property and surrounding area and the residential amenities of neighbouring occupiers, contrary to Policies D3 and D14 of the London Plan (2021), Policies CS NPPF, CS1, CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policies DM01 and DM04 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Residential Design Guide (2016).

The vote on the motion to refuse the application was recorded as follows:

For (Refusal): 5
Against (Refusal): 0
Abstention: 2

RESOLVED – that the application be REFUSED for the reasons stated above.

12. 12 HILLVIEW GARDENS NW4 2JH 21/6227/FUL (HENDON)

The report was introduced and slides presented by the Planning Officer.

There were no speakers in attendance.

The Committee had the opportunity to ask questions of the officers.

Following discussions, the Committee voted on the Officer recommendation to APPROVE the application.

Votes were recorded as follows:

For (Approval): 2
Against (Approval): 1
Abstention: 4

RESOLVED that the application be APPROVED, subject to conditions as detailed in the report,

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 their absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

13. 31 HERVEY CLOSE N3 2HG 21/1702/HSE (WEST FINCHLEY)

The report was introduced and slides presented by the Planning Officer.

There were no speakers in attendance.

The Committee had the opportunity to ask questions of the officers.

Councillor R Weeden-Sanz moved an additional Condition to the application, which was seconded by Councillor A Schneiderman for the provision of a swift box to aid biodiversity in the area.

The vote on the additional CONDITION to the application was recorded as follows:

For (Condition): 6

Abstention: 1

RESOLVED – that an additional Condition be included requiring the provision of a swift box to aid biodiversity.

Following discussions, the Committee voted on the Officer recommendation to APPROVE the application and the additional condition.

Votes were recorded as follows:

For (Approval): 5

Abstention: 2

RESOLVED that the application be APPROVED, subject to conditions as detailed in the report,

AND an additional Condition requiring the provision of a swift box to aid biodiversity;

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 their absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

14. 57 RICHMOND ROAD EN5 1SF 21/6246/HSE (OAKLEIGH)

The report was introduced and slides presented by the Planning Officer.

The Committee received verbal representations from the Agent for the Applicant.

The Committee had the opportunity to ask questions of the speakers and officers.

Following discussions, the Committee voted on the Officer recommendation to APPROVE the application with the additional condition.

Votes were recorded as follows:

For (Approval): 7

RESOLVED that the application be **APPROVED**, subject to conditions as detailed in the report, and additional condition,

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 their absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

15. ANY ITEM(S) THAT THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 8.53 pm

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Location Land Adjacent To The National Grid Sub-station Partingdale Lane London NW7 1NS
Reference: 20/4241/FUL Received: 11th September 2020
Accepted: 16th September 2020
Ward: Mill Hill Expiry 16th December 2020
Case Officer: Josh Mclean
Applicant: Mr Guy Manners-Spencer
Proposal: Installation of a battery storage facility including inverter and transformer stations, battery storage containers, other associated infrastructure works, security fencing and lighting [AMENDED PLANS]

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

- 2701-01-02 (Site Location Plan)
- 2701-01-03 Rev A (Statutory Plan)
- 2701-01-04b (General Arrangement)
- 2701-01-05 (Welfare / Control / Storage Container)
- 2701-01-06 (Battery Storage Container)
- 2701-01-07 (External Switchgear)
- 2701-01-08 (Switchroom Control Room)
- 2701-01-09 (Inverter & Transformer Station)
- 2701-01-10 (Auxiliary Transformer, Fencing, CCTV Cameras & Retaining Wall)
- 2701-01-11 (Existing Site Plan)
- 2701-01-13 (Landscape Design)

Arboricultural Assessment, FPCR Environment and Design Ltd (dated 04.09.2020)

Biodiversity Metric Calculation

Ecological Assessment V1 , Avian Ecology (dated 03.09.2020)
Ecology Note: Response to LPA Comments, Avian Ecology Limited (dated 23.08.2021)
Environmental Noise Impact Assessment, TNEI (dated 04.09.2020)
Planning Statement, axis (dated September 2020)
Response to Comments on Noise from Environmental Protection Officer
Site Search, Harbour Energy (dated September 2020)
Surface Water Drainage Assessment, KRS Environmental (dated July 2020)

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) Prior to installation of the structures, including battery containers, storage and utility containers, generators and transformers and fencing, details of the external finishing colour shall be agreed in writing by the Local Planning Authority.
- b) The structures and fencing shall be retained and maintained in the agreed finish for the lifetime of the development.

Reason: In the interests of the visual amenity of the Green Belt.

- 4 a) Prior to Ground Works and Site Preparation Works, no development shall commence within a Development Phase until a Construction Environmental Management Plan, setting out the construction and environmental management measures associated with that Development Phase, has been submitted to and approved in writing by the Local Planning Authority. The details shall be in accordance with the ES and shall include:

Construction site and works

- i. Site information (including a site plan and management structure)
- ii. Description of works, equipment and storage
- iii. Programme of works
- iv. Temporary hoarding and fencing
- v. Temporary works
- vi. Interim drainage strategy
- vii. Intrusive site investigation works and monitoring (the scope to be agreed in writing with the Local Planning Authority)

Construction management and procedures

- viii. Code of Considerate Practice
- ix. Consultation and neighbourhood liaison
- x. Staff training and briefing procedures
- xi. Schedule of environmental legislation and good practice
- xii. Register of permissions and consents required
- xiii. Environmental Audit Programme
- xiv. Environmental Risk Register
- xv. Piling Works Risk Assessment
- xvi. Health and safety measures
- xvii. Complaints procedures
- xviii. Monitoring and reporting procedures

Demolition and waste management

- xix. Demolition Audit
- xx. Site clearance and waste management plan
- xxi. Asbestos survey and disposal strategy

Construction traffic

- xxii. Construction traffic routes
- xxiii. Construction traffic management (including access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution)

Environmental Management

- xxiv. Ecology surveys and management plan in relation to any existing ecological features that may be affected by works in that Development Phase
- xxv. Measures to minimise visual impact during construction
- xxvi. Measures to minimise noise and vibration levels during construction
- xxvii. Measures to minimise dust levels during construction
- xxviii. Measures to control pollution during construction (including a Pollution Response Plan)
- xxix. Construction lighting strategy, including measures to minimise light spill
- xxx. Measures to reduce water usage during construction
- xxxi. Measures to reduce energy usage during construction
- xxxii. Any other precautionary and mitigatory measures in relation to demolition and construction as identified in the ES and the EIA Mitigation Register

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties, in the interests of highway and pedestrian safety and in the interests of protecting the environment and trees in accordance with policies CS7, CS9, CS13, CS14, DM01, DM04, DM16 and DM17 of the Barnet Local Plan.

5 a) Prior to the commencement of development, a "before" condition survey of the the

agreed route to be utilised by all construction traffic from the B552, shall be submitted to and approved in writing by Local Planning Authority.

b) An "after" survey shall be submitted to and approved by the Local Planning Authority three months before the completion of the development. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey shall be implemented in accordance with a timeframe as approved following completion of the development.

Reason: To ensure that the road is maintained in a suitable condition in order to minimise danger, obstruction and inconvenience to users of the highway.

- 6 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 2016) and Policies D13 and D14 of the London Plan 2021.

- 7 a) Before the development hereby permitted is first brought into use, a post-completion acoustic report shall be submitted to and approved in writing by the Local Planning Authority. This report should confirm that all the noise mitigation measures to ensure compliance with the London Borough of Barnet noise standard for external plant have been implemented in their entirety.

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

Reason: To ensure that the 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).

- 8 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and

including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reasons: In the interest of good air quality in accordance with London Plan policy SI 1.

- 9 The free-field Rating Level (as defined in BS 4142:2014+A1:2019) from all of the proposed plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 3.5 metres 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 policy D14 of the London Plan 2021.

- 10 a) The development shall be implemented in accordance with approved drawing 2701-01-13 (Landscape Design).

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016).

- 11 The development shall proceed and be carried out in accordance with the findings and recommendations of the approved Ecological Assessment, Avian Ecology (dated May 2019), Ecology Note: Response to LPA Comments, Avian Ecology (dated 23/08/21) and the associated ecological surveys submitted in support of the application and the details of compensation measures and ecological enhancements

contained within shall be incorporated into the finished scheme.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

12 a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.

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

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

13 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

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

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

14 a) Prior to the installation of any lighting within the site, a detailed lighting scheme including lighting levels at the boundary of the site shall be submitted to and approved in writing by the Local Planning Authority.

b) Any lighting shall be carried out in accordance with the approved details.

Reason: The plans do not currently show any lighting to serve the development and without details it is unclear whether the visual qualities of the area will be affected as a result of their levels, number and position.

- 15 Prior to its installation details of all CCTV infrastructure including height, colour and location of any mounted equipment shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interest of the visual amenity of the Green Belt.

- 16 a) The Battery Storage Facility shall be permitted for an operational life of 40 years and thereafter, a detailed decommissioning strategy shall be submitted to and approved in writing by the Local Planning Authority. This strategy shall identify the trigger point(s) for decommissioning the site at which time the site shall be restored to its previous state as agricultural land with all infrastructure (including structures, hardcore, concrete and any underground apparatus) to be removed in accordance with details to be agreed within the strategy

b) Decommissioning and restoration of the site shall thereafter be carried out and completed in full accordance with the details approved under this condition within 12 months of the expiry of the 40 year operational life following the date of this permission

Interests: In the visual amenity of the Green Belt.

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 submitted Construction Method Statement shall include as a minimum details of:
- Site hoarding
 - Wheel washing
 - Dust suppression methods and kit to be used
 - Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
 - Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are

employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.

- confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

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

- 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 The Air Quality reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning;

2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, (Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006; 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 2014 and 10) Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014

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

OFFICER'S ASSESSMENT

1. Site Description

The proposal relates to land adjacent the National Grid substation which is located on the north side of Partingdale Lane in Mill Hill. Within the wider vicinity the site is located on the southern slopes of the Folly Brook valley which lies between Mill Hill and Totteridge. The site is accessed from Partingdale Lane to the south and encircled by Burtonhole Lane - which begins as a vehicular carriageway servicing houses to the west and the Camden Sports Ground to the north, before becoming a footpath/track along the eastern boundary.

The existing operational infrastructure at the National Grid's substation - currently comprises just under 3ha of aggregate/hard-surfacing facilitating various installations engaged in supporting the high-voltage transformer and the associated distribution network. The surrounding land is comprised of a series of small-medium sized green open spaces enclosed by mature tree and shrub boundaries, with pockets of woodland to the north-east, west and south of the site. The nearest residential receptors are along Partingdale Lane approximately 200m to the south of the site and Hillview Road (c120m) and Eleanor Crescent (c240m) to the west.

The site is square in shape and occupies an area of circa 0.49 hectares. It lies to the west of the existing National Grid infrastructure.

The site falls within the Metropolitan Green Belt and within a designated Site of Metropolitan Importance for Nature Conservation (SINC) known as the Mill Hill Substation Pastures (though the existing substation aggregate or hard standing is not designated). Burtonhole Brook (a tributary of Folly Brook) flows through the site adding to its diversity of habitat. Grade II Site of Borough Importance for Nature Conservation known as Burtonhole Lane and Pasture abuts the site to the east, stretching north-east. A Grade I Site of Borough Importance for Nature Conservation known as Folly Brook and Darlands Lake Nature Reserve is situated further to the north/north-east at the foot of the valley, around 700m away.

The eastern boundary of the site is peppered with trees subject to Preservation Orders, with Area Orders in place c3-400m to the west and south and just over 200m to the north. The site lies entirely within Flood Zone 1 (less than 1 in 1,000 annual probability of river or sea flooding). However, with regard to the LB Barnet: Surface Water Management Plan, the site forms part of an identified critical drainage area for surface water (Group 2_015).

2. Site History

An application for a gas peak power facility had been received on a site to the east of the National Grid substation but was formally withdrawn and no longer under consideration.

Reference: 19/6641/FUL

Address: Land Adjacent to National Grid Sub-station, Partingdale Lane, NW7 1NS

Decision: Withdrawn

Decision Date: 26/04/2021

Description: Installation of a gas peak power facility generating up to 49.9MW of electricity including Electrical Transformer Units; Electrical Sub-Station; Gas Kiosk; Oil Storage Tanks; Compressed Air Building; Associated works and provision of parking bays and security fencing and lighting

3. Proposal

The proposed development is designed to store power the grid at times of excess supply and feed this power back into the grid at times of high demand / reduced generation capacity. Its aim is to balance frequency at times of system stress and would provide a flexible back-up power source to the grid and would contribute towards ensuring there is a reliable and constant supply of electricity across the network. The proposed development will not generate any additional electricity. The proposal comprises of the following components:

- o 20no. containers (c. 13.7m long x 3.1m wide x 2.9m high) housing Battery Energy Storage Systems. At each end would be housed with ventilation and cooling units. Each container would be finished in dark grey or green;
- o 10no. inverter / transformer stations;
- o 1 no. welfare / control / storage container;
- o 1no. switch-room / control room
- o 1no. external switchgear,
- o 1no. auxiliary transformer,
- o 2.4m high weldmesh security fencing;
- o Retaining wall around the perimeter of the compound;
- o 6no. CCTV monitoring points

A new access would be created, located off the existing National Grid substation road to the east, which connects with Partingdale Lane to the south.

In terms of security and lighting, the site would generally be unmanned and therefore a 2.4m high security fence is proposed to enclose the compound. CCTV, motion sensors and security would be installed to ensure that no-one enters the site when the site is not occupied. Lighting is proposed to be kept to a minimum, with low level directional LED lighting with shrouds installed to prevent upwards light spillage. The proposed lighting would be fitted to the CCTV columns, containers and control rooms.

In terms of landscaping / enhancements, new hedgerow, scrub and grassland planting is proposed around the areas surrounding the development site.

The grid connection for the proposed development would be installed below ground and would be undertaken by a statutory undertaken under permitted development.

The development would be 'temporary' in nature and is proposed to operate for a period of 40 years as requested by the agent. Following this period, the use of the site would cease and it is proposed that all energy generation equipment would be removed and the site fully restored to its present use.

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

- o Creation and planting of new biodiversity / landscaping measures around the site, following discussions with the Council's Ecologists and Tree Officer.

4. Public Consultation

Consultation letters were sent to 606 neighbouring properties. Following the submission of new information and plans, a period of re-consultation was undertaken. 917 responses have been received overall, comprising 915 letters of objection and 2 letters of support.

The objections received can be summarised as follows:

- Loss of greenbelt land and no very special circumstances;
- Contrary to NPPF, London Plan and Barnet policies
- Inappropriate location;
- Out of keeping;
- Space within the existing facility;
- Visual impact of containers;
- Cumulative impact with large scale housing developments in surrounding area;
- Impact on Mill Hill Conservation Area;
- Concerns around safety of battery energy storage systems;
- Proximity to primary school;
- Proximity to residential properties- noise / privacy / light spillage;
- Impact on local environment / wildlife / SINC / biodiversity / Darlands Nature Reserve;
- Removal of trees;
- Lack of meaningful landscaping;
- Inability of local roads to cope during the development phase;
- Noise impacts;
- Flood and drainage risks;

- Increased traffic movements; and
- disruption during construction phase.

The letters of support received can be summarised as follows:

- Essential part of the future of a power grid based on non-dispatchable renewables;
- Grid scale storage using batteries is largely passive, non-intrusive and low hazard;
- Locating on or adjacent to existing substations is sensible
- Essential is we are to go over to 100% renewable energy
- Stabilise the grid system in the event of a power station suddenly going off-line

Elected Representatives:

Matthew Offord MP

I write to object to the above planning application.

Like the application for the installation of a gas peak power facility, this proposal falls within designated Metropolitan Green Belt and has the potential to cause severe harm to the Green Belt and its openness. As such, it constitutes inappropriate development as set out in the National Planning Policy Framework (NPPF). With reference to the NPPF, paragraph 144 must apply:

"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

I can find no evidence that the applicant has demonstrated 'very special circumstances' that could not be met at an alternative location nor am I convinced that the applicant has sufficiently demonstrated that this is the best location available.

Furthermore, the proposal does not adequately meet any of the criteria for exceptions as set out in subsequent paragraphs 145 and 146 of the NPPF.

The application is also contrary to the London Borough of Barnet's own Development Management policies on Green Belt/Metropolitan Open Land which state in DM15:

"(i) Development proposals in Green Belt are required to comply with the NPPF (paras 79 to 92). In line with the London Plan the same level of protection given to Green Belt land will be given to Metropolitan Open Land (MOL)."

And "(ii) Except in very special circumstances, the council will refuse any development in the Green Belt or MOL which is not compatible with their purposes and objectives and does not maintain their openness."

I am dismayed that an Environmental Impact Assessment (EIA) is not required given the potential impact on biodiversity; land, soil, water, air and climate; the landscape; and the interaction between these factors. The applicant has undertaken a habitat survey of the site but this, by its nature, this does not address the very real aforementioned concerns.

This proposal will increase the built footprint on this part of the Green Belt which will be detrimental to the open nature of the Green Belt and the peace and tranquility of the area. The construction will be unsightly and will have a visually detrimental impact on residential properties to the south and west of the site as well as on those who enjoy this open space

and adjacent Ecological Enhancement Areas. There will be light and noise pollution for those trying to enjoy the surrounding area and there will be acknowledged adverse noise impact on Highview Road.

I believe this application is inappropriate for this site, being harmful to the Green Belt and its openness; failing to demonstrate any 'very special circumstances' which could not be met elsewhere; failing to meet any of the criteria for exceptions; having an adverse impact on neighbouring residential properties; and being contrary to Barnet's policy DM15.

I should be grateful for my comments to be taken into consideration and trust this application will be refused.

Theresa Villiers MP

Your records will show that I objected to the previous application (19/6641/FUL) which was subsequently withdrawn. I believe that my comments to that application are relevant to this one, particularly my concern about this facility being built in the green belt on a Site of Metropolitan Importance for Nature Conservation.

Although the site is not in my constituency, it is a vital part of the surviving greenery between Totteridge and Mill Hill. It is clearly visible from Partingdale Lane, and if this application is approved, my constituents and other users of the green belt will lose a significant visual amenity.

As one correspondent has pointed out, the ecological survey fails to identify the importance of this habitat which attracts over wintering birds such as Woodcock (Red List), Snipe (Amber list), Jack Snipe, Common Gull (Amber list) and flocks of Fieldfare & Redwing (both red list). There will be significant biodiversity net loss contrary to NPPF & Barnet Policy DM16.

While I note that "no alternative sites are available and that the contribution the development make to the objective of securing a reliable source of low carbon electricity supply constitutes special circumstances" - it would appear that no evidence is supplied to support these assertions.

Given the importance, I believe, of retaining and protecting green belt land as so many open spaces in our area are being earmarked for development, I would be grateful if you could pass my comments, and those of Mr Lewin, to the Planning Committee. I oppose the plans and believe they should be refused.

Andrew Dismore AM

I am writing to object to the above application in my capacity as London Assembly Member for Barnet and Camden.

This development will encroach on previously undeveloped Green Belt land, to the west of the transformer site, and is not being built within the footprint of the transformer site. It is to have the same capacity of 50 MW (1.1.1, 6.2.13) as the proposed gas peaking plant, hinting that the two developments are linked, but there is nowhere in this application which states that it is a replacement.

There are repeated references to the use of storage in conjunction with renewable energy, yet there are no plans for any renewable energy sources on or near the site. Appendix G in

20/4241/FUL gives examples of gas peaking and battery applications in Green Belts. In Rochford Essex, an application for a 49.99MW gas-fired generating facility was accompanied by a separate application for a battery storage facility.

This proposal proves that major applications are made incrementally. In this way individual applications can comply with thresholds and the full impact is not apparent in the first wave of opposition. As it is, there is also a proposal for a gas pipeline along Burtonhole Lane (19/6641/FUL).

Paragraph 1.2.4 states that the batteries are for storage for use in periods of peak demand, thereby hinting that 19/6641/FUL is not a proposal for a peaking plant, which is an alternative to batteries, but for a medium scale power station.

Mill Hill has had a substantial increase in new housing built without pre-planned infrastructure, using up all brownfield sites, such as the old Mill Hill East gas works now replaced by the Lidbury Square estate. Then as an afterthought, the increased requirement for electricity is a justification for using Green Belt land. Any power requirements should have been built on the gas works site.

Paragraph 20 of the NPPF states the importance of an overall strategy (6.2.67) and there does not appear to be one. 'Overall demand for electricity is likely to double by 2050' (4.3.10) implies no behavioural changes to decrease consumption, together with an increased population. It is unclear how this is compatible with zero carbon emissions.

The long-term plans stretch to 2050 (4.4.2) so why will the development only last 25 years and then be dismantled? If requirement for electricity is to double by 2050, then how is it that this plant will be decommissioned (3.8.6) and the land returned to Green Belt? It is likely that the Green Belt with a 'Major Development' on it (see section 4 here) will be used for an even bigger installation.

By making two separate applications, 19/6641/FUL and 20/4241/FUL, the proposers avoid the need for Environmental Impact Assessments.

The B.S.F area: applied for 0.49 hectare compared to threshold of 0.5 hectare. Gas 'peaking' plant: applied for 49.9 MW compared to threshold of 50 MW. Both these capacities are curiously close to the thresholds? Are there any guarantees that these facilities not only will not exceed their permitted limits, but cannot? Together with 19/6641/FUL this becomes a major development of more than 1 hectare. Such a major development requires more scrutiny.

The batteries are 13.7 m long, 3.1 m wide and 2.9 m high (3.2.1), visually more 'solid' than the pylons in the sub-station. However, the field in which it will be located is surrounded by deciduous vegetation, which offers far less visual shielding in winter.

There are ventilation and cooling units at either end of each unit (3.2.1). If Hillview Road is affected by noise and vibration (5.7.3) then so will Burtonhole Lane.

There are no restrictions on noise output specified here (5.7.5) and no noise control methods in this specification, but possibly 'in the final design'(5.7.6). A full analysis of noise is essential, and must take into account the noise from the gas-fired power station proposed.

The battery system together with the power station is anything but low-carbon (4.3.10). These two proposals need to be looked at together; to claim that one part of the system (e.g.

car seats in a petrol-driven vehicle) is low-carbon is misleading.

Paragraphs 4.3.10- 4.3.20 read like 'greenwash', i.e. standardised text, full of buzzwords like 'smart', 'flexible', 'clean energy', 'low-carbon' to make the installation sound environmentally acceptable.

There is no allowance for foul drainage/ sewage (3.6.1). Any run-off that is polluted with battery or cleaning chemicals, will be discharged to the water table untreated.

The access roads will have to include Partingdale Lane and Burtonhole Lane. The latter is a footpath and bridleway and is unsuited to heavy vehicles. The Ridgeway is already overburdened with the heavy lorries associated with the construction of the Ridgeway Views and Millbrook Park estates.

In the Arboricultural Assessment of 20/4241/FUL individual trees are classified as high quality (4 out of 8), medium quality or low quality/unsuitable for retention. All the groups of trees are in the lower two categories. The set-aside habitat (Planning Drawing 2701-01-004b) is a small area immediately around the batteries.

Removal of '8 semi-mature trees to the east of the site considered to be of low ecological value '(3.5.2) is proposed.'

The large group of trees between the field and the public bridleway which is Burtonhole Lane, is called G4. 'Some trees within the G4 grouping would been (sic) to be removed to accommodate the access road, however there are no trees of veteran or ancient status here (5.6.4). By this categorisation, the developers have deemed it unnecessary to replace these trees (NPPF 175c which is quoted) and the much-mentioned screening provided by vegetation will be inadequate.

It is admitted that this is a Site of Importance for Nature Conservation and a site of Metropolitan Importance M127 (5.2.2). Section 5.2 tries to devalue the area as a justification for building on it. The site is said to be 'of limited ecological value and has no functional habitat' (5.2.3).

East of the site is Burtonhole Lane which is an old green lane now a public footpath and bridleway. It is a Grade II Site of Borough Importance for Nature Conservation (5.5.2) and is an area of biodiversity which will be harmed by having installations on either side of it.

It is repeated (5.2.3 and 6.2.66) that the 'grassland is for equestrian grazing and is therefore of little ecological value'. On the contrary, horses perform an important role in maintaining habitat, restoring plant diversity and pollinator populations.

The removal of this grazing area is therefore a double loss. Any wild animals there at present will be disturbed by the noise levels and intrusion into their habitat.

The ecological assessment in section 5 (e.g. 5.2.6 and 5.3.5) clearly contradicts the preliminary ecological appraisal made in 19/6641/FUL.

Section 5 mentions that the closest nature reserve is Totteridge Fields which is 2.2 km away Darlands Nature Reserve has been strangely omitted. It is only 700m away. Paragraph 5.2.4 reads 'No aquatic habitat is present within the Site or surrounding land, and no ponds are present within 250m of the Site', yet Folly Brook is 150m away and Darlands Lake is 750m away.

The proposal contributes incrementally to degradation of the Green Belt. The actual 'merging of neighbouring towns' (6.2.13) does not occur until the Green Belt is almost eroded, so the argument that 'the proposal would not result in any material merging of neighbouring towns' is spurious.

It is acknowledged that the site is considered to be 'inappropriate development' in Green Belt. As is usual in these cases, 'Special Circumstances' are claimed.

The battery facility should be associated with a renewable energy installation if the proposal is to be plausible. If not part of the gas peaking plant, the batteries should be sited totally within the existing transformer site.

Alternatively it could be sited in a brownfield location, with constraints on noise and air pollution if close to residential areas. 'Recycling of derelict and urban land' (6.2.13 point e) is appropriate in this case as the technology of transmission of electricity over large distances is well established.

Contrary to the statement in (7.1.4) I conclude that the Battery Storage Facility, particularly in conjunction with the gas peaking plant, will be responsible for damage to ecology, will increase flood risk and surface water drainage, and cause noise and air pollution. It will be seriously detrimental to the Green Belt and its accessibility to local residents.

For all these reasons I object to this scheme.

Cllr Golnar Bokaei

I could not at all support this application because of the Green Belt.

Cllr Val Duschinsky

I can confirm on behalf of all three Mill Hill councillors that we object to this proposal.

Cllr John Hart

I wanted to stipulate that thick tree and shrub screening be planted round the installation as the site is in the Green Belt.

Neighbouring / Residents Associations and Local Amenity Groups

Barnet Society

The Barnet Society strongly opposes this application to build in the Green Belt on a Site of Metropolitan Importance for Nature Conservation.

The site is a vital part of the surviving greenery between Totteridge and Mill Hill. If approved, its visual amenity and wildlife habitat will surely suffer despite the mitigation measures proposed.

The Planning Statement asserts (5.4.10) that 'the introduction of the proposed structures would not materially affect the openness of the Green Belt', but no visualisations are offered to prove the point.

We do not dispute the growing demand for energy, but battery storage is not one of the 'very exceptional circumstances' permitted by the National Planning Policy Framework. It would only be justifiable as part of a coherent regional strategy including detailed evaluation of alternative sites, endorsed by full public consultation and political support. No evidence of any of these is provided.

Approval would therefore set a very bad precedent, opening the door to further ad hoc proposals on nearby sites.

Darlands Conservation Trust

Objections on behalf of Darlands Conservation Trust who manage the Darlands Nature Reserve 700m North of the site.

This is inappropriate development in the Greenbelt in conflict with the objectives of including land in the greenbelt. Furthermore, the applicant has failed to demonstrate that very special circumstances exist. This is contrary to Barnet Policy DM15.

The proposed development is within The Mill Hill Substation pastures which is designated as a Site of Metropolitan Importance for Nature Conservation.

This proposal will result in the loss of 0.49 ha of grassland habitat equal to 6% of the nature reserve area (not 0.28% as the ecologist has stated) This is in addition to the 1.34ha of this nature reserve already under threat from application 19/6641/FUL currently under consideration for a gas peak power facility. A total of 1.83ha or 12.2% of the nature reserve.

The proposed security fencing will connect to the existing substation compound & proposed power facility to the east creating a barrier across much of the nature reserve, fragmenting habitats, damaging ecological networks and hindering terrestrial wildlife movements so vital to their feeding and breeding success.

The ecological survey fails to identify the importance of this habitat. The secluded habitat attracts over wintering birds such as Woodcock (Red List), Snipe (Amber list), Jack Snipe, Common Gull (Amber list) and flocks of Fieldfare & Redwing (both red list). Noise, heat & light disturbance from the plant and auxiliary equipment will result in the loss of these threatened species.

Grass snake, adders & slow worms are found here but no measures are proposed to protect them from harm.

No compensation is proposed for the felling of 8 healthy semi mature trees.

Proposed ecological mitigations are inadequate & will not address the likely impacts on the reserve or the wider Folly Brook valley. There will be significant biodiversity net loss contrary to NPPF & Barnet Policy DM16.

The Biodiversity Net gain metric provided uses V2 of the method which was replaced by V3 in July 2021 due to errors within it.

Claims of habitat 'improvements' are disingenuous, unsubstantiated and fail to demonstrate biodiversity net gain. Proposals will result in further loss of priority grassland habitat, for which the site is designated. The area to be lost is understated in the metric because areas of non-intervention management and new hedgerow planting proposed for the larger area surrounding the redline are not included. No new habitats are being created, merely converted from one type to another and in the case of scrub, one of a lesser value.

Furthermore, the poor baseline condition is a result of years of over grazing permitted by the applicant who has previously sought expert advice on the management of this SINC but have allowed grazing at this unsustainable level to continue in the full knowledge of the damage it was causing.

Herts & Middlesex Wildlife Trust

Objection: Proposed development would result in the destruction of a proportion of an irreplaceable habitat designated as a site of metropolitan importance, no justification for why the impacts cannot be avoided by locating on a less important site, measurable net gain to biodiversity has not been proven, insufficient detail supplied on compensation measures. The ecological report is therefore not compliant with BS 42020, NPPF, the London Plan 7.19 D and E, or DM16 of the Barnet Local Plan.

1. NPPF states:

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity

175. When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable' net gains for biodiversity.

The London Plan states:

D On Sites of Importance for Nature Conservation development proposals should:

b give strong protection to sites of metropolitan importance for nature conservation (SMIs). These are sites jointly identified by the Mayor and boroughs as having strategic nature conservation importance.

E When considering proposals that would affect directly, indirectly or cumulatively a site of recognised nature conservation interest, the following hierarchy will apply:

1 avoid adverse impact to the biodiversity interest

2 minimise impact and seek mitigation

3 only in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts, seek appropriate compensation.

The Barnet Local Plan states:

Policy DM16: Biodiversity

a. When considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity.

b. Where development will affect a Site of Importance for Nature Conservation and/or

species of importance the council will expect the proposal to meet the requirements of London Plan Policy 7.19E.

This development will result in the destruction of a minimum of 0.39 ha of an irreplaceable grassland habitat. This will undoubtedly be more when the peripheral actions of machinery and storage are taken into account. The development footprint will unavoidably be greater than this. NPPF, the London Plan and the Barnet Local Plan direct the LPA to refuse applications of this type, unless there are exceptional circumstances and sufficient 'measurable' compensation has been provided.

Insufficient justification has been provided to explain why the impacts cannot be avoided by locating on another site, why the circumstances are exceptional, or, if these two cases are proven, how the compensation (which has not been definitively proposed only suggested vaguely) will achieve a measurable net gain in biodiversity. At present claims of net gain are entirely unsubstantiated, subjective and unmeasurable.

2. Measurable net gain. NPPF states:

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity

174. To protect and enhance biodiversity and geodiversity, plans should:

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

175. When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable' net gains for biodiversity.

The object of an ecological report submitted in support of a planning application should be to demonstrate how the proposals are capable of being consistent with NPPF and local planning policy. Therefore, the ecological report should state, what is there, how it will be affected by the proposal and how any negative impacts can be avoided, mitigated or compensated in order to achieve 'measurable' net gain to biodiversity. Subjective assessments of net impact (as in this case) are not sufficient, not 'measurable' and therefore not consistent with policy.

In order to prove net gain to biodiversity, the ecological report must include a 'measurable' calculation of the current ecological value of the site and what will be provided following the development. BS 42020 states:

'8.1 Making decisions based on adequate information

The decision-maker should undertake a thorough analysis of the applicant's ecological report as part of its wider determination of the application. In reaching a decision, the decision-maker should take the following into account:

h) Whether there is a clear indication of likely significant losses and gains for biodiversity.'

The most objective way of assessing net gain to biodiversity in a habitat context is the application of the most recent iteration of Defra biodiversity metric v2. This metric assesses ecological value pre and post development on a habitat basis, has been upheld by the planning inspectorate as an appropriate mechanism for achieving the ecological aims of NPPF, and is advocated in: <https://www.gov.uk/guidance/natural-environment>

In order to meaningfully and measurably accord with planning policy to achieve net gain to biodiversity, the applicant will need to use this metric. The development must show a net positive ecological unit score to demonstrate compliance with policy. Habitat mitigation can be provided on or offsite. This will give some legitimacy to statements claiming that net gain can be achieved. This application should not be approved without this information.

3. BS42020

BS 42020 states:

'6.6.2 An ecological report should avoid language that suggests that recommended actions "may" or "might" or "could" be carried out by the applicant/developer (e.g. when describing proposed mitigation, compensation or enhancement measures). Instead, the report should be written such that it is clear and unambiguous as to whether a recommended course of action is necessary and is to be followed or implemented by the applicant.'

Once it has been accurately and measurably calculated how much habitat creation is required to offset the impact of the proposals, all ecological mitigation, compensation or enhancement measures suggested in the ecological report must be definitively stated.

The ecological report is full of examples of conceptual mitigation or compensation which is neither measurable nor definitively described. For example:

4.2.3 A small area (0.39ha) of neutral semi-improved grassland within the SINC will be lost by the proposed development. This equates to 0.28% of the SINC, so the non-statutory site will be largely unaffected. Measures are proposed to compensate for the loss of grassland habitat, which will ensure that the overall biodiversity interests of the grassland and other habitats within the SINC are not lost and can be maintained and enhanced over the long term through suitable mitigation and management.

4.2.6 Such measures include; (1) Targeted management to encourage and maintain a diverse sward within the grassland habitat

4.2.10 Mitigation measures are proposed to protect and enhance the main body of Mill Hill Pastures SINC outside the Site. These measures may also indirectly benefit species using Burtonhole Lane and Pastures SINC

Yet no details that enable the accurate quantification of this undefined habitat mitigation and compensation plan have been proposed. None. We are being asked to just accept that the developer will provide sufficient compensation and ongoing management to compensate for the loss of this designated wildlife site.

It is fundamental to the assessment of the compensation that all management or habitat creation is clearly and definitively described, so that it can be gauged whether it is sufficient to be consistent with policy. Compensation measures cannot be left to condition because there is no guarantee that they will be enough. This information has not been provided and so on this basis alone the application cannot be determined.

Summary

- o The loss of a substantial proportion of a site of metropolitan importance for nature conservation is not acceptable or consistent with local or national policy
- o The grassland is a priority habitat and irreplaceable in a meaningful ecological sense
- o No justification has been provided as to why the destruction of the site represents an exceptional circumstance
- o Ecological impacts have not been measured by reference to the Defra biodiversity metric.
- o Without an objective measurement of net ecological impact, claims of net gain are spurious and unsubstantiated
- o Compensation measures have not been definitively proposed
- o The proposal is demonstrably in conflict with BS 42020, NPPF, the London Plan and the Barnet Local Plan
- o Without this information the proposal must be refused

New information has been submitted since the previous objection by HMWT. This response addresses this information and reiterates existing objections where appropriate.

Objection: Proposed development would result in the destruction of a proportion of an irreplaceable habitat designated as a site of metropolitan importance, no justification for why the impacts cannot be avoided by locating on a less important site, the biodiversity metric has not been populated or justified correctly so net gain has not been proven, insufficient detail supplied on compensation measures. The ecological report is therefore not compliant with BS 42020, NPPF, the London Plan 7.19 D and E, or DM16 of the Barnet Local Plan.

1. NPPF states:

174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity

180. When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

The London Plan states:

D On Sites of Importance for Nature Conservation development proposals should:

b give strong protection to sites of metropolitan importance for nature conservation (SMIs). These are sites jointly identified by the Mayor and boroughs as having strategic nature conservation importance.

E When considering proposals that would affect directly, indirectly or cumulatively a site of recognised nature conservation interest, the following hierarchy will apply:

1 avoid adverse impact to the biodiversity interest

2 minimise impact and seek mitigation

3 only in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts, seek appropriate compensation.

The Barnet Local Plan states:

Policy DM16: Biodiversity

a. When considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity.

b. Where development will affect a Site of Importance for Nature Conservation and/or species of importance the council will expect the proposal to meet the requirements of London Plan Policy 7.19E.

This development will result in the destruction of a minimum of 0.39 ha of an irreplaceable grassland habitat. This will undoubtedly be more when the peripheral actions of machinery and storage are taken into account. The development footprint will unavoidably be greater than this. NPPF, the London Plan and the Barnet Local Plan direct the LPA to refuse applications of this type, unless there are exceptional circumstances and sufficient 'measurable' compensation has been provided.

Insufficient justification has been provided to explain why the impacts cannot be avoided by locating on another site, why the circumstances are exceptional, or, if these two cases are proven, how the compensation (which has not been definitively proposed only suggested vaguely) will achieve a measurable net gain in biodiversity. At present claims of net gain are entirely unsubstantiated, subjective and unmeasurable.

2. Measurable net gain. NPPF states:

174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity

179. To protect and enhance biodiversity and geodiversity, plans should:

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

180. When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

The object of an ecological report submitted in support of a planning application should be to demonstrate how the proposals are capable of being consistent with NPPF and local planning policy. Therefore, the ecological report should state, what is there, how it will be affected by the proposal and how any negative impacts can be avoided, mitigated or compensated in order to achieve 'measurable' net gain to biodiversity.

In order to prove net gain to biodiversity, the ecological report must include a 'measurable' calculation of the current ecological value of the site and what will be provided following the development. BS 42020 states:

'8.1 Making decisions based on adequate information

The decision-maker should undertake a thorough analysis of the applicant's ecological report as part of its wider determination of the application. In reaching a decision, the decision-maker should take the following into account:

h) Whether there is a clear indication of likely significant losses and gains for biodiversity.'

In order to address the previous lack of information, a Natural England Biodiversity Metric has been supplied. However, the condition assessment for the 'other neutral grassland' pre and post development (both on and offsite), has not been adequately justified. It is critical that this condition score is accurate, reliable and supported by data. Evidence for the existing condition score (fairly poor), cross referenced against the guidance that accompanies the metric and supported by photographs, must be provided. Similarly, it must be shown how the habitat mitigation measures will achieve the 'good' condition that has been claimed. This must be supported by the management regime required to achieve it and financial

arrangements to secure its delivery in perpetuity. This must also be supported by clear maps of the site for the avoidance of doubt.

3. BS42020

BS 42020 states:

'6.6.2 An ecological report should avoid language that suggests that recommended actions "may" or "might" or "could" be carried out by the applicant/developer (e.g. when describing proposed mitigation, compensation or enhancement measures). Instead, the report should be written such that it is clear and unambiguous as to whether a recommended course of action is necessary and is to be followed or implemented by the applicant.'

Once it has been accurately and measurably calculated how much habitat creation is required to offset the impact of the proposals, all ecological mitigation, compensation or enhancement measures suggested in the ecological report must be definitively stated.

The ecological report is full of examples of conceptual mitigation or compensation which is neither measurable nor definitively described. For example:

4.2.3 A small area (0.39ha) of neutral semi-improved grassland within the SINC will be lost by the proposed development. This equates to 0.28% of the SINC, so the non-statutory site will be largely unaffected. Measures are proposed to compensate for the loss of grassland habitat, which will ensure that the overall biodiversity interests of the grassland and other habitats within the SINC are not lost and can be maintained and enhanced over the long term through suitable mitigation and management.

4.2.6 Such measures include; (1) Targeted management to encourage and maintain a diverse sward within the grassland habitat

4.2.10 Mitigation measures are proposed to protect and enhance the main body of Mill Hill Pastures SINC outside the Site. These measures may also indirectly benefit species using Burtonhole Lane and Pastures SINC

Yet no details that enable the accurate quantification of this undefined habitat mitigation and compensation plan have been proposed. None. We are being asked to just accept that the developer will provide sufficient compensation and ongoing management to compensate for the loss of this designated wildlife site.

It is fundamental to the assessment of the compensation that all management or habitat creation is clearly and definitively described, so that it can be gauged whether it is sufficient to be consistent with policy. Compensation measures cannot be left to condition because there is no guarantee that they will be enough. This information has not been provided and so on this basis alone the application cannot be determined.

Summary

- o The loss of a substantial proportion of a site of metropolitan importance for nature conservation is not acceptable or consistent with local or national policy
- o The grassland is a priority habitat and irreplaceable in a meaningful ecological sense
- o No justification has been provided as to why the destruction of the site represents an exceptional circumstance
- o The condition scores in the NE biodiversity metric have not been adequately justified.
- o Compensation measures have not been definitively proposed

- o The proposal is demonstrably in conflict with BS 42020, NPPF, the London Plan and the Barnet Local Plan
- o Without this information the proposal must be refused

Hillview Road Residents Association

On behalf of all the residents of Hillview Road, the Association strongly objects to this application on the following grounds:

1. The application states that the land in question is "Adjacent to The National Grid Sub-station Partingdale Lane London NW7 1NS" but FAILS to describe it as adjacent to the properties in Hillview Road NW7 1AJ. The nearest house on Hillview Road to the proposed facility is only 135 metres away, not 350 metres as misleadingly stated in the application. This description therefore is at best misleading and at worst disingenuous.

2. The proposed site is in a Green Belt location and therefore should be protected from industrial development. The application clearly contravenes sections 144 and 145 of the National Planning Policy Framework.

3. The proposed development would lead to a loss of existing amenity enjoyed by all residents of Hillview Road and its adjacent roads and homes

4. The proposed site is a haven for wildlife being a Metropolitan Site of Importance for Nature Conservation. Among the many and varied species currently living in that location and in the adjoining woods are Muntjac deer, bats, badgers, dormice, hares, rabbits, squirrels and a variety of birds: owls, woodpeckers, parakeet, doves and other avians. These will be destroyed by the loss of habitat.

5. An industrial development so close to the homes of our residents will create a massive increase in pollution. Such damaging and health threatening pollution includes:

a. Noise - The proposed battery storage facility will have 40 air conditioning units (2 per container). The applicant's Noise Impact Assessment acknowledges (para 8) that the noise rating level of these will produce greater than background sound level (and on a 24/7 basis). As acknowledged in the application, Barnet's Environmental Health department requires limits of 5 or 10 decibels below background sound level, but no proposals to achieve this are contained within the application. Noise is of course injurious to human health both on a physical and a mental basis.

b. Light - the industrial plant installation will be subject to security measures which will include security lighting that will destroy the nighttime peace of this semi rural area and will disturb and destroy the varied wildlife referred to above

c. Dust - the building and operation of this industrial plant will add pollutant particles to the local atmosphere

6. Many of our residents will be forced to add protective measures to their homes causing unplanned and unnecessary expense e.g. window blinds and soundproofing.

On a positive note there is adequate space within the current land area used by The National Grid to locate such a facility as this without impacting the residents of Hillview Road and without destroying Green Belt land.

This application should be firmly rejected by the Planning Committee.

Mill Hill Neighbourhood Forum

1. OVERVIEW

There were 423 objections to the power station proposal (gas peaking plant) 19/6641/FUL.

It is clear that the Battery Storage Facility (B.S.F) will stand in addition to rather than in place of the proposed gas peaking plant.

The reasons are:

- o It will be encroaching on previously undeveloped Green Belt land, to the west of the transformer site.
- o It is not being built within the transformer site.
- o It is to have the same capacity of 50 MW (1.1.1, 6.2.13) as the proposed gas peaking plant, hinting that the two developments are linked.
- o There is nowhere in 20/4241 which states that it is a replacement.
- o There are repeated references to the use of storage in conjunction with renewable energy, yet there are no plans for any renewable energy sources on or near the site.
- o Appendix G in 20/4241/FUL gives examples of gas peaking and battery applications in Green Belts. In Rochford Essex, an application for a 49.99MW gas-fired generating facility was accompanied by a separate application for a battery storage facility.
- o This proposal proves that major applications are made incrementally. In this way individual applications can comply with thresholds (see sections 3 and 4 here) and the full impact is not apparent in the first wave of opposition.

We are also expecting a proposal for a gas pipeline along Burtonhole Lane (19/6641/FUL). Paragraph 1.2.4 states that the batteries are for storage for use in periods of peak demand, thereby hinting that 19/6641/FUL is not a proposal for a peaking plant, which is an alternative to batteries, but for a medium scale power station.

If the peaking plant with associated batteries is built in the face of fierce local opposition, what has happened to localism and our democracy?

2. STRATEGY FOR INFRASTRUCTURE and SECURITY OF POWER SUPPLY

This application proves the fallacy of using up brownfield land for housebuilding so that when industry, infrastructure or logistics is needed for the increased population, the use of Green Belt is demanded.

Mill Hill has had a massive increase in new housing built without pre-planned infrastructure, using up all brownfield sites, such as the old Mill Hill East gas works now replaced by the Lidbury Square estate. Then as an afterthought, the increased requirement for electricity is a justification for using Green Belt land. Any power requirements should have been built on the gas works site.

The NPPF para 20 states the importance of an overall strategy (6.2.67) and there does not appear to be one.

'Overall demand for electricity is likely to double by 2050' (4.3.10) implies no behavioural

changes to decrease consumption, together with an increased population. It is unclear how this is compatible with zero carbon emissions.

The long-term plans stretch to 2050 (4.4.2) so why will the development only last 25 years and then be dismantled? If requirement for electricity is to double by 2050, then how is it that this plant will be decommissioned (3.8.6) and the land returned to Green Belt? It is likely that the Green Belt with a 'Major Development' on it (see section 4 here) will be used for an even bigger installation.

3. ENVIRONMENTAL IMPACT ASSESSMENT AVOIDED

By making two separate applications, 19/6641/FUL and 20/4241/FUL, the proposers avoid the need for Environmental Impact Assessments.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/630689/eia-thresholds-table.pdf

The B.S.F area: applied for 0.49 hectare compared to threshold of 0.5 hectare. Gas 'peaking' plant: applied for 49.9 MW compared to threshold of 50 MW. Both these capacities are remarkably close to the thresholds.

4. RESTRICTIONS ON A MAJOR DEVELOPMENT AVOIDED

Together with 19/6641/FUL this becomes a Major Development of more than 1 hectare.

https://www.legislation.gov.uk/ukxi/2015/595/pdfs/ukxi_20150595_en.pdf

A major development requires more scrutiny.

5. VISIBILITY

The batteries are 13.7 m long, 3.1 m wide and 2.9 m high (3.2.1), visually more 'solid' than the pylons in the sub-station. As can be seen in the photo here, the field is surrounded by deciduous vegetation, which offers much less visual shielding in winter.

6. NOISE AND POLLUTION

There are ventilation and cooling units at either end of each unit (3.2.1). If Hillview Road is affected by noise and vibration (5.7.3) then so will Burtonhole Lane.

There are no restrictions on noise output specified here (5.7.5) and no noise control methods in this specification, but possibly 'in the final design'(5.7.6). A full analysis of noise is essential, and must take into account the noise from the gas-fired power station proposed.

The battery system together with the power station is anything but low-carbon (4.3.10). These two proposals need to be looked at together; to claim that one part of the system (e.g. car seats in a petrol-driven vehicle) is low-carbon is misleading.

Paragraphs 4.3.10- 4.3.20 read like 'greenwash', i.e. standardised text, full of buzzwords like 'smart', 'flexible', 'clean energy', 'low-carbon' to make the installation sound environmentally acceptable.

There is no allowance for foul drainage/ sewage (3.6.1). Any run-off that is polluted with battery or cleaning chemicals, will be discharged to the water table untreated.

7. ROAD ACCESS

The access roads will have to include Partingdale Lane and Burtonhole Lane. The latter is a footpath and bridleway and is unsuited to heavy vehicles. The Ridgeway is already overburdened with the heavy lorries associated with the construction of the Ridgeway Views and Millbrook Park estates.

8. TREE REMOVAL

In the Arboricultural Assessment of 20/4241/FUL individual trees are classified as high quality (4 out of 8), medium quality or low quality/unsuitable for retention. All the groups of trees are in the lower two categories. The set-aside habitat (Planning Drawing 2701-01-004b) is a small area immediately around the batteries.

Removal of '8 semi-mature trees to the east of the site considered to be of low ecological value '(3.5.2) is proposed.'

The large group of trees between the field and the public bridleway which is Burtonhole Lane, is called G4. 'Some trees within the G4 grouping would been (sic) to be removed to accommodate the access road, however there are no trees of veteran or ancient status here (5.6.4). By this categorisation, the developers have deemed it unnecessary to replace these trees (NPPF 175c which is quoted) and the much-mentioned screening provided by vegetation will be inadequate.

9. ECOLOGY

It is admitted that this is a Site of Importance for Nature Conservation and a site of Metropolitan Importance M127 (5.2.2). Section 5.2 tries to devalue the area as a justification for building on it. The site is said to be 'of limited ecological value and has no functional habitat' (5.2.3).

East of the site is Burtonhole Lane which is an old green lane now a public footpath and bridleway. It is a Grade II Site of Borough Importance for Nature Conservation (5.5.2) and is an area of biodiversity which will be harmed by having installations on either side of it.

It is repeated (5.2.3 and 6.2.66) that the 'grassland is for equestrian grazing and is therefore of little ecological value'. On the contrary, horses perform an important role in maintaining habitat, restoring plant diversity and pollinator populations. <https://appliedecologistsblog.com/2019/04/05/horse-grazing-restores-plant-diversity-and-pollinator-habitat-use/>

The removal of their grazing area is therefore a double loss. Any wild animals there at present will be disturbed by the noise levels and intrusion into their habitat.

The ecological assessment in section 5 (e.g. 5.2.6 and 5.3.5) clearly contradicts the preliminary ecological appraisal made in 19/6641/FUL.

https://publicaccess.barnet.gov.uk/online-applications/files/10ECEF22C946D999C729A953786E4F38/pdf/19_6641_FUL-PRELIMINARY_ECOLOGICAL_APPRAISAL-4648001.pdf

Section 5 mentions that the closest nature reserve is Totteridge Fields which is 2.2 km away

Darlands Nature Reserve has been strangely omitted. It is only 700m away.

Paragraph 5.2.4 reads 'No aquatic habitat is present within the Site or surrounding land, and no ponds are present within 250m of the Site', yet Folly Brook is 150m away and Darlands Lake is 750m away.

10. GREEN BELT

The proposal contributes incrementally to degradation of the Green Belt. The actual 'Merging of neighbouring towns' (6.2.13) does not occur until the Green Belt is almost eroded, so the argument that 'the proposal would not result in any material merging of neighbouring towns' is spurious.

It is acknowledged that the site is considered to be 'inappropriate development' in Green Belt. As is usual in these cases, 'Special Circumstances' are claimed.

11. SUMMARY

The battery facility should be associated with a renewable energy installation if the proposal is to be plausible. If not part of the gas peaking plant, the batteries should be sited totally within the existing transformer site.

Alternatively it could be sited in a brownfield location, with constraints on noise and air pollution if close to residential areas. 'Recycling of derelict and urban land' (6.2.13 point e) is appropriate in this case as the technology of transmission of electricity over large distances is well established.

Contrary to the statement in (7.1.4) we conclude that the Battery Storage Facility, particularly in conjunction with the gas peaking plant, will be responsible for damage to ecology, will increase flood risk and surface water drainage, and noise and air pollution. It will be seriously detrimental to the Green Belt and its accessibility to local residents.

Mill Hill Preservation Society

The Society stands by its original letter of objection as we feel the additional information has not changed the principle of the scheme. As the Gas Peaking Plant application has been withdrawn there is more optional space available to relocate the BESS without spoiling a Green Belt paddock. This image shows the location of the intended installation.

ECOLOGY: We have examined the additional information on the LBB planning portal and our letter is drafted accordingly. It would appear that the Applicant is trying to respond to the comments made previously on ecology, in particular seeking to address net biodiversity gain, as required by paragraph 180.d) of the National Planning Policy Framework (NPPF) 2021.

Interestingly enough the Applicant has opted to use the Natural England Biodiversity Metric 2.0 that was replaced with the 3.0 Metric in July 2021. Achieving net gain using the 2.0 metric on sites such as this is perceived as easier due to added flexibility within the metric when considering the base conditions that simply isn't available in 3.0. Whilst all our other comments remain relevant, as the scheme hasn't changed, it is worth highlighting that the most up to date metric has not been used and that the work was obviously undertaken after the 2.0 metric was superseded. There is no excuse for this error and no confidence should therefore be gained from this submitted information. The applicant should be requested to

provide accurate information using the 3.0 metric.

NOISE: It is required that measures proposed for noise reduction meet Barnet's Environmental Health Guidance limit. As the plant has not been selected yet this matter is unclear. Moreover, given the existing constant humming from the sub-station experienced by Hillview Road residents, the BESS noise will be cumulative. The Avian Ecology report indeed admits that night-time noise in Hillview Road may have an adverse impact on residents. It is particularly concerning that the response to the comments on noise from the Environmental Protection Officer states that any noise mitigation measures will only be submitted "just prior to construction of the development". This would give the applicant carte blanche to design measures over which there is no further control if they are ineffective. This is unacceptable to the Society.

Conclusions

MHPS feels it has argued a good case against this application. We can see no justification as to why this is thought a suitable location for the 'Mill Hill Battery Energy Storage System' (BESS) facility including inverter and transformer stations, given that sort of facility would be best associated with an actual renewable energy installation, preferably on a brownfield site.

We believe that the applicant should use Natural England Biodiversity Metric 3.0 (July 2021) to evaluate the ecological impact.

Residents living close to the proposed facility may be affected by noise pollution in particular; the nearest Hillview Road dwellings being just 120m distant (Clause 2.2 Environmental Noise Impact Assessment), not 350m as claimed in the planning document (Clause 2.1.4 Planning Statement), and it is imperative that the measures proposed for noise reduction meet Barnet's Environmental Health Guidance limits. As the plant has not been selected yet this matter is as yet undetermined. The risk of noise issues strongly suggests that the BESS should be located as far as possible from residential areas.

Without adequate evidence we conclude that this facility will be responsible for damage to ecology, will increase flood risk and hamper surface water drainage and, with light and noise pollution, will be detrimental to the Green Belt and its accessibility to local residents.

We implore officers to refuse the application.

NW London RSPB Group

Members of the NW LONDON RSPB GROUP write again to OBJECT to this planning application which adversely impacts upon a Site of Metropolitan Importance for Nature Conservation (SINC), the protected Green Belt and the area's rural aesthetic ambience and historic character much cherished by the local community.

The ecological conclusions are disingenuous and mitigation measures are still inadequate and fail to identify the importance of the SINC and surrounding area which supports a wide variety of natural species, many of which (cited by local naturalists and recorded on the London Natural History Society database) are of national conservation concern. Construction, development, then operation and maintenance of the facility will adversely affect many of these threatened species and the ecosystems upon which they rely.

The proposed ecological mitigations are still woefully inadequate and will not address the likely impacts on the SINC or the wider Folly Brook valley. There will be significant

biodiversity net loss contrary to National Planning Policy Framework (NPPF), the London Plan, Barnet Policy DM15 & 16 and Government recently re-stated policy to protect nature and the long established Green Belt.

Protecting the natural environment is now even more important in the light of the Climate Change issues. The applicant has failed to demonstrate net biodiversity gain, any exceptional circumstances for building on a SINC or the Protected Green Belt or even why this facility could not be constructed elsewhere on a brown field site.

The many serious objections raised to this application (particularly those cited by the Herts & Middx Wildlife Trust, the Darlands Conservation Trust, Mill Hill Preservation Society, etc.).

Additionally, the objections to the Gas Peaking Plant apply equally here. Both this application and the GPP (19/6641/FUL - still outstanding?) should be considered as one major development, not processed in a piecemeal manner.

Both applications fail to meet the requirements of stated planning policy and should therefore be REFUSED.

Totteridge Residents' Association

On behalf of Totteridge Residents' Association I would be grateful if you would bring to the attention of the Planning Committee our views on the above application.

This application seeks to install 20 BESS containers each measuring 13.7m long x 3.1m wide and 2.9m high together with 10 inverter/transformer stations and other ancillary equipment in the Green Belt and on land that is a designated site of Metropolitan Importance for Nature Conservation.

We are of the view that this is unacceptable and harmful to the character and appearance of the Green Belt and nature conservation and if constructed the resultant noise and pollution would also be harmful to the occupants of the nearby residential dwellings.

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 20th July 2021. 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 "the purpose of the planning system is to contribute to the achievement of sustainable development", delivered through three overarching objectives; economic, social and environmental. Opportunities of the latter include protection and

enhancement of the natural environment, improving biodiversity and adapting to climate change, including moving to a low carbon economy.

The NPPF states at paragraph 152 that "The Planning system should support the transition to a low carbon future in a changing climate... It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources...and support renewable and low carbon energy and associated infrastructure."

The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital for the next 25-50 years. 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 will require developments to contribute towards London's ambitious target to become zero-carbon by 2050 by increasing energy efficiency, including through the use of smart technologies, and utilising low carbon energy sources.

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS7, CS9
- Relevant Development Management Policies: DM01, DM04, DM15, DM16, DM17

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

5.2 Assessment

Background

Electricity storage is a key technology in the transition to a smarter and more flexible energy system and the Government acknowledges that it will play an important role in helping to reduce emissions to net-zero by 2050.

In July 2017, the Government and Ofgem published the 'Smart Systems and Flexibility Plan', followed by a 'Progress Update to the Plan in 2018. These documents set out 38 actions for the Government, Ofgem and the industry to take forward to support the transition to a smarter and more flexible system, including removing barriers to electricity storage. This document has recently been updated by the 'Transitioning to a net zero energy system which was published in July 2021.

In June 2019, the UK became the first major economy in the world to pass laws to end its contribution to global warming by 2050. The Climate Change Act 2008 (2050 Target Amendment) Order 2019 sets a legally binding target to bring all greenhouse gas emissions to net zero by 2050, compared with the previous target of at least 80% reductions from 1990 levels.

The UK Government published its Energy White Paper in December 2020. The Paper builds on the Prime Minister's Ten Point Plan to set the energy-related measures consistent with net zero emissions by 2050. One of the key aspects of achieving net zero identified in the paper is the modernisation of the energy system. The Paper indicates that electricity demand in the UK could double by 2050 due to the electrification of transport and heating.

The Applicant

The applicant Pelagic Energy is a developer of flexible generation and energy storage projects and operates a number of projects across the UK from the South Coast to Glasgow. A number of their projects are located adjacent to National Grid's Transformer Substations and within Green Belt locations.

The Need for the Development

There is an ever-increasing reliance on renewable forms of energy generation, such as wind and solar, to supply the UK's energy demands. Renewable energy sources are highly variable due to their weather dependency.

System frequency is a continuously changing variable that is determined and controlled by the second-by-second (real time) balance between system demand and total generation. If demand is greater than generation, the frequency falls while if generation is greater than demand, the frequency rises. If the transmission system is not maintained within the required frequency tolerance system stress can result in widespread power supply issues and damage to network infrastructure.

By importing excess renewable energy from the grid and storing it, batteries can capture energy that would otherwise be lost / unutilised due to curtailment of renewable energy generation. Between 2015 and 2019, curtailment costs rose in line with wind output from £90 to £145 million per year. This cost doubled in 2020 and National Grid ESO faced a bill of £282 million linked to reduced demand associated with Covid19 and increased renewable generation. In respect of their storage ability, batteries offer opportunities to support the intermittent nature of renewables by storing the excess energy they produce and importing

it back into the grid when demand requires.

During situations when primary power sources (e.g. traditional power stations) are interrupted, BSFs can bridge the gap in production, thus avoiding potential blackouts. It should be noted that the UK electricity network is wholly interconnected and issues in one geographic location can have far reaching implications on the network. Accordingly, BSFs offer additional capacity to deal with system stress and any variations in grid frequency at both a local and national level.

The Proposed Development is referred to by National Grid as a 'balancing service'. It would assist in balancing grid frequency at times of system stress.

National Grid produce annual reports that set out the predicted future requirements for essential electricity infrastructure that will be required to deliver the Government's legally binding target of Net Zero by 2050. The latest 2021 report states that "Electricity storage will become increasingly important as levels of renewable generation increase...while we see some increase in large-scale developments, such as pumped hydro in some scenarios, overall we expect battery storage to make up the largest share of capacity."

The Proposed Development would provide a flexible back-up power source to the Grid and can respond rapidly to variations that result from local and national energy demand, alongside increasing fluctuations in generation resulting from an ever-greater use of intermittent renewable energy sources. Accordingly, the Proposed Development would contribute towards ensuring that there is a reliable and constant supply of electricity across National Grid's transmission network.

Site Selection

Within the submitted Planning Statement, the applicant has set out the background and justification for site availability and selection.

The Planning Statement states that the applicant has carried out a site screening exercise for National Grid's Super Grid Transformer Substations. Of the 298 National Grid Super Grid Transformer Substations in the UK, only 168 have capacity to accommodate the scale of BSF proposed. A significant number of these sites are constrained due to the close proximity of housing or other environmental constraints. As such, there are only a limited number of sites suitable for BSF projects on National Grid's land.

Within the site selection process, the key criteria in selecting a location for the development include:

1. Co-location to an existing substation that has capacity to both export and import the requisite amount of electrical energy; and
2. Locational requirement to be sited proximate to existing electrical substations in order to allow connection to the National Grid, which will assist in minimising transmission losses, allowing the facility to provide a rapid response to any dip in grid frequency and also be viable in terms of the cost of grid connection.

The applicant undertook a search criteria within the Borough of Barnet and adjacent authorities and following consultation with National Grid, the Mill Hill Super Grid Substation is the only substation in the Borough with sufficient capacity to accommodate the development. Within a 3-mile radius of the site, the applicant could only identify one suitable site, the application site. The application site has considered to have the following factors:

- Sufficiently large enough to accommodate the proposed development;
- Site is screened by dense vegetation / woodland;
- Viewed in the context of the industrial structures within the substation;
- Close proximity would minimise connection costs and disturbance associated with connection offsite works;
- Separation from the nearest residential properties; and
- Site chosen within the SINC is of low ecological value with enhancements / compensatory measures introduced.

Alternative sites within Barnet were researched to ensure there was no land available that would be sequentially preferable and which could be connected to the distributed system:

Totteridge Common, Totteridge, N20 8LU - Located in greenbelt and over 2 miles from available grid connection which is uneconomic in terms of distance from grid capacity.

Unit 3 & 4 Downland Close, Whetstone, N20 9LB - Rejected due to uneconomic distance from grid capacity (2.8 miles) and rent only available for 15 years.

Principle of development

The basic premise of the proposal involving the installation of a battery storage facility within the grounds of an existing substation would seemingly appear rational and reasonable. However, in this instance the key issues are the location and surrounding setting of the existing substation. The location of the proposed development is within the Metropolitan Green Belt and a designated site of Metropolitan Importance for Nature Conservation (SINC). It is these principle matters which determine whether the principle of development in this location and for the purposed purpose is acceptable.

The London Plan recognises that electricity is essential for the functioning of any modern city with demand expected to rise in London in response to a growing population and economy, the increased take up of electric vehicles and the switch to electric heating systems. At para 9.3.9, it states that it is a concern that the electricity network and substations are at or near to capacity in a number of areas, and the plan will seek to ensure that appropriate infrastructure is in place and integrated within a wider smart energy system to meet London's needs. It continues at para 9.3.12, stating that "Land will be required for energy supply infrastructure including energy centres. These centres can capture and store energy as well as generate it. The ability to efficiently store energy as well as to generate it can reduce overall energy consumption, reduce peak demand and integrate greater levels of renewable energy into the energy system."

Green Belt

The National Policy Statement for Energy (NPS EN-1) sets out the Government's policy for the delivery of major energy infrastructure. The NPS recognises that a flexible approach to energy generation is required in order to provide backup supply for renewable energy sources, by stating "*the more renewable generating capacity we have the more generation capacity we will require overall, to provide back-up at times when the availability of intermittent renewable sources is low.*" The proposed battery facility installation is part of a national programme of essential energy infrastructure to support the transition towards a low carbon future.

Section 5.10 of EN1 looks specifically at the issues surrounding the development of energy

infrastructure projects in the Green Belt. It recognises at paragraph 5.10.3 that although the re-use of previously developed land can make an important contribution to sustainable development, it may not be possible for many forms of energy infrastructure.

Paragraph 5.10.17 states that when located in the Green Belt, energy infrastructure projects are likely to comprise inappropriate development. Very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is outweighed by other considerations.

Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 151 goes on to state that while elements of many renewable energy projects may be considered inappropriate in the Green Belt, the wider environmental benefits associated with increased production of energy from renewable sources may constitute very special circumstances.

The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The proposed development site is located within the Metropolitan Green Belt, which serves five purposes, as set out in paragraph 138 of the NPPF:

- a) to check the unrestricted sprawl of large built up areas;
- b) to prevent neighbouring towns from merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

To check the unrestricted sprawl of large built up areas

The proposal is not located directly adjacent to a large built up area. Whilst there are new residential developments to the south (Millbrook Park) and to the west (Ridgeway Views), this area of land is contained by the surrounding open space and would not have any relationship with the new upcoming developments. The proposal would be seen in context with the existing energy substation. Therefore, the development would not increase the sprawl of these areas as it is separated by areas of open space, woodland and vegetation and is not a form of development which would comprise a form of development which would comprise an extension to an urban / built-up area.

To prevent neighbouring towns from merging into one another

The site is visually well contained and screened by existing vegetation and the substation adjacent to the east. This forms part of a larger expanse of Green Belt and only occupies a very small proportion of it. Other than a couple of new individual residential developments in the surrounding area, the proposal would not result in any material impact of merging of neighbouring towns.

To assist in safeguarding the countryside from encroachment

Overall, given the scale of the existing substation and the significant area of which it occupies, it is considered that the substation has a significant industrial influence over this particular parcel. The proposal is relatively small in context and due to the retention of the

surrounding existing woodland and vegetation and proposed hedgerow planting, views of the development from the surrounding area will be very limited and in context of the existing substation. Therefore, for these reasons, the proposal will not result in a significant impermeable encroachment into the countryside.

To preserve the setting and special character of historic towns

The site is not located within or directly adjacent to a historic town / settlement but the Mill Hill Conservation Area lies to the west south-west and west. However, as set out in the above purposes, the site will be well screened by existing woodland, vegetation and proposed landscaping. It is not considered that the proposal will result in harm to the setting of this conservation area.

To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

As set out in earlier sections of this report, the site selection process undertook an assessment exercise of suitable greenfield / brownfield sites and concluded that there were no other suitable options available and that the proposed development required to be sited in a location adjacent to the existing Super Grid Transformer Substation.

It is considered that the proposed development of a battery facility, which is not necessarily considered to be an urban use, will have no impact on the site's contribution to assisting urban regeneration by encouraging the recycling of derelict land other urban land. The development will not have any impact on the functioning of the Green Belt to direct future development of other types towards derelict and urban land.

Appropriateness

Paragraph 149 of the NPPF states that LPA's should regard the construction of new building as inappropriate in the Green Belt. The proposed development would not fall within any of the stated exceptions and would therefore comprise of inappropriate development.

Openness

Barnet policy DM15 confirms that, "Except in very special circumstances, the Council will refuse any development in the Green Belt or MOL which is not compatible with their purposes and objectives and does not maintain their openness."

As set out above, it is considered that the proposed development is generally not in conflict with the five main purposes. There is no definition of openness in the NPPF but, in the Green Belt context, it is generally held to refer to freedom from, or the absence of development. The physical presence of any above ground development would to some extent diminish the openness of the Green Belt regardless or whether or not it can be seen.

Notwithstanding the above, it is acknowledged that openness goes beyond physical presence and that in the visual sense of openness is a qualitative judgement pertaining to the whole, including nature of buildings, footprint, height, bulk, mass, landscape and topography.

The physical site coverage would comprise just under 0.5 ha and the proposed development would comprise of the installation of 20no containers, 10no. inverters/transformer stations, associated infrastructure, security fencing, retaining wall, CCTV poles and an access track. The containers would measure a total height of approx. 3.5m, having been set upon concrete sleeper/skid foundations. The security fencing and CCTV poles would measure

2.4m high and the retaining wall 2m high.

The scale and footprint of the proposal is not insignificant and would all be set outside of the footprint of the existing hardstanding of the substation. Therefore, it is evident that there will inevitably be an impact on openness. The applicant proposes a series of mitigation measures in the form of new landscaping and vegetation planting around the perimeter of the site to help further screen the proposal. However, this does not strike out the creation of new development on an existing open area of land. In terms of visual harm, it is considered that due to the scale of development, its context adjacent to the Super Grid Substation and the existing landscaping and topography, any visual harm to openness would be localised to the immediate surrounding area. Notwithstanding this considered localised harm, the NPPF states that LPA's should ensure that substantial weight is given to any harm in the Green Belt.

In these circumstances, inappropriate development can only be supported where 'Very Special Circumstances' (VSC) is submitted and clearly outweighs all other considerations. The applicant has submitted their VSC case and this will be further set out and assessed further down in the committee report.

Character and Appearance

Barnet policy DM01 seeks to ensure that development proposals preserve or enhance local characteristics and respect the scale the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The design of the proposed buildings is of a standard appearance which is designed with functionality in mind. The size and scale of the site is not higher than the neighbouring substation and as discussed earlier, with the existing screening and topography, would not be visually intrusive or detrimentally harmful to the area's character.

The proposed layout has been influenced by the operational requirement for the energy blocks and associated equipment and the site characteristics. The main components include the battery containers, transformers, switchgear container, auxiliary transformers, welfare/storage container, CCTV, security fencing, retaining wall and access track and turning areas.

In this particular context, it is considered that the proposal responds to the requirements of Barnet policy DM01.

Residential Amenity

The nearest residential receptors are along Partingdale Lane approximately 200m to the south of the site and Hillview Road (c120m) and Eleanor Crescent (c240m) to the west. Concerns have been raised through the letters of objection in relation to privacy, noise and safety of a proposed battery storage facility.

Due to the separation distances, nature of development and intervening landscape, it is not considered that the proposal would impact on privacy on neighbouring properties.

The application is supported by a Noise Impact Assessment which was undertaken in consultation with the Council's Environmental Health service. Likely sources of noise from the proposed development result from the HVAC units which will be connected to the battery storage units, transformers and inverter fans. At this stage, the report notes that final plant

specification has yet to be decided and the modelling and assessment has been carried out using data for plant that is typical for a development of this size and class. This is not untypical.

The assessment of impacts concludes that Hillview Road, during the night-time, the Rating level exceeds the background sound level by 1dB but is below the 'indication of an adverse impact, depending on context.' At all other locations and for both daytime and night-time, the Rating level is below or equal to the background sound level. As a result the proposed development is stated as having a low impact. In its summary, the report states that the assessment was undertaken on the scenario that all plant is operational continuously and at the maximum noise output. However, the report advises that this scenario is unlikely as not all the cooling plant will be operating simultaneously.

Subject to final specification and potential implementation of noise control options, the report states that the proposal would be able to comply with Barnet EH standards and its recommended condition.

The report has been assessed by the Council's Environmental Health service. The Officer comments that a site visit was undertaken and it is noted that there is currently an audible low frequency from the adjacent existing large National Grid Substation. The impact of the proposal would be relatively small compared to the existing impact. It was noted that the report had been undertaken based on plant / equipment yet to be confirmed and final details of all unit specification and mitigation would be sought via condition.

The applicant provided an additional response to the EHO's comments who is satisfied and accepts that their arguments have justification in the British standards.

The construction impacts of this site on air quality and noise would be adequately dealt with and controlled under a construction management plan.

In terms of environmental effect, the proposal is for battery storage. It would not result in any emission from the site. This includes odour and fumes.

Highways

Access to the proposed development would be facilitated by a new track from the existing road running adjacent to the substation circa 70m to the east. The substation road is currently used by vehicles access the substation from Partingdale Lane to the south.

The access track would be composed of a compacted hardcore and would allow construction and operational maintenance access to the site.

The Council's Highways Officer has reviewed the proposal and comments that the proposal is unlikely to have a significant highways impact as traffic movements are likely to be low, mainly consisting of maintenance vehicles. The Officer concludes that Highways would raise no objection to the proposal subject to conditions being attached relating to a construction management plan and road condition survey.

Landscape

The application is support by an Arboricultural Assessment which describes the site as currently being used for grazing of horses and has a number of trees withing and around its boundaries.

A total of 8no. individual trees and 9no. group trees were surveyed as part of the assessment. Four of the individual trees were classed as Category A trees, three individual and three group trees were classed as Category B trees and one individual and six group trees were classed as Category C trees. Of importance is individual T4, which has been considered as a ancient or veteran tree.

In order to facilitate the proposed development, a section of G4 would require removal to construct the access into the site from the east. Also, a small section of G5, a mixed group of broad leaved trees within the centre of the site which would be removed to be partly removed.

As a result of the proposal's siting within the centre of the site, the impact on all other trees is limited and involves minimal tree loss.

The report proposes tree protection measures around the site which are considered to be adequate in principle. A condition will seek final details of protection measures before any works commence on site.

It is considered that the loss of these trees on public tree amenity is likely to be low in the immediate area around the existing substation and proposed facility, due to the presence of other established trees.

Ecology and Biodiversity

The site is located within a site of Metropolitan Importance - 'Mill Hill Substation Pastures' and as such would be directly impacted by the proposed development. The application is supported by an Ecological Assessment which identifies that an area of 0.39ha of semi-improved grassland within the SINC will be lost, which equates to 0.28%. The assessment recommends a series of mitigation measures to enhance refuse, foraging and breeding opportunity for species associated with the habitats present within the SINC, and for biodiversity more generally. During the application, the applicant provided an ecological note and landscaping plan which proposes new native species shrub planting and low intensity management to allow areas of grassland to succeed to scrub to create hedgerow / scrub habitat around the site.

Further biodiversity benefit is proposed through the following elements:

1. Bird boxes of suitable design erected on trees;
2. Bat boxes of suitable design erected on trees;
3. Insect hotel/refugia feature (for a range of species from solitary bees to ground dwelling species);
4. Hedgehog refuge/hibernation boxes.
5. Habitat piles using cut material placed in secure positions within the woodland adjacent to the substation to provide additional opportunities for invertebrates and other species.

A biodiversity assessment has been undertaken as requested by the Council's Ecologists using the Natural England Metric, and demonstrates that a net gain of 11% can be achieved through a combination of the above measures.

The ecological reports have been reviewed by the Council's Ecologist and is satisfied that effective mitigation and/or compensation measures have been proposed, giving rise to a

biodiversity net gain, so the non-statutory site will be largely unaffected. They recommend that conditions seeking a Construction Environmental Management Plan and biodiversity enhancements be attached.

In terms of other protected and notable species, the ecological reports do not consider that the proposed development will adversely affect birds, bats, badgers, amphibians, reptiles, hazel dormouse, hedgehogs and invertebrates.

Flood Risk and Drainage

The application is located entirely within Flood Zone 1.

The application is supported by a Surface Water Drainage Assessment which has assessed the potential surface water runoff rates and the required attenuation for the proposed development.

The proposed SuDS strategy comprises of permeable surfaces (crushed permeable stone and grass), surface water attenuation storage in the form of an infiltration trench along the perimeter of the site and if required surface water attenuation storage in the form of a basin and/or underground storage / oversized pipes.

With the implementation of the above strategy the assessment concludes that the scheme will not increase the risk of flooding to adjacent properties and development further downstream.

The proposal is therefore considered acceptable in relation to Barnet policy DM04 17 which seeks to ensure that adequate drainage provision is provided on site.

Planning Balance

The proposal has been deemed as inappropriate development in the Green Belt and is by definition harmful. This harm is to be given substantial weight and should not be approved except in very special circumstances (VSC). The applicant has submitted a case for VSC which is outlined below:

The Case for Very Special Circumstances (VSC)

1. *National Grid Security*

There is a clear need to ensure security of supply through the development of a diverse energy generation system to support the increasing deployment of renewable energy, system stress, increased peak demands and a move to electric vehicles.

Battery storage can be considered as fully renewable due to its ability to store surplus renewable energy (e.g. from wind or solar) and then release that renewable energy back into the Grid at times of increased demand. Battery storage also has the advantage that it does not produce any emissions and so has zero negative impacts on climate change.

Storage, along with flexible energy generation solutions will be vital to support this renewable energy deployment. Storage has the advantage here that it cannot only provide a faster response than generation to increase in electricity demand in the Grid, but it can also store excess energy during times of low demand, and thus reducing renewable energy

potential wasted at times of low demand.

2. *Renewable-associated Infrastructure*

Para 151 of the NPPF states that "such very Special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources."

Para 152 states that "The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure."

3. *Site Availability*

Battery storage facilities can only be delivered where site conditions are favourable and two main criteria are both satisfied.

1. Firstly, and most importantly, battery storage facilities must be located proximate to an existing substation that has capacity to both export and import the requisite amount of electrical energy. There are a very limited number of sub-stations in the UK that are able to both import and export electricity from the grid. If a substation is not able to both import and export electricity at the required capacity, it cannot be linked to a battery storage facility.

2. Secondly, in order to allow connection to the National Grid, there is a locational requirement for battery storage facilities to be sited proximate to existing electrical substations. This is due to the need to: minimise transmission losses; ensure that the facility is well located to provide rapid response to any dip in grid frequency; and to remain viable in terms of the cost of grid connection.

Following consultation with National Grid it has been confirmed that the Mill Hill Super Grid Substation is the only substation in the Barnet authority area with sufficient capacity to accommodate the development.

4. *Benefits of Battery Storage Facilities(BSF)*

1. BSFs provide a means of allowing electricity from the grid to be imported and stored at times of low demand / high generation, which can then be exported back into the grids at times of higher demand / system stress.

2. Renewable energy sources are highly variable due to their weather dependency. As a result of the intermittent nature of renewables and the continuous requirement for National Grid to balance grid frequency, supporting energy balancing solutions need to be incorporated into the UK's energy strategy.

3. If the transmission system is not maintained within the required frequency tolerance system stress can result in widespread power supply issues and damage to network infrastructure. This is currently managed by paying generators to cease generation (curtailment) and/or demand side response (DSR). Between 2015 and 2019, curtailment costs rose in line with wind output from £90 to £145 million per year. This doubled in 2020 though, as National Grid faces a bill of £282 million linked to reduced demand associated with Covid. BSF will help maximise the amount of renewable energy that can be absorbed on the transmission network and will limit curtailment and associated costs to consumers.

4. During situations when primary power sources (e.g. traditional power stations) are

interrupted, BSFs can bridge the gap in production, thus avoiding potential blackouts. It should be noted that the UK electricity network is wholly interconnected and issues in one geographic location can have far reaching implications on the network. Accordingly, BSFs offer additional capacity to deal with system stress and any variations in grid frequency at both a local and national level.

5. Due to the Government target of cutting carbon emissions, this will inevitably see an increase in the development of renewable energy generation and this will need to be mirrored by similar increases in balancing services, such as the proposed development.

Conclusion on Green Belt Matters

The application proposes development to provide a battery storage facility which will allow a more efficient use of renewable energy and will as a result help to reduce carbon emissions to the benefit of the environment. This is in accordance with national and local planning policy and weighs strongly in favour of the development.

It is not considered that that the proposed development would conflict with the five purposes of the Green Belt; namely the sprawl of built up areas or the merging of neighbouring towns. Set within the context of the existing substation, associated infrastructure and it would not lead to encroachment of the countryside. There is the potential for adverse landscape and ecological impacts however it is likely these can be mitigated through landscaping schemes, appropriate construction methodology and biodiversity net gain. There will be no significant adverse impacts on residential amenity locally and again any potential for significant noise impact can be mitigated by proposed measures which will be further investigated and secured by conditions. Whilst there would be some effects on openness in both spatial and visual terms, these are very limited in terms of the surrounding context, the low scale of development, and proposed additional planting.

Any harm, moderate or otherwise, to the Green Belt attracts substantial weight. The 'very special circumstances' required to approve 'inappropriate' development in the Green Belt will not exist unless the potential harm to the Green Belt, by reason of inappropriateness and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Very special circumstances relating to the locational need; innovative nature of the technology proposed; and the sustainability and energy resilience benefits of the proposal in helping contribute to the national target of decarbonisation by balancing the supply and demand of the electricity network have been put forward. Support has also been found in the NPPF and the London Plan with policies seeking to address climate change and the transition to a low carbon economy. As such, greater weight should be afforded to this.

It is a finely balanced decision, but it is considered that the applicant has demonstrated that very special circumstances exist which justify this proposal in the Green Belt. Landscape enhancements including a habitat management area with species rich grassland, scrub and native hedgerows, which will result in an increase in biodiversity in and around the site and ensure that the development is well integrated into the wider landscape.

On balance, it is concluded that the environmental, economic and social benefits that will be delivered as a result of this proposal are sufficient to outweigh any impact caused by inappropriate development in the Green Belt.

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.

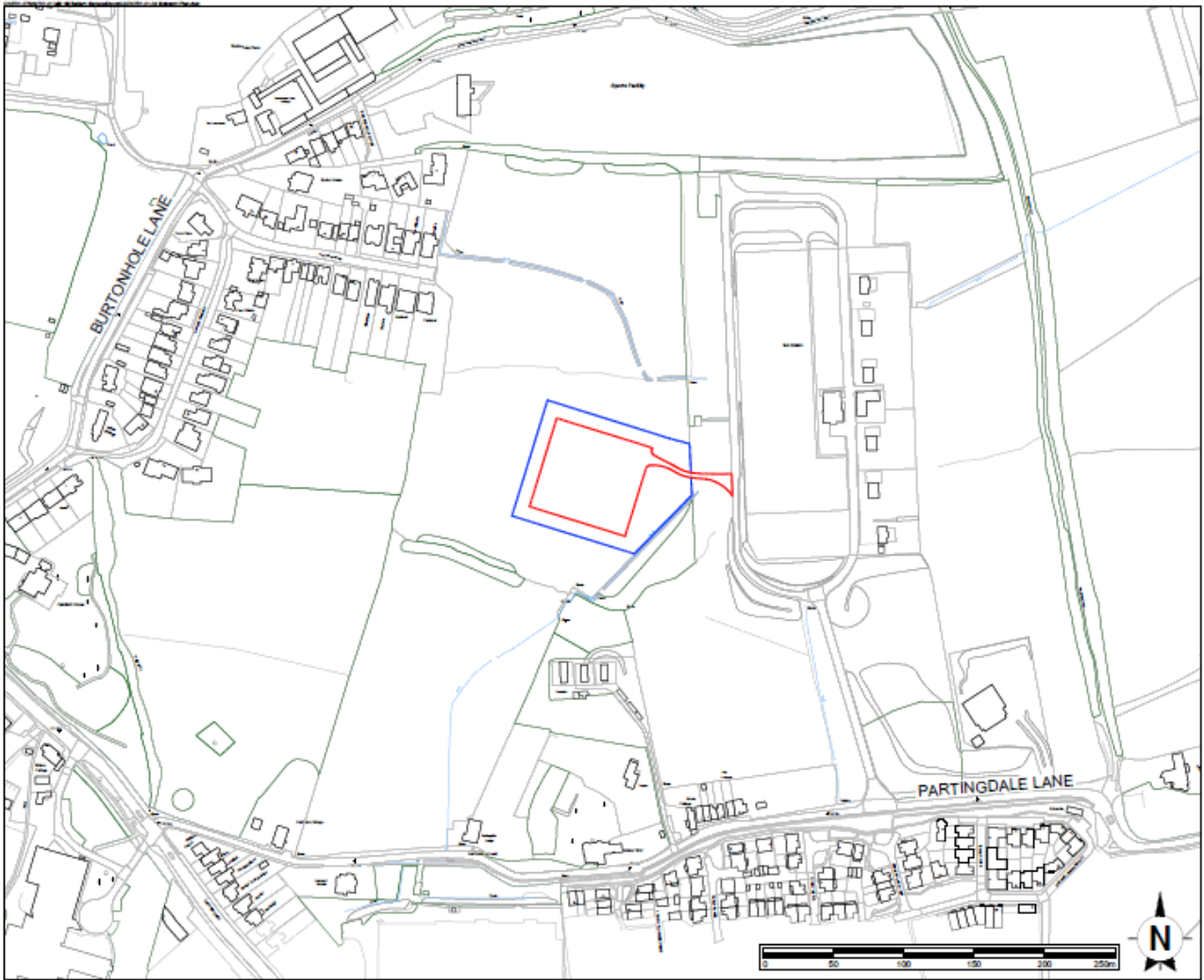
7. Conclusion

The proposed development comprises essential electrical infrastructure to support the functioning and stability of the National Grid infrastructure and will support the aims of meeting the UK's Net Zero carbon emissions commitments and the Climate Emergency.

The applicant has justified that the Mill Hill substation site as being the only sequentially available suitable site and the proposal has sought to limit and/or mitigate negative impacts on the surrounding environment or on residential amenity.

The impacts on the local landscape character and the Green Belt, and the impacts on ecology are found to be localised. Very special circumstances have been demonstrated to account for the siting of the proposal in a Green Belt location. Impacts on the Green Belt have been demonstrated to be low and are otherwise outweighed by the benefits of the proposal.

In conclusion, the proposed development is in accordance with adopted local plan policies and is strongly supported by Government and London Policies, which encourages sustainable development which assists in the transition towards a low carbon future.



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LOCATION: 38-44 Ballards Lane, London, N3 2BJ

AGENDA ITEM 7

REFERENCE: 21/4977/FUL

Received: 14 Sept 2021

WARD(S): West Finchley

Accepted: 14 Sept 2021

Expiry: 14 Dec 2021

APPLICANT: Abbey Commercial Ltd

PROPOSAL: Demolition of the existing building and erection of a 9-storey building comprising of up to 22no. self-contained residential units and up to 1025sqm of commercial (Use Class E) floorspace. Associated amenity space, hard and soft landscaping, refuse storage, cycle parking and off-street car parking

RECOMMENDATION 1

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation through a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following, subject to any changes as considered necessary by the Service Director Planning and Building Control:

1. Legal Professional Costs Recovery

Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;

2. Enforceability

All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3. Indexation

All financial contributions listed to be subject to indexation.

4. Employment and Enterprise

The applicant would be required to enter into a Local Employment Agreement with the Council in order to provide an appropriate number of employment outcomes for local residents. Alternatively, the applicant may wish to make a financial contribution in lieu of the employment outcomes. Such a contribution would be commensurate with the number of outcomes secured and in line with the Barnet Delivering Skills, Employment, Enterprise and Training SPD guidance.

5. Carbon Offset Contribution

Payment of £47,687 index-linked as a financial contribution to ensure that the development achieves net zero carbon dioxide emissions, in accordance with the London Plan 2021 and based on £95 per Tonne per annum over 30 years.

6. Town Centre Contribution

Payment of £10,000 index-linked as a financial contribution towards public realm improvements associated with the Finchley Square proposals for the town centre.

7. Framework Travel Plan & Monitoring

Travel Plan demonstrating commitment to London plan mode share targets.

Payment of £10,000 index-linked as a financial contribution towards a travel plan monitoring

8. Section 278 Highway Works

All necessary works to the public highway under section 278 of the Highways Act to facilitate the implementation of the development in agreement with the Local Highways Authority

9. Affordable Housing

Early and Late-Stage Viability Review.

10. CPZ Review

Traffic Regulation Order amendments to exclude (new) residents from CPZ permits.

11. Monitoring Fee

A contribution of £5,000 towards the monitoring of the S106 agreement.

RECOMMENDATION 2: Approve Subject to Conditions

That upon completion of the agreement specified in Recommendation 1, the Service Director of Planning and Building Control or Head of Development Management to approve the planning application reference 21/4977/FUL under delegated powers, subject to the conditions as set out within this report.

That the Committee also grants delegated authority to the Service Director of Planning and Building Control or the Head of Development Management 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 their absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

Conditions:

1. 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.

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

P20-049_CGL-Z1-00-DR-A-010100-P1 Site Location Plan
P20-049-CGL-Z1-00-DR-A-050211-P1 Proposed Ground Floor
P20-049-CGL-Z1-01-DR-A-050212-P1 Proposed First Floor
P20-049-CGL-Z1-02-DR-A-050213-P1 Proposed Second Floor
P20-049-CGL-Z1-03-DR-A-050214-P1 Proposed Third and Fourth Floor
P20-049-CGL-Z1-05-DR-A-050215-P1 Proposed Fifth to Seventh Floor
P20-049-CGL-Z1-08-DR-A-050216-P1 Proposed Eighth Floor
P20-049-CGL-Z1-B1-DR-A-050210-P1 Proposed Basement Floor
P20-049-CGL-Z1-RF-DR-A-050217-P1 Proposed Roof
P20-049-CGL-Z1-EL-DR-A-060220-P1 Proposed Front Elevation
P20-049-CGL-Z1-EL-DR-A-060221-P1 Proposed North Elevation
P20-049-CGL-Z1-EL-DR-A-060222-P1 Proposed Rear Elevation
P20-049-CGL-Z1-EL-DR-A-060223-P1 Proposed South Elevation
P20-049-CGL-Z1-EL-DR-A-060224-P1 Proposed Front Context Elevation
P20-049-CGL-Z1-EL-DR-A-060225-P1 Proposed North Context Elevation
P20-049-CGL-Z1-EL-DR-A-060226-P1 Proposed Rear Context Elevation
P20-049-CGL-Z1-EL-DR-A-060227-P1 Proposed South Context Elevation
P20-049-CGL-Z1-SE-DR-A-060230-P1 Proposed Section A-A
P20-049-CGL-Z1-SE-DR-A-060231-P1 Proposed Section B-B
BLL-ET-ALL-GF-DR-L-0101 P1 Landscape Masterplan

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

3. a) Notwithstanding the details shown on the hereby approved plans and documents, prior to any works above slab level, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved shall be 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 D1, D4 and D8 of the London Plan 2021.

4.. Prior to the first occupation of the development, the dwellings shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such

measure of accessibility and adaptability for house design which may replace that scheme in future) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the above mentioned regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policy DM03 of Barnet's Local Plan (Development Management Policies) DPD 2012 and Policy D7 of the London Plan 2021.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies Policies SI 1, SI 7, D14 and T7 of the London Plan 2021.

6. Notwithstanding details shown on the hereby approved plans, prior to occupation of the development, a final internal layout plan showing details of the proposed off-street parking spaces, including disabled parking provision, adaptable enlarged spaces, details of means of barrier control including direction of opening and

any loading areas within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not to for any purpose other than the parking and turning of vehicles in connection with approved development.

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

7. Prior to occupation of the development full details of the electric vehicle charging points to be installed in the development shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include provision for not less than 20% of the approved residential parking spaces to be provided with active electric vehicle charging facilities and 80% passive electrical charging facility. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy T6.1 of the London Plan 2021.

8. Before the permitted development is occupied an updated Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved delivery service plan.

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

9. Before the permitted development is occupied an updated Parking Management Plan (PMP) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved Parking Management Plan.

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

10. Further details of cycle parking including the location and number of cycle spaces and cycle storage facilities in accordance with the London Plan should be submitted to and approved by the Local Planning Authority and such spaces shall be installed prior to occupation and permanently retained thereafter in accordance with the agreed details.. Minimum aisle widths, as set out in London Cycling Design Standards, must be met and 5% of space should be provided for the storage of non-standard cycles.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012, Policy DM17 of Development Management Policies (Adopted) September 2012 and the London Cycling Design Standards 2016.

11. Notwithstanding the details submitted with the application and otherwise hereby approved, prior to occupation of the site, 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).

12. a) Prior to carrying out works above slab level, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that such building or such parts of a building can achieve full 'Secured by Design' Accreditation. b) Prior to the first occupation of each residential building a 'Secured by Design' accreditation shall be obtained for the building. The development shall only be carried out in accordance with the approved details.

Reason: To protect the amenity of the area in accordance with Policies DM01 and DM04 of the Barnet Development Management Policies (adopted) September 2012.

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

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

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of

the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

14. a) Prior to the occupation of the hereby approved development, details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.

c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2016.

15. The development shall not be occupied until an Ecological Management Plan, has been submitted to and approved by the Local Planning Authority. The plan should be in accordance with the recommendations laid out in the Preliminary Ecology Appraisal and Biodiversity Impact Assessment and shall be implemented in full and shall thereafter be so maintained.

Reason: Reason: To ensure that the development represent high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM16 of the Barnet Local Plan (2012) and Policies G5 and G6 of the London Plan 2021.

16. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage

utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

17. Before the development is occupied details of petrol and oil interceptors to new car parking areas provided on the site shall be submitted to and approved in writing by the Local Planning Authority. The petrol and oil interceptors shown shall be implemented in accordance with the agreed details and be retained and maintained as specified unless previously agreed in writing by the Local Planning Authority.

Reason: To prevent polluted discharges entering local watercourses in accordance with policy SI 13 of the London Plan 2021.

18. No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until: a) Drainage Strategy detailing all drainage works to be carried out in respect of the development and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority. b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development in accordance with Policy CS13 and DM04 of the Barnet Local Plan

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

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

20. All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reasons: In the interest of good air quality in accordance with London Plan policy SI 1

of the London Plan 2021.

21. a) No development other than demolition works shall commence on site in connection with the development hereby approved until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the commercial element of the proposal or any plant; as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and D14 of the London Plan 2021.

22. The level of noise emitted from the 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 D14 of the London Plan 2021.

23. 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 2016) and Policies D13 and D14 of the London Plan 2021.

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

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

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

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

Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SD1 and D10 of the London Plan 2021.

Informatives

- 1 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
2. The submitted Construction Method Statement shall include as a minimum details of:
 - Site hoarding
 - Wheel washing
 - Dust suppression methods and kit to be used
 - Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
 - Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday – Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
 - For major developments only: provide a copy of an asbestos survey; *For smaller developments -confirmation that an asbestos survey has been carried out.*
 - For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.
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. In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

5. 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.

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per

sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

documentation published by the Department for Communities and Local Government at
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

Please visit

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

7. For construction works adjacent to the public highways, the applicant must contact the council's First Contact on 0208 359 2000 for any necessary Highways Licenses.

8. The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of construction traffic movements. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works. The applicant is advised that photographic records should be kept of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.

9. The applicant is advised that any street furniture or lighting column affected by the proposed works would be relocated under a rechargeable works agreement by the Council's term contractor for Highway Works. You may obtain an estimate for this work from Development & Regulatory Services, Barnet House, 1255 High Road, Whetstone, N20 0EJ.

10. The costs of any associated works on the public highway, including reinstatement works, will be borne by the applicants and will require the Applicant to enter into a rechargeable agreement or a 38 Agreement under the Highways Act 1980.

11. The costs of any associated works on the public highway, including reinstatement works, will be borne by the applicants and will require the Applicant to enter into a rechargeable agreement or a 278 Agreement under the Highways Act 1980.

a. **BACKGROUND TO THE CURRENT APPLICATION**

1.1 **Site Description**

The application site is located at 38-44 Ballards Lane, London, N3 2BJ, within Finchley Church End Town Centre within the West Finchley ward. The existing 0.09 ha site comprises a 3-storey commercial building. The frontage of the existing building is set back from the highway along Ballards Lane, with the exception of a small projecting single storey element.

The site is not within a conservation area and is not a listed building.

1.2 **Site History**

There is no relevant planning history for the site.

1.3 **Description of Proposal**

This application seeks approval for the demolition of the existing building and erection of a 9-storey building comprising of up to 22no. self-contained residential units and up to 1025sqm of commercial (Use Class E) floorspace, associated amenity space, hard and soft landscaping, refuse storage, cycle parking and off-street car parking.

b. **PLANNING CONSIDERATIONS**

i. **Key Relevant Planning Policy**

The National Planning Policy Framework (NPPF) 2021 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 20th July 2021. 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 2021

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 new London Plan policies (arranged by chapter) most relevant to the determination of this application are:

Chapter 1

GG1 Building strong and inclusive communities

GG2 Making the best use of land

GG3 Creating a healthy city

GG4 Delivering the homes Londoners need

GG5 Growing a good economy

GG6 Increasing efficiency and resilience

Chapter 3

Policy D1 London's form, character and capacity for growth

Policy D2 Infrastructure requirements for sustainable densities

Policy D3 Optimising site capacity through the design-led approach

Policy D4 Delivering good design

Policy D5 Inclusive design

Policy D6 Housing quality and standards

Policy D7 Accessible housing

Policy D8 Public realm

Policy D9 Tall Buildings

Policy D11 Safety, Security and resilience to emergency

Policy D12 Fire safety

Policy D14 Noise

Chapter 4

Policy H1 Increasing housing supply

Policy H2 Small sites Policy

Policy H4 Delivering affordable housing

Policy H5 Threshold approach to applications

Policy H10 Housing size mix

Chapter 5

Policy S4 Play and informal recreation

Chapter 7

Policy HC3 Strategic and Local Views

Policy HC4 London View Management Framework

Chapter 8

Policy G1 Green infrastructure

Policy G4 Open space

Policy G5 Urban greening

Policy G6 Biodiversity and access to nature

Policy G7 Trees and woodlands

Chapter 9

Policy SI 1 Improving air quality

Policy SI 2 Minimising greenhouse gas emissions

Policy SI 3 Energy infrastructure

Policy SI 4 Managing heat risk

Policy SI 7 Reducing waste and supporting the circular economy

Policy SI 8 Waste capacity and net waste self-sufficiency

Policy SI 12 Flood risk management

Policy SI 13 Sustainable drainage

Chapter 10

Policy T1 Strategic approach to transport

Policy T2 Healthy Streets

Policy T3 Transport capacity, connectivity and safeguarding

Policy T4 Assessing and mitigating transport impacts

Policy T5 Cycling Policy T6 Car parking

Policy T6.1 Residential parking

Policy T6.2 Office parking

Policy T6.2 Retail Parking

Policy T9 Funding transport infrastructure through planning

Chapter 11

Policy DF1 Delivery of the Plan and Planning Obligations

Barnet's Local Plan (2012)

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

Relevant Core Strategy Policies:

CS NPPF (National Planning Policy Framework – Presumption in Favour of Sustainable Development),
CS4 (Providing Quality Homes and Housing Choice in Barnet),
CS5 (Protecting and Enhancing Barnet's Character to Create High Quality Places),
CS7 (Enhancing and Protecting Barnet's Open Spaces),
CS8 (Promoting a strong and prosperous Barnet),
CS9 (Providing safe, effective and efficient travel),
CS12 (Making Barnet a Safer Place),
CS13 (Ensuring the Efficient Use of Natural Resources),
CS14 (Dealing with Waste).

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Relevant Development Management DPD Policies:

DM01 (Protecting Barnet's Character and Amenity),
DM02 (Development Standards),
DM03 (Accessibility and Inclusive Design),
DM04 (Environmental Considerations),
DM08 (Ensuring a variety of sizes of new homes to meet housing Need),
DM14 (New and existing employment space)
DM16 (Biodiversity),
DM17 (Travel Impact and Parking Standards).

Barnet's Local Plan (Reg 22) 2021

On 26th November 2021 Barnet's Draft Local Plan was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account has been taken of the policies and site

- Overdevelopment of the site
- Issues concerning existing user of the site
- Lack of Parking, will cause parking problems in surrounding roads
- Increased Traffic
- Excessive height of proposal in context of surrounding area and surrounding area
- Proposal should be limited to 4 storeys
- Proposal reliance on justification of schemes which haven't got permission.
- Tall buildings quoted as precedence are detrimental in appearance and shouldn't justify current proposals.
- Lack of need for flats as a result of covid and Brexit
- Proposal would impact town improvements by taking land to the front of the existing building.
- Proposal will add to overdevelopment in Finchley in conjunction with other developments
- Impact on local infrastructure i.e. schools, hospitals, transport
- Proposal would affect daylight, outlook and privacy to neighbouring residential occupiers.
- Proposal would cause overshadowing neighbouring properties.
- Proposal would alter suburban nature of Finchley
- Impact on the character of the area
- Proposal contains insufficient affordable housing
- Wind and Microclimate implications
- Noise and construction disruption
- Air pollution

I object to this proposed development for the following reasons:

1. The proposed height will give rise to residents in adjoining roads being overlooked by residents of the proposed development leading to issues of loss of light and privacy concerns
2. The proposed height of the development is not in keeping with other existing buildings in relation to height area with the exception of Central House, (which cannot and should not be used as a precedent and is situated in such a location that overlook issues are mitigated onto adjoining households.)
3. The development is not sensitive in relation to Finchley Central being a "suburban" and predominately of low rise build and this development will alter the character of the area
4. There will be sustained and continued pressure on parking around the area as many of the potential residents of the development will have access and possess private motor vehicles which they will use and need to park especially if they rely on their vehicle for employment (e.g vans) or getting to their place of work
5. There will be a negative effect on the micro climate of the immediate area of Ballard's Lane including:
 - i. Prolonged periods of shadow
 - ii. Increased wind speed and wind shear
6. Increased pressure on the infrastructure such as doctors surgeries and issues of refuse collection and fly tipping. The latter is already an issue at the top of Hervey

Close where residents of nearby flats often dump unwanted materials.

Summary of Comments made in Support of the Application

- Regeneration of the town centre and investment in new or improved dwellings, improvement in infrastructure and additional provisions for residents.
- Better-quality town centre.
- Plans do not pose a threat to the visual amenity and will encourage neighbouring properties to improve external appearances.

Officer Comment

All comments have been considered in the determination of the planning application and are addressed in the officer report below.

Elected Representatives.

Cllr Ross Houston

Request to Speak at subsequent Committee Meeting

Mike Freer MP

As MP for Finchley & Golders Green, I have received many objections from residents regarding the proposed 9 storey building at 38-44 Ballards Lane. I am writing to provide my personal objections based on the height of the development. It would cause severe overlooking of the surrounding roads especially Hervey Close, Redbourne Avenue and Claigmar Gardens. By reason of height, scale and bulk the massing would be detrimental to the visual amenity the local residents.

Internal /external and Other Consultations: [

Transport for London (TfL)

Apologies once again for the delayed response. Here are our comments for the above application:

1) The site of the proposed development is located on Ballards Lane which forms part of the Strategic Road Network (SRN). TfL has a duty under the Traffic Management Act 2004 to ensure that any development does not have an adverse impact on the SRN.

- The footway and carriageway on Ballards Lane should not be blocked during the period of construction and demolition. Temporary obstructions during the construction and demolition should be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on Ballards Lane. All vehicles should only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.

2) The site of the proposed development is also located on a busy bus route, with 2 Finchley Central Station bus stops being both located on Ballards Lane. With 8 bus services using this as a route. We have concerns that the construction of this development will be disruptive to users of Ballards Lane and the large number of bus services that use this route. Therefore, we request that the applicant provides evidence that this will not cause delays to bus services and that they will minimise the impact on pedestrians, particularly given their proximity to the crossing.

3) The applicant's transport assessment stated that the footway along this part of Ballards Lane from the existing retail unit to Finchley Central station is wide, however this is not fully correct. As there are a number of parts of that footway which are narrow, therefore TfL has concerns regarding the Pedestrian Comfort Levels (PCL). TfL recommends securing a local widening of the footway along the applicant's boundary with Ballards Lane. TfL recommends that this would be 3m wide, as this is an ideal width for this location.

- We would recommend that the applicant either undertakes a PCL assessment (please see here for guidance: <http://content.tfl.gov.uk/pedestrian-comfort-guidance-technical-guide.pdf>) or confirms their approach to the footway width.

4) We welcome the proposed cycle parking which meets the minimum requirements of London Plan Policy T5.1 table 10.2. We also welcome the provision for larger bikes within the cycle parking

- The cycle parking proposed should be in line with Chapter 8 of the London Cycling Design Standards. Please see here for more information: <http://content.tfl.gov.uk/lcds-chapter8-cycleparking.pdf>

5) We welcome the car free residential side of the development and the proposed disabled car parking spaces for this part.

- However, due to the site's high PTAL rate due to its great accessibility by public transport, TfL requests that the office element of this development is also car-free. Furthermore, existing vehicle access if used as an employment car park would undermine the safety of pedestrians using Ballards Lane.

- The applicant's proposal of office car parking is also not in line with the Mayor's Transport Strategy outcomes for the borough of Barnet, as:

- MTS Outcome 1A aims for the percentage of residents doing at least 2 x 10 minutes of active travel a day in Barnet is to increase by 34% from 2021 to 2041

- MTS Outcome 3A aims for the total of vehicle kilometres in Barnet to fall by 10% from 2021 to 2041.

- MTS Outcome 3C aims for the number of cars owned in Barnet to drop by a total of 2900 by 2041

Proposing car parking in a site which has good access to public transport facilities is not in line with the aims stated above

6) If the development was changed to completely car-free, TfL would also want to see the vehicle cross over removed from Ballards Lane and restore to footway. This will benefit pedestrians and reduce the safety risk to all users of Ballards lane.

7) We understand that the travel plan is in its earlier stages, but we reiterate the importance and necessity of employing a Travel Plan Co-ordinator.

- We welcome the initiative to provide cycle training for residents
- We welcome and would strongly recommend the applicant being able to provide residents with discounts for cycle equipment.

At this moment of time, due to the reasons and queries asked above, TfL are not in support of this application

LBB Highways

The site fronts directly onto Ballards Lane Broadway (A598). The A598 is a key north-south arterial road running through the middle of the borough. There are parking restrictions in the form of double yellow lines and “pay by phone” parking bays which operate Mon-Sat, 8am – 6.30pm with a maximum stay limit of 90 minutes in this section of Ballards Lane. There are bus stops and a pelican crossing in the vicinity of the site. Also, there is a pelican crossing in the vicinity of the site on Ballards Lane. The site is in a town centre location and it is surrounded by several shops, restaurants and office buildings.

The site is in a CPZ that operates Mon-Fri, 2pm- 3pm 11am-12noon and it lies in an area with a PTAL rating of 5 (very good) on a scale of 1 – 6, where 1 is worst and 6 is excellent access to public transport. Five bus routes (326, 125, 460, 82, 143, 382) can be accessed from stops within 2 minutes walking distance of the site. Furthermore, Finchley Central tube station is located about 319m to the south of the site which is about 4 minutes walking distance of the site.

The proposal consists of the erection of a 9 storey building to provide 22 self-contained apartments (5x1bed, 12x2bed and 5x3bed) with 1025sqm of commercial floorspace. The parking requirement for the site based on policy DM17 is between 17 and 31 spaces for the residential element. Given the very good PTAL rating of the site, Highways would accept the provision of 20 spaces including 2 disabled bays. No parking except 2 disabled bays is proposed for the residential element, which means that up to 18 vehicles could be displaced on-street. Highways would not support a car free scheme with 2 disabled spaces given the mix of units proposed (17 x 2/3beds) and the fact that CPZ that covers the area around the site operates for 1 hour.

For the 1025 sqm of retail, it is 1 space per 100 sqm of floor area which equates to 10

spaces. The applicant proposes 9 spaces including 1 one disabled space. Highways would accept the provision of 2 disabled spaces for the retail with no other parking, as the site is in a town centre location with a very good access to public transport. The ground floor plan shows (Dwg No. 050211 Rev P1) 11 spaces including 3 disabled bays at the rear of the site. It is recommended that 4 disabled spaces are provided. 2 for the residential and 2 for the retail with the remainder of the spaces for the residential.

Given the fact that the site is in a CPZ that operates for only 1 hour in the afternoon, Highways would accept the proposed parking provision subject to revised allocation (2 disabled + 7 standard bays for the residential; and 2 disabled spaces for the retail) and evidence of availability of on-street spaces to accommodate the shortfall in spaces by undertaking an overnight parking survey and submitting the results to the council for approval prior to determination. In addition, to encourage sustainable travel, Highways would recommend that the applicant enters into a s106 agreement with the Council to deny residents of the development the right to purchase CPZ permits. A revised parking layout plan is therefore requested.

Electric vehicle charging points shall be provided in accordance with London Plan standards. This equates to 2 active and 9 passive spaces. This can be secured by way of a planning condition.

The ground floor plan shows 42 long stay and 2 short stay cycle parking spaces in an internal store. Based on London Plan standards, a minimum of 42 long stay and 2 short stay spaces are required for the residential and so this is acceptable. For the retail, 8 long stay spaces and 2 short stay spaces (assuming the predominant use will be commercial/office). Cycle parking for the commercial element is located at the southern end of the car park. However, semi-vertical racks are not acceptable. Access to the cycle store in the rear car park looks tight and so Highways would request that the applicant provides elevations of the cycle storage in the rear car park including details of the cycle stands and gaps between stands and widths of any pinch-points to ensure that cyclists can manoeuvre their bicycle into and out of the cycle storage area safely, etc. The information must be provided/approved prior to determination.

The internal layout of the site is acceptable and the swept path drawings provided by the applicant show that vehicles can enter and exit the parking spaces at the rear of the site in forward gear. There are no proposed changes to existing access arrangements. Vehicles access to the site from Ballards Lane via a crossover at the northern end of the site which leads to the car park at the rear of the site. Pedestrian access to the building site is provided at the front and rear of the site. The gates lead to the rear car park is set back from the highway which is good. However, Highways would recommend that the gates open inwards. A car parking management plan, which sets out how spaces will be allocated, if they will be sold or leased and how inconsiderate/obstructive parking will be addressed/enforced is requested

Regarding servicing, it appears that this will take place on-street as the parking area at the rear of the site cannot accommodate large vehicles. Arrangements for

emergency access and refuse collection are requested. Given that the current proposal can mainly accommodate on-street servicing, it is recommended that a delivery and servicing plan is submitted prior to determination. It is envisaged that the bins will be moved to a collection point by the roadside.

Due to the number of units proposed, trip generation is unlikely to be a major issue. The proposal will result in fewer vehicle movements to/from the site compared with existing use which is retail/office use.

The applicant has submitted a travel plan. Officers are reviewing the plan and a separate response will follow on this in due course. However a contribution of 10k towards travel plan monitoring will be sought and it is recommended that the travel plan is secured via a s106.

A contribution towards Finchley Square Public Realm scheme will be sought. Highways would advise separately on this following a discussion with the Town Centre Team.

Highways will request that the applicant dedicates the unadopted footway in front of the site. This is to ensure that this ensure that the entire footway back to the building line is adopted as highway.

The applicant will need to enter into s184/s278 agreement with the Council for any off-site highway works to be undertaken as part of the scheme. A revised layout is requested for the building forecourt and adjoining footway.

LBB Street Scene

No objection

LBB Environmental Health

No objection subject to conditions

Lead Local Flood Authority

No objection subject to conditions

Metropolitan Police Service

I do not object to this proposal but due to the reported issues affecting the ward and overall crime levels within the borough, I would respectfully request that a planning condition is attached to any approval, "whereby the development must achieve Secured By Design accreditation, prior to occupation".

Thames Water

No objection subject to conditions

Towns Team

In general, we are supportive with the move to re-develop the site at 44 Ballards Lane and recognise the potential for a development of this site to make a significant contribution to the town centre. However, on review of proposals, it is our view that the scheme is taking a somewhat insular approach to the development of the site, rather than supporting comprehensive regeneration aims of the town centre as we would hope – which is a priority for the council, as set out within the Growth Strategy 2030.

We expect developments such as this, in prime town centre locations, to realise the full potential of their site, without undermining adjacent sites and the strategic work the council is undertaking in other areas to support the town centre and the community it serves. Below we have listed the specific points of concern that were raised in our meetings and communications over the past couple of months and feel remain unresolved within the current proposed scheme. These outstanding issues leave us unable to support the application as currently proposed.

Proposed Massing

Building frontage alignment

The frontage of the existing building at No 44 Ballards Lane aligns with the adjacent building, at No 46 Ballards Lane (Dreams bed shop, Barclays Bank), with a small ground floor projection. The proposals for the site show two-thirds of the frontage set forwards from the existing building line by approximately 7m, scheme, the council is developing; we question why this well-serviced location within a town centre requires on-site parking provision at all.

Lastly, it should be noted that there have been a number of anti-social behaviour and crime incidents in and around the alleyway off Hervey close, at the rear of the site. The proposals should take this into consideration and consult with Design-Out-Crime Met Officers. The proposal to provide covered parking within this vicinity presents some concerns.

We ask for the proposals to re-consider the need for on-site parking and to demonstrate how the application has considered alignment with the relevant council strategies.

Public Realm and Landscape Design

There is a commitment from the council to formally adopt the frontage of 44 Ballards lane, so that this area remains well maintained and coordinated with the public realm across the town centre. Therefore, the council expects that the public realm and landscape proposals on the 44 Ballards Lane frontage will be in alignment with the guidance and material palette we are currently putting together for public realm improvement project in Finchley Central, to ensure there is consistency and a cohesive palette that is maintainable by the council.

Commercial Space

The proposals for commercial space at ground and first floor are well received. However, we would like to understand more clearly the intended end users of these spaces. As identified in the Town Centre Strategy (2017), a priority for this area is

providing spaces for leisure/community/workspace uses that create activation onto the high street throughout the day and into the evening. Therefore, we would appreciate further clarity on the applicant's intended use of the space to enable us to better assess whether the proposed design is appropriate to accommodate the intended use and meaningfully contribute to the amenity and offer within the town centre.

We would expect all the points raised here to be seriously considered and for this letter of objection to be included as part of the statutory consultation process. Ideally, amendments will be made to the proposals prior to any decision being made on the application.

Landscape and Trees

The proposal for: Demolition of the existing building and erection of a 9-storey building comprising of up to 22no. self-contained residential units and up to 1025sqm of commercial (Use Class E) floorspace. Associated amenity space, hard and soft landscaping, refuse storage, cycle parking and off-street car parking at 38 - 44 Ballards Lane.

Requires the removal of 1 established holly tree (T1 applicants plan) and the loss of other trees that are indeterminate. The loss of these trees would be acceptable subject to adequate compensation in accordance with Policy G7 of the London Plan.

Landscape:

The outline design provides for green roofs and roof top gardens. This scheme meets and exceeds the UGF of 0.4.

Ecology:

No preliminary bat roost assessment has been submitted, however the building has a flat roof and the likelihood of roosting bats is low to negligible. The scheme must demonstrate biodiversity net gain and compensate for the loss of habitat provided by the holly tree and ivy features.

Recommendations

No objection

Reason: The proposal subject to conditions and acceptable and in accordance with local planning policy DM01 & DM16.

Conditions

There are no significant arboricultural reasons to object to this application, however if it is likely to be recommend for approval, or in the event of an appeal, the following conditions are suggested to obtain a more suitable development:

Standard conditions

C260 Hard & Soft landscaping

C268 Landscape management

Ecology

Before the development hereby permitted commences, the applicant shall submit for approval details of measures to improve biodiversity on the site in accordance with guidance set out within BS42040:2013: Biodiversity – Code of practice for planning and development, and guidance documents provided by the Chartered Institute of Ecology and Environmental Management (CIEEM) and the Royal Town Planning Institute (RTPI) for approval. The development shall be implemented in full accordance with these details.

The above conditions would be required, pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM01. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G7 of the London Plan 2021.

Section 106 agreement

The applicant will be unable to provide an inadequate level of new tree planting on the site to demonstrate biodiversity net gain, Urban Greening Factor or mitigate the increase in visual massing a 9 story building will have on the street scene. Therefore new street trees should be provided in the local area to offset this loss. 40 new trees would be sufficient at £700.00/tree total £28,000.

1.36 Section 106 agreements can be sought from developers by the council. They are to improve the community and local area and are commonly sought to improve the local amenity including parks and open spaces. The Planning Department and Tree Team can work together to ensure funding is sought where new planting schemes would be beneficial to the local community in the vicinity of developments.

1.37 When a council owned tree is required to be removed to facilitate a development, the Capital Asset Value for Amenity Trees(CAVAT)value of the tree will be required to mitigate the loss, and the money received from the developer used to support the planting targets discussed throughout this Policy.

c. ASSESSMENT OF PROPOSALS

i. The Principle of Development

Commercial Floorspace

Core Strategy Policy CS8 seeks to encourage new mixed use commercial floorspace within priority town centres, including Finchley Church End, where access to public transport is good.

Development Management Policy DM14 states office space should be retained in town centres and loss of office in town centres will only be permitted where it can be demonstrated that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of active marketing has been undertaken.

The existing building comprises 374.19sqm of Class E(a) retail floorspace and 540.22sqm of Class E(g)(i) office floorspace, including ancillary floorspace. This development proposes to re-provide the existing Class E floorspace at ground, first and second floor levels, substantially improving the quality and appearance of the commercial space.

The proposals comprise the provision of 1,024.8sqm of flexible Class E floorspace, excluding ancillary floorspace, with 211.5sqm at ground floor, 519.9sqm at first floor and 293.4sqm at second floor. This represents an uplift of 110.39sqm of Class E floorspace, plus ancillary floorspace. This provision of increased employment provision within a designated town centre is in accordance and indeed supported by both adopted and emerging policy.

Housing

The National Planning Policy Framework (NPPF) states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Development that accords with an up-to-date Local Plan should be approved.

The new London Plan 2021 recognises the pressing need for more homes in London and seeks to increase housing supply to in order to promote opportunity and provide real choice for all Londoners in ways that meet their needs at a price they can afford. The previous London Plan (2016) had set an annual monitoring target of 2,349 homes for Barnet between 2015-2025, with a minimum provision of 23,489 over the same 10-year period. In the new London Plan 2021, the 10-year target for 2019/20 – 2028/29 is 23,640 for Barnet.

Barnet Local Plan documents also recognise the need to increase housing supply. Policies CS1 and CS3 of the Barnet Core Strategy expect developments proposing new housing to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

In the light of these policies it is considered that the proposed residential

accommodation accords with the above-mentioned policies, optimising the use of an existing brownfield site and contributing towards the Borough's housing targets.

Housing Density

Chapter 11 of the National Planning Framework (Revised 2019) (NPPF) states that:

Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

This strategic objective to optimise redevelopment opportunities within sustainable locations is reinforced within the London Plan 2021.

The previous London Plan (2016) set out a density matrix which served as guidance for appropriate densities in different locations and with varying levels of accessibility. However, the new London Plan 2021 takes a less prescriptive approach stating inter alia, that the density of a development should result from a design-led approach to determine the capacity of the site. This should consider site context, its connectivity and accessibility by walking and cycling, existing and planned public transport (including PTAL) and the capacity of surrounding infrastructure. Policy D3 goes on to state that proposed residential development that does not demonstrably optimise the housing density of the site in accordance with this policy could be refused.

Policies D1, D1A and D1B of the 2021 London Plan place a great emphasis on a design-led approach being taken to optimising the development capacity of a particular site and to make the best use of land.

In this case, the application has been subject to a design-led approach to optimise the potential of the site with cognisance of the factors outlined above. Whilst full assessment is set out within the relevant sections of this report, officers consider that the scheme delivers a high-quality development which fully justifies an increased density in an appropriate town centre location.

ii. Housing Quality

Unit Mix

London Plan Policy H10 sets out schemes should generally consist of a range of unit sizes. To determine the appropriate mix of unit sizes, applications should have regard to robust local evidence, the requirement to deliver mixed and inclusive neighbourhoods, mix of uses in the scheme, the nature of the location (with a higher proportion of one and two bed units generally more appropriate in locations which are closer to a town centre or station with high PTALs) and the aim to optimise housing potential on sites.

Development Management Policy DM08 sets out that a mix of dwelling types and sizes should be provided in order to provide choice for a growing and diverse population.

The proposed mix comprises 5x 1-bedroom 2-person units, 3x 2-bedroom 3-person units, 9x 2-bedroom 4-person units, 3x 3-bedroom 5-person units and 2x 3-bedroom 6-person units. It is therefore considered that a diverse mix of unit sizes will be provided and that the proposed mix is appropriate for a town centre location and is considered in accordance with the above policies.

Affordable Housing

London Plan Policy H4 sets a strategic target that 50% of all new homes delivered across London are genuinely affordable. To achieve this aim, major developments which trigger affordable housing requirements are required to provide affordable housing through the threshold approach. Affordable housing should be provided on site. Affordable housing must only be provided offsite or as a cash in lieu contribution in exceptional circumstances.

London Plan Policy H5 states that the threshold level of affordable housing is set at a minimum of 35%. To follow the fast-track route, developments must meet or exceed the threshold level, be consistent with the relevant tenure split, meet other policy requirements and obligations and demonstrate that they have taken account of the strategic 50% target. Where developments do not qualify for the fast-track route, it must follow the Viability Tested route. This requires detailed supporting viability evidence to be submitted in a standardised and accessible format as part of the application and could be subject to early, mid or late-stage reviews.

Development Management Policy DM10 sets out that the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units, having regard to the borough wide target of 40%.

A Financial Viability Assessment has been submitted in support of the application. This demonstrates that no on site affordable housing can be delivered. The applicant does not own any other appropriate sites either within the vicinity or the wider borough. Accordingly, there are no sites which are available, achievable or viable for offsite affordable housing provision.

An independent viability review, carried out by BNP Paribas, which has advised that the proposed development is not viable whilst providing 100% market housing. Therefore, the addition of any affordable housing would only serve to further hamper the viability of the proposed development. The independent viability review confirms that the application cannot afford a contribution towards affordable housing.

On the basis of this independent review concurring with the applicant's financial viability

review it is not possible for the Council to insist on the provision of affordable housing as any refusal of permission on this ground would not be defensible at appeal. Notwithstanding this, S106 clauses are secured requiring an early and late-stage viability review of the scheme to pick up any uplift if the scheme improves in its viability i.e. as a result of greater sales values or lower build costs. in line with London Plan policy.

Floorspace Standards

Housing standards are set out in the Nationally Described Space Standards (NDSS), London Plan Policy D6 and London Housing SPG and Barnet's Sustainable Design and Construction SPD. All the dwellings in the within the development meet the minimum standards as demonstrated in the applicant's supporting documents in relation to the unit and room sizes as such the proposal is fully in accordance with the above policies.

Dual Aspect Units

London Plan Policy D6 sets out that housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. All units are provided as dual aspect and as such are in accordance with policy.

Wheelchair Standards

London Plan Policy D7 (Accessible Housing) require 90% of units to meet M4 (2) (accessible and adaptable) and 10% to meet M4 (3) wheelchair standards.

In accordance with policy, 10% of the proposed units (two units) have been designed to be wheelchair fully adapted or wheelchair adaptable housing to meet M4(3). All other units are designed to meet M4(2).

The residential units are designed to achieve 100% lifetime requirements. In all non-residential areas, the requirements of building regulations, BS 8300 and other good practice guidance has been used to design both the internal and external environments.

Amenity Space

Barnet's Sustainable Design and Construction SPD Table 2.3 sets the minimum standards for outdoor amenity space provision in new residential developments. For both houses and flats, kitchens over 13sq.m are counted as a habitable room and habitable rooms over 20sq.m are counted as two habitable rooms for the purposes of calculating amenity space requirements.

Table 2.3:Outdoor Amenity Space Requirements	Development Scale
For Flats: •5 m ² of space per habitable room.	Minor, Major and Large scale
For Houses: •40 m ² of space for up to four habitable rooms •55 m ² of space for up to five habitable rooms •70 m ² of space for up to six habitable rooms •85 m ² of space for up to seven or more habitable rooms	Minor, Major and Large scale
Development proposals will not normally be permitted if it compromises the minimum outdoor amenity space standards.	Householder

The Mayor’s housing SPG sets out a requirement of 5 sq.m of private amenity space for 1 and 2 person dwellings with a further 1 sq.m per additional person.

All residential units are provided with high-quality, dedicated private outdoor amenity space in the form of inset (recessed) balconies from third to eighth floors and projecting balconies at eighth floor level. Overall, the scheme provides 234.9sqm of private outdoor amenity space. Each unit has been provided with an amount of private outdoor amenity space equal to, or in excess of London Plan requirements. There is a minor shortfall in private amenity space when considered against the guidance set out in the LBB Sustainable Design and Construction SPD (2016), however, this is acceptable given the town centre location. Furthermore, the two 3-bedroom 6-person units on the eighth floor have both been provided with over 30sqm of private outdoor amenity space for these family sized units. Therefore, the amount of amenity space provision is acceptable in policy terms.

Overall, given the site’s town centre location, the amenity space provision is considered acceptable and in accordance with London Plan requirements.

Open Space

London Plan Policy G1 (Green Infrastructure) requires that proposals should incorporate appropriate elements of green infrastructure that are integrated into London’s wider green infrastructure network. Policy G4 (Open Space) also requires that where possible development proposals should create areas of publicly accessible open space. When there is a loss of open space the equivalent or better-quality open space should be provided in the locality.

Given the site’s town centre location and other constraints, specifically the footprint of the site, it is considered acceptable that the scheme does not seek to provide open

space. Victoria Park is located approximately 400m to the east of the site providing good access to high quality open space and play equipment.

Playspace

London Plan Policy S4 requires housing development to make provisions for play and informal recreation based on child yield, referring to the Mayor's SPG Shaping Neighbourhoods: Play and Informal Recreation 2012.

London Borough of Barnet Core Strategy Policy CS7 requires improved access to children's play space from all developments that increase demand, and Policy DM02 requires development to demonstrate compliance with the London Plan.

Using the GLA Population Yield Calculator, it has been calculated that the development will yield a total number of 5 children. Therefore, play space and space for informal recreation is not required for this development.

iii. **Design**

The National Planning Policy Framework (revised, 2019) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document states that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It identifies that good design involves integrating development into the natural, built and historic environment and also points out that although visual appearance and the architecture of buildings are important factors; securing high quality design goes beyond aesthetic considerations.

The London Plan 2021 policy D1B requires development to respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and be of high quality, with architecture that pays attention to detail, and gives consideration to the use of attractive, robust materials which weather and mature well.

Policy CS5 of Barnet Council's policy framework seeks to ensure that all development in Barnet respects local context and distinctive local character, creating places and buildings of high-quality design. In this regard policy CS5 is clear in mandating that new development should improve the quality of buildings, landscaping and the street environment and in turn enhance the experience of Barnet for residents, workers and visitors alike. Policy DM01 also requires that all developments should seek to ensure a high standard of urban and architectural design for all new development and high-quality design, demonstrating high levels of environmental awareness of their location by way of character, scale, mass, height and pattern of surrounding buildings, spaces and streets. Proposals should preserve or enhance local character and respect the

appearance. Policy DM03 seeks to create a positive and inclusive environment that also encourages high quality distinctive developments. The above policies form the basis for the assessment on design.

The design of the building has been developed through comprehensive pre-application discussions with LBB planning and design officers. It is considered that the design represents a high-quality of development that will complement and enhance the town centre, improving an existing poor quality, dated commercial building.

Height, Bulk, Scale and Massing

Barnet Core Strategy defines tall buildings as buildings of 8 storeys or 26m and states that they may be appropriate in strategic locations subject to detailed assessment criteria.

Policy D9 of the London Plan 2021 state that tall buildings should be part of a plan-led and design-led approach, incorporating the highest standard of architecture and materials and should contribute to improving the legibility and permeability of an area, with active ground floor uses provided to ensure such buildings form an appropriate relationship with the surrounding public realm. Tall buildings should not have an unacceptably harmful impact on their surroundings in terms of their visual, functional, environmental and cumulative impacts, including wind, overshadowing, glare, strategic and local views and heritage assets. Policy D9 states that tall buildings should only be developed in locations that are identified as suitable in development plans.

The proposed scale, height and massing has been developed through a design-led approach which has successfully responded to the site constraints and opportunities, including the town centre location, emerging context and neighbouring properties.

Core Strategy Policy CS5 states that tall buildings of 8 storeys or more may be appropriate within the priority town centre of Finchley Church End. Furthermore, Draft Policy CDH04 (Tall Buildings) states tall buildings of between 8 and 14 storeys may be appropriate within Finchley Town Centre.

The proposal is for a building of up to 9 storeys in height which is at the lower end of what is defined as a tall building, however it is noted that the proposal is higher than the existing three storey building on the site and the immediately surrounding buildings.

The site is located within an area that is currently undergoing a period of major change. Finchley Central Station has been identified in the Draft Local Plan as a site for future development and has an indicative residential capacity of 556 units. The Tesco site opposite 38-44 Ballards Lane has also been allocated within the emerging local plan for an indicative capacity of 170 units, with a proposed use of 75% residential floorspace and 25% commercial town centre uses and car parking. It is noted that the Draft Local Plan has still to go through examination and these site allocations are subject to objection.

Within the wider area there are existing tall buildings within the town centre including

Central House, a nine-storey office building located on the corner of Ballards Lane and Nether Street, and Finchley Church End Library, an eight-storey building that although very distinguishable in form and scale from its immediate context has been successfully integrated. The proposed building will therefore respond to the existing and emerging context.

In the context of the application proposals, the proposed height is considered on balance acceptable, the property is located at the end of a terrace and the proposed height helps to bookend this terrace without appearing excessive in its scale. The proposal is also of high quality design and the proposal incorporates measures to reduce the impact of the building including the use of stepped back massing and the introduction of curves to reduce the buildings impact. Officers consider the height proposed to be acceptable and in accordance with planning policy.

Character and Appearance

The design strategy in relation to the appearance of the proposed development draws from a detailed analysis of the local wider context and has been refined through a series of workshops with LBB design Officers. The development will provide a high-quality building design which complements and enhances the town centre and the building's surroundings.

The existing buildings along Ballards Lane reflect the diverse and changing architectural styles. Currently, the existing building on the site is of concrete framed building of 60's, 70's era construction which detracts rather than enhances the visual appearance of the surrounding area.

In relation to the comments received from the Town's Team in relation to the extensions to the front of the existing building, officers have considered these comments but do not consider that these matters justify the refusal of the application for a variety of reasons including:

- The area in question is currently blocked in by unattractive bollards, is of poor existing appearance and not used currently by pedestrians walking up and down Finchley High Road.
- The issue of whether the towns team want to adopt land in front of buildings is a land ownership issue rather than a planning issue.
- The proposed extensions do not protrude beyond the line of the furthest projecting part of the existing building and effectively moves the building level with the adjoining shopfront terrace of 20-36 Ballards Lane and as such will not appear out of keeping with the streetscene.

The proposed replacement building is for a 9 storey brick clad building. Contrasting materials at the ground floor help to create a strong base and clearly delineates the commercial zone replicating the shopfronts along the high street of Ballards Lane. Ground floor detailing takes reference from the existing signage zone height; expressed

through a strong horizontal banding detail with large, glazed openings and change in materials to express the active frontage that engages with the public realm. The commercial storeys are differentiated from the residential floors with larger glazing but still provides a coherent façade above the ground floor.

In relation to the upper residential floors Inset balconies have been included to increase the natural daylight into the apartments and enhance the proposed form of the south elevation. The balconies incorporate a curved profile adding articulation to the building. Variation in the tone of the brickwork also helps brings texture to the façade, enhanced through the use of setbacks which bring depth and visual interest. Along the south elevation, the regularity of the glazing and pilasters are reduced, and the elevation is simplified to retain an elegant form when viewed

Overall, the appearance of the building is considered to constitute an appropriate quality of design which will contribute to, and enhance, the existing diverse and evolving architectural character of the streetscene.

Fire Safety

London policy D12 (Fire safety) requires all development proposals to achieve the highest standards of fire safety and comply with a number of criteria set out in the policy, including: identifying outside space for fire appliances to be positioned on; appropriate fire alarm systems; suitable and convenient means of escape; evacuation strategies for all users; and the provision of suitable access and equipment for firefighting. All major development proposals should be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party suitably qualified assessor to address all of the requirements set out in the policy.

A fire statement has been prepared by a third party suitably qualified assessor which details the range of fire safety measures in terms of fire detection and control, means of evacuation, the content of which has been assessed and is supported by the Council.

As such it is considered that the proposal is in full compliance with the London Plan Policy D12 in this regard. A condition will also be attached to ensure its satisfactory implications.

Safety, security and Crime Mitigation

The Metropolitan Police were consulted on this application and did not raise any objection but due to the reported issues affecting the ward and overall crime levels within the borough, requested that a planning condition is attached to any approval, “whereby the development must achieve Secured By Design accreditation, prior to occupation”. The proposals are therefore considered acceptable, and a condition is attached to this effect requiring the applicant to demonstrate compliance with secured by design

principles.

iv. Amenities of Neighbouring and Future Occupants

Privacy, Overlooking and Outlook

The Barnet Residential Design Guidance SPD states there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden or flank wall. Shorter distances may be acceptable between new build properties where there are material justifications.

The development has been designed taking into account the neighbouring buildings and land uses. The relationship between the proposed building and neighbouring buildings is considered acceptable and the amenities of neighbouring residential occupiers are not considered to be unduly impacted by the proposal in terms of overlooking.

Noise

No significant new or cumulative operational noise impacts are identified for neighbours as a consequence of the proposed development. Whilst there is an increase in the intensity of use of the site, the use is consistent with the character of the wider area.

In considering the potential impact to neighbours, conditions are recommended to ensuring that any plant or machinery associated with the development achieves required noise levels for residential environment. The council's environmental health team have recommended appropriately worded conditions for noise reporting and impact mitigation, extract and ventilation equipment and plant noise.

Air Quality

In respect of air pollution, no significant impacts are identified by the council's environmental Health Team. The applicant has submitted an Air Quality Assessment in support of the application demonstrating that future and existing residents will not be exposed to poor air quality. Suitable Conditions are attached regarding ventilation and the submission of details of proposed plant and equipment.

Daylight and Sunlight

The application proposals are accompanied by a daylight/sunlight and overshadowing assessment. The Daylight and sunlight assessment assess the impact of both the proposals on neighbouring residential properties and also internally in relation to the proposed properties.

The assessment confirms the majority of windows either achieve or exceed the default recommendations of the BRE target of at least 27%. A very small number of heavily

self-obstructed windows serving existing neighbouring dwellings would experience a difference. This recognised by the BRE guidance as a typical characteristic when making efficient use of a proposed development site in this context. When compared with nearby less obstructed areas, the reason for these small number of results is due to their own design and over dependence on skylight from the direction of the development site.

For the neighbouring properties, the assessment confirms that all the windows to 36 Ballards Lane would either retain in excess of the default BRE target of at least 27% VSC or experience no noticeable reduction post development. For 34 Ballards Lane the majority of windows and rooms would achieve the default BRE recommendations post-development. Due to the existing windows being heavily self-obstructed and their orientation two windows would record greater than 20% VSC difference, the point at which the BRE considers changes may be noticeable. One window is only fractionally above at 21.48%, with a retained VSC of 21.35% which is considered as acceptable in this context. The remaining window has an existing VSC of 19.23% (the lowest recorded value in the area) as a result of being heavily self-obstructed due to its dependence across the site. Post development this window would have a shift change of 10% VSC. It is understood that this window serves a non-habitable room or bedroom which has a nil/lowered requirement. Therefore, this change is considered acceptable in the context.

The assessment results demonstrate that the proposed development would not have any unreasonable detrimental impact to existing neighbours by virtue of the degree of overall compliance with the default BRE guidance and retained values. The internal results show an acceptable level of sunlight access potential for future occupants.

Overall it is concluded that the levels of sunlight are also within acceptable levels.

v. Transport, parking and highways matters:

Access

The internal layout of the site is acceptable and the swept path drawings provided by the applicant show that vehicles can enter and exit the parking spaces at the rear of the site in forward gear. There are no proposed changes to existing access arrangements. Vehicles access to the site from Ballards Lane via a crossover at the northern end of the site which leads to the car park at the rear of the site. Pedestrian access to the building site is provided at the front and rear of the site. The gates lead to the rear car park is set back from the highway which is supported. However, Highways have recommended that the gates open inwards. This can be secured by condition.

TfL commented that the footway and carriageway on Ballards Lane should not be blocked during the period of construction and demolition. Temporary obstructions during the construction and demolition should be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on Ballards Lane. All vehicles should only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions. It is considered that

these matters can be adequately controlled by means of a Construction Management Plan.

Trip Generation

The proposed development is expected to generate 13 two-way all person trips during 08:00 to 09:00 and 8 two-way all person trips during 17:00 to 18:00. Approximately 97 two-way all person trips are anticipated throughout the day (07:00 to 19:00). The net number of car trips to the site is likely to be minimal given the limited number of residential car parking spaces.

Highways have commented that due to the number of units proposed, trip generation will not lead to any highways issues. The proposal will result in fewer vehicle movements to/from the site compared with existing use which is retail/office use. Therefore, the trip generation resulting from the proposed development is acceptable in highways terms.

Car Parking

Policy T6.1 states that new residential development should not exceed the maximum parking standards. The maximum parking provision for areas in PTAL 5 is car-free.

Policy T6.2 states that in well-connected parts of outer London, including town centres, office developments are encouraged to be car-free. The maximum provision for outer London is up to 1 space per 100sqm GIA. Policy T6.3 sets out the maximum retail parking standards. New retail development should avoid being car-dependent and should follow a town centre first approach. Where car parking is provided at retail development, provision for rapid electric vehicle charging should be made. For outer London retail below 500sqm, the maximum provision is up to 1 space per 75sqm GIA.

Policy T6.5 states all non-residential elements should provide access to at least one disabled persons parking bay. For workplaces, 5% of the total parking provision should be provided as designated bays and 5% as enlarged bays.

The proposed development will provide 11 car parking spaces (including three accessible bays). This is similar to the existing level of car parking (9 spaces) on site.

Two of the accessible bays will be allocated to the M4(3) residential units, with the remaining spaces on site provided to the office use. The residential units will be effectively car-free, with the exception of the two accessible bays. This provision of car parking is in accordance with policy as it complies with the London Plan's aim for car free residential development within an accessible location, with the exception of disabled parking, and does not exceed the maximum standards for office and retail parking.

The allocation of the spaces will be controlled by means of a car parking management plan as requested by Council Highway officers to secure adequate disabled parking provision. While the comments from the towns team regarding the necessity of the access and parking in this town centre location it is noted that the proposal utilises an existing access and car parking currently exists at the rear at a similar level to the

application proposals.

Electric vehicle charging points shall be provided in accordance with London Plan standards. This equates to 2 active and 9 passive spaces. This can be secured by way of a planning condition. An obligation is also suggested in the proposed heads of terms preventing future residents from applying for residential car parking permits.

Cycle Parking

London Plan Policy T5 requires the provision of appropriate levels of cycle parking, at least in accordance with the minimum standards. For residential long-stay parking, 2 spaces per dwelling should be provided for dwellings of over 1 bedroom. 2 short-stay spaces should be provided for 5-40 dwellings. Office space should provide 1 long-stay space per 150sqm GEA and 1 short stay space per 500sqm GEA. For A2-A5 use, 1 long-stay space per 175sqm GEA should be provided with 1 short-stay space per 40sqm GEA.

The proposals will provide a total of 54 cycle parking spaces to comply with London Plan standards. This will consist of eight long-stay spaces and two short-stay spaces for the commercial units and 42 residential long-stay spaces (including two spaces for larger bikes) and two residential short-stay spaces. Residential cycle parking will be located within the ground floor of the building, with direct access to the car parking area. Cycle parking for the commercial units will be provided in the southern corner of the car park. All cycle parking for the development will be covered, secure and safely accessible.

Highways requested elevations of the cycle storage in the rear of the car park including details of the cycle stands and gaps between stands and widths of any pinch-points to ensure that cyclists can manoeuvre their bicycle into and out of the cycle storage area safely.

Following the request from Highways, the applicant submitted further detail of the proposed cycle store. The store was amended to comprise a double stacked rack capable of storing 10 bicycles to the rear of the car park. A plan was also submitted showing details of the proposed Class E cycle store. This provides the relevant dimensions to demonstrate that there is adequate space for manoeuvring bicycles in and out of the cycle store safely and that the proposals comply with the guidance outlined in the London Cycling Design Standards and the Cambridge Cycle Parking Guide.

TfL welcomes the proposed cycle parking which meets the minimum requirements of the London Plan. TfL also welcomes the provision for larger bikes within the cycle parking.

Conditions are proposed to secure these details.

Highways Works

Highways will request that the applicant dedicates the unadopted footway in front of the site. This is to ensure that the entire footway back to the new building line is adopted as highway.

The applicant will need to enter into s184/s278 agreement with the Council for any off-site highway works to be undertaken as part of the scheme.

Waste Management

Although the NPPF does not contain specific waste policies, it does state that part of the environmental dimension to 'sustainable development' is waste minimisation (para 7). As part of London Plan 2021 Policy SI7 'Reducing waste and supporting the circular economy which also seeks adequate recycling storage provision in new developments as does the Barnet Core Strategy DPD 2012 policy CS14 which also promotes waste prevention, reuse, recycling, composting and resource efficiency over landfill.

The applicant has confirmed that waste on site will be managed privately. A Site Waste Management Plan/Delivery and Servicing Management Plan will be secured by way of condition.

vi. **Energy, climate change, biodiversity and sustainable construction matters**

Energy, Sustainability and Resources

London Plan Policy SI 2 Minimising greenhouse gas emissions requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy

A minimum on-site reduction of at least 35% beyond Building Regs is required for major development. Non-residential development should achieve 15 per cent through energy efficiency measures. Major development proposals should calculate and minimise carbon emissions from any other part of the development, including plant or equipment, that are not covered by Building Regulations, i.e. unregulated emissions.

Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrate compliance with the Mayor's targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy. Proposals are also expected to comply with the guidance set out in the council's Supplementary Planning Documents (SPD) in respect of the requirements of the Code for Sustainable Homes.

An Energy Statement, Sustainability Statement, Overheating Assessment and BREEAM Pre-Assessment have been submitted in support of the application. The GLA energy

hierarchy has been implemented and the estimated regulated CO₂ savings are 55% measured against a Part L 2013 compliant scheme. There will be an estimated reduction in regulated CO₂ emissions for the whole development of 4.8 tCO₂/year, equating to a 13% reduction when compared to the Baseline emissions rate, using SAP10 carbon intensity factors. The estimated carbon emission reduction of the 'Be Lean' measures are estimated to be 11% for the domestic and 17% for the non-domestic elements of the scheme. The 'Be Green' technologies are predicted to reduce the CO₂ emissions on-site by 15.4 tCO₂/year, equating to a 42% reduction over the baseline case, based on SAP10 carbon intensity factors.

The proposals exceed the key policy objectives, respond to local needs and requirements and conform to best practice sustainability criteria applicable to this development. The proposed development satisfies policy objectives by optimising sustainability through the incorporation of best practice design, construction and operation measures. The development has been designed to minimize the risk of overheating.

The proposed strategy currently achieves a BREEAM score of 58.96%, which represents a 'Very Good' rating and provides the required buffer over the scoring threshold. A BREEAM Design Stage and eventually Post-Construction Stage Assessment would be required in order to gain full BREEAM certification, which will be secured via condition.

Water resources, Drainage and SUDs Infrastructure

An Indicative Surface Water Drainage Strategy and Foul Drainage and Utilities Assessment have been submitted in support of the application. A high-level assessment of flood risk was undertaken and the risk of flooding from all sources is considered to be low and no mitigation measures are considered to be necessary.

Surface water from the proposed development will be attenuated and discharged to the nearby surface water sewer. In order to prevent flooding, both on and off the site, a variety of Sustainable Drainage Systems (SuDS) will be utilised to control surface water flows, including areas of permeable paving and underground modular storage. These features will be designed to store the volume of water associated with a 1 in 100-year rainfall event, plus an additional allowance to account for increased rainfall due to climate change, providing a betterment over the existing scenario. SuDS features have been strategically located across the site and will also provide additional water quality benefits. Calculations have been run using the Q30 Greenfield runoff rate as a discharge rate in accordance with LLFA requirements.

Foul water drainage has also been considered as part of this strategy. Thames Water have raised no issues and advised that the proposal is acceptable.

The Environment Agency, Thames Water, Affinity Water and Capita Drainage (Lead Local Flood Authority) have been consulted on the application. While no comments have been received from the Environment Agency, both Thames and Affinity Water have raised no objections to the scheme. Capita Drainage requested further information

following submission of the application, however, there are no in principle concerns raised, and the application is supported subject to appropriate conditions.

Following the request for further information, the applicant provided an updated Indicative Surface Water Drainage Strategy. Microdrainage outputs were included for the 1 in 30 year event as well as the 1 in 100 year plus 40% climate change event to demonstrate that the network would not flood during either event. Exceedence flow routing was added to the Surface Water Drainage Strategy. 50% drain times were included in the drainage calculations and demonstrated that during the 1 in 100 year plus climate change rainfall event the permeable paving has a half drain time of 7 minutes, and the modular storage tank has a half drain time of 423 minutes. A draft SUDS Management Strategy was also included. It was agreed that SUDS detailed design drawings and construction phasing details could be conditioned.

Landscaping, Trees and Biodiversity

The 'sustainable development' imperative of NPPF 2019 includes enhancing the natural environment and improving biodiversity. London Plan G5 (Urban Greening) advises that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage. Barnet Local Plan policy DM16 states that when it is considering development proposals the council will seek the retention, enhancement or creation of biodiversity.

London Plan policy G7 (Trees and woodlands) requires that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed.

Policy DM01 of the Adopted Barnet Development Management Policies advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

An Arboricultural Impact Assessment has been submitted in support of the application. Three trees were recorded on site, including one Category C and two Category U trees located at the rear of the application site within the car park. The proposals will require the removal of all of the existing trees on site. The Council's arboriculturalist has not objected to the proposal subject to appropriate conditions, however a request for a S106

contribution has been sought for the planting of 70 street trees.

This request has been considered but has need been included as an obligation due to the low quality of trees which are being removed and which are not visible from the public realm. It is also not clear where street trees will be planted as the streetscape in front of the site is already due to be improved as part of the proposed town centre plan. S106 contributions are only supposed to mitigate immediate harm in the absence of which an application would be refused and it is not considered that the requested contrition would comply with the Cil/ S106 regulations in this regard. Additional tree planning can however be funded from Cil payments arising out of any consent.

The proposal application supporting documents advise that through the proposed landscaping and use of green roofs the design would bring the site's Urban Greening Factor to 0.74, which is considered acceptable and is a significant improvement over the existing site.

In relation to biodiversity the existing site has negligible potential to support notable and legally protected species given the lack of landscaping and green spaces. The application documents advise that the ecology on site will be improved through the introduction of green biodiverse roofs and habitats which will help enhance biodiversity as well as reduce run-off and the need for cooling. The addition of swift boxes and sparrow terraces to the roof and building facades will provide a suitable nesting environment for various species of bird. These matters are secured by condition.

Overall on balance it is considered that the proposed development will improve the biodiversity and greening of the site and the loss of the existing poor quality trees is considered acceptable due to replanting provided on the green roof.

Green/ Brown Roofs

A green roof (comprising 78sqm) with species rich planting will attract pollinators including bees and butterflies. A brown roof (comprising 64sqm) will develop from seed spread by wind and animals to become representative of the site's surrounding landscape.

vii. Other Matters

Utilities

A Foul Drainage and Utilities Assessment has been submitted in support of the application. The utilities report assessed the implications of the development in relation to utility and telecommunication infrastructure in the vicinity of the site. The report also included communication with all relevant statutory undertakers in relation to the proposals.

The proposed redevelopment scheme can be delivered without any abnormal utility constraints and that there is sufficient capacity to accommodate the proposed

development.

It is noted that none of the statutory undertakers consulted by the Local Planning Authority have raised any objections in their representations and the schemes impact on utilities is considered acceptable.

Ground Conditions and Contamination

In regards to potential contamination, a Preliminary Risk Assessment was submitted in support of the planning application. Subject to the attachment of appropriate conditions scientific services raise no objections to the proposal.

Impact on Services

The application seeks to re-provide the existing commercial floorspace at the site and include 22 residential units within a town centre location. The impact of 22 units on the services within the town centre will be limited and funds secured via Community Infrastructure Levy will be used to ensure that the local services are sufficient to accommodate future residents.

viii. Viability, Planning Obligations & CIL

S106 Obligations & Viability

Policy CS15 of the Barnet Local Plan states that where appropriate the Council will use planning obligations to support the delivery of infrastructure, facilities and services to meet the needs generated by development and mitigate the impact of development.

Planning obligations are to be secured as listed in Recommendation 1 of this report.

In addition to the requirements for Travel Plan, Affordable Housing Review clauses and measures to prevent future occupiers being eligible for parking permits, the applicant has offered £10,000 towards the implementation of the Town Centre improvements in the vicinity of the site. This matter is also included in the proposed heads of terms.

Barnet Community Infrastructure Levy

The Community Infrastructure Levy (CIL) potentially applies to all 'chargeable development'. This is defined as development of one or more additional units or development seeking an increase to existing floor space greater than 100 square metres.

Barnet Council is a charging authority for the purposes of Part 11 of the Planning Act 2008 and may therefore charge a Community Infrastructure Levy in respect of development in The London Borough of Barnet. Barnet Council adopted a CIL charge on 1st May 2013. This set a rate of £135 per square metre on residential and retail development within the borough. All other uses and undercroft car parking areas are exempt from this charge.

The calculation of the Barnet CIL payment is based on the floor areas of the residential elements of the development (except for any potential undercroft car parking areas).

Mayoral Community Infrastructure Levy

The Community Infrastructure Levy (CIL) potentially applies to all 'chargeable development'. This is defined as development of one or more additional units or development seeking an increase to existing floor space greater than 100 square metres.

The Mayor of London is a charging authority for the purposes of Part 11 of the Planning Act 2008 and may therefore charge a Community Infrastructure Levy in respect of development in Greater London. In February 2019 the Mayor adopted a new charging schedule (MCIL2). The new charges took effect on 1 April 2019 and supersede the MCIL1 charging schedule. This sets a rate of £60 per sqm on all forms of development in Barnet, except that which is for education and health purposes (which are exempt from this charge).

The calculation of the Mayoral CIL payment is carried out on the basis of the floor areas of the residential and other elements of the development (except for potential education and health uses).

d. EQUALITIES AND DIVERSITY ISSUES

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

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

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”

For the purposes of this obligation the term “protected characteristic” includes:

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

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

e. **CONCLUSION**

In conclusion, the scheme is considered acceptable on balance having regard to relevant national, regional and local planning policies and guidance. The principle of the redevelopment of 38-44 Ballards Lane is considered supported and accords with national, regional and local policy guidance. It will provide a positive contribution to proactively regenerating a dated site which currently does not contribute to the town centre and will provide wider public realm benefits to the centre as a whole.

The proposed detailed design is considered to represent appropriate high quality with appropriate levels of amenity space and residential standards achieved for future occupiers. The amenities of neighbouring residential occupiers are not considered to be unduly impacted by the proposals.

The potential transport impacts of the scheme have been considered and appropriate mitigation proposed. The scheme deals with its waste and recycling requirements and energy and sustainability requirements.

Landscaping and biodiversity on this constrained site is appropriately provided for with enhancement of the biodiversity values within the site with appropriate treatments and species and mitigation.

The scheme has also considered utilities provision and contamination and appropriately worded conditions are recommended. The scheme is considered to be appropriate and acceptable having regard to the full range of considerations in this report including the stated policies and guidance.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development generally and taken overall accords with the relevant development plan policies. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to referral to the Mayor of London and subject to the satisfactory completion of the Section 106 Agreement, **APPROVAL** is recommended subject to conditions as set out above.

SITE LOCATION PLAN: 38-44 Ballards Lane, London, N3 2BJ

REFERENCE: 21/4977/FUL



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1 SITE LOCATION PLAN
1:1250

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Location	Dental Surgery 150 Broadfields Avenue Edgware HA8 8SS	
Reference:	21/6150/FUL	Received: 23rd November 2021
		Accepted: 23rd November 2021
Ward:	Edgware	Expiry: 18th January 2022
Case Officer:	Helen McGuinness	
Applicant:	Dr Wayne Hirschowitz	
Proposal:	Change of use from a dwelling-house (Use Class C3) to a dental surgery (Use Class E) and retrospective approval of a rear cabin, AC units and cladding to the front of the existing practice. (AMENDED DESCRIPTION)	

AGENDA ITEM 8

OFFICER'S RECOMMENDATION

Refuse

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 their absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The proposed change of use to a Dental Surgery would result in the loss of residential accommodation without sufficient demonstration of need or evidence that the demand for the proposed use cannot adequately be met elsewhere and is in line with other policies, contrary to Policy DM07 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012)

- 2 The rear cabin extension, by virtue of its design, materials, siting, excessive depth and extensive footprint, appears as an incongruous form of development and, taken together with the existing extensions to the original dwelling, would represent a cumulative over-development that would fail to respect the pattern of surrounding buildings and spaces, to the detriment of the character and appearance of the host property and surrounding area, contrary to Policies D1, D3 and D4 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet: Core Strategy (2012) and Policy DM01 of the LB Barnet: Development Management Policies DPD (2012)

- 3 The cladding to the front elevation of the building, by virtue of its design and materials, results in a highly incongruous and unsympathetic intervention, to the detriment of the character and appearance of the host property, street scene and surrounding area, contrary to Policy D3 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet: Core Strategy (2012) and Policy DM01 of the LB Barnet: Development Management Policies DPD (2012)
- 4 The change of use of the dwelling and intensification of the use of the property as a dental surgery would result in a heightened level of coming-and-going and associated activity at the site and resultant noise and disturbance to neighbouring occupiers, in particular at No. 148 Broadfields Avenue, detrimental to their residential amenity and contrary to Policy D3 and D14 of the London Plan 2021, Policies CS1 and CS5 of the LB Barnet: Core Strategy (2012), Policies DM01 and DM04 of the LB Barnet: Development Management Policies DPD (2012) and the Sustainable Design and Construction SPD 2016
- 5 Insufficient information has been provided to establish that the air conditioning units, by virtue of their number and siting and the resultant noise, would not give rise to an unacceptable adverse impact on the adjoining dwellinghouse at No. 148 Broadfields Avenue, to the detriment of the residential amenities of neighbouring occupiers, contrary to Policies D3 and D14 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet: Core Strategy (2012), Policies DM01 and DM04 of the LB Barnet: Development Management Policies DPD (2012) and the Sustainable Design and Construction SPD 2016

Informative(s):

- 1 The plans/documents submitted with this application are as follows;

Site Location Plan

002 00

003 00

004 00

Planning, Design and Access Statement Nove 2021- Lichfields

- 2 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. The LPA has discussed the proposal with the applicant/agent where necessary during the application process. Unfortunately the scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

OFFICER'S ASSESSMENT

This application has been brought to Committee at the request of Cllr Wardle for the following reason:

The proposed development is in line with parts a, b and c of Barnet Development Management Policy DM07 (and draft Policy HOU05). The application will help address the shortfall of primary dental care facilities thereby meeting the requirements of draft Barnet Local Plan Policy CHW01.

The application in my view also accords with the Barnet Policy CS10.

Overall the application is providing an essential and much needed public service to the residents of Edgware. The success of this application will also enable the practice to take NHS patients. Furthermore, I do not consider the rear cabin as having any negative impact to the street scene or neighbouring amenity and overall the benefits of this proposal outweigh other considerations.

1. Site Description

The application site is located on the eastern side of Broadfields Avenue in close junction with Bullescroft Road and Glengall Road, within the Edgware ward.

The site is occupied by a two-storey detached dwelling which is currently in residential (class C3) use. It has the benefit of a side extension which received consent to be used as a Dental surgery (class D1).

The site also previously had the benefit of ancillary outbuildings which have been replaced with an unauthorised single storey cabin-style extension to the rear of the building. Two parking bays exist to the front of the building which provides parking space.

The wider area is predominantly residential in character and is not located within a Town Centre.

The property is set back from road with a modest forecourt and rear garden. It is not within a conservation area and is not a statutory or locally listed building. Furthermore, there are no Tree Preservation Orders on site.

2. Site History

Reference: W01253

Address: 150 Broadfields Avenue, Edgware, HA8 8SS

Decision: Approved subject to conditions

Decision Date: 12 June 1967

Description: Garage.

Reference: W01253A
Address: 150 Broadfields Avenue, Edgware, HA8 8SS
Decision: Approved subject to conditions
Decision Date: 21 May 1986
Description: Single-storey side extension.

Reference: W01253B
Address: 150 Broadfields Avenue, Edgware, HA8 8SS
Decision: Approved subject to conditions
Decision Date: 9 November 1988
Description: Conversion of existing garage into reception area and W.C., formation of one additional surgery and erection of lobby at front.

Reference: W01253C
Address: 150 Broadfields Avenue, Edgware, HA8 8SS
Decision: Approved subject to conditions
Decision Date: 20 November 1990
Description: Single-storey rear extension

Reference: W01253E
Address: 150 Broadfields Avenue, Edgware, HA8 8SS
Decision: Refused
Decision Date: 15 August 1997
Description: First floor side extension - amended roof profile to planning permission W01255D approved 18th June 1994.

Reference: W01253F
Address: 150 Broadfields Avenue, Edgware, HA8 8SS
Decision: Approved subject to conditions
Decision Date: 11 October 1999
Description: First floor extension.

Reference: W01253D
Address: 150 Broadfields Avenue, Edgware, HA8 8SS
Decision: Approved subject to conditions
Decision Date: 22 June 1994
Description: First floor side extension.

Reference: 21/8362/QCD
Address: Dental Surgery, 150 Broadfields Avenue, Edgware, HA8 8SS
Decision: Pre-application advice issued
Decision Date: 3 November 2021
Description: Change of use of the residential unit adjoining the existing dental surgery into an expanded dental surgery at ground and first floor level

3. Proposal

Change of use from a dwelling-house (Use Class C3) to a dental surgery (Use Class E) and retrospective approval of a rear cabin, AC units and cladding to the front of the existing practice.

The Dental surgery will operate during the following hours;

Monday	8.30am - 5.30pm
Tuesday	8.30am - 5.30pm
Wednesday	8.30am - 7.00pm
Thursday	8.30am - 5.30pm
Friday	8.30am - 3.00pm
Saturday	Closed
Sunday	Closed

The practice will allow for a maximum of 9 patients on site at any one time.

The rear cabin is single storey and projects from the recessed elevation abutting the flank wall of rear projection. It measures 5.9m in width and 8.4m in depth (including the courtyard) when measured from the rear elevation. It has a flat roof and measures 2.6m in height.

The design of the cabin is such that it creates 2no. courtyards approximately (2m x 1.7m) on either side of a projection that connects the main building to the rear cabin.

The air conditioning units are located to the rear elevation of the cabin.

4. Public Consultation

Consultation letters were sent to 37 neighbouring properties.

248 responses have been received, comprising 247 letters of support and 1 letter of objection.

The letter of objection can be summarised as follows;

- Highways and car parking concerns
- Undesirable design considerations for existing surgery. i.e., wooden cladding
- Design of building is out of character with surrounding area

The letters of support can be summarised as follows;

- The proposal provides a much-needed service to the local community
- The design of the building is visually appealing in comparison to the surrounding area
- Advantageous location that allows nearby residents to avail of quality dental services
- The ability to expand the clinic will not impact surrounding area, it will enhance it, modernising the building with eco-friendly cladding.
- more dental facilities exist in converted properties
- The practice has been operating in the location for years, the proposal seeks to improve these services
- There is ample parking in the area to accommodate the proposal
- The proposal will improve the area and make the area a more attractive place to live
- The expansion of the existing practice would ease pressure on surrounding services
- Excellent transport links to the practice
- The services are needed in the area

Internal Consultees

Highways officer comments are summarised below:

Car Parking

The applicant is proposing to retain the existing 2x off-streetcar parking spaces.

Vehicular Access

The existing vehicular access is proposed to be retained as existing.

Refuse

Refuse collection arrangements are proposed to be retained as existing, however the location of the refuse store has not been shown on the proposed drawing. The applicant is advised that this must be provided.

Cycle

Cycle parking has not been demonstrated on proposed plans. This must be provided in line with London Plan Cycle Parking Standards.

Recommendation

- o Refuse storage details required
- o Cycle Parking provision details required

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was amended on 20 July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2021

The London Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital for the next 20-25 years. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS10, CS15.
- Relevant Development Management Policies: DM01, DM02, DM04, DM07, DM08, DM13, DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their 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.

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016):

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from

surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016):

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development
- Whether harm would be caused to the character and appearance of the existing building, the street scene, and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the scheme would result in parking and highways issues;

5.3 Assessment

Principle of development

Policy DM07 seeks the protection of housing, the Local Plan Development Management Policies DPD specifies:

Loss of residential accommodation will not be permitted unless:

- a. the proposed use is for a local facility (children's nursery, educational or health use) provided that it is not detrimental to residential amenity and;
 - b. where need can be demonstrated and;
 - c. the demand for the proposed use cannot adequately be met elsewhere and is in line with other policies
- or;
- d. the location is no longer environmentally suitable and viable for residential use
- or;
- e. it involves identified regeneration areas with large scale demolition of housing and estates which provides for the net replacement of the total residential units.

Policy DM13: Community and education uses specifies:

a: Loss of community or educational use

Loss of community or educational use will only be acceptable in exceptional circumstances where:

- i. New community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location; or
- ii. There is no demand for continued community or education use, and that the site has been marketed effectively for such use.

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

The property benefits planning consent for the 'Conversion of existing garage into reception area and W.C., formation of one additional surgery and erection of lobby at front' via ref.

W01253B. Therefore, the principle of D1 (now class E) use has been established in this element of the application at site.

The proposal involves extending the dental practice to the attached residential dwelling. What is proposed now is a new employment venture to provide a future flexible use within the newly created Class E. If the application follows an approval, a condition will be put in place restricting the use to a specific use within this class. E.g., Class E (e) (dental practice).

However, with regards to the loss of the residential use, policy DM07 seeks to protect housing in Barnet. In that respect the loss of existing housing will normally be resisted. The proposal is to expand the existing D1 use across the building, which involves the change of use from C3 residential use to class E (former D1 Dental use). Although it is appreciated that the dwelling is not currently occupied, it is still in residential use.

The applicant has not provided sufficient evidence to suggest that the site is no longer suitable or viable for residential use in accordance with section d) of the policy. Furthermore, the site is not part of a wider regeneration scheme and therefore fails against section e) of the policy.

The applicant has not demonstrated that the proposed dental practice expansion cannot be accommodated elsewhere, in accordance with section c) of the policy. The sequential test as supplied does not fully substantiate the following points:

- "The expansion of the surgery is needed to meet the urgent need for more dental care services in this area, in response to a shortage of existing provision and an increasing demand."
- "It is acknowledged that there may be vacant premises or sites located in Edgware town centre that may be available for a new dental surgery. However, these sites and premises would not meet the needs that this proposal is seeking to provide for."
- "It is not practical or a viable option to make this investment within a satellite operation in the town centre, nor is it practical or viable to relocate the whole practice to a town centre premise or site."

Therefore, the applicant has provided insufficient information in justifying the loss of the residential unit contrary to DM07, therefore officers consider the principle of the proposed development unacceptable.

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

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context, and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (all the Barnet Local Plan), D1 and D4 (both of the London Plan).

Barnet's Residential Design Guidance SPD stipulates that a depth of 4m for single storey rear extensions on a detached property is normally considered to be acceptable.

Any development on this site should have due regard to the built form and pattern of development along Broadfields Avenue. The pattern of development on this section is predominantly comprised of two storey semi-detached and detached buildings at the front of the road, albeit of differing designs due to various alterations and private residential

gardens to the rear.

Rear Cabin extension:

It is noted that some of the properties benefit from extensions that vary in size, however they appear to be subordinate to the main dwelling. In addition, some of the properties also benefit from ancillary structures to the rear which are used in conjunction with the main residential dwellings. These structures are set away from the rear elevation of the main dwelling.

The proposal involves the retention of the rear cabin. It has replaced 2no. single storey structures, which were located to the rear of the building adjacent to neighbouring property at no.148, in approximately the same location.

Whilst the cabin is single storey and has a comparable height to what existed, it occupies a larger footprint, and the cumulative extensions are considered disproportionate to the scale of the original dwelling. It is noted that the design involves 2no. courtyards on either side of a projection, (retaining a depth of approximately 2m between the two walls) that connects the existing dental practice to the rear cabin, which allows for some buffer between the rear elevation and the cabin. However, taking into consideration its height of 2.6m combined with the depth of 8.4m, in close proximity to no.148, it is not considered to be a sufficient buffer distance between the cabin and this neighbouring property.

The design, finish and purpose is not commensurate with this site, or sympathetic to its domestic context. It is also noted that the cabin is partly screened by natural vegetation, however, there is no guarantee that the trees and vegetation would remain along the common boundary.

Therefore, the proposed bulk, size, design, and siting of the rear extension is considered to be extensive. It would appear as an incongruous form of development, at odds from this established pattern of development and would result in material harm to the character and appearance of the area.

Air conditioning units:

The site images provided indicate 3no. Air Conditioning units to the rear elevation of the cabin.

Officers note that the specification of the AC units does not form part of this assessment as this information has not been provided by the applicant. This assessment will solely concentrate on the location of the units and its impact on the character of the application site and the immediate vicinity.

As the dwelling is not a listed building, only the external AC compressor units will require planning permission. The AC units should as far as possible be of an acceptable size, at low level, set back from the front elevation and screened from the street scene and neighbouring gardens, to preserve and enhance the local character and respect the appearance of the dwelling. The units are located on the rear elevation at ground level.

This location is suitable as they are placed at ground level and not immediately visible. Notwithstanding this, the size and number of units occupy a considerable section of the rear elevation and may be viewed as intrinsically detrimental to the appearance of the host property.

Front cladding:

The application includes the retention of the timber cladding to the front of the dwelling. Upon review of site images and site inspections, the timber cladding appears prominent and out of character with the surrounding area.

Upon review, there are no other examples of this material to the front of any dwellings along Broadfields Avenue within a reasonable distance of the application site.

As such, the timber cladding is considered as an incongruous form of development, at odds from this established pattern of development and would result in material harm to the character and appearance of the area and the host dwelling.

Expansion of the practice:

As noted in the site description, Broadfields Avenue is strongly characterised by residential dwellings. This situation was cross-checked through use of the road's planning history, surveying aerial and street scene imagery and during the site visit to the property.

The proposed expansion of the practice to the main dwellinghouse would result in a strong visual presence and impact on the street scene through increased services, utilities, staff and patients. This would therefore result in a heightened level of coming-and-going and associated activity at the site detrimental to the character and appearance of the surrounding area.

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

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan, Policies D3 and D6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

The application site shares a common boundary with No. 148 Broadfields Avenue to the south of the site. To the northern boundary, the application site borders nos. 2, 4, 6 & 8 Glengall Road. Given the distances and orientation of the neighbouring properties to the north of the site, this assessment will consider the impact of the development to the neighbouring property of No. 148 Broadfields Avenue as a viable consideration.

Rear Cabin Extension:

Barnet's Residential Design Guidance SPD stipulates that a depth of 4m for single storey rear extensions on a detached property is normally considered to be acceptable.

The drawings submitted indicate the rear cabin adjoining from the rear of the dwelling would have a maximum depth of 8.4m. This projection will be located in close proximity to no.148. Officers consider this to not be a sufficient buffer distance between the cabin and this neighbouring property.

To offset the loss of outlook and increased sense of enclosure arising from the proposed bulk, size, design and siting of the rear extension It would appear as a prominent and visually obtrusive feature when viewed from neighbouring gardens impacting neighbouring amenity contrary to DM02.

Air conditioning units:

Barnet's Design and Construction SPD outlines that noise affects people enjoying their outdoor amenity space and can have effects including significant sleep disturbance and annoyance.

The units are likely to create noise nuisance to the occupiers of the adjacent neighbouring occupiers. Therefore, whilst the location might be acceptable, (notwithstanding that the Local Planning Authority has not been able to assess the appearance of the units given the lack of information), the planning application should be accompanied by an acoustic noise report prepared by a qualified acoustic consultant, to demonstrate that there would be no undue levels of noise and disturbance to the living conditions of neighbouring occupiers. This report will be assessed by our Environmental health officers who will be able to confirm if the locations and the units would have an impact on the amenities of neighbouring occupiers in terms of noise nuisance.

The applicant has not provided this information and therefore the Council are unable to conclusively determine that the AC units to the rear would not cause undue harm to the amenity of the neighbouring properties, contrary to Policy DM04

Front cladding:

Given the nature, location and scale of the front cladding, it is not considered to harm the residential amenities of the any neighbouring occupiers.

Expansion of the practice:

The proposed drawings indicate the expansion of the practice will accommodate 3 times the number of surgeries in situ. With this, we can expect 3 times the number of staff and patients on site at any one time. Therefore, the proposed increase in services, staff and patients would result in a heightened level of coming-and-going and associated activity at the site.

Notwithstanding the existing use, the resultant noise and disturbance to neighbouring occupiers is considered to be detrimental to their residential amenity and contrary to Policy D3 and D14 of the London Plan 2021, Policies CS1 and CS5 of the LB Barnet: Core Strategy (2012), Policies DM01, DM04 and DM13 of the LB Barnet: Development Management Policies DPD (2012), and the Sustainable Design and Construction SPD 2016.

Whether the scheme would result in parking and highways issues;

The site lies within a PTAL 2 zone, which means that there is adequate public transport accessibility to and from the site. The Local Highway Authority have been consulted on the application and consider the proposed provision of 2x off-street car parking spaces is in line with requirements set out on Policy DM17 of the Barnet Local Plan.

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

The existing vehicular access is proposed to be retained as existing.

The LHA have requested details of refuse and cycle parking provisions. These could be secured by way of condition in the event of approval.

5.4 Response to Public Consultation

The objection comment received has been addressed in the assessment section of this report.

6. Equality and Diversity Issues

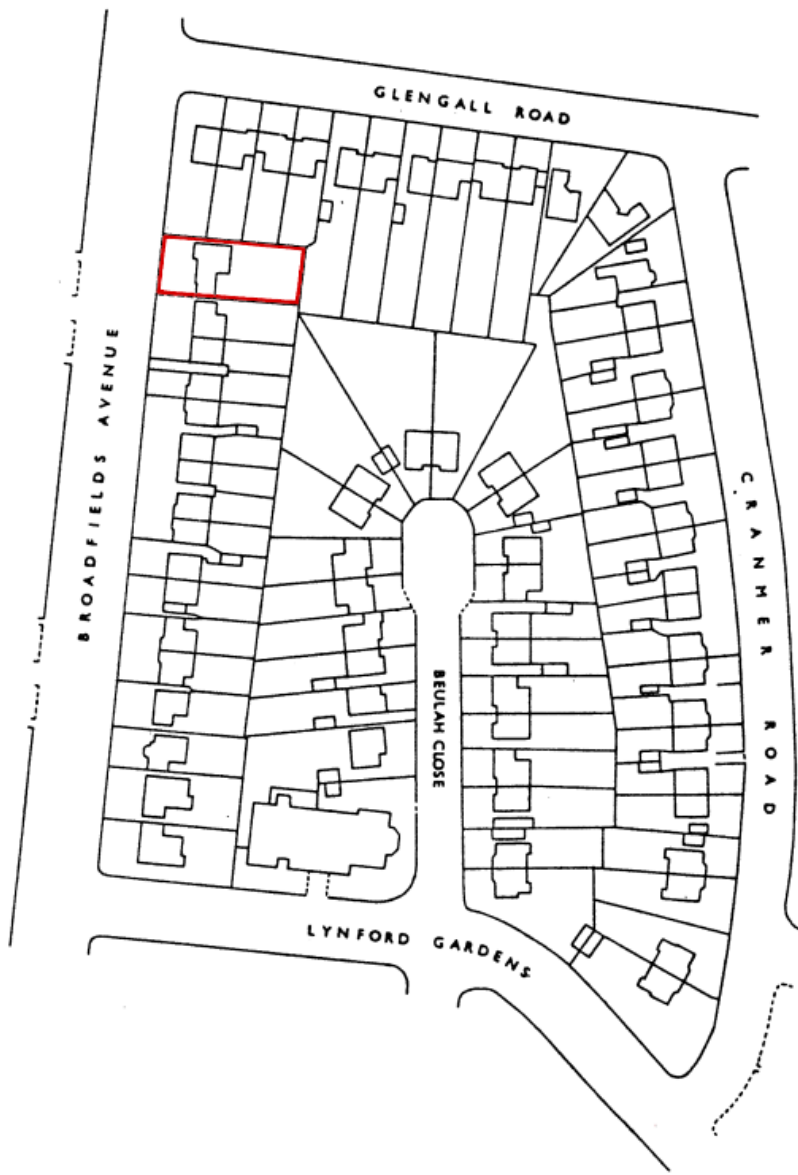
The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed development would result in the unacceptable loss of a viable residential dwellinghouse contrary to DM07. The development would have an unacceptable impact on the character and appearance of the application site, the street scene and the locality and an adverse impact on the amenities of neighbouring occupiers.

The development is therefore contrary to Policies D1, D3, D4 and D14 of the London Plan 2021, Policies CS1 and CS5 of the LB Barnet: Core Strategy (2012), Policies DM01, DM02, DM04, DM07 and DM13 of the LB Barnet: Development Management Policies DPD (2012), the Adopted Residential Design Guidance SPD (2016).

The application This application is therefore recommended for REFUSAL.



Location **133 Brent Street London NW4 4DA**

Reference: **21/4966/FUL**

Received: 14th September 2021

Accepted: 14th September 2021

Ward: Hendon

Expiry 14th December 2021

AGENDA ITEM 9

Case Officer: **Dominic Duffin**

Applicant: Readysset Resources Limited

Proposal: Redevelopment of the site with a 7 storey building comprising Class E use on the ground floor, Class E(g)(i) -offices - and (ii) - research and development - use on the first and second floors, with 17 residential units on the third, fourth, fifth and sixth floors.

OFFICER'S RECOMMENDATION

Refuse

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 their absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The proposed development by reason of its size, siting, bulk, height and design, would result in a discordant, visually dominant and overbearing development which would fail to successfully integrate into the existing urban fabric or respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets, to the detriment of the character and appearance of the application site and surrounding area, contrary to national guidance with the NPPF, Policies D2, D3 and D9 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet Local Plan: Core Strategy (2012) and Policy DM01 of the LB Barnet Local Plan: Development Management Policies (2012)
- 2 In the absence of an approved scheme, the proposed development is not supported by a formal undertaking to secure green travel plan measures to promote sustainable means of travel together with an arrangement for associated monitoring. As such, it would fail to minimise increases in road traffic, contrary to Policies CS9 and CS15 of the LB Barnet Local Plan: Core Strategy (2012), Policy DM17 of the LB Barnet Local Plan: Development Management Policies (2012) and the Planning Obligations SPD (adopted April 2013) and Policy T4 of the London Plan 2021

- 3 The proposed development provides inadequate outdoor amenity space for future occupiers and in the absence of an approved scheme, is not supported by a formal undertaking to mitigate this by contributing to off site amenity space improvements. The proposal would therefore not address the impacts of the development, contrary to Policy CS7 of the Adopted Local Plan Core Strategy (2012), Policy DM02 of the Adopted Development Management Policies DPD (2012), the Adopted Planning Obligations SPD (2016) and the Adopted Green Infrastructure SPD (2017).

- 4 The proposed development, by virtue of the resultant long term post development pressure for pruning/removal of existing trees, would reduce their amenity value and fail to adequately protect existing trees, appropriately mitigate the impact on visual amenity and achieve a suitable visual setting for the building. In the absence of an approved scheme, the proposed development is not supported by a formal undertaking to meet the cost of tree planting along Brent Street. As such, the proposal would result in unacceptable detriment to the character and appearance of the application site and surrounding area, contrary to Policies CS1, CS5 and CS15 of the LB Barnet Local Plan: Core Strategy (2012) and Policy DM01 of the LB Barnet Local Plan: Development Management Policies (2012) and the Planning Obligations SPD (adopted April 2013)

- 5 In the absence of an approved scheme, the proposed development is not supported by a formal undertaking to provide a contribution towards carbon off-setting to achieve net zero carbon dioxide emissions from the residential component of the development. The proposal would therefore not address the impacts of the development, contrary to Policy SI.2 of the Mayor's London Plan (2021), Policy CS13 of the Adopted Local Plan Core Strategy (2012), Policy DM04 of the Adopted Development Management Policies DPD (2012), the Adopted Sustainable Design and Construction SPD (2016) and the Adopted Planning Obligations SPD (2016).

Informative(s):

- 1 The plans accompanying this application are:

SITE LOCATION PLAN: CGL-XX-00-DR-A-010100
EXISTING GROUND FLOOR / SITE PLAN: CGL-XX-00-DR-A-010105
EXISTING NORTH & SOUTH ELEVATIONS: CGL-XX-EL-DR-A-020111
EXISTING SIDE ELEVATIONS: CGL-XX-EL-DR-A-020111

PROPOSED FRONT & REAR ELEVATIONS: CGL-XX-EL-DR-A-060320 Rev A
PROPOSED NORTH AND SOUTH SIDE ELEVATIONS: CGL-XX-EL-DR-A-060321 Rev A
PROPOSED SECTION AA: CGL-XX-SE-DR-A-060324 Rev B

PROPOSED GROUND FLOOR/ SITE PLAN: CGL-XX-00-DR-A-050310 Rev C
PROPOSED FIRST FLOOR PLAN: CGL-XX-01-DR-A-050311 Rev C

PROPOSED SECOND FLOOR PLAN: CGL-XX-02-DR-A-050312 Rev B
PROPOSED THIRD FLOOR PLAN: CGL-XX-03-DR-A-050313 Rev B
PROPOSED FOURTH, FIFTH and SIXTH FLOOR PLAN: CGL-XX-04-DR-A-050314 Rev B
PROPOSED ROOF PLAN: CGL-XX-RF-DR-A-050315 Rev A
PROPOSED CGI P20-044 CGL-XX-00-DR-A-900330
PROPOSED CGI ANNOTATED P20-044 CGL-XX-00-DR-A-900331

TREE CONSTRAINTS PLAN: 200614 01 Rev B

- 2 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. The LPA has discussed the proposal with the applicant/agent where necessary during the application process. Unfortunately the scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

- 3 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments. This planning application was assessed as liable for a payment under Mayoral CIL at this time.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking were set at a rate of £0 per sq m. This planning application was assessed as liable for a payment under Barnet CIL at this time.

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

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail.

The assumed liable party will be sent a 'Liability Notice' providing full details of the charge and to whom it has been apportioned for payment. If you wish to identify

named parties other than the original applicant for permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice; also available from the Planning Portal website.

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

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of any appeal being allowed, please contact us: cil@barnet.gov.uk.

Relief or Exemption from CIL

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

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

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

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

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

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

Please visit

www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil for further details on exemption and relief.

- 4 The applicant is advised that an application under the Highways Act (1980) would need to be submitted for any works proposed on the public highway to facilitate the development on any scheme granted consent. The works on public highway shall

either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant should submit proposed design and construction details to the Development Team for approval. The applicant is also advised that the cost of repairing any consequential damage to public highway as a result of the development proposal shall be borne by the applicant

OFFICER'S ASSESSMENT

This application has been brought before the Committee at the request of Cllr Shooter for the following reason:

The application is important for the regeneration of the high street, and the application is an improvement on the previous submission regarding height

1. Site Description

The application site is located on the western side of Brent Street, just north of the junction with Brampton Grove, a residential road which runs behind the site. The site is within the Brent Street Town Centre, but outside the Key Retail Frontage, is 'L' shaped in form, and consists of areas of hardstanding and overgrown vegetation, there are no existing buildings on the site.

The adjoining site is occupied by Hendon Post Office, a part single/part 2 storey brick building on the corner with Brampton Grove. The site, the subject of this application, borders the post office plot on both Brent Street and Brampton Grove, with vehicle access from Brampton Grove.

Hendon Post Office was the subject of a separate planning application, 20/5081/FUL, for the erection of a four-storey building of a mixed-use-community building including retail premises at ground floor level. This was approved by Members at the Planning Committee meeting held on 09th March 2021, subject to the execution of a Section 106 Agreement. The formal decision has not yet been issued, as s106 matters are ongoing.

The site is boarded up along Brent Street. A three-storey residential block ("Homemead") adjoins to the north-west and Churchill House, an office building lies to the north. Burnham Court, a four-storey development, is located across Brent Street to the east. No.6 Brampton Grove adjoins the site to the west.

As the site is located within the town centre, there is a variety of retail, commercial and residential uses within the surrounding area. The site is not within a conservation area and does not include any listed buildings and has a PTAL Rating of 2, demonstrating low access to public transport links.

2. Site History

Reference: 20/4357/FUL

Address: 133 Brent Street London NW4 4DA

Decision: Refuse

Decision Date: 14.05.2021

Description: Redevelopment of the site to provide an 8-storey building comprising Class E use on the ground floor, Class E(g)(i) - offices - and (ii) - research and development - use on the first, second and third floors with 9 residential units on the fourth, fifth, sixth and seventh floors. Associated amenity space, refuse storage, cycle parking and 13no. off-street car parking spaces

Reasons for Refusal:

1. The proposal results in an eight storey building outside of an identified location for tall buildings, contrary to Policy CS5 of the LB Barnet: Local Plan Core Strategy DPD (2012), Policy DM05 of the LB Barnet: Local Plan Development Management Policies DPD (2012), Policy D9 of the London Plan (2021) and Section 38(6) of the Planning and Compulsory Purchase Act 2004
2. The proposed development by reason of its size, siting, bulk, height and design, would result in a discordant, visually dominant and overbearing development which would fail to successfully integrate into the existing urban fabric or respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets, to the detriment of the character and appearance of the application site and surrounding area, contrary to Policies D3 and D9 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet Local Plan: Core Strategy (2012) and Policies DM01 and DM05 of the LB Barnet Local Plan: Development Management Policies (2012)
3. The proposed development is not supported by a legal agreement to secure green travel plan measures to promote sustainable means of travel and, in the absence of a legal agreement to secure a Travel Plan and associated monitoring, it would fail to minimise increases in road traffic, contrary to Policies CS9 and CS15 of the LB Barnet Local Plan: Core Strategy (2012), Policy DM17 of the LB Barnet Local Plan: Development Management Policies (2012) and the Planning Obligations SPD (adopted April 2013) and Policy T4 of the London Plan 2021.
4. The proposed development, by virtue of the resultant long term post development pressure for pruning/removal of existing trees, would reduce their amenity value and fail to adequately protect existing trees, appropriately mitigate the impact on visual amenity and achieve a suitable visual setting for the building. In the absence of a formal undertaking to meet the cost of tree planting along Brent Street, the proposal would result in unacceptable detriment to the character and appearance of the application site and surrounding area, contrary to Policies CS1, CS5 and CS15 of the LB Barnet Local Plan: Core Strategy (2012) and Policy DM01 of the LB Barnet Local Plan: Development Management Policies (2012) and the Planning Obligations SPD (adopted April 2013)
5. The proposed development provides inadequate outdoor amenity space for future occupiers and does not include a formal undertaking to mitigate this by contributing to off site amenity space improvements. The proposal would therefore not address the impacts of the development, contrary to Policy CS7 of the Adopted Local Plan Core Strategy (2012), Policy DM02 of the Adopted Development Management Policies DPD (2012), the Adopted Planning Obligations SPD (2016) and the Adopted Green Infrastructure SPD (2017).
6. The proposed development does not include a formal undertaking to provide a contribution towards carbon off-setting to achieve net zero carbon dioxide emissions from the residential component of the development. The proposal would therefore not address the impacts of the development, contrary to Policy SI.2 of the Mayor's London Plan (2021), Policy CS13 of the Adopted Local Plan Core Strategy (2012), Policy DM04 of the Adopted Development Management Policies DPD (2012), the Adopted Sustainable Design and Construction SPD (2016) and the Adopted Planning Obligations SPD (2016).

Reference: 17/7497/FUL

Address: 133 Brent Street London NW4 4DA

Decision: Approved subject to conditions

Decision Date: 12.04.2018

Description: Erection of 5 storey building with basement to provide commercial floorspace (A2 - Professional and Financial Services) at ground floor and basement level and 9no self-contained flats on the level above. Provision of basement car parking and cycle provision. Associated landscaping.

Reference: W08536H/06

Address: 133 Brent Street London NW4 4DA

Decision: Approved following legal agreement

Decision Date: 21.09.2006

Description: Construction of five storey building plus basement, to provide commercial floorspace at ground floor level and a total of 9 self-contained flats. Provision of off-street parking (in basement) accessed from Brampton Grove and associated changes to landscaping.

Reference: W08536G/05

Address: 133 Brent Street London NW4 4DA

Decision: Refused

Decision Date: 20.01.2006

Description: Erection of part two, part three, part four, part five-storey building plus basement level, to provide office floorspace at ground level and a total of 12 self-contained flats. Provision of off-street parking (in basement) accessed from Brampton Grove and associated changes to landscaping.

Reference: W08536F/04

Address: 133 Brent Street London NW4 4DA

Decision: Refused

Decision Date: 13.10.2004

Description: Erection of five-storey block plus basement level to provide health club at basement/ground levels and 13no. self-contained flats on the upper floors. Provision of off-street parking accessed from Brampton Grove.

Appeal Reference Number: APP/N5090/A/04/1166078

Appeal Decision: Dismissed

Appeal Decision Date: 18/01/2006

Reference: W08536E/03

Address: 133 Brent Street London NW4 4DA

Decision: Refused

Decision Date: 02.07.2003

Description: Erection of four-storey block to provide 9no. self-contained flats and a health club at ground floor and basement level, provision of 13no. underground car-parking spaces accessed from Brampton Grove and associated changes to landscaping.

Reference: W08536C/02

Address: 133 Brent Street London NW4 4DA

Decision: Refused

Decision Date: 19.03.2003

Description: Redevelopment of site to provide residential flats. (OUTLINE)

131 Brent Street

Reference: 20/5081/FUL

Address: Hendon Post Office, 131 Brent Street London NW4 4DA

Decision: Approved subject to conditions/S106 Agreement

Decision Date: Committee Resolution - 09.03.2021 (Formal decision not yet issued)

Description: Demolition of the existing Post Office and Sorting Office and erection of a four storey building over basement providing a mixed-use community building including retail premises at ground floor level, with associated landscaping, cycle storage and refuse and recycling facilities

3. Proposal

The application seeks consent for the construction of a 7-storey building comprising offices on the ground floor and research and development uses on the first and second floors (Class E Use Class). 17 residential units would be provided on the third, fourth, fifth and sixth floors (Class C3 Use Class). Associated amenity space, refuse storage, cycle parking and 11 no. off-street car parking spaces would also be provided.

The non-residential uses (ground to second floor) would amount to 1,126sqm gross internal area.

The proposed residential mix is as follows:

- 7 x 1-bedroom 2-person flats
- 4 x 2-bedroom 3-person flats
- 6 x 2-bedroom 4-person flats

The parking spaces would be provided to the rear and accessed from Brampton Grove. Separate refuse facilities (residential/commercial) would be provided on the rear ground floor, and a storage area for cycles would also be located on the ground floor.

The first three floors would form the commercial block with the upper 4 floors of residential use. The building would be predominantly glazing and brick. The third to sixth floors would be set behind the lower floors to the rear, the lower floors would continue further into the rear of the plot. Upper floors would be served by terrace/balcony areas.

4. Public Consultation

Consultation letters were sent to 497 neighbouring properties. 29 responses were received comprising 24 letters of objection and 5 letters of support. The responses received can be summarised as follows:

Objections:

- The building is too big and using other local buildings that look visually poor to justify it. The density and scale of the building will severely detract from Brent Streets amenity,

architectural layouts and cause parking pressures and congestion

- The surrounding neighbourhood is mostly low rise and is densely populated with four stories being the maximum building height. A seven-story building is out of character.
- the plans show the building to be heavy and boxy, not adding anything to improve the character of the main street of Hendon.
- The developer has merely reduced the scheme massing for this proposed development from eight (8) down to seven (7) storeys in order to secure approval
- The parking spaces provided should be added to, providing parking for visitors to the centre as well as residents. 11 spaces is not enough.
- This proposal will put further pressure on already over-stretched local services.
- The proposal is in contravention of a raft of London Plan and Local Plan policies and will be out of character in this setting of lower set buildings.
- Concerned that those residents will be able to look into our gardens, which will be a serious invasion of our privacy.
- The high rise building will be overlooking our garden and will be very intrusive.
- This seven (7) storey building will have a direct line of sight into the homes and gardens of surrounding residents, robbing those residents of privacy from overlooking and the loss of light.
- Being directly behind my house it will be overlooking my garden and directly into my house dramatically impacting on my families privacy
- Noise and disturbance resulting from use.
- 32 cycle spaces will not make up for the lack of car spaces
- Site access will be via a residential road and the increased traffic will cause huge disturbance and congestion to residents as well as safety concerns for pedestrians
- No demand for this type of development locally, with similar units having remained unsold.
- The area does need rejuvenation, but this not the way to go.
- No plans for social housing in this development, leading me to suspect that this will be another 'luxury' development.

Support:

- The local community of Hendon critically need this project.
- Our area is in need of better office facilities, coupled with nice housing projects given the amount of young couples looking for accommodation in the area
- Welcome this application. It is exactly the type of scheme Barnet should embrace, modern, architecturally pleasing and creating much needed office and residential space.
- The proposal is by no means overbearing or out of kilter with the immediate neighbourhood, this will refresh the area.
- Brent Street is slowly undergoing a renaissance with many new shops, cafes
- restaurants etc and in particular some redeveloped buildings, welcome this new development, it can only further enhance this main through road in Hendon.
- We are a company trading locally and have considered the plans which look impressive and will be transformative of the area, hopefully leading to further inward investment into our Borough and local environment at a crucial time. Such investment is long overdue. That area of land has been unoccupied for too long to no benefit and look forward to seeing the proposal come to reality.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (Revised 2021) is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS6, CS9, CS13, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM11, DM14, DM17.

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

- Residential Design Guidance SPD (adopted October 2016)
- Sustainable Design and Construction SPD (adopted October 2016)
- Barnet Trees Policy (October 2013)

- Planning Obligation SPD (adopted April 2013)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Planning history of the site/Principle of development;
- Viability/Affordable Housing/Dwelling Mix;
- Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate amenity would be provided for future occupiers;
- Impact on highways;
- Refuse provision;
- Other considerations;
- Responses to third party comments

5.3 Assessment

Planning history of the site/Principle of Development

The application site has been subject to a number of previous applications for the construction of a mixed-use development. The most recent application, reference 20/4357/FUL, was refused consent in May 2021, details are contained within the planning history above.

The principal reasons for refusal related to the concern with the construction of a building, considered under local and regional policy as a Tall Building, at this location, as well as the overall bulk and scale of the building and its impact on the character and appearance of the area. The proposal was considered to result in a discordant, visually dominant and overbearing development which would fail to successfully integrate into the existing urban fabric or respect the appearance, scale, mass, height and pattern of surrounding buildings. There was no concern with the general principle of a mixed-use scheme.

Previous to this consent was granted, reference 17/7497/FUL for the following development;

Erection of 5 storey building with basement to provide commercial floorspace (A2 - Professional and Financial Services) at ground floor and basement level and 9no self-contained flats on the level above. Provision of basement car parking and cycle provision. Associated landscaping.

The NPPF, London Plan and Barnet's Local Plan are relevant and support the provision of residential development in appropriate locations. Paragraph 120 of the NPPF advises that LPA's should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. The location of the proposed development on a under-utilised and previously developed site therefore meets the objectives of the NPPF which reiterates the Government's ongoing commitment to boosting housing supply and upholds the presumption in favour of sustainable development.

Therefore, there is no concern with the principle of a similarly mixed-use development within

this town centre location, on a previously developed site, which existing and emerging policy continues to espouse.

Tall Building

Extending to 8 storeys in height the recently refused scheme was classed as a "Tall Building" under policy DM05 and CS5 of the Local Plan, emerging policy CDH04, and policy D9 of the London Plan 2021.

However, given the reduction in height to seven storeys, and a total height which is less than 26.0 metres, the current proposal would no longer be classed as a tall building and there is no requirement to assess the proposal under these policies. Further to this, the first reason to refuse consent would no longer be sustainable. As detailed above, there were further concerns relating to the previous scheme and its impact on the character of the area, and this aspect will be considered once again later in the report.

Employment Uses

The employment generating aspect includes, Ground floor Class E, Class E(g)(i) - offices, and (ii) research and development - use on the first and second floors.

New employment uses are directed to existing town centres. The site is within the Brent Street Town centre. Policy DM14 (B) states;

New and existing employment space

b: New employment space

- i. All proposals for new office space should follow a sequential approach which considers town centre sites before edge of centre sites.
- ii. New industrial/warehousing space will be expected to locate in Locally Significant Industrial sites. Warehousing uses or uses which generate high levels of movement should be located in close proximity to tier one and two roads as set out in Policy DM17 Travel Impact and Parking Standards and minimise impact on residential areas.
- iii. Proposals for new employment space will be expected to provide on-site servicing for the intended use and include space for service vehicles.

The site is within a designated town centre location and as such the principle of office and R and D use at this location can be accepted. Residential use within town centres is long accepted as being beneficial to the vitality and viability of the town centres. The site is outside the retail frontage so an alternative to retail can be accepted - the new Class E affording greater flexibility in that respect. The mixed use of the site would also make more efficient use of a previously developed site as advocated within the NPPF.

The proposed use of office and research and development are formerly B1 uses. The Government has outlined that one reason for the changes to the Use Classes has been the need to enable a repurposing of buildings on high streets and town centres. Given current circumstances, it is evident that town centres will face increased challenges and hence the use class changes aim to promote greater flexibility. In that regard the mixed use is in compliance with a thinking that continues to move towards greater flexibility in town centres. The new Use Class E also includes former A and D uses - retail and community uses, which are suitable uses within a town centre.

The proposed mix of Class E and residential uses is therefore deemed acceptable in principle.

Viability/Affordable Housing/Dwelling Mix

The proposal scheme includes a residential element of greater than 10 units as such there is a requirement to consider potential affordable housing provision and affordable housing contributions, either on site or as an in-lieu payment. It is acknowledged that the decision making framework outlines that any contributions should not render the proposal unviable or threaten the potential of the scheme coming forward for viability reasons.

Policy DM10 of the Local Plan states:

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

The tenure mix required would be 60% social rented and 40% intermediate as confirmed by the Housing Officer.

The proposed development is providing no affordable housing, as per the submissions on viability. Consequently, the overall provision falls considerably short of the target set by policy DM10.

The applicant has provided a viability report in support of this (Savills, October 2021) it is stated that;

"We have appraised the Residual Land Value (RLV) of the proposed scheme using Argus Developer (Version 8) and have based our appraisal upon the plans and schedule of accommodation shown in Appendix 3. The RLV is calculated by subtracting all associated development costs and a suitable level of developer profit from the Gross Development Value (GDV) of the proposed development, which is assessed by calculating all revenues and capital receipts realised by the developer. The assumptions adopted within our appraisal have been informed by market evidence and input from independent third-party experts, where appropriate.

We have compared the RLV to our Site Value Benchmark (SVB) to ascertain whether there is a deficit or surplus against our SVB. In this case our SVB has been determined by giving consideration to the Existing Use Value (EUV) of the Subject plus a suitable landowner premium. The EUV has been calculated through a traditional investment valuation methodology, which includes capitalising a rental income by a suitable capitalisation rate and deducting associated costs.

Viability Appraisal Result:

Residual Land Value	Site Value Benchmark	Deficit Against Benchmark
-£2.52m	£2.28m	-£4.80m

Given that the RLV generates a deficit against the SVB, the scheme is not considered commercially viable in development viability terms. Notwithstanding this, the Applicant is prepared to proceed with the project given their wider interest in the regeneration of the

area. We understand the Applicant is working on this project and others in order to bring about lasting improvements. The Applicant therefore hopes that they will benefit long term from their interests in the area and, equally, that the balance of costs and values will improve over the lifetime of this project.

In light of this the applicant advises that the scheme could not make development contributions or provision for affordable housing as the scheme is already running at a deficit. The council has had the Viability Report independently appraised by BNP Paribas (BNP) - Review of "Financial Viability Assessment" (December 2021).

The applicant has used an existing use as a car park in its valuation to achieve a site value of £2.28m, which is not the lawful use of the site, and as such considered an unreasonable assumption. BNP recommended the following amendments:

- ! Increase private residential values to reflect current market expectations;
- ! Adjust commercial revenue and yield to reflect what is achievable in the current market;
- ! Reduce construction costs in line with advice received from JA;
- ! Reduce professional fees allowance to reflect current market expectations;
- ! Reduce finance rate to reflect what is achievable in the current market;
- ! Adjust disposal costs to reflect current market expectations;
- ! Reduce profit levels to reflect risk profile of the scheme; and
- ! Reduce the viability benchmark.

Under BNP's assessment and following further reductions, and an alternative use value of a storage use, the site would generate a benchmark value of £384,393, which is a significant reduction from the Savills report. BNP have undertaken an appraisal of the proposed development assuming 100% private housing in line with the Applicant's proposals, taking into account the recommended amendments. The summarised BNP appraisal results conclude;

Viability Appraisal Result:

Residual Land Value	Site Value Benchmark	Deficit Against Benchmark
£334,459	£384,393	-£49,934

The amendments identified above have resulted in a reduced deficit of -£49,934 in comparison to the deficit of -£4,800,000 concluded in the Savills appraisal results. Furthermore, section 106 contributions would result in a further development cost, which has not been included in the Savills or BNP assumptions. This would be a further development cost of circa £110,000. Therefore, whilst the deficit is much reduced, the conclusions are still that the scheme could not sustain contributions towards affordable housing.

Given the potential for variance in the construction costs, value engineering exercises which may be undertaken by the Developer after securing planning permission in an attempt to reduce their costs and the potential for 'real growth' in values achieved, the Council would include an early and late-stage review mechanism within a Section 106 Agreement on any approved scheme.

Unit Mix

The proposed development provides the following mix of units:

- 7 x 1-bedroom 2-person flats
- 4 x 2-bedroom 3-person flats
- 6 x 2-bedroom 4-person flats

Policy DM08 of the Development Management Policies states that:

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

Dwelling size priorities are:

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

The proposals would provide a mix of one/two-bedroom units. Given the location of the site and the constraints in respect of the shape of the plot, provision of amenity space and to a lesser extent parking, as well as its reasonable accessibility, the mix of accommodation is considered appropriate.

The supporting text to the policy does state that it is intended to be applied flexibly. It further states that it may not be appropriate to meet the standards in town and local centres. The site is within a town centre. Policy H10 of the London Plan recognises the role that one and two bed units can play in freeing up existing family housing. It also recognises a higher proportion of one and two bed units are generally more appropriate in locations which are closer to a town centre or underground station or with higher public transport access and connectivity. Given the constraints of the site, its town centre location, and the financial realities of the London property market which means a demand also exists for smaller units, the mix can be accepted. There are some concerns, but the scheme offers the opportunity to redevelop a brownfield site and contribute to the housing requirement of the borough in a meaningful way.

Impact of the proposal on character and appearance of the application site, the street scene and the wider locality.

Paragraph 125 of the NPPF acknowledges that LPA's avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. It goes on to state that "local planning authorities should refuse applications which they consider fail to make efficient use of land". The National Design Guide confirms that the appropriate density will result from the context, accessibility, proposed building types, form and character of the development.

Para 69 of the NPPF recognises small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly.

Policy D3 of the London Plan 2021 states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. Higher density developments should generally

be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling, in accordance with Policy D2 - Infrastructure requirements for sustainable densities. Where these locations have existing areas of high density buildings, expansion of the areas should be positively considered by Boroughs where appropriate.

The policy goes on to require optimisation of site capacity through a design-led approach whilst 'enhancing local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions' and responding to 'the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character' amongst other things.

Policy H.2 "Small Sites" advises that boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making.

Core Strategy Policy CS5 seeks to protect and enhance Barnet's character to create high quality places.

Development proposals involving the redevelopment of sites are required to reflect the character of their street and the scale and proportion of surrounding houses. This is supported by Policy DM01 of Council's Development Management Policies which states that development should understand local characteristics and 'preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

As detailed above a previous reason for refusal (reason for refusal No.1, 20/4357/FUL) related to the construction of a building, considered under policy a tall building, at this location. However, the second reason for refusal on the same application raised concern with the wider issue of character in relation to the building. The reason for refusal stated;

2. The proposed development by reason of its size, siting, bulk, height and design, would result in a discordant, visually dominant and overbearing development which would fail to successfully integrate into the existing urban fabric or respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets, to the detriment of the character and appearance of the application site and surrounding area, contrary to Policies D3 and D9 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet Local Plan: Core Strategy (2012) and Policies DM01 and DM05 of the LB Barnet Local Plan: Development Management Policies (2012)

The previous application, in overall finish, the structure had recessed upper residential floors (4th to 6th), the submitted Design and Access Statement advised "to reduce the bulk and prominence of the building", and a further set-in, penthouse style 7th floor. Under this proposal the 7th floor is removed, but the set in of upper floors is also removed. Therefore, on the Brent Street aspect, the upper floors follow the same form and bulk of lower floors, with the commercial lower floors extending further into the site to the rear.

The Design and Access Statement suggests that;

"The site location at a junction of roads where the street widens presents the opportunity to create a dynamic focal point and node along Brent Street, utilising the buildings envelope to create interest with a more active street frontage and make best use of the more generous public landscaping in front".

As outlined above, the application site falls within the Brent Street Town Centre, an area characterised by two-to-four storey buildings containing a mix of commercial, residential and community uses. To the south-west of the site along Brampton Grove and Chapel Walk, this area is characterised by two-storey residential dwellings.

Given this context, and the previous decision, the council would have to be satisfied that the proposed changes overcome the previous concern, as recorded at reason for refusal No.2 or that there have been policy changes more supportive to the development.

Whilst the overall height of the building has been reduced by one storey, sitting in the above context, this will still be a visually significant structure, in particular given the increased massing over the upper floors and corresponding loss of articulation. It is noted that the adjacent post office site has recently been the subject of a planning application, with a committee resolution to grant permission subject to conditions and a s106 Agreement. This scheme was for the following development;

"Demolition of the existing Post Office and Sorting Office and erection of a four storey building over basement providing a mixed-use community building including retail premises at ground floor level, with associated landscaping, cycle storage and refuse and recycling facilities"

The Committee Report for the application provided the below analysis;

....."With regards to the height of the proposed building, a total of four storeys plus additional basement level are proposed. This is not considered to be out of keeping with the scale of buildings in the local area, with several four-storey buildings on the eastern side of Brent Street. The set back of the building from the streetscene reduces its perceived height and bulk. Additionally, weight is given to the extant consent for a five-storey building, albeit with a slightly lower ridge height, at the neighbouring site at 133 Brent Street. It is considered that this establishes the acceptability of a building of this height in this location. The topmost storey is set back from the front and side elevations. This lessens the perceived scale and bulk of the building. Additionally, the height is staggered, with the proposed building only having two storeys to the rear along the Brampton Grove elevation, where the established character is more residential. The staggered height of the proposed building also breaks up its bulk and massing, such that it does not appear as overly prominent. The site coverage, while large, is comparable to the existing building"...

The Planning Statement by SMB Town Planning Ltd, outlines how the revised scheme is in compliance with the relevant policy framework including new policy of pertinence within the London Plan.

It is evident that the London Plan places an emphasis on achieving greater densities on suitable sites and national and regional guidance both espouse the role small sites, such as the application site, can play in the delivery of housing. However, the relevant policy framework, including policy D3 of the London Plan advocate an approach which is mindful of local character and the existing setting of the site.

Officers consider the character of Brent Street, and the immediate area around the site to be low set. As discussed under application 20/4357/FUL whilst the wider area does contain taller buildings these are largely 1960's and 1970's Tower Block developments and are set off the main thoroughfare of Brent Street and in some cases are standalone, dominant structures in a wider context and setting. Although the current proposal does not meet the technical classification of a tall building, it would be a much taller structure than the surrounding development and at odds with the predominant low-scale, low-density character of the area surrounding the application. It is acknowledged the proposed development has been reduced by the removal of its upper floor but this would still be a significant structure in the setting and the analysis undertaken under the application for the eight-storey building, is still considered relevant when assessing this scheme and the character and appearance of the area, in particular, in view of the revised massing;

The inclusion of an eight-storey building within this space and within close proximity to the lower set development, is considered to result in a visually dominant and overbearing building scale, which would be detrimental to the visual appearance and spatial character of the application site and this part of Brent Street. The proposal would be seen and experienced alongside various noticeably lower and smaller-scale developments situated along Brent Street and from the residential area to the rear. The building would appear as a large and conspicuous built addition at a prominent location in proximity to various publicly accessible routes.

Whilst the application site is within a town centre, it is not located adjacent to an important transport hub. The application site forms part of a low-scale, low-density area, with a low-to-moderate PTAL rating and is sited immediately adjacent to two-storey dwellings. Therefore, it is not considered that there is sufficient policy or design justification for the proposed eight-storey scale and resultant departure from the predominant building scale and massing within the area surrounding the application site. The taller buildings referenced do not define the predominant character of the locality therefore, little weight would be given to the use of these structures as a justification for additional scale at the application site. Consequently, it is considered that the proposed eight-storey building scale would be out of keeping with, and detrimental to the low-scale character and appearance of this section of Brent Street and would be visually overbearing in relation to adjacent building scales in the immediate locale. It is accepted the building is recessed on the upper floors but this does not do enough to reduce the dominant impact when viewed in this lower set context around the site.

As detailed, it is acknowledged the overall height of the building has been reduced, but it is still the case this proposal would appear discordant and out of keeping within the existing streetscape.

Whilst policy encourages Local Authorities to make more efficient use of previously developed land and look for opportunities to increase density and bring forward development on small sites, which can generally be built out quicker, the policy framework also requires that decision makers give consideration to ensure new developments respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy.

Whilst this proposal has many positive attributes the level of development in respect to the overall height and massing of the proposal is excessive, a five-storey structure has previously been considered acceptable, and four storey has been considered appropriate at

the adjoining post office site. This is a level of development considered more in keeping with the existing pattern of development.

The National Design Guide at Para 43 advises that well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed and is demonstrably based on an understanding of the existing situation, including... patterns of built form, to inform the layout, grain, form and scale; the architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character, to inform the form, scale, appearance, details and materials of new development.

It is noted at Para 44 that "well-designed places do not need to copy their surroundings in every way. It is appropriate to introduce elements that reflect how we live today, to include innovation or change such as increased densities".

Officers consider the justification for an increased scale to seven storeys is provided by nearby taller buildings "Sentinel House" 11 storeys in height, "Belle Vue", and "Upper Fosters" a redevelopment which includes existing and proposed taller buildings. These buildings now appear relatively dated architecturally, are set in a different context, and at odds with the predominant low-scale, low-density character of the area surrounding the application site and are considered along with their relatively tired and dated design and materiality, to detract from the character, appearance and two-to-four storey building scale within this section of Brent Street. As such it is considered the proposed development would appear discordant in this setting and contrary to adopted policy.

Design:

As outlined within the site description above, the area surrounding the application site comprises of a mixture of different architectural forms and elevational treatments. The most common building form visible within the part of the town centre in which the application site resides, comprises of flat roofs and brick or render cladding. The proposed development would provide a contemporary flat roofed building. It would include cladding, large areas of glazing and include private balcony areas. Its resultant appearance would reference the most common building forms within this part of Brent Street.

Officers continue to be of the view that the proposed development needs reduced in overall height, bulk and scale, but there is no in-principle objection to a more modern architectural expression at the application site.

Balconies and terraces are proposed on the upper floors of the building to the front and rear. There are examples of existing balconies on Brent Street and additionally the consented building on site, includes several balconies and terraces. As such, there is no objection to the inclusion of terraces in principle.

Once again, it is considered that a more modern design of a reduced and appropriate building scale would have a more restrained and managed impact on the character and appearance of the application site and adjacent streetscene. With a reduction in scale, it is considered that some of the more modern architectural features proposed could be accommodated within the streetscene.

It is noted that a key difference from the refused scheme is that the tiered approach, with a set in upper residential floors, and further set in uppermost floor, has been set aside in favour of a continuous block of development over all seven floors, albeit there is a 2.0m set in on

the northern flank. It is acknowledged that the rear of the building does progressively step towards the more residential scale of Brampton Grove.

Whilst the balcony areas and oriel style windows to the flank, would offer some articulation, the new scheme would appear much more "boxy" with a heavy proportionality, and even though the generous paved area to the front would remain, which would provide some relief, the new design would exacerbate the buildings bulk and scale and would result in a structure which would overwhelm and dominate the visual appearance of this section of the town centre. The unredeemed mass would appear out of place in an area of finer grain, lower rise development. It is not considered the removal of the 8th floor element overcomes the previous reasons for refusal., and the building in some respects appears bulkier and heavier when compared to the previously submitted scheme.

Neighbouring Amenity

Paragraph 2.7.1 of Policy DM01 states that

Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the well-being of the borough's residents. It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook.

Privacy / Overlooking:

Section 7 of the Residential Design Guidance SPD (2016) states that:

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

Daylight / Sunlight:

Policy DM01 states that:

e. Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Further to the above, the Major's Housing SPG (2016) requires that new development avoids:

Causing 'unacceptable harm' to the amenity of surrounding land and buildings, particularly in relation to privacy and overshadowing and where tall buildings are proposed. An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves.

In terms of buildings surrounding the site, the Post Office lies to the south, detached houses along Brampton Grove are to the west, a three-storey residential block (Homemead) lies to the north-west and Churchill House, a commercial building lies to the north, with Burnham Court across Brent Street to the east.

The nearest residential dwelling on Brampton Grove (No.6) would once again have the rear of the proposed block facing the flank boundary of this property, and its rear amenity area. The proposed rear elevation would also again include an array of balconies and terraces to serve the new uses. It is noted that under this application the ground, first and second floors would extend closer to the common boundary with No.6 Brampton Grove than under the previous submission. Whilst the main bulk of the development (residential floors 3-7) would be located approximately 21.0m - 23.0m from the common boundary, the lower commercial floors would be located circa 7.5m-11.0m from the flank boundary of No.6. The distances as referenced above would be maintained on the residential core of the building but would be breached by the commercial lower floors. The adjoining dwelling is served by windows in the flank elevation of the property, and the private amenity space is located to the rear of the dwelling. The plans indicate that 4 No. windows at first floor level and 2 No. windows and an amenity area at second floor, to serve the offices, would face towards No.6 at these distances.

In order to address an issue whereby proposed windows would be as close as 12.0m to existing windows on No.6 and the proposed amenity area would be from 9.5m from the boundary, the applicant proposes obscure glazing the proposed windows, and the amenity area would be behind a 1.8m high screen.

Under the previous application officers concluded;

...The aspect to the eastern side of the property will materially change. However, it is not considered that the proposed development would appear particularly overbearing, and a good level of outlook would remain from the rear garden area and dwelling. Whilst the amount of development is significant, it is not considered that the amenity of existing residents would be significantly affected. There would be some increased overshadowing of the north facing garden in the earlier part of the day, but this would not be highly detrimental.

As discussed above this scheme does relocate three floors of development closer to the common boundary. This would effectively result in a broad following of the existing rear wall of the Post Office building, or the rear wall of the scheme approved under 20/5081/FUL, with the rear wall of the proposed scheme, albeit the existing Post Office building is part single/part two storey and the approved scheme for that site would be part single/part two storey to the rear facing No.6 Brampton Grove.

The scheme proposes three storeys on the rear elevation, although given the fall in levels the ground floor would be part sunken into the existing raised level to the rear. It is accepted that windows serving habitable residential rooms would retain an adequate distance to avoid overlooking. It is also accepted that loss of privacy from a commercial use would be less pronounced, furthermore the use of obscure glazing and privacy screens could further mitigate this impact. However, the overall height of this section of the building and its position relative to the flank boundary of No.6 will have some impact.

However, it is considered that this additional bulk to the rear would not appear seriously overbearing when viewed from No.6. The site is located at a more urban location, which will have a tighter built form, and a development of this nature on the flank, whilst having some impact on outlook on this aspect, this would not be to a serious level. The property is served by a generous rear garden, and good levels of amenity would remain. As stated, obscure glazing and screens could be used to reduce concerns about overlooking, and Local Authorities should look for design solutions to ensure the more efficient development of vacant plots, notwithstanding the design/character concerns discussed above.

With regards to Daylight/Sunlight, the applicant has submitted a survey (Right to Light, Daylight/Sunlight Report, Neighbouring Properties, 03 September 2021). In reference to No.6 the report concludes adequate levels of daylight and sunlight could be achieved and the scheme would not lead to the serious overshadowing of windows.

Homemead, to the north-west, is a three-storey residential building which comprises of 8no. flats along the flank boundary of the site. As with No.6 Brampton Grove, the relationship of this new scheme to Homemead has altered from the previous submission, were no serious impact was concluded. The further extension of the rear aspect would bring the development closer to the facing elevation of Homemead. The proposed windows along the northern elevation would face towards Homemead.

Under the previous application, a combination of obscure glazing, balcony screens and window angling was sufficient for officers to conclude that impact could be reduced to an acceptable level. Once again there would be the use of obscure glazing, screening to balconies, and the angling of residential windows serving residential rooms (floors 4-7), in an oriel style - clear glazed facing towards Brent Street, obscure glazed facing Homemead. This would have some success in reducing overlooking between properties.

The northern flank wall of the scheme now extends further into the site, the distances between the proposed flank and the rear elevation of Homemead is now reduced in places to 9.0m between elevations. The position of a commercial balcony at second floor level, would reduce the impact that a full second floor wall would have, however given these distances there would be some loss of outlook to rear windows on Homemead and from the small communal amenity area to the rear of Homemead.

With regards to Sunlight, the report concludes that all relevant windows pass the sunlight test.

In relation to Daylight, the Vertical Sky Component is a measure of available skylight at a given point on a vertical plane. Diffuse daylight may be adversely affected if after a development the Vertical Sky Component is both less than 27% and less than 0.8 times its former value.

It is stated that "all windows with a requirement for daylight pass the Vertical Sky Component test with the exception of windows 47, 48, 53 & 58 at Homemead, which experience before/after ratios of between 0.65 and 0.75 (against the BRE 0.8 recommendation). These windows achieve high retained VSC scores of between 23.4% to 26.9% and would be located opposite the flank of the new development.

It is stated that there is growing recognition that in more built-up areas a score greater than 20% may be considered suitable, and at present the rear windows have an open aspect so some impact will result. The site is not a high-density location, such as examples from more inner London Boroughs which have been quoted, where lower values were accepted, and it is noted that the BRE Guide advises numerical values are not to be applied rigidly. However it is accepted the current undeveloped site results in a currently high score and that the open aspect currently enjoyed will therefore result in a higher loss (as below);

	Before	After	Loss	Ratio
Window 47	Domestic	36.0%	25.7%	10.3% 0.71
Window 48	Domestic	36.2%	23.4%	12.8% 0.65
Window 53	Domestic	37.6%	26.9%	10.7% 0.72

Window 58 Domestic 33.8% 25.4% 8.4% 0.75

The target VSC for a window, whereby it would meet the BRE criteria is 27% and therefore the windows only fall marginally short of that target by a maximum of 3.6%.

It is therefore the case that there would be some loss of daylight and outlook to rear facing windows at Homemead, and this is acknowledged. It is also the case that, as discussed above, the council should look for opportunities to optimise the redevelopment of vacant plots. On balance, it is not considered the proposed scheme would seriously impact on the amenity of residents of Homemead, the rear aspect currently enjoys an unrestricted outlook, which will be inevitably infringed by redevelopment, and it is not the case that this would eb to any serious levels. The obscure glazing/screening measures could be agreed with appropriate conditions.

Burnham Court, a residential block, is located opposite the site, across Brent Street, and there would be no serious impact on the amenity of residents of this block with a separation distance of 37m between the new scheme and this building.

In relation to the approved scheme at the Post Office site, there would be no serious impact on this community building. However, in light of the foregoing it is considered the scheme would impact negatively on the amenity of some neighbouring residents.

Living standards for future occupiers

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

A mix of 1 and 2 bedroom units are proposed, with the following London Plan requirements;

- (1 Bedroom/1 person): London Plan requirement = 39m²
- (1 Bedroom/2 persons): London Plan requirement = 50m²
- (2 bedroom/3 person): London Plan requirement = 61m²
- (2 Bedroom/4 Persons): London Plan requirement = 70m²

Each of the proposed flats would meet the highlighted minimum internal space standards as demonstrated below:

Floor Area:

3rd Floor	Flat 1	1 Bed 2 Person	51.50 sqm
3rd Floor	Flat 2	1 Bed 2 Person	66.00 sqm
3rd Floor	Flat 3	1 Bed 2 Person	50.50 sqm
3rd Floor	Flat 4	2 Bed 3 Person	67.60 sqm
3rd Floor	Flat 5	1 Bed 2 Person	69.90 sqm
4th Floor	Flat 6	1 Bed 2 Person	51.50 sqm
4th Floor	Flat 7	2 Bed 4 Person	77.00 sqm
4th Floor	Flat 8	2 Bed 4 Person	75.70 sqm
4th Floor	Flat 9	2 Bed 3 Person	68.40 sqm
5th Floor	Flat 10	1 Bed 2 Person	51.50 sqm

5th Floor	Flat 11	2 Bed 4 Person	77.00 sqm
5th Floor	Flat 12	2 Bed 4 Person	75.70 sqm
5th Floor	Flat 13	2 Bed 3 Person	68.40 sqm
6th Floor	Flat 14	1 Bed 2 Person	51.50 sqm
6th Floor	Flat 15	2 Bed 4 Person	77.00 sqm
6th Floor	Flat 16	2 Bed 4 Person	75.70 sqm
6th Floor	Flat 17	2 Bed 3 Person	68.40 sqm

Table 2.2 of Barnet's Sustainable Design and Construction SPD (2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m² and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All proposed bedrooms would meet the above standards.

Floor to ceiling height:

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling.

Each of the proposed flats would meet the above standard.

Light/outlook:

Barnet's Sustainable Design & Construction SPD (2016) section 2.4 states that glazing to all habitable rooms should provide reasonable levels of outlook and daylight / sunlight to all habitable rooms.

It is noted that unit No.3 would be single aspect north-facing. The Mayor's 2016 Housing SPG, states in Standard 32 that "All homes should provide for direct sunlight to enter at least one habitable room for part of the day. Living areas and kitchen dining spaces should preferably receive direct sunlight."

Standard 29 states that: "Developments should minimise the number of single aspect dwellings. Single aspect dwellings that are north facing, or exposed to noise levels above which significant adverse effects on health and quality of life occur, or which contain three or more bedrooms should be avoided."

Paragraph 2.3.40 of the Mayor's Housing SPG states: "Good single aspect one and two bedroom homes are possible where limited numbers of rooms are required, the frontage is generous, the plan is shallow, the orientation and or outlook is favourable, and care is taken to mitigate the potential for overheating without the need for mechanical cooling".....

In this specific case, a depth of 8.0m is not considered particular shallow, however both the bedroom and the living area would open onto a balcony area and it is considered reasonable outlook from its elevated third floor location would exist. On a seventeen-unit scheme, this one, north facing unit, which would have reasonable levels of amenity value can be justified.

It is also noted that bedrooms in the north elevation (floors 4-7) would be served by oriel style windows with obscure glazed panes facing towards Homestead and clear glazed panes facing towards Brent Street. The fact that window panes facing directly out of the room would not be used, would have result in some compromising of the amenity from these rooms, however it is considered that a reasonable level of amenity would be provided and this arrangement can be accepted.

It is considered that each flat would receive an acceptable level of outlook and daylight /sunlight as detailed in the submitted assessment.

Amenity Space:

Section 2.3 of the Sustainable Design & Construction SPD (2016) sets out the minimum external amenity space standards for a flat, which is 5m² per habitable room. A room measuring 20m² or more is calculated as two habitable rooms.

Not all the proposed units are served by balcony/outdoor amenity areas to provide an individual level of private amenity space to serve the residents of the development.

The development has a requirement to provide 305 sq. m of private amenity space and it is evident it provides significantly less at 107 sq. m, a shortfall of 198 sq. m. The council's SPG Guidance "Sustainable Design and Construction" acknowledges that "Higher density development, such as flats may not always be able to provide amenity space to the standards outlined.... Where the standards cannot be met, and an innovative design solution is not possible the council will seek a Planning Obligation".

The Planning Obligations SPG advises that in such cases the development should make a financial contribution to the nearest appropriate public open space to compensate for the lack of outdoor amenity space. Contributions will be used for both improving access to and the quality of existing open spaces as appropriate.

Para. 3.2.6 states that the amount of compensation required for a lack of outdoor amenity space in town centres and for some higher density schemes including tall buildings will be determined on a site by site basis taking into account the following factors:

- how much outdoor amenity space is required and how much is provided [if any],
- the size of the development,
- the amount of communal amenity space provided and its quality [if any],
- distance to and accessibility of the existing local public open space
- the existing quality of the public realm in the town centre
- other factors including the mix of uses on site

The overall development and the individual units do not meet the policy requirement, even units with amenity space are under-provided with the amenity range of 5.0sq. m - 8.0 sq. m being provided, and no communal space, to off-set this, can be provided. Public amenity space in the area is not readily accessible, Hendon Park is 650m from the site, and the local public realm provides little in the way of amenity value for future residents.

It is considered a contribution of £50 sq m x 198 sq m (£9,900) of shortfall on these units can be justified, and the contribution, securable through a s106 obligation, could be used for use in improvements to Hendon Park. It is considered that such an obligation would meet the test of CIL Regulation 122, and would be necessary to make the development acceptable in planning terms. Given the tight confines of the site, its town centre location, the desire to optimise the development of a brownfield site, in this case, the shortfall on

amenity space can be accepted, with this in lieu payment recognised as mitigation.

The applicant has submitted a draft Heads of Terms agreeing an in lieu contribution.

Accessibility:

The proposed development is required to be designed to comply with M4(2) and (3) standards. This could be secured via condition.

Highways

The site fronts onto Brent Street (A502), one of the main distributor roads in the Borough. The site which is currently vacant is situated in a busy town centre area flanked by a mixture of shops, offices as well as residential and commercial buildings.

There are parking restrictions (yellow lines) and short term parking spaces in the form of "pay by phone" spaces which operate Mondays - Saturday between 9am-5.30pm. The site is in, but at the edge of, a CPZ which operates on weekdays between 10am -5pm. However, several residential streets to the east and south of the site are not in a CPZ.

The site lies in an area with a PTAL score of 2 (poor). However, 5no bus routes can be accessed from stops which are located within 2 -6 minutes walking distance of the site on Brent Street and Finchley Lane.

Parking:

The proposal seeks to provide 17no residential units (7x1bed, 10x2bed) and 1,264sqm of Class E (Commercial Business and Service) floorspace. Based on Policy DM17 of Barnet's Development Management DPD, the required parking provision for the residential apartments is 10 -24no spaces. It is noted the London Plan (2021) advises a maximum parking of 12.75 spaces to serve the residential element of this development. With regard to the Class E element, for outer London sites it is 1 space per 100-600sqm GIA which equates to 3 -13no spaces.

Whilst the PTAL rating of 2 is low, the Local Highway Authority accept 11no spaces to serve the development. Given that the site is in a town centre location with good access to bus services, the provision is considered to be acceptable, subject to consideration of the displaced residual demand.

In that respect, the applicant had previously submitted findings from a Parking Survey carried out at the adjoining site, the subject of application 20/5081/FUL. The applicant on this scheme, carried out daytime parking surveys over a 500m distance of the site as recommended by the Lambeth Methodology for non-residential uses. The results indicated there was a total of 559 unrestricted kerbside space of which 414 was occupied and 145 spaces were available at time of peak use during the hours of 9am and 8pm. The survey also revealed that there was spare capacity on the "pay by display" spaces nearby. Additional spaces become available to visitors in the evening after the CPZ hours.

Based on the results of the parking survey and considering the level of parking demand associated with the scheme, it is considered that there is sufficient on-street parking spaces to accommodate any displacement from the scheme, in accordance with the provisions of

DM17. Highways have accepted the number of proposed spaces and survey result - though they advise the applicant agrees to enter into a s106 agreement to deny residents of the development the right to purchase CPZ permits. Given the provision accords with the requirements of the Development Plan however, an obligation to restrict permits is not considered to meet the tests set out in the NPPF.

Cycle Parking:

Based on London Plan standards, for the proposed residential units, a minimum of 30 no cycle parking spaces are required, together with 10 no long stay and 3 no short stay spaces for the Class E element. 30 no long term cycle parking spaces are proposed for the residential units and 12 no long stay spaces are proposed for the Class E use - but no short stay cycle parking is indicated on the ground floor plan.

3 short stay spaces must therefore be provided. Short stay cycle parking should be provided in a covered, secure and lockable environment. Also, the type of stands used must allow both wheels and the frame of the bicycle to be locked. Details of cycle parking are therefore requested by way of a planning condition.

Electric vehicle charging:

Electric vehicle charging points are to be provided in accordance with London Plan standards. This is considered to be achievable in principle and the type of charging points to be installed could be reserved by way of a planning condition in the event of an approval.

Internal layout, Access and Servicing:

Pedestrian access to the site is provided on Brent Street. Vehicular access to the site's car park is taken from an existing crossover on Brampton Grove. The access is via a narrow service road and visibility splays at this egress are below standard.

Highways requested that the pedestrian visibility splays are ensured at this egress. A Stage 1 safety audit of the site egress and car park was requested prior to determination. Highways would also recommend that the existing crossover is enhanced with tactile paving and boundary treatment modified to ensure minimum pedestrian visibility splay requirements are met at this egress.

The applicant has provided further details (TPA Transport Planning Associates, August 2021) which has been reviewed by Highways. Additional signage and safety measures are recommended, however highways are content this can be agreed by condition.

Arrangements will be made to move the bins to the site frontage on collection days and this is acceptable. While the LHA would prefer all loading to be undertaken off-street, it is accepted there is scope to load on the single yellow line on Brampton Grove. The site is expected to be serviced by vans and small lorries in the main. However, arrangements for emergency access include for a fire tender have not been provided.

Details of emergency access and a servicing management plan including refuse storage/collection arrangements are requested, and this must include the type of

storage, elevations, and dimensions of the bin stores. This is to be secured by way of a planning condition.

Parking Management Plan:

Given that no parking restrictions are proposed on site the issue of obstructive and non-residents parking therefore needs to be considered. A parking management plan for the site which sets out proposals for parking enforcement and allocation of spaces should be provided and reserved by condition in the event of any approval.

Travel Plan:

A contribution of £10k is requested towards travel plan monitoring. Whilst individually, neither element exceed the TfL threshold for travel plans, the combination in use, and its trip generating potential, would have a significant impact, and it is considered the Travel Plan requirement can be justified.

This is to be secured via a section 106 agreement. In addition, a contribution of £300 to fund green travel plan measures such as oyster cards, cycle loan, car club, etc for each household is requested. This makes a total of £15,100

Having assessed the proposals, TfL Spatial Planning confirms they have no strategic transport comments to make on this planning application.

Planning obligations:

The following planning obligations are recommended:

- 1) That the applicant enters into a s184 agreement for the proposed off-site highways works listed associated with the development
- 2) A financial contribution of £10k is requested towards travel plan monitoring
- 3) A financial contribution of £300 per household towards green travel measures such as oyster cards, cycle loan, car club, etc. (£5,100)

Other Matters

Refuse

The proposed development is required to comply with Barnet's Waste and Recycling Strategy (2018). The residential refuse and recycling storage is located within an integral storage area within the site. Residents and occupiers will carry their waste a short distance (as allowed by Building Regulations) from their unit to the store. Each storage area is sized to accommodate the required capacity. The residential bin stores are not ideally situated for access by the Local Authorities; however a bin store on Brent Street would take up part of the active street frontage, and the access on Brampton Grove is required for vehicular access. Therefore, on collection dates the bins will be moved from the bin stores to the location shown for collection and returned. A condition requiring further details of both residential and commercial refuse storage areas and collection points and the site's refuse collection strategy can be attached to any permission.

Trees and Landscaping

The Trees and Landscaping Officer advises that the tree report highlights that there would be impacts on trees growing on adjoining land within Homestead and that these trees would help soften the visual massing of the building at a human level. A detailed method statement is required to minimise the harm to the trees and the root system.

Landscaping:

The current proposal will impact on the existing trees growing to the north of the site within Homestead on Churchwalk. These trees provide significant visual amenity in the local area and will provide a strong visual softening to the massing of the building.

There is no meaningful scope to provide soft landscape within the site boundary, yet the building - being 2 stories higher than the previous approval - would require significantly greater visual softening. Therefore, it is considered that new trees could be provided on the streets locally.

The arboricultural report recommends specialist foundation designs for the building to reduce the harm/impact on these trees. A pile foundation that bridges the rooting areas, or a cantilever foundations that would give a larger area of undisturbed soil within the application site, are required. This will mean fewer tree roots pruned for and will help maintain the health of the trees.

However, these trees will be under long term post development pressure for pruning/removal due to their proximity to the building. It is very likely that in the longer term the amenity the trees provide will reduce from such actions.

Given the scale of the development, 40no street trees would provide some level of improvement and mitigation in relation to the visual impact of the building and to compensate for the future threat to these trees and their high amenity value. These could be secured as part of the Section 106 Agreement in the event of an approval (40 new trees at £650.00/tree being a total contribution of £26,000). The applicant, through the draft Heads of Terms document, does agree an undetermined contribution to street trees as mitigation.

Ecology:

The applicant has provided details of biodiversity net gain and ecological enhancements (Eight Associates 17th September 2021 "Biodiversity Net Gain"), these enhancements could be agreed by condition on any approved scheme. A green/brown roof is appropriate for this application and would contribute to the ecological enhancement. The details can be secured by condition.

A Preliminary Ecological Appraisal (Eight Associates, 13th September 2021) has been submitted and assessed by the council's ecologist. No further surveys in relation to protected species are required.

The site was found to have low ecological value with scattered trees on its boundaries and ephemeral/short ruderal within the site boundary to provide limited habitat for bats and nesting birds. The development is expected to have little impact on statutory sites near to the development.

Local Biodiversity Policy and compliance with EU & UK legislation for protected species is also reviewed and discussed. Recommendations have been made to mitigate any impact

from the development and ensure that the site is enhanced for wildlife and a gain for biodiversity in line with national and local policy. It is considered that if all recommendations within this report are implemented, it is considered that the development will have minimal impact on the ecology of the site and zone of influence.

Drainage

The site is within Floodzone 1 which has a low probability of flooding.

A SuDS strategy has been proposed for the development in accordance with all relevant best-practice guidance and the principles of the sustainable drainage hierarchy, along with local planning policy requirements. The suitability of specific SuDS components has been evaluated based on the site and development proposals. A number of SuDS components are proposed as part of a surface water drainage strategy for the site, specifically:

- o Green roofs.
- o Pervious paving.
- o Attenuation storage.
- o Flow control device to limit rate of discharge from site.

Assessment of Flood Risk

The Drainage team advise that whilst the development site is located in Flood Zone 1, the site is located within a critical drainage area. It is at some risk (<25%) of groundwater flooding.

To ensure the site has been assessed against flooding from all sources in accordance with the National Planning Policy Framework at para.163 (2019) and its practice guidance, footnote 50 indicates the following:

A site-specific flood risk assessment should be provided for all developments in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.

The applicant has submitted a SUDS Strategy (Eight Associates 26th January 2021) to address this aspect of the scheme. This has been reviewed by the Council's Drainage Consultants who accept the conclusions of the submission, including the Flood Risk Assessment conclusions.

It is however advised that further information, as below, is secured before the commencement of works;

- Appropriate design rainfall i.e. Flood Estimation Handbook (FEH) design rainfall 2013; currently, the Flood Studies Report (FSR) design rainfall 1975 has been used (conditioned);
- Evidence of statutory authority agreement for discharge into the existing Thames Water sewer (conditioned);
- Evidence of SuDS adopters (conditioned); and,
- SuDS construction phasing (conditioned).

This could be secured by condition and the submitted information is acceptable, and agreed, subject to a suitable condition requiring these details.

MET Police

The Crime Prevention Officer has reviewed the submission and concludes no objection to this proposal (on proviso that rear car park is protected by secure gates). Due to the reported issues affecting the ward and high levels of burglary in Barnet, it is recommended that a planning condition be attached to any approval whereby this development must achieve Secured By Design accreditation, prior to occupation. Any approval could be conditioned accordingly.

Environmental Health

NOISE:

Even if the proposed commercial premises is an office use, it will need to be ensured there is enough absorption to ensure that noise does not travel up from the floor through the walls to the residential premises.

No objections subject to conditions agreeing noise and air quality mitigation measures.

Construction Management Plan:

For such a large development, the construction work is likely to have an impact on surrounding roads and must therefore be carried out in a sensitive manner. A demolition and construction management and logistics plan is therefore requested by way of a planning condition in the event of approval.

Sustainability

The proposed carbon dioxide savings measure result in an overall saving of 52.50%, exceeding the on-site target set within policy SI.2 of the London Plan.

New residential developments are required to meet the zero-carbon target. The applicant is therefore required to mitigate the regulated CO₂ emissions, equating to a financial contribution of £56,450 to the Borough's offset fund, the shortfall in carbon emission tonnes per annum over 30 years at a cost of £95 per tonne, in line with Greater London Authority Guidance, and as detailed in the council's Sustainable Design and Construction SPG (para.2.8.4). This could be secured by Legal Agreement.

In terms of water consumption, a condition would be attached to any permission to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy SI.2 of the London Plan (2016 Minor Alterations).

The proposed development therefore could be conditioned to meet the necessary sustainability and efficiency requirements of the London Plan in the event of an approval. The applicant agrees a contribution in principle.

5.4 Response to Public Consultation

It is considered that the majority of issues raised in third party correspondence have been addressed within the report.

Objections:

- The building is too big and using other local buildings that look visually poor to justify it. The density and scale of the building will severely detract from Brent Streets amenity, architectural layouts and cause parking pressures and congestion
- The surrounding neighbourhood is mostly low rise and is densely populated with four stories being the maximum building height. A seven-story building is out of character.
- the plans show the building to be heavy and boxy, not adding anything to improve the character of the main street of Hendon.
- The developer has merely reduced the scheme massing for this proposed development from eight (8) down to seven (7) storeys in order to secure approval

Response: See design and character sections above.

- The parking spaces provided should be added to, providing parking for visitors to the centre as well as residents. 11 spaces is not enough.
- This proposal will put further pressure on already over-stretched local services.
- 32 cycle spaces will not make up for the lack of car spaces

Response: Professional highways advice does not raise an issue with this aspect of the scheme.

- Concerned that those residents will be able to look into our gardens, which will be a serious invasion of our privacy.
- The high rise building will be overlooking our garden and will be very intrusive.
- This seven (7) storey building will have a direct line of sight into the homes and gardens of surrounding residents, robbing those residents of privacy from overlooking and the loss of light.
- Being directly behind my house it will be overlooking my garden and directly into my house dramatically impacting on my families privacy

Response: See amenity sections above.

- Noise and disturbance resulting from use.
- Site access will be via a residential road and the increased traffic will cause huge disturbance and congestion to residents as well as safety concerns for pedestrians

Response: Disturbance can be reduced with appropriate conditions.

- No demand for this type of development locally, with similar units having remained unsold.
- The area does need rejuvenation, but this not the way to go.
- No plans for social housing in this development, leading me to suspect that this will be another 'luxury' development.

Response: The site is within a designated town centre where commercial uses are directed.

It is considered that the principle of a mixed-use development, served by smaller unit sizes is not, in itself, objectionable.

Support:

- The local community of Hendon critically need this project.
- Our area is in need of better office facilities, coupled with nice housing projects given the amount of young couples looking for accommodation in the area
- Welcome this application. It is exactly the type of scheme Barnet should embrace, modern, architecturally pleasing and creating much needed office and residential space.
- The proposal is by no means overbearing or out of kilter with the immediate neighbourhood, this will refresh the area.
- Brent Street is slowly undergoing a renaissance with many new shops, cafes
- restaurants etc and in particular some redeveloped buildings, welcome this new development, it can only further enhance this main through road in Hendon.
- We are a company trading locally and have considered the plans which look impressive and will be transformative of the area, hopefully leading to further inward investment into our Borough and local environment at a crucial time. Such investment is long overdue. That area of land has been unoccupied for too long to no benefit and look forward to seeing the proposal come to reality.

Response: As with the previous scheme it is once again accepted that the site is currently under-used and that investment, which is laudable to some degree in these times, would bring many positive benefits, including bringing investment into the town centre and increasing local housing supply. There is no objection to the principle of redevelopment and the council will always seek to bring forward development which improves the role and function of its town centres. However, for the reasons highlighted above, there are still concerns with the scheme, and the positive benefits do not outweigh these material concerns with the scheme. A reduced development, as per the previous consent at the site, or the adjacent proposal, could bring similar benefits, whilst potentially removing the concerns with this scheme.

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

It is accepted the scheme has been revised and reduced from the previous submission, however, the proposed development would still represent a departure from the policies contained within the adopted Development Plan, against which other material considerations do not provide compelling justification to determine otherwise - as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004. The proposal is considered to be excessive at this location for the reasons highlighted above, resulting in unacceptable harm to the character and appearance of the area. The application is therefore recommended for REFUSAL



Location 19 Esmar Crescent London NW9 7BL

Reference: 21/6135/HSE Received: 22nd November 2021
Accepted: 13th December 2021
Expiry 7th February 2022

Ward: West Hendon

Case Officer: Radhika Bedi

Applicant: Ms S Palekar

Proposal: First floor side extension and associated roof extension.

AGENDA ITEM 10

OFFICER'S RECOMMENDATION

Refuse

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 their absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The proposed development, by virtue of its size, siting, height, design and overall bulk, would appear as a disproportionate, visually obtrusive and dominating addition and result in detrimental harm to the character and appearance of the host property, street scene and surrounding area, contrary to Policies CS NPPF, CS1 and CS5 of the Core Strategy DPD (2012), Policy DM01 of the Local Plan Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2016).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

- 2 The plans accompanying this application are:

Drg No 01 - Existing Plans
Drg No 02 - Existing Elevations
Drg No 03 - Proposed Plans
Drg No 04 - Proposed Elevations
Drg No 05 - Site Location Plan, Block Plan
Supporting photos

OFFICER'S ASSESSMENT

This application has been called to committee at the request of Cllr Richman for the following reason:

I wish to call it in because it is demonstrably an improvement on the current appearance, and it better fits in with the character and look of the street. It is almost identical to the property directly across the road and is not overbearing, over large or in any other respect detrimental.

1. Site Description

The application property comprises an end-of-terrace two storey dwellinghouse located at 19 Esmar Crescent, in the West Hendon ward. This property has been formed via the grant

of planning permission to subdivide 18 Esmar Crescent (ref: 16/5273/FUL). The property sits on the junction with Cool Oak Lane and benefits from a catslide roof.

The application site is not within a conservation area, does not contain any heritage listed structures and is not subject to any other planning designations. By virtue of the previous approval noted above, the house does not benefit from permitted development rights.

2. Relevant Site History

Reference: 21/2350/HSE

Address: 19 Esmar Crescent, London, NW9 7BL

Decision: Withdrawn

Decision Date: 28 September 2021

Description: Alteration and extension to existing roof to accommodate a disabled bathroom at first floor level

Reference: 20/3874/HSE

Address: 19 Esmar Crescent, London, NW9 7BL

Decision: Refused

Decision Date: 24 November 2020

Description: Roof extension involving new rear gable end to roof. New front porch

Reason for refusal:

1. The proposed front porch, by virtue of its siting, design and forward projection and the proposed roof extension, by virtue of its size, siting, height, design and overall bulk, would appear disproportionate, visually obtrusive and dominating additions and result in detrimental harm to the character and appearance of the host property, street scene and surrounding area, contrary to Policies CS NPPF, CS1 and CS5 of the Core Strategy DPD (2012), Policy DM01 of the Local Plan Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2016).

Reference: 17/2634/192

Address: 18 Esmar Crescent, London, NW9 7BL

Decision: Lawful

Decision Date: 19 June 2017

Description: Roof extension involving hip to gable, 4no. rooflights to front and rear elevations

Reference: 16/5273/FUL

Address: 18 Esmar Crescent, London, NW9 7BL

Decision: Approved subject to conditions

Decision Date: 18.10.2016

Description: Conversion of existing dwelling to create 1no additional dwelling. Associated parking and amenity space. New entrance door.

3. Proposal

This application proposes a first floor side extension and associated roof extension, removing the existing catslide roof element adjacent to Cool Oak Lane.

The side extension would have a width of 3.4m to sit flush with the existing ground floor side elevation. It would be set in from the front elevation by 1m and sit flush with the rear

elevation. The roof would be extended over the proposed side extension to create a hipped roof with a 3.7m wide ridge.

The total eaves height would be 5.6m to the eaves and a maximum height of 8.4m; the maximum height would match the existing height.

Site photos were provided by the applicant as part of the submission.

4. Public Consultation

Consultation letters were sent to 7 neighbouring properties; 1 objection has been received, the main points for consideration are:

- Concern regarding the additional volume and scale of the proposal,
- Out of character, harm to the street scene,
- Overbearing impact & loss of outlook,
- Unsympathetic development to host dwelling.

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 20th July 2021. 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 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

Barnet's Local Plan (2012)

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

Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5,
Relevant Development Management Policies: DM01.

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

Officers consider that the main planning considerations are as follows:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality.
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment

Impact upon the character and appearance of the existing building, the street-scene and the wider locality

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), D3, D4 (both of the London Plan 2021).

The Councils Residential Design Guidance SPD 2016 advises that roof extensions should be subordinate additions constructed with materials which are in keeping with the rest of the house, also advising that care should be taken in the design and location of extensions to minimize impacts upon neighbouring properties. Furthermore, the SPD states that extensions on corner sites will be particularly open to public view and that first floor extensions on these sites should not project beyond the building line of the adjoining road.

The property is located on a corner plot, and as such any development on the site would be visibly from both Esmar Crescent and Cool Oak Lane. Whilst the existing cat slide roof is not a common feature in the vicinity, it is not overly excessive from the streetscene in terms of bulk and massing. The property directly opposite does not feature a catslide roof, but appears to retain its original hipped roof form, which is set approximately 3.3m away from the boundary with Cool Oak Lane.

The proposal which seeks to replace the existing catslide roof with a first floor side extension above the existing ground floor would add considerable bulk and massing at roof level, such that the size of the roof would be greatly increased by this proposal. Whilst the existing catslide roof projects beyond no.33 Cool Oak Lane, it has a relatively low profile along the junction. In contrast, the proposed side extension would increase built form close to the boundary, and as such would appear excessively prominent to the detriment of the established pattern of development. It would fail to respect the building line formed by No 1 (opposite) and properties on Cool Oak Lane to the rear - though it is acknowledged that the bend in the road makes this relationship unorthodox.

It is noted that in response to the previously refused scheme, the proposal now incorporates a hipped roof and has included a set back from the front. Nonetheless, due to the siting, additional bulk and massing and design of the extension the proposal would be highly visible and would result in a significant and dominant wall in immediate proximity to the road. With this in mind, it is considered that the proposal would appear out of character within the streetscape.

In 2017 a Lawful Development Certificate was granted for a similar proposal (17/2634/192). However, following the sub-division approved under 16/5273/FUL, the Applicant can no longer implement that Certificate and the Decision Notice for the sub-division includes a condition restricting permitted development rights for the newly formed dwelling. On that basis, the existence of the Certificate can only be given very limited weight in pursuit of this

current application - which must also include an assessment of the design and appearance of the proposal (not required for a Certificate).

Within that context, the proposed roof extension is therefore considered to be detrimental the character and appearance of the host site and street scene of Esmar Crescent and Cool Oak Lane, contrary to the expectations of Policy DM01.

Potential impacts upon the amenities of neighbouring residents

It will be important that any scheme addresses the relevant development plan policies (DM01 of the Barnet Local Plan and policy D6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites. Any application should include plans demonstrating how this has been achieved. Specific areas which will need to be addressed in this regard include the proposals impacts on daylight and sunlight.

With regards to the proposed roof extension and first-floor side extension, due to the siting of the host dwelling, the proposed extension would result in some degree of overlooking into neighbouring properties along Cool Oak Lane. However, such overlooking is a common relationship in the surrounding area and there would no material harm to neighbouring amenity in terms of loss of privacy and overlooking. As such, the impact of the extension on neighbouring amenity is not considered to be unacceptable in this regard.

Therefore, it is considered that the extension would have an acceptable impact on the residential amenity of neighbouring occupiers.

5.4 Response to Public Consultation

Key planning considerations have been addressed within the report.

6. Equality and Diversity Issues

It is noted that whilst not raised as part of the current application, pursuant to the previously refused application (reference 20/3874/HSE), the applicant provided a disabled badge. The delegated report noted:

"Evidence of a disabled badge has been submitted as part of the application and it is assumed that it relates to a current occupier. It is noted that the proposal incorporates a nominally 'disabled bathroom'. However, no discussion of the need or evidence of the appropriateness or capability of the room to meet both those requirements and that of Building Regulations Part M in that regard have been advanced.

The Council hold the view that there would be scope to accommodate an adaptable or accessible bathroom elsewhere and the Applicant is encouraged to engage in pre-application discussion to that effect. Without prejudice to any detail that might emerge, the LPA do not consider that the benefits of the current scheme outweigh the overall harm of the proposal on the character and appearance of the application site and wider locality."

Taking the above into account, it is considered that the proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed development would have a materially harmful impact on the character and appearance of the application site and wider locality. The proposal is considered to have an acceptable impact on the residential amenities of neighbouring occupiers, however considerable harm has been identified to the character of Esmar Crescent. The application is therefore recommended for REFUSAL.

8. List of Conditions in Case of an Appeal - Without Prejudice

1. Approved Plans

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

Drg No 01 - Existing Plans
Drg No 02 - Existing Elevations
Drg No 03 - Proposed Plans
Drg No 04 - Proposed Elevations
Drg No 05 - Site Location Plan, Block Plan
Supporting photos

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.

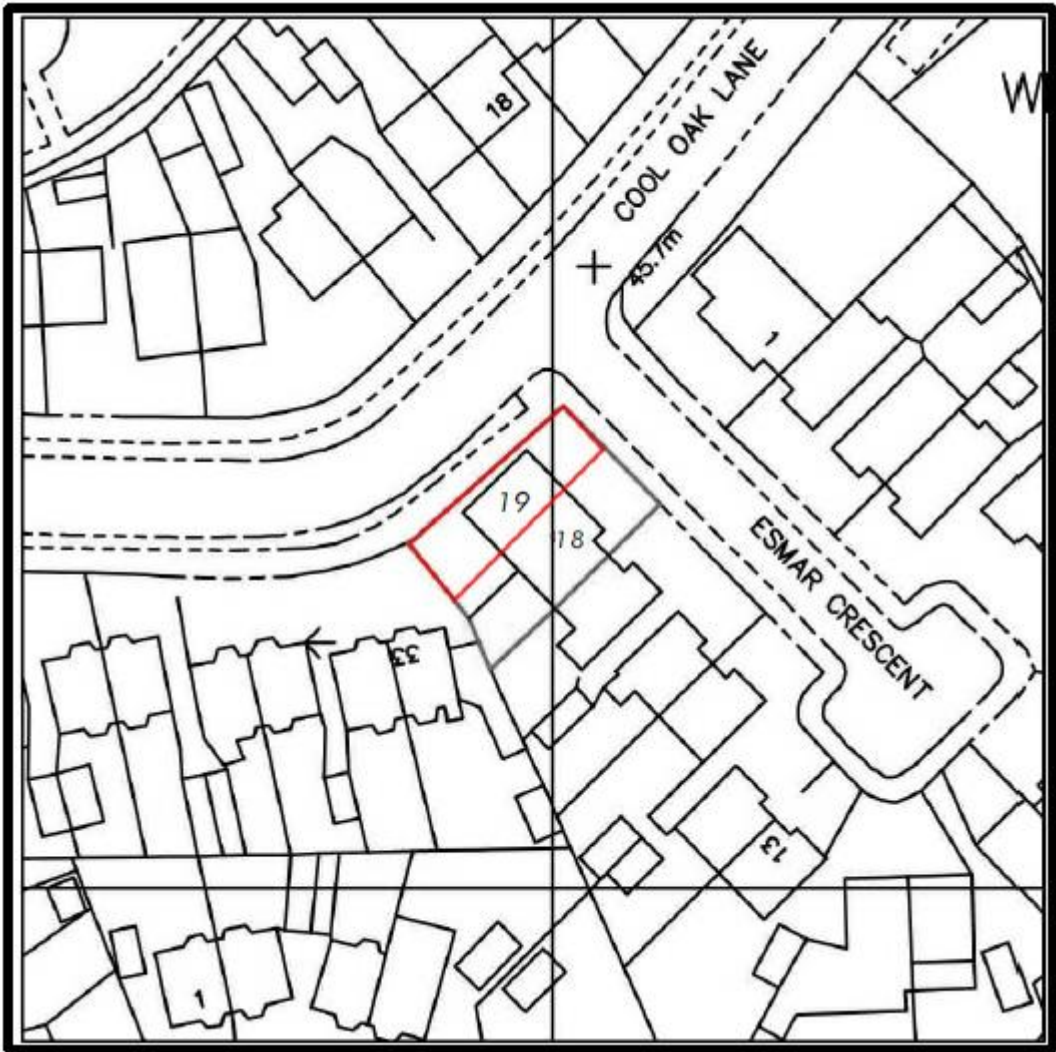
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

4. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevation, of the extension hereby approved, facing Cool Oak Lane.

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).



Location Rear Of 184 Burnt Oak Broadway Edgware HA8 0AS

Reference: 21/4174/OUT Received: 27th July 2021
Accepted: 30th July 2021

Ward: Burnt Oak Expiry: 24th September 2021

Case Officer: Dominic Duffin

Applicant: Mr Dhiraj Shiyani

Proposal: Erection of a commercial garage following partial demolition of existing commercial garage

AGENDA ITEM 11

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

Site Location Plan: 01
Existing Site Plan: 02
Proposed Site Plan: 03
Existing Ground Floor Plan: 05
Existing Roof Plan: 06
Existing Elevations (01): 07
Existing Elevations (02): 08
Proposed Ground floor Plan: 09
Proposed Roof Plan: 10
Proposed Elevations (1): 11
Proposed Elevations (2): 12

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 Application for the approval of the reserved matters must be made before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 3 The development to which this permission relates must be begun not later than two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 4 Details of the access, appearance, layout and scale (Reserved Matters as per condition 1)) of the development shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out in accordance with those details as approved.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality, the flow of traffic and conditions of general safety on the adjacent highway or the enjoyment of neighbouring occupiers of their properties, in accordance with Policies DM01 and DM17 of the Development Management Policies DPD (adopted September 2012) and Policies T6, D3, D4, D5 and D6 of the London Plan 2021.

- 5 The use hereby permitted shall operate within the application site, and there shall be no works to vehicles, or any activities in connection with the proposed use, carried on outside the application site.

Reason: To safeguard the amenities of occupiers of adjoining residential properties and in the interest of the visual amenity of the area.

- 6 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, including from any ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, 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 2016) and Policies D13 and D14 of the London Plan 2021.

- 7 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
 - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
 - vii. noise mitigation measures for all plant and processors;
 - viii. details of contractors compound and car parking arrangements;
 - ix. details of interim car parking management arrangements for the duration of construction;
 - x. details of a community liaison contact for the duration of all works associated with the development.
- b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SI 1, SI 7, D14 and T7 of the London Plan 2021.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities

of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and D.14 of the London Plan 2021.

9 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

Part 2

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

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

- 10 The premises hereby permitted shall be used for the repair and maintenance of vehicles (Use Class B2) and there shall be no spraying of vehicles carried out in connection with the use.

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 2016) and Policies D13 and D14 of the London Plan 2021.

- 11 a) Details of any flues that may be required in connection with the use shall be submitted to and approved by the Local Planning Authority prior to their installation. Measures should be put in place to ensure any flue(s) are as far away as possible from resident's windows and reduce the line of sight. The final discharge must be vertically upwards. There should be no Chinese 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.

b) In each case, the development shall proceed in accordance with the agreed details.

Reason: To safeguard the amenities of occupiers of adjoining residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and D14 of the London Plan 2021.

- 12 The detailed scheme to be brought forward in discharge of Reserved Matters shall comprise only 1 no door for entry/exit onto South Road. Any such door shall be either inward opening, up and over, or a sliding door and shall not open outward onto South Road.

Reason: In the interests of highway safety, in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012).

- 13 The proposed building hereby permitted shall not be open to members of the public before 08.00am or after 18.00pm on weekdays, before 08.00am and after 17.00pm on Saturdays and not at all on Sundays and Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and D.14 of the London Plan 2021.

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. 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.

OFFICER'S ASSESSMENT

1. Site Description

The application site is located to the rear of No.184 Burnt Oak Broadway. No.184 is a commercial premises within a parade of units and is occupied by a large retail unit which trades car parts and accessories. There are residential units above. No184 is within the secondary frontage of Burnt Oak Town Centre.

To the rear of the unit is a pre-fabricated structure, which is the application site, it is outside the town centre boundary, and is located on South Road. The character here differs and consists of modern new build residential flats at Redhill Court, and more established semi-detached dwellings.

The unit is surrounded by parking space, and there are some lock-up garages opposite, and it straddles the access road for the parking area serving the dwellings and an access that runs along the rear of units facing Burnt Oak Broadway. A palisade fence runs from the centre of the unit, with a door entrance onto the rear access and another onto South Road. The applicant states that this operates as a one-way flow, entry/exist system.

The unit is of no visual merit and is in use as a car garage "Coly Garage" (Use Class B2). The application site amounts to this building, with no ancillary space or curtilage around it.

2. Relevant Site History

There is no planning application history relevant to the application site. There has been some enforcement history going back many years, in relation to a car garage at the site, the most recent investigation was in 2009. The planning history is discussed below.

Reference: ENF/01352/09/H

Address: 184 Burnt Oak Broadway, Edgware, Middx, HA8 0AS

Decision: No Further Action (lawful)

Decision Date: 23.10.2009

Description: Unauthorised change of use of the land to car repairs.

Reference: ENF/01494/07/W

Address: 184 Burnt Oak Broadway, Edgware, Middx, HA8 0AS

Decision: No Further Action (lawful)

Decision Date: 18.09.2012

Description: Change of Use - Car Repair Garage

3. Proposal

Consent is sought at outline stage with all matters reserved to part demolish the existing buildings on site and construct a new purpose-built garage.

Whilst an outline application has been made indicative plans have been submitted. These show a front facing gabled roof structure, finished in metal cladding, with a sheet metal roof, to a total height of 4.0m; 3.20m facing South Road. The plans indicate 2 doors would open onto South Road with a single door opening onto the rear access road. The building would be able to accommodate two cars for servicing purposes.

4. Public Consultation

113 consultation letters were sent to neighbouring properties - Nine replies received through public consultation.

This consisted of eight letters of objection and one letter of support.

The objections received can be summarised as follows:

- The occupation of parking bays by repair cars/recovery vehicles which are designed for local residents and it is difficult to find parking next to our residential properties
- Noise nuisance and gathering of customers in the area at all times and noise from recovery lorries
- Concern about impact on the health of residents from fumes
- The area has been over-developed and this has caused more pollution, more traffic and more difficulty to find parking spaces.
- Cars are tested along South Road and are speeding up and down which is dangerous.
- Repair cars are parked all over the estate sometimes for weeks on end.
- Concerns of health and safety like fire hazard and noise levels
- This is a residential area, the garage should be on an industrial estate.
- The cars left parked are often in a very poor state and make South Road look unsightly.

The support received can be summarised as follows:

- Support this planning permission. I feel that the work will create a building that is more in keeping with the buildings the garage is located next to.

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 in July 2021. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, 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 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

Barnet's Local Plan (2012)

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

Relevant Local Plan Core Strategy DPD (Adopted 2012) Policies: CSNPPF, CS1, CS4, CS5, CS9, CS13, CS14

Relevant Local Plan Development Management DPD (Adopted 2012) Policies: DM01, DM02, DM03, DM04, DM06, DM07, DM08, DM17

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.

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development;
- Whether harm would be caused to the living conditions of neighbouring residents
- Whether harm would be caused to the character and appearance of the street scene and the wider locality;
- Whether the development would impact traffic and highways to an unacceptable level.

5.3 Assessment

Principle of development:

The application building is currently in use as a car repair garage, which falls within Use Class (B2). The Use Classes order describes B2 uses as involving an industrial process.

It is evident that a car garage use has occupied the application site for some period of time. As detailed above there have been two previous enforcement investigations dating from some years ago now, which addressed the issue of the use of the site as a car garage.

The most recent of these enforcement investigations provides some useful background and commentary on the application site. As detailed above both investigations concluded that the use was lawful.

The following provides detail of the conclusions into the 2009 investigation;

"The planning history is scant but it is accepted that the 'shop' property at the front has historically been an auto factors for many years past, going back at least to the 1960's.

There also appears to have been an associated car repair business at the rear, based around a brick building described as a 'garage' but which was thought to be originally an air raid shelter. This building has been extended with 'lean-to' type additions over the years, of sheet iron and wood sheet board of poor quality and design.

Originally, this car repair garage was tucked away at the end of a private access way to the rear of the shops.

In 1970's the land to the East of the site was compulsorily purchased, the existing development, mainly Victorian and Edwardian housing stock was swept away and a new housing estate and road layout was made.

The new development exposed the rear of the shops from 184 to 198 Burnt Oak Broadway and the existing car repair garage, which was outside of the scheme, to a view from the newly aligned South Road.

As the result of complaints to the Council regarding the car repair garage, the history has been reviewed at various times, the most recent being, in 2007 and previous to that 2001.

Although there is no planning permission, development becomes lawful after 4 years and a non-residential use becomes lawful after ten years.

In this case both the use and the development have become lawful through the passage of time and no further action can be taken under the Town & Country Planning Act 1990.

Twelve years have passed since the last enforcement investigation, there is nothing to suggest the use ceased in this period, and it is evident that the garage has been a long established fixture at this location. Whilst no Lawful Development Certificate was ever put in place, the council considered that the time for taking enforcement action had passed, and the garage was an established and lawful use.

Street view images dating back to 2009 show a less substantial use in terms of built form, a small brick building with various wooden lean-to's, and an open yard area. The building which now occupies the site is more substantial, albeit it is still a low set building, and has been in place from at least 2015, and is therefore similarly established.

This application seeks to part demolish the existing structure and provide a new building to replace. There would be some advantages to this as the existing is in a dilapidated state, this is discussed in more detail below. However, the general principle of upgrading the premises can be accepted, but critical considerations, some raised in third party representations, are also discussed below.

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

As detailed above, some local residents have raised concern that this use, at this location has caused issues and it is recognised that a car garage use on a confined site, in close proximity to residential dwellings does have the potential to cause a conflict in land use terms.

The view could be taken that this is an unrestricted use, over which the council cannot exercise control, and the application represents an opportunity to regulate the use to some degree and to alleviate some of the concerns raised above.

The council's Environmental Health section have been consulted on this application and provided comment.

This states that the materials used for the garage will generate a lot of sound reverberation, therefore any noisy equipment will need to be isolated from the ground and structure. With residential properties in close proximity, a noise report will need to be produced to show how the applicant would mitigate any noise from the use. It is recommended that the hours of use should also be conditioned.

Other suggested conditions include;

- Construction method statement- to minimise impacts on the local environment and

surrounding amenity during construction & demolition

- Conditions to restrict noise from any plant, ventilation and extraction equipment
- A contaminated land survey.

It is noted that in third party representations, the point has been made, that this use should be located on an industrial estate. It is acknowledged that the location of this use close to residential properties and the confined nature of the site, is of some concern. However, the options available amount to; the granting of consent for this application which opens up the potential to control the use to some degree, or the likely continued unrestricted use as a car garage, in a visually poor building.

In addition to conditions on noise control, further controls on hours of operation, and the carrying out of the use within the site can also be considered. There would be no increase in the operational capacity of the garage, it would still serve two cars within.

It should be noted that South Road is a service road to access parking areas and as such there is some separation to residential properties at Fell Walk, rear garden areas are closest to the site. The more recent development at Redhill Court, is closer to the garage, and has windows close to the car garage. A more substantial building will have some impact on outlook, and there would be increased overshadowing in the later evening, however it is not considered that this aspect of any new scheme would result in an unacceptably detrimental impact, appear significantly overbearing or cause serious harm to the amenity of adjacent occupants relative to the established position. Appropriate ventilation could be secured by condition.

It is considered that, on balance, the proposed use, restricted by conditions can be accepted at this location from an amenity perspective, given the above considerations.

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

The application has been made in outline form, although as detailed above, plans have been submitted. It is noted that third party comments mention the potential to replace the built form with a more suitable building and this has been touched upon above. Any building to serve this use is inevitably going to be more utilitarian in character. However the existing buildings detract from the character of the area, and whilst located close to residential properties, the site is also on a service road to the rear of commercial units, including lock-up garages, and so to some degree is mixed in character.

The submitted plans propose a steel-clad building, more substantial in height but with the same footprint. The applicant advises the increased height is needed to accommodate a car lift and this is considered a reasonable requirement for a garage. In light of the above considerations, such a structure would be acceptable at the site. The detailed design would be considered at Reserved Matters stage.

Whether the development would impact traffic and highways to an unacceptable level

Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel)

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

Other sections of Policies DM17 and CS9 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

The Highways section of the council has been consulted and provided comment. As detailed above this is an unregulated use and its potential impact on highway safety has not been previously considered. The Highways section comment that *"the proposed development would mean further vehicular conflict when accessing and egressing the garage. Additional doors would create additional conflict points with pedestrians due to lack of segregation between pedestrians and vehicles in the area. Therefore, Highways will not support the proposal"*.

Whilst it is acknowledged this is an existing use, Highways would not support any increase in potential conflicts and it is evident that this development opening straight onto the highway is not an ideal scenario.

The proposed plans, which demonstrate two doors opening onto South Road, are indicative, but highways have advised they would maintain an objection, even if the proposal resulted in a like for like replacement of one single door opening onto South Road - *"The proposal of retaining just 1x door instead of the previously proposed 2x, although it would mean no increase of concerns, it wouldn't mean that the existing concerns are removed"*

However, as discussed within the amenity and design sections, the present circumstances can be improved and further improvements can be made with use of planning conditions which can control work practices, control noise, hours of operation etc. It is accepted that there is a highway concern with this application, how a new structure with a single door opening onto South Road would not worsen the existing scenario, and it is considered there are no reasonable grounds of refusal - given the lawful use and existing dilapidated state of the building which clearly needs upgrading - if it were revised at the reserved matters stage to present only one door (which did not open outward). A condition to that effect is therefore proposed.

Some neighbours have made comment about the garage, using parking spaces around the site for customers vehicles/recovery vehicles. However, this is something which is difficult for the council to have control over, as the use itself is not within the scope of the development description and there are no parking restrictions in place.

In light of the above, it is considered that a like for like access replacement, onto South Road, in connection with the use, can be accepted. Details can be agreed at Reserved Matters stage.

5.4 Response to Public Consultation

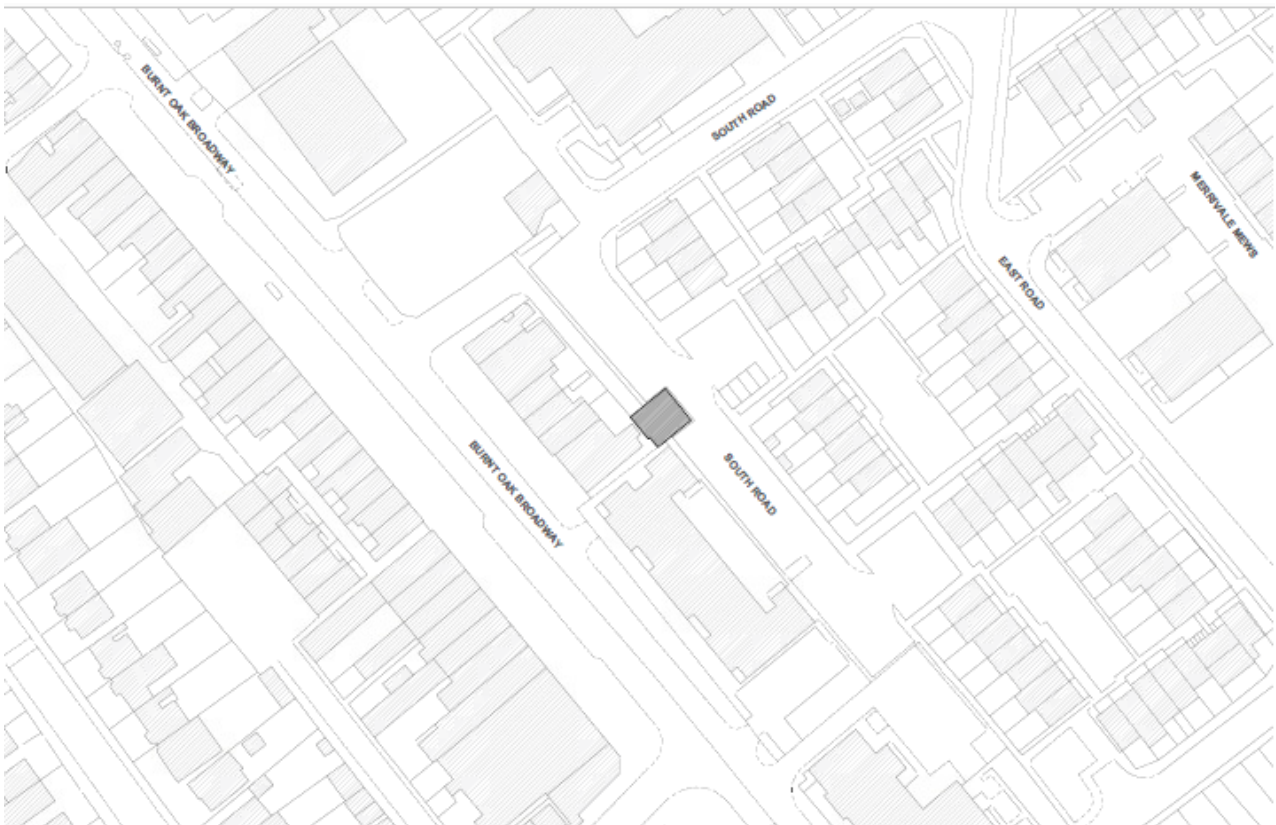
It is considered that third-party comments have been discussed and addressed within the report.

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 can, on balance, be accepted, given the site history and need for refurbishment. Concerns around amenity and highway safety are acknowledged but can to some degree be mitigated with the use of planning conditions. It is therefore recommended for APPROVAL subject to conditions



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Location **Railway Arches Colindeep Lane London NW9 6HD**

Reference: **21/3264/RCU** Received: 14th June 2021 **AGENDA ITEM 12**
Accepted: 14th June 2021

Ward: Colindale Expiry 9th August 2021

Case Officer: **Daniel Wieder**

Applicant: MR BERT GLYNN

Proposal: Retention of existing retaining walls and levelled hardstanding;
Introduction of new truck cell block hardstanding, installation of new
acoustic fence; Associated landscaping (Retrospective Application)
[Amended Description]

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

Site Location Plan

Existing Plan HD1280/1000 Rev E

Proposed Plan HD1280/1001 Rev F

Existing/Proposed Section 1 - 1A HD1280/1002 Rev C

Existing/Proposed Section 2 - 2A HD1280/1003 Rev A

Existing/Proposed Section 3 - 3A HD1280/1004 Rev A

Existing/Proposed Section 4 - 4A HD1280/1005 Rev D

Existing/Proposed Section 5 - 5A HD1280/1006 Rev C

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) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.

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

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policies D13 and D14 of the London Plan 2021.

- 4 Before the development hereby permitted is first occupied a fence not exceeding 2m in height shall be installed around the perimeter of the area designated to remain soft natural soil surface as detailed on approved drawing Proposed Plan HD1280/1001 Rev F and shall be permanently retained as such thereafter.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature, and to prevent accidental incursions by vehicles or heavy materials inadvertently being stored on the soft landscape area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy G7 of the London Plan 2021.

- 5 Prior to the commencement of any works resulting from this permission, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- a) Details, specifications and planting schedules of the proposed soft landscaping - including all trees and shrubs and associated soils/bedding - to be managed
- b) Details of measures to improve ecological biodiversity
- c) Confirmation of the aim of management to maintaining effective screening of the acoustic fence and retaining wall
- d) Appropriate options for achieving that aim (eg: Determining a periodic check and replacement of measures under a) and b) as necessary)
- e) Prescriptions for management actions including details of the treatment and control of Japanese knot weed where found on the site.
- f) Preparation of a work schedule for specific operations (including an annual work

- plan capable of being rolled forward over the lifetime of the installation).
- g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures (to ensure the works under f)

The LEMP shall also include details of the funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning screening and biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DM01 and DM16 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policies G6 and G7 of the London Plan 2021

- 6
- a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.
 - b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.13 and 5.14 of the London Plan 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. 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 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."

OFFICER'S ASSESSMENT

1. Site Description

The applicant site contains a plot of land used as an industrial material storage and distribution yard with heavy vehicles traffic, totalling a gross area of 1850 sqm, located at the Railway Arches, Colindeep Lane.

The site is bordered by railway lines to the east and adjoins the rear boundary of properties on Colin Crescent to the west. The site sits at a significantly higher level than the neighbouring properties on Colin Crescent.

The application site does not lie within a conservation area or contain a locally or statutory listed building.

The application site does contain a number of protected designated trees alongside its southern and western border, Ref: TPO/CA/116/G1 x 2 Lombardy poplar, TPO/CA/116/G2 x 26 Thorn.

Officers undertook a site visit on the 5th of August 2021. A further site visit was carried out by the Councils Tree officers on the 28th of August 2021.

2. Relevant Planning History

ENF/0185/21: Construction Works Near TPO Trees

3. Proposal

The application seeks the retrospective permission for the retention of existing retaining walls and installation of a new sound proofing boarded fence behind the retaining walls, with associated landscaping - including levelling and hardsurfacing

The application seeks the retention of a 65m long reinforced concrete retaining wall that has been constructed alongside the boundary adjoining the rear gardens of Colin Crescent. The concrete wall measures 0.25m thick, with a height of 1.5m from the ground level of the industrial site. The ground level of the site varies across the 65m length of the wall adjacent to the neighbouring properties; adjacent to properties 79-85 the concrete wall reaches a

height of 2.5m from the ground level of the residential boundary fence which reduces to a height of approximately 2m adjacent to the rear of properties 85-95.

The elements of the proposal concerning the installation of a new sound proofing acoustic fence behind the retaining walls and associated landscaping have undergone significant amendments throughout the lifetime of the application, alongside detailed guidance from the Councils Tree team.

The proposal includes the installation of a soundproof boarded fence that will sit at ground level behind the existing concrete wall in the industrial yard, at a minimum of 2m distance from the existing residential boundary fences of Colin Crescent i.e. where the existing concrete wall is already at a distance of over 2m the wooden soundproof fence will sit just behind the wall, and where the wall is closer there will be a gap between the wall and the proposed soundproof fence. The proposed soundproof fence will reach a height of 3m from ground level.

The proposed landscaping works involve the planting of various trees and shrubs and filling of topsoil between the retaining wall and neighbouring boundary fences, where appropriate, and the infilling of topsoil and ivy climbing plants between the retaining wall and soundproof fence where applicable. Within the root protection area of the remaining TPO trees no additional hard surfacing or vehicle parking will be added, whilst in the other areas of land truck cell block hardstanding is proposed over the existing soft landscape up to the acoustic fence.

4. Public Consultation

Consultation letters were initially sent to 20 neighbouring properties.

6 responses have been received, comprising 5 letters of objection and 1 letter of support

The objections received can be summarised as follows:

- The planting of mature trees with a minimum height of 3m that was in keeping with the variety of trees which were removed.
- Rainwater drainage should be constructed the entire length of the wall to prevent the flooding of properties caused by the loss of the previous trees and the increased footprint of the yard
- The sound proofing fence should reach height of 3.5m to protect against loud commercial noise (previous tenants also resulted in lots of noise complaints)
- Installing the acoustic fence as proposed would be too high and dangerous
- Construction of retaining wall destroyed mature trees and earth mound which served to screen sight and noise.
- TPO trees must have a structure permanently surrounding the tree to protect it from further damage by the current owners.
- Working hours should be restricted by council as well
- The height of any structure should not be visible above the new fence line or the fence height needs to be increased in height prior to construction/erection.
- No provision for drainage and RC concrete slab will not absorb water in the same way as the trees and soft landscaping - as site is higher than neighbouring properties this will lead to runoff into gardens.
- Plans inaccurate, imprecise and insufficient information on fence and landscaping

The support received can be summarised as follows:

- Support the project on condition mature trees planted and job completed well, as view is ugly at the moment and noise increased by trees being cut down

Upon submission of amended plans a new 21-day consultation period was carried out on the 26th November 2021.

5 responses have been received, comprising 5 letters of objection, 0 letters of support and 0 letters of comment.

The objections received can be summarised as follows:

- The retaining wall should be extended to the boundary of No. 77, to provide increased safety to the occupiers of No. 77 from the heavy vehicle traffic and reduce noise.
- Application still unspecific on type of acoustic fencing and trees proposed.
- Application still makes no provision for draining despite significant risk and precedent of rainwater running into residential properties.
- Working hours should be restricted by council as well
- Acoustic fence and trees should be taller to block all views of site from second floor windows.
- Spacing indicated on plans not sufficient for planting of mature trees.
- The unconsented retaining wall must be removed and previous earth mound with trees, shrubs, bushes and corrugated metal fence reinstated, providing adequate screening and acoustic separation.

Upon submission of final amendments, a further 21-day consultation period was initiated on the 3rd March 2022.

Any responses will be reported in the Addendum

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was published in 2021. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, 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 2021

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 new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM04, DM14

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity.

Barnet's Draft New Local Plan (2021)

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low-density suburban housing with an attractive mixture of terrace, semidetached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an

attractive street scene.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to the adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality.
- Whether harm would be caused to the living conditions of neighbouring residents.
- Impact on Trees and Landscaping

5.3 Assessment of proposals

Preamble

An enforcement case was opened in February 2021 after complaints were received regarding construction works around TPO trees. A new concrete retaining wall had been built on top of a concrete platform, parallel to the rear boundaries of the properties at Colin Crescent.

Upon discussion with the applicant and a site inspection, the applicant was invited to apply for planning permission for the retention of the works completed as well as the further works proposed.

Design and Visual Amenity

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the site context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01 which states that all proposals should preserve and enhance the local character of the area, as well as policies CS05 (both of the Barnet Local Plan) and D3 of the London Plan 2021.

The application seeks the retention of a 65m long reinforced concrete retaining wall that has

been constructed alongside the boundary adjoining the rear gardens of Colin Crescent. The concrete wall measures 0.25m thick, with a height of 1.5m from the ground level of the industrial site.

The proposal includes the installation a sound proofing boarded fence that will sit at ground level behind the exiting concrete wall in the industrial yard, at a minimum of 2m distance from the existing residential boundary fences of Colin Crescent - i.e. where the existing concrete wall is already at a distance of over 2m the wooden soundproof fence will sit just behind the wall, and where the wall is closer there will be a gap between the wall and the proposed soundproof fence. The proposed soundproof fence will reach a height of 3m from ground level.

The application site contains a plot of land used as an industrial material storage and distribution yard with heavy vehicles traffic, totalling a gross area of 1850 sqm. Within the context of the industrial nature of the site, officers are satisfied that the concrete retaining wall and acoustic fence are not, in principle, at odds with the prevailing character of the site and would relate appropriately to the sites context.

The western boundary of the site, which adjoins the rear of the neighbouring properties of Colin Crescent, was initially host to a significant earth mound with shrubs, bushes and a corrugated metal fence. Though the concrete wall does give rise to a potentially austere impact, officers are satisfied that the proposed landscaping and screening, as detailed below, suitably mitigates the harmful impact and it is not unacceptable to a degree that would warrant refusal. The lower bulk of the wall is also to some extent screened by existing boundary treatments and outbuildings. The proposed acoustic fence will also mitigate views into the industrial site beyond.

As such, it is found that the established character and appearance of the existing dwelling would not be unduly affected, should this proposal receive approval and therefore, in this regard, it is in compliance with Policy DM01 of Barnet's Development Management Policies DPD.

Residential Amenity

Barnet's Residential Design SPD provides clear guidance with regard to what is expected from new developments to ensure that the amenity of neighbouring occupants is not harmfully impacted.

With regard to this application, the key concerns raised in the consultation period centred around increased noise and disturbance from the industrial yard and natural screening of the site, as a result of the removal of the trees during the construction of the retaining wall. This assessment will thus have regard to whether the sound proofing, and landscaping measures proposed are sufficient in providing screening and sound proofing, whilst simultaneously not resulting in a barrier so high as to be overbearing.

The applicant has proposed a new acoustic fence by Jacksons or similar, at a height of 3m from ground level. Environmental Health have been consulted and advised that in principle this is acceptable, with a minimum height of 3m deemed to be suitably effective.

As the exact specifications of the fence proposed has not been provided, Environmental Health have advised a condition to be attached to provide full details of the acoustic fence to the LPA for approval. Environmental Health have also advised that in order for the fence to not have to cut the line of site to the neighbouring first floor windows, which it is not

proposed to do. They have also recommended the hours of use of the industrial yard should be conditioned to be between 7am and 9pm however, this is outside of the scope of the established use.

The initial proposal sought consent for installing a 1.8m acoustic fence directly on top of the 1.5m concrete retaining wall. As the top of the retaining wall measures a varying 2 to 2.5m height from the neighbouring ground level this would result in a wall over 4m high at the end of the neighbour's gardens, which would result in an unacceptably deleterious overbearing impact.

Throughout the lifetime of the application the proposal has been amended to move the position of the acoustic fence to sit behind the retaining wall inside the industrial yard, with a height of 3m. A minimum 2m gap will be maintained between the acoustic fence and the neighbouring rear boundary fencing at all points. Officers consider that this amended positioning of the acoustic fence - together with the distance from the rear of adjoining properties - mitigates the overbearing visual impact, whilst enabling effective sound insulation, alongside the landscape screening.

In assessment, officers are satisfied that the development is not considered to prejudice the residential amenities of neighbouring properties; therefore, in this regard, it is in compliance with Policy DM01 of Barnet's Development Management Policies DPD.

Trees and Landscaping

Throughout the lifetime of this application case officers have worked alongside the applicant and Barnet's Arboriculture consultants to achieve an acceptable proposal in regard to tree and landscaping concerns.

The applicant site contains a number of trees within it and adjoining, as well as two group tree protection orders PO/CA/116/G1 x 2 Lombardy poplar, TPO/CA/116/G2 x 26 Thorn.

The landscaping and tree proposal aims to protect the root protection area of the designated trees and provide suitable screening of the site and the acoustic fence, in regard to both its visual and noise impact, through various tree and hedge options.

The landscaping works are broken down into four broad areas.

To the rear of Nos 79 - 83 Colin Crescent, back fill and topsoil will be added to achieve finished ground level and holly trees will be planted between the concrete retaining wall and residential fence. The acoustic fence will be situated 1m behind the retaining wall, with the gap infilled by 0.35m of topsoil and planted with ivy at the base to spread up the fence.

To the rear of Nos 83 - 87 there are a number of existing trees that will be maintained between the concrete retaining wall and the residential fence. The acoustic fence will be situated 1m behind the retaining wall, with the gap infilled with 0.35m of topsoil and planted with ivy at the base to spread up the fence.

To the rear of Nos 87 - 91, rows of trees using species like holly, holm oak, western red cedar and leylandii will be planted between the retaining wall and residential fencing to provide a thick hedge. As there is already a gap of over 2m between the retaining wall and residential fencing, the acoustic fence will sit directly behind the retaining wall, without any plant infill.

To the rear of Nos 91 - 95 back fill and topsoil will be added to achieve finished ground level and climbing ivy will be planted adjacent to the retaining wall. The acoustic fence will be situated 1m behind the retaining wall, with the gap infilled with 0.35m of topsoil and planted with ivy at the base to spread up the fence.

Approximately to the rear of No 89, within the applicant site, lies two protected trees, T2 and T3. The proposal ensures that the root protection area within the site is designated to remain soft landscaping without any hardstanding or vehicle parking. Officers have recommended a fence is constructed surrounding this designated area to ensure this and a condition will be attached to this regard.

Officers are satisfied that the works proposed and agreed will successfully protect the Root Protection Area of the TPO and aid in the screening of the acoustic fence and retaining wall to the benefit of the amenity of the neighbouring properties.

Given the extent of the landscaping works a condition will be attached for the applicant to provide a landscape and ecological management plan to be approved by the local authority before the commencement of development.

5.4 Response to Public Consultation

- The main planning issues have been addressed within the body of the report.
- Concerns regarding specific details of the acoustic fencing, draining strategy, work hours and landscaping have been addressed through the conditions attached in case of approval.
- Boundary disputes are not within the remit of planning policy.

6. Equality and Diversity Issues

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

7. Conclusion

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



Location **1 Albert Road, Barnet, EN4 9SH**

Reference:

	Received:	24.03.2020
21/5554/FUL	Accepted:	24.03.2020
Ward: East Barnet	Expiry	19.05.2020

Applicant:

C/O UPP Architects
& Town Planners

Proposal:

Demolition of the existing buildings and erection of a part 4 storey, part 5 storey building to provide 9no. self-contained residential units, together with basement car park, cycle storage, external amenity space and refuse and recycling facilities.

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. 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.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Drawing numbers

01AR-A-02-001; 01AR-A-02-002; 01AR-A-03-001; 01AR-A-05-001; 01AR-A-06 001; 01AR-A-06-002 ; 01AR-A-001; 01AR-A-02-101; 01AR-A-02-102; 01AR-A-02-103; 01AR-A-02-104; 01AR-A-02-101; 01AR-A-03-103; 01AR-A-03-103; 01AR-A-03-104; 01AR-A-03-105; 01AR-A-03-106; 01AR-A-03-107; 01AR-A-06-101; & 01AR-A-06-102; Tree Protection Plan TH/A3/2947/TPP

- Planning, Design and Access Statement Rev 1 dated October 2021
- Arboricultural Consultancy Ltd by Trevor Heaps (Arboricultural Impact Assessment; Method Statement & Tree Protection Plan) (B.S: 6837 2012) dated 2nd July 2021
- Noise Impact Assessment dated 14th January 2021 (by Venta Acoustics) Report VA3981.220111.NIA (dated 12 January 2022)
- Bat Survey (Eco Assistance) dated 2nd August 2021
- Preliminary Ecological Appraisal by Eco Assistance (Preliminary 01 July 2021
- Transport Statement on behalf of Flex Park Ventures Ltd dated 2021 (Proposed Residential Development) by Crosby Transport Planning

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).

3. a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.
b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies D4, D5, D8 and G7 of the London Plan 2021.

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies D4, D5, D8 and G7 of the London Plan 2021.

5. a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
 - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
 - vii. noise mitigation measures for all plant and processors;
 - viii. details of contractors compound and car parking arrangements;
 - ix. details of interim car parking management arrangements for the duration of construction;
 - x. details of a community liaison contact for the duration of all works associated with the development.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development.

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SI 1, SI 7, D14 and T7 of the London Plan 2021.

6. (a) Prior to occupation of the development, 6 parking spaces and a new and redundant access shall be implemented in accordance with the approved plans.
- (b) Thereafter, the parking spaces and crossover shall be used only as agreed and not for any purpose other than the parking and access/turning of vehicles in connection with approved development.

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

7. No works on the public highway including creation or modification of a vehicular access as a result of the proposed development shall be carried out until detailed design drawings of the proposed access and dropped kerbs in the vicinity of the site have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans. The applicant will be expected to enter into an agreement with the Highways Authority under Section 184 of the Highways Act, for these works and will be liable for the reinstatement of any redundant crossovers to footway and make good any consequential damage to the public highway as a result of the proposed development including renewing of the footway along the site frontage. All offsite highway works must be completed to the satisfaction of the Local Highway Authority prior to occupation of the development.

Reason: To ensure that the works on the 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.

8. (a) Prior to commencement of development onsite, full details of cycle parking including the type of stands, internal dimensions and spaces between bicycle stands, location of cycle parking and type of store proposed shall be submitted to and approved in writing by the Local Authority. The type of stands used must allow both wheels and the frame of the bicycle to be locked.
- (b) Prior to the occupation of the first residential unit hereby approved, a minimum of 17 cycle parking spaces (15 long-stay and 2 short stay) in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 9.** The applicant shall carry out a before and after condition survey of the agreed route to be utilised by all construction traffic. The before survey shall be submitted to and approved in writing by Local Planning Authority prior to the commencement of the development.

The after survey shall be completed three months before the completion of the development and thereafter submitted to and approved in writing by the Local Planning Authority. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the before survey shall be implemented as approved following completion of the development.

Reason: To ensure that the road is maintained in a suitable condition in order to minimise danger, obstruction and inconvenience to users of the highway.

- 10.** Prior to commencement of the development full details of the electric vehicle charging points to be installed in the development shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the provision of a minimum of 1 active and 5 passive electric vehicle charging points. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 and T6 of the London Plan (2021).

- 11.** (a) Prior to the occupation of the development, a Manufacturer's warranty, Specification, a Maintenance Agreement and repair response times for the operation of the car lifts shall be submitted to and approved in writing by the Local Planning Authority.

(b) The details hereby approved shall be implemented, maintained and retained in perpetuity.

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

- 12.** (a) Prior to the occupation of the development, a plan showing car lifts, indicator warning lights, remote controlled roll-up shutter shall be provided to ensure that access to the car park is controlled, maintained and monitored at all times.

(b) The approved details of the car lift in accordance with part a, shall be implemented, maintained, and retained in perpetuity.

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

- 13.** The details hereby approved within the Noise Impact Assessment dated 14th January 2021 (by Venta Acoustics) Report VA3981.220111.NIA (dated 12

January 2022), including all mitigation measures proposed, shall be full implemented and retained thereafter.

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

- 14.** 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 2016) and Policies D13 and D14 of the London Plan 2021.

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

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

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

- 16.** (a) All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

(b) Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

(c) The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reasons: In the interest of good air quality in accordance with policies SI 1 of the London Plan (2021) and DM04 of the Development Management Document (2012).

17. Part 1

Before development commences other than for investigative work:

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

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

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

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

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

Part 2

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

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

DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016).

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

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

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016).

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

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

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016).

- 20.** Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012).

- 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 wholesome 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. Any use of grey water and/or rainwater systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

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), Policy SI 5 of the London Plan 2021 and Barnet's Sustainable Design and Construction SPD (2016).

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

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

- 23.** a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

- 24.** (a) No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) for the development has been submitted to and approved in writing by the local planning authority in consultation with Thames Water.

(b) Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To prevent any damage to nearby underground utility infrastructure in accordance with policies SI 13 of the London Plan (2021); CS13 of the adopted

Core Strategy (2012) and DM04 of the Managing Development Document (2012).

- 25.** Prior to the occupation of the development, petrol/oil interceptions shall be fitted in all car parking/washing/repair facilities and retained thereafter.

Reason: To ensure that the risk of oil polluted discharges entering the local watercourses.in accordance with policies SI 17 of the London Plan (2021); CS12 &CS13 of the Core Strategy (2012) and DM04 of the Development Management Document.

- 26.** Before the development hereby permitted commences, the applicant shall submit for approval details of measures to improve biodiversity on the site in accordance with guidance set out within BS42040:2013: Biodiversity - Code of practice for planning and development, and guidance documents provided by the Chartered Institute of Ecology and Environmental Management (CIEEM) and the Royal Town Planning Institute (RTPI) for approval. The development shall be implemented in full accordance with these details.

The above conditions would be required, pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM01 & DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G6 and G7 of the London Plan 2021.

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

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

- 28.** The details hereby approved within the Arboricultural Impact Assessment , Method Statement Report produced by Trever Heap Associates dated 2nd July 2021 and the Tree Protection Plan (drawing no: TH/A3/2947/TPP) shall be full implemented throughout all development phases.

Reason: To ensure the visual amenities and health of identified trees are protected in accordance with policies DM01 & DM16 of the Local Plan-Development Management Document (2012).

29. (a) Prior to the commencement of works onsite, full details of the Green Wall maintenance Plan shall be submitted to and approved by the Local Planning Authority in writing.
- (b) The details hereby approved shall be full implemented, retained and maintained in perpetuity.

Reason: To safeguard the character and visual amenities of the site and wider area; promote biodiversity; 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), Policies DM01 and DM16 of the Development Management Policies DPD (adopted September 2012) and Policy D4 of the London Plan 2021.

Informatives

1. In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
2. The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a payment under Mayoral CIL.

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf
2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.
3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please visit

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

3. 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.

4. In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

5. In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

6. The applicant is advised that it is their responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where you propose to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, and they can be contacted on 0800 009 3921. The above is in order to ensure that the surface water discharge from the site is not detrimental to the existing sewerage system.
7. If a pump lorry is to be operated from the surface of the public highway, any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
8. All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions

During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

9. 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 non-infection 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."

10. The applicant is advised to consult Fire Safety Guidance Note (dated 29 January 2019) on Fire Brigade Access similar to that in B5 of the Building Regulations.
11. Thames Water would advise that with regard to sewerage infrastructure capacity.
12. Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
13. The applicant is encouraged to develop a Voluntary Travel Plan to promote more sustainable forms of travel. Further advice can be sought via developmenttravelplans@barnet.gov.uk or Tel: 020 8359 7603".

Officer's Assessment

1. Site Description

The application site relates to a two-storey detached property which has been converted into 2no. self-contained flats. To the rear of the site is an additional

building which is used as a self-contained dwelling. The property is located on the west side of Albert Road, close to the junction with East Barnet Road. The section of the road of which the site forms a part is a one-way street with cars moving from north to south.

The surrounding area is predominantly by residential development. Directly north of the site is a public house (Building Arms) and further north is a 5-storey flatted development at no 9 Albert Road.

The site has a Public Transport Accessibility of 3, which means it has moderate access to public transport, (on a scale of 1 being extremely poor and 6 being excellent).

The site is not located within a Conservation Area, and there are no listed buildings onsite, or within the vicinity of the site

2. Site History

Ref no: 19/3432/FUL

Description of development: Use of existing two storey building with a rear single storey outrigger as a three- bedroom residential dwelling house with associated internal/external alterations. Associated cycle store, amenity space, refuse and **recycling store**.

Decision: Refused

Decision date: 15/08/2019

1. The proposed dwelling would, by reason of its use, design, siting within close proximity to the rear garden area of No. 1 Albert Road would result in overlooking of and loss of privacy to the existing occupiers of No. 1 Albert Road and future occupiers of No.1A Albert Road contrary to Policy CS5 of the Barnet's Local Plan (Core Strategy) 2012 and Policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD 2012, SPD: Sustainable Design and Construction (Adopted 2016) and SPD: Residential Design Guidance (Adopted 2016).

2. The proposed dwelling by reason of the insufficient quantity and quality of private outdoor amenity space would result in a substandard form of accommodation for the future occupiers of this unit. The proposal would be contrary to Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (September 2012), Policy DM01 and DM02 of the Development Management Policies DPD (September 2012), the Sustainable Design and Construction SPD (October 2016) and the Residential Design Guidance SPD (October 2016).

3. Insufficient information has been submitted to show that the development can be accommodated without harmfully increasing the demand for on street parking, contrary to policy DM17 of the Development Management Policies

DPD (adopted September 2012), the Residential Design Guidance SPD (adopted 2016) and the Sustainable Design and Construction SPD (adopted 2016).

Ref no: 18/7357/FUL

Description of development: Use of existing two storey building with a rear single storey outrigger as a three-bedroom residential dwelling house with associated internal alterations. Associated cycle store, amenity space, refuse and recycling store.

Decision: Refused on 06/02/2019

Reasons for Refusal:

1. The use of the building as a residential dwelling by reason of its siting adjacent to noise generating uses comprising of two public houses with heavily used external gardens and its close proximity to a railway line at the rear would result in unacceptable level of noise and disturbance and provide poor quality amenity for the future occupiers of this dwelling.
2. The proposed dwelling would, by reason of its use, design, siting within close proximity to facing habitable room windows, result in overlooking of and loss of privacy to the existing occupiers of No. 1 Albert Road and future occupiers of NO.1A Albert Road
3. The proposed dwelling by reason of the lack of adequate outdoor amenity space and failure to provide a reasonable degree of outlook because of its single aspect in nature would result in a sub-standard form of accommodation for the future occupiers of this unit.
4. Inadequate information was submitted to show that the development can be accommodated without harmfully increasing the demand for on street parking.

Ref no: 18/6585/191

Description of development: Two storey building with a rear single storey outrigger.

Decision: Lawful

Decision date: 29/11/2018

Ref no: 18/5973/191

Description of development: Two storey dwelling house with a rear single storey outrigger.

Decision: Unlawful

Decision date: 01/11/2018

Ref no: 18/6585/191

Description of development: Two storey building with a rear single storey outrigger.

Decision: Lawful

Decision date: 29/11/2018

Ref no: 18/5973/191

Description of development: Two storey dwelling house with a rear single storey outrigger
Decision Unlawful
Decision date: 01/11/2018

Proposal

The proposal is for the demolition of the existing buildings and erection of a part 4 storey (Block A- fronting Albert Road) , part 5 storey building (Block B located to the rear of the site) to provide 9no. self-contained residential units, together with basement car park, cycle storage, external amenity space and refuse and recycling facilities.

The application proposes the demolition of the existing building and the erection of a part 4 storey, part 5 storey building to provide a total of 9no. residential units (2 x studio, 3 x 1 bed, 1 x 2 bed and 3 x 3 bed), together with 6no. car parking spaces at basement level, accessed by a car lift, 22no. cycle storage and associated refuse & recycling, private and communal external amenity space.

The proposal is to create two residential buildings of varying building heights (4 storeys at the front and 5 storeys at the rear) which are linked via a central, enclosed stair core.

At basement level, there is 6 no car parking spaces and plant room, which can be accessed internally within the development via pedestrian lift and internal stairway and externally via a car lift, which is accessed off Albert Road at ground floor level.

22 cycle storage spaces and 4 bin store area are located on the ground floor at block A (fronting Albert Road), and to the rear at block B, there is a 1 no 3 bed residential unit and associated private amenity area at ground level.

All remaining 8 no residential units are on the upper floors to blocks A and B. The proposed communal amenity area is proposed at the rooftop of the 4 storey building at block A.

The "link building" in the centre which adjoins both blocks A & B provides direct pedestrian access between both buildings for both future occupiers and for maintainers workers within the building when required.

Public Consultation

Consultation letters were sent to 35 neighbouring properties on 04.11.2021, and advertised onsite (site notice) on 11.11.2021

12 responses have been received, comprising 11 letters of objection, and 1 letter of comment.

The objections received can be summarised as follows:

- The formal submission of the full planning application was not accompanied by a Noise Report.
- Exacerbate existing air and noise pollution in the area.
- The proposal would result in sub- standard accommodation. The proposed rear balconies and habitable windows would be exposed to excessive noise disturbance from the railway and adjacent Public House; some units may experience poor outlook, overheating; poor daylight and sunlight levels; overlooking and sense of enclosure between proposed blocks A and B.
- There is a risk that the proposed green walls may not be retained adequately in the future.
- The location of the communal amenity space area/child playspace area at roof top level is inappropriate; may not be usable; and would have no natural surveillance for parents to oversee and safeguard their children whilst utilising this space.
- Excessive density of residential development onsite, culminating in overdevelopment of the site
- The scale and height of the development is excessive, and not in keeping with the character and appearance of the nearby area
- There is an under provision of family houses proposed with garden space/private amenity areas.
- The proposal would set an unwanted precedent for future residential development of this scale within the immediate and local area, in the future.
- There is an under provision for cycle storage proposed onsite.
- Exacerbate the existing problems associated with traffic congestion on roads of East Barnet/New Barnet/Cockfosters and neighbouring areas.
- The proposal, which includes 6 no car parking spaces would increase traffic on the roads; compromise pedestrian and vehicular highway safety; and would contribute to undue noise and air pollution causing health issues for the local population.
- The proposal does not make adequate provision for electric vehicle charging points and other energy efficiency measures
- The proposal application does not provide sufficient details of landscaping works, including tree replacement at ground/street level onsite.
- Increase pressure on existing social infrastructure, such as schools, hospitals, Doctor GP Surgeries
- The proposed development would significantly compromise the amenity value (loss of daylight, sunlight, overshadowing of the outdoor space to the rear of the neighbouring Builders Arms Public House directly north

of the site. It would have a negative impact on the business financially, and the development if approved, may result in its closure.

All of the above objections received have been considered during the assessment of this planning application and addressed further within this Committee report).

Statutory consultees

LBB Highways comments

LBB Highways team raise no objections to the proposal subject to the following conditions:

- The proposed 6 no car parking spaces, and a new and redundant access shall be implemented in accordance with the approved plans.
- Full details of the design of the proposed access and dropped kerbs in the vicinity of the site have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans.
- Full details of 17 cycle parking spaces ((15 long-stay and 2 short stay), including the types of stands, gaps between stands, location of cycle parking and type of store proposed shall be submitted to and approved in writing by the LPA.
- Demolition and Construction and Logistic Management Plan
- A before and after condition survey of the agreed route to be utilised by all construction traffic.
- Full details of the electric charging points to be installed
- A manufacturer's warranty, specification, a maintenance agreement, and repair response times for the operation of the car lifts must be submitted to and approved in writing by the Local Planning Authority.
- Full details showing car lifts, indicator warning lights, remote controlled roll-up shutter shall be provided to ensure that access to the car park is controlled, maintained, and monitored at all times.

(Officers comment: The above conditions would be secured to ensure that there is adequate and satisfactory provision is made for the parking of vehicles and in the interests of pedestrian and highway safety and the free flow of traffic)

LBB Environment Health

LBB have reviewed the proposal, including the submitted Noise Impact Assessment and confirm they have no objections, subject to the following conditions.

- Full compliance with the noise & vibration mitigation measures proposed within the Noise Report
- Demolition and Construction Management Plan
- Full details of ventilation measures and extraction plants
- Compliance with appropriate noise levels for the basement plant room and car lift
- All Non-Road Mobile Machinery used during the course of the demolition, site preparation and construction phases shall comply with the adopted emission standards.
- Full details of the land contamination report, including any mitigation or remediation works if necessary.

(Officers comment: The above will be secured by way of planning conditions).

LBB Trees and Ecology

LBB Arboricultural and Ecology Officers raise no objection, subject to the following conditions:

Trees

1.The development is implemented in accordance with the submitted Arboricultural Method Statement & Impact Assessment; and Tree Protection Plan to development does not compromise the health of the existing trees. This would be secured by way of a planning condition.

Ecology, including Bat survey

The applicant has submitted a Bat survey report which concludes that during the emergence survey no bats were recorded or observed by any of the surveyors or their bat detectors. No bats were observed emerging from the building. No bats were observed at emergence time near to the building. In accordance with local policy DM16, Regional policy G6 and national policy the development must deliver some biodiversity gains. This could include swift or bat boxes within the building

The applicant would be required to submit full details of biodiversity improvements onsite (which may include the installation of bat boxes) prior to commencement of development, in consultation with the Councils Ecology team. This would be secured by way of a planning condition.

Thames Water

Thames Water raise no formal objections to the proposal, subject to the following conditions:

Surface Water Drainage

1.No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling would be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water.

Waste Water Network and Sewage Treatment Works

2. A compliance condition, which requires that, prior to the occupation of the development, petrol/oil interceptions should be fitted in all car parking/washing/repair facilities to ensure that the risk of oil polluted discharges entering the local watercourses.

(Officers comment: The above will be secured by way of planning conditions).

London Fire Authority

No comments received.

Planning Considerations

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 2021

The London Plan 2021 was adopted on 02 March 2021 and is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years and the Mayor's vision for Good Growth.

The Plan is part of the statutory development plan for London, meaning that the policies in the Plan should inform decisions on planning applications across the capital. Borough's Local Plans must be in 'general conformity' with the London Plan, ensuring that the planning system for London operates in a joined-up way and reflects the overall strategy for how London can develop sustainably, which the London Plan sets out.

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 relevant London Plan (2021) policies are as follows

D1; D2; D3; D5; D6; D7; D8; D10; D11; D12; D13; D14; H1; H4; H6; H7; H10; S3; S4; SI 1; S1 2; S1 3; S1 4; S1 5; S1 8; SI 12; T1; T3 ; T4; T5; T6

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS4, CS5, CS9, CS13, CS14, CS15.

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM07, DM08, DM14, DM16, DM17.

Supplementary Planning Documents

- Residential Design Guidance (2016)
- Sustainable Design and Construction (2016)

Main issues for consideration

The main issues for consideration in this case are:

- Whether the design would cause harm to the openness of the site and character of the area
- Impacts on amenity of neighbouring occupiers and properties
- The standard and quality of accommodation proposed, including environmental impacts
- Impact on the local highway
- Energy and Sustainability
- Trees and Ecology

Assessment of the proposal

Whether the design would cause harm to the openness of the site and character of the area

High quality design underpins the sustainable development imperative of the NPPF and policies D1, D5, D6, D7 and D8 of the London Plan (2021). Policy CS5 of Barnet's Core Strategy (2012) seeks to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high-quality design. Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces, and streets.

The Councils adopted Supplementary Planning Documents Residential Design Guidance SPD (2016) sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority.

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

The character of the Albert Road has undergone and continues to be changing, and heights of developments are increasing. Most notably, at no 9 Albert Road, there is an existing 5 storey building which provide 9 self-contained flats, with basement car parking, which was approved in 2017 (Ref no:17/ 6422/FUL)

The siting of the development and footprint onsite is respectful of the site's constraints and context. The front building line is set back and broadly in keeping with the building line of the approved scheme at no. 9 Albert Road. The rear building line has also been amended and would have a distance of approx. 3.2m from the western boundary of the site allowing for a bigger amenity space. There is no clear glazed windows proposed to the southern elevations to ensure

that the development potential of the neighbouring land to the south would not be compromised.

The proposed treatment of height to the three adjoining elements of the overall development is successful as it provides a well design transition, setting the tallest element of the development, further away from the streetscene. Block A which fronts onto Albert Road is four storeys in height which allows for a better integration of the building into the street and the character of the emerging area; the link building steps up in height, and the 5-storey residential building (Block B) at the rear of the site.

The treatment of bulk and massing of the proposal is supported by Officers. The depth of the balconies remains subordinate features within the front and rear elevations, would soften the relationship with the main building and would allow for a softer integration within the façade. Moreover, the proposed variation in materials and layouts of bricks in various parts of the building, would further serve to break up the massing as it would create different elements of the proposal. The upper floors recessed from the front building line would appear more subordinate to the main development, whilst reducing the footprint of the top floors with lightweight materials (glazing to commercial amenity area at rooftop of block A).

The bulk of the building is located away from the main frontage so that the highest part of the dwelling (5 storeys) is located at the rear of the site adjacent to the railway line. The lightweight link which partially connected the two elements of the building has been replaced with a purpose-built structure with 'green' walls. The materials/cladding on the main buildings have also been reconfigured as a means to break up the massing of the building. Additionally, the upper floors of both blocks have been recessed from the main frontages to add to the appearance of subordination.

The rear element (Block B) would be constructed with the same materials as the recessed third floor to the front, creating a continuity within the fabric of the building, whilst the varying building heights would ensure that it does not appear bulky or dominant. The communal terrace and glazing are appropriately set back from all sides which reduces bulk and visibility from street level. In addition, the perception of bulk and massing is greatly reduced by the green external walls of the link building. The proposal also includes a green full height external walls to the link building on both the northern and southern elevations. This would enhance the overall visual appearance and add visual interest to the building, whilst also promoting biodiversity onsite. The applicant would be required to submit a Green Wall Maintenance Plan prior to commencement of works onsite. The details approved would be required to be fully implemented and retained thereafter. In addition, the applicant would be required to submit full specifications of all materials to the Local Planning Authority, prior to the commencement of works onsite. This is secured by way of a planning condition.

Overall, the proposal (including scale, siting, footprint, height, bulk, mass and appearance) is of high design quality; and would contribute positively to the streetscene and in keeping with the emerging character and appearance of Albert Road.

Impact on amenity of neighbouring occupiers and properties

Amenities of Neighbouring and Future Residents Part of the 'Sustainable development' imperative of the NPPF 2019 is pursuing improvements to amenity through the design of the built environment. Policies CS5, DM01, DM02 and DM04 of the Barnet Development Management Policies DPD seeks to manage the impact of new developments to ensure that there is not an excessive loss of amenity in terms daylight/sunlight, outlook and privacy for existing residential occupiers or gardens.

The Residential Design Guidance SPD advises that in new residential development privacy can be safeguarded by achieving minimum window to window or window to balcony distances between buildings of 18-21m between facing habitable room windows, and 10.5 m to a neighbouring garden. These distances relate particularly to typical two-storey development, where first floor windows can overlook neighbouring properties.

The impacts of the scheme have been assessed, in accordance with BRE guidance. The proposal does not include north or south facing windows to protect the privacy of south facing windows at no 9 Albert Road. Moreover, no south facing clear windows are proposed to ensure that the proposal would not unduly compromise the development potential of the neighbouring site to the south.

Public house directly north of the site

The two closest neighbours to the site are Public Houses. The BRE guidance suggests that non-residential neighbours can be assessed if their use that would have a clear need for daylight but does not provide examples of what these uses might be. A public House does not warrant the same level of amenity protection as a residential use. The impact the proposal has on the outdoor amenity space to the rear of the Builders Arms Public House is discussed further under the "response to public consultation" section of this report.

Impacts on No 9 Albert Road- further north of the site

Further north, the site at 9 Albert Road has recently been developed into residential units and the assessment has primarily considered the impacts on this block. The applicants Daylight and Sunlight report has assessed: (a): the existing daylight and sunlight levels to 11 no south facing windows to habitable

rooms (b): the daylight and sunlight levels to these rooms as a result of the proposed development on this subject site.

All windows retain in excess of 80% of their current values, or a VSC in excess of 27%. Moreover, all of the assessed windows retain 25% of the available annual sunlight hours and 5% of winter hours. In other words, the proposed development would not have an unacceptable impact on the daylight and sunlight levels to no 9 Albert Road. The scheme is therefore compliant with BRE recommendations in relation to daylight and sunlight impacts to neighbouring properties.

There are no habitable windows proposed on the northern elevation. The only north windows proposed are to the link building between Block A and B, which would be obscured. These obscured windows serve to provide natural daylight to the internal corridors and hallways only. As such, the proposal would not compromise the privacy of residents at no 9 Albert Road. The proposed has an acceptable distance away and the design of the northern elevation is articulated well with interesting materials and therefore south facing habitable rooms at no 9 Albert Road would continue to receive good outlook, which is welcomed by Officers.

Standard and quality of residential accommodation

Dwelling mix

Policy H10 of the London Plan (2021) requires new residential development to provide a suitable and varied dwelling mix which meets local needs. Moreover, policy DM08 of the Local Plan (2012) relates to dwelling mix and requires all new residential development to provide a mix of dwelling sizes and types to cater for a range of housing needs in the area. LBB set a dwelling size mix requirement for new development in the borough with homes of 3 bedroom or more the priority.

The proposal makes provision for 2 x studio, 3 x 1 bed, 1 x 2 bed (4 [person]) and 3 x 3 bed units. Officers welcome the number of 3-bedroom units (33 % of total number of units proposed) which helps deliver much needed family sized accommodation within the Borough, in accordance with DM08 of the Local Plan (2021).

Room size standards and layouts

The Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. The proposal habitable rooms all meet minimum room size standards. Further, the proposal rooms would receive good outlook and generous daylight and sunlight provision to the habitable rooms.

Housing standards are set out in the Nationally Described Space Standards (NDSS), the London Plan and London Housing SPG and Barnet's Sustainable Design and Construction SPD. Table 3.3 in the London Plan provides a minimum gross internal floor area for different types of dwelling, as set out in the below table, which shows the areas relevant to the unit types in this proposal.

Table 2.2: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m² and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All of the proposed residential units would meet or exceed the minimum size standards as set out below:

Unit 1:	3 bed (5 person)	Policy requirement: 86m ²	Proposed 92.5m ²
Unit 2:	Studio (1 person)	Policy requirement 37m ²	Proposed 37.2m ²
Unit 3:	1 bed (2 person)	Policy requirement 50m ²	Proposed 51.3m ²
Unit 4:	1 bed (2 person)	Policy requirement 50m ²	Proposed 63.9m ²
Unit 5:	3 bed (4 person)	Policy requirement 84m ²	Proposed 84m ²
Unit 6:	Studio (1 person)	Policy requirement 37.7m ²	Proposed 37.7 sqm
Unit 7:	1B (2 person)	Policy requirement 50m ²	Proposed 50.8m ²
Unit 8:	3B (4 person)	Policy requirement 84m ²	Proposed 85.7m ²
Unit 9:	2 B (4 person)	Policy requirement 50m ²	Proposed 81.1sqm

As illustrated above, the proposed size of all the residential units are in full accordance with the Councils adopted SPD on Residential Design Guidance.

Private amenity space

The Council's adopted Supplementary Planning Document entitled Residential Design Guidance requires the provision of 5 sqm of amenity space for each habitable room for flats. Where rooms are over 20sqm, they would be considered as two habitable rooms. This applies to one, two, and three bed flats. For houses, the following standards apply:

- 40 m² of space for up to four habitable rooms
- 55 m² of space for up to five habitable rooms (5 habitable rooms are proposed)
- 70 m² of space for up to six habitable rooms

The proposal unit sizes and minimum policy size requirements for the respective units are set out below.

Unit 1:	3 bed (5 person)	Policy requirement: 25sqm	Proposed 57.8 sqm
Unit 2	Studio (1 person)	Policy requirement 5sqm	Proposed 0.0sqm
Unit 3:	1 bed (2 person)	Policy requirement 10sqm	Proposed 0.0sqm
Unit 4:	1 bed (2 person)	Policy requirement 10sqm	Proposed 8.2sqm
Unit 5:	3 bed (4 person)	Policy requirement 20 sqm	Proposed 8sqm
Unit 6:	Studio (1 person)	Policy requirement 5sqm	Proposed 0.0 sqm
Unit 7:	1B (2 person)	Policy requirement 10sqm	Proposed 8.0sqm
Unit 8:	3B (4 person)	Policy requirement 20sqm	Proposed 18.5sqm
Unit 9:	2 B (4 person)	Policy requirement 15sqm	Proposed 22.6 sqm

The two x no studios and one bedroom unit (units 2, 3 and 6) do not make provision for private amenity space, and the private amenity space afforded to unit no's 4,5 & 8 fall below the minimum size standards to varying degrees, with unit 8 marginally falls below the size standards.

Notwithstanding, unit no 1 (three-bedroom unit-suitable for family occupation) and Unit 9 (2-bedroom 4 person) unit-suitable for smaller family occupation) greatly exceeds the minimum standards, and unit no 9 is marginally below the minimum standards. When assessing the overall acceptability of private amenity space on site, Officers must make an on-balance judgement. Combined, the proposed private amenity provided is approximately 123.1 qm, which is above the policy requirement for these nine units, which is approximately 120 sqm.

Furthermore, the proposal makes provision for 39.7sqm integrated child playscape and communal amenity space at fourth floor level (roof top on building fronting Albert Road). This area would be highly usable and would greatly benefit from great daylight and sunlight levels, without concerns regarding overshadowing, a benefit which communal amenity space at ground level may not achieve to the same extent. Moreover, this rooftop amenity space is set back sufficiently from the building line on all sides, which means it would be less visible from the streetcene, and thereby affording future occupiers and users of this space greater privacy. In addition, the boundary treatment with aspect onto Albert Road would include an acoustic glazed wall of 1.7 metres in height to ensure users would not be subjected to undue noise disturbance from traffic along Albert Road, thereby creating a pleasant and tranquil amenity space for occupiers.

Importantly, the benefits of the proposal in its delivery of much need family sized accommodation would outweigh the lack of provision for private amenity space to some of the units, which can otherwise be offset by the high-quality

communal amenity space with integrated play area as showing on the submitted drawings. This is considered to be an asset to the development.

Outlook/privacy/daylight and sunlight

The proposed layouts of these units and associated windows to the western elevation of block A and the eastern elevation to block B would ensure no direct intervisibility of habitable rooms occurs. This is achieved by obscured windows to bathrooms and obscured secondary windows to some of the habitable rooms. As such, the proposal would not result in undue overlooking or loss of privacy to the proposed residential units. Moreover, the majority of the units would have dual aspect, many habitable rooms contain two windows.

The applicant has submitted a Daylight and Sunlight Assessment to determine the quality of sunlight and sunlight levels which future occupiers would experience. The Average Daylight Factor (ADF) values have been calculated for all habitable rooms in the proposed new units, in accordance with BRE methodology. The benchmark values for each room type recommended by the BRE Guidance and BS8206 are:

- o Kitchens: 2%
- o Living Rooms: 1.5%
- o Dining Rooms: 1.5%
- o Bedrooms: 1%

The report illustrates that all occupiers of the dwelling would achieve good quality internal daylight and sunlight, in accordance with BRE Guidelines.

Noise and Vibration

The proposed balconies and windows to the rear at block B are set approximately 20 metres from the railing line further west which is considered to be sufficient distance to ensure that future occupiers would not experience undue noise disturbance, subject to planning conditions. The proposed mitigation measures as detailed with the submitted Noise Assessment must be fully incorporated into the design and retained thereafter. The applicant would be required to ensure that All Non-Road Mobile Machinery used during the course of the demolition, site preparation and construction phases complies with the adopted emission standards. Moreover, full details of the proposed ventilation measures; extraction plant, and car lift must be submitted prior to commencement of development on site, to be secured by way of planning conditions.

Impact on the local highway

The site fronts directly onto Albert Road, a narrow one-way, no through road with double yellow lines on both sides to deter obstructive parking. Albert Road connects Victoria Road to the south which joins onto Station Road (A110), and it is flanked by a mixture of residential, light industrial and office premises.

The site lies in an area with a PTAL rating of 3, which means it has moderate/average access to public transport. There are 6 bus routes which can be accessed from stops within 4-5 minutes walking distance of the site. New Barnet Station is within 6 minutes walking distance. The site is not in a CPZ but there are yellow lines and parking bays in the vicinity.

Car parking

Policy DM17 states that the council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi-detached houses and flats (4 or more bedrooms);
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

The site has a Public Transport Accessibility Level of 3, which means it has moderate access to public transport (PTAL 1 being very poor and 6b being excellent access to public transport).

Based on the proposed dwelling mix (2 x studios; 3 x 1 bed; 1 x 2 bed and 3 x 3 bed), the proposal development consists of 2xstudio, 3x1 bed, 1x2 bed and 3x3 bed. According to the Council's Local Plan Development Management Policy DM17, the proposed development would need to provide between 4 - 11 off-street parking spaces. Based on the PTAL rating for the site assessed as 3 (average), approximately 7 off-street car parking spaces would be acceptable. 6 no car parking spaces are proposed, and LBB Highways team have confirmed they do not object to the quantum of car parking spaces provided onsite.

Vehicular access to a site is via a slightly repositioned crossover which leads to and serves a signal-controlled car lift. The traffic signals would prioritise inbound movement and vehicles leaving the car park will be able to wait in the central aisle of the basement car park to allow inbound vehicles to pass before proceeding. Given the number of car parking spaces proposed the use of a single car lift and priority arrangements for vehicles entering and leaving the basement car park is considered acceptable. However, a manufacturer's warranty, specification, maintenance agreement, repair response times and

details of the traffic light system to be installed are requested by way of a planning condition.

The internal layout of the basement car park is acceptable but the modifications to the access would involve work on the public highway for which a s184 licence would need to be obtained from the Council by the applicant. Minimum pedestrian visibility splays must be ensured at the site access. As such, details of boundary treatment and visibility splay drawing would be required by way of a planning condition.

Electric car parking spaces

Based on minimum London Plan standards, 20% active and 80% passive spaces should be provided. For the 6 car parking spaces proposed, this equates to 1 active and 5 passive spaces. The applicant proposes 2 active and 4 passive spaces which is acceptable. Details of electric vehicle charging points are requested by way of a planning condition

Cycling Parking

Policy T5 Cycling of the London Plan (2021) requires that "cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards. Development proposals should demonstrate how cycle parking facilities will cater for larger cycles, including adapted cycles for disabled people".

Table 10.2 of the London Plan (2021) sets out the Minimum cycle parking standards for residential uses. the following cycle storage provision would be required:

- 1 space per studio or 1 person 1 bedroom dwelling
- 1.5 spaces per 2-person 1 bedroom dwelling
- 2 spaces per all other dwellings

Short stay (e.g., for visitors or customers)

- 5 to 40 dwellings: 2 spaces

Based on London Plan standards, a minimum of 15 long stay and 2 short stay cycle parking spaces are required for this development. The applicant proposes 22 internal cycle parking spaces. The cycle storage would be provided by way of two-tier racks. However, the applicant has not provided internal dimensions and spacing between bicycles which is a requirement under the London Plan. . Whilst the number of cycle parking spaces proposed is acceptable, the short stay cycle parking should be separated where possible. The applicant would be required to submit details of the types of stands used to enable both the wheels

and the frame of the bicycle to be locked. This would be secured by way of condition.

Refuse and Recycling

Policies S1 8 of the London Plan (2021) and CS 14 of the Core Strategy (2012) seek to ensure that adequate waste and recycling provision is made for all developments in secure; and accessible locations for days of collection.

It is anticipated that refuse collections will continue take place on Albert Road as existing and the proposed refuse storage is within a 10m distance of the road to facilitate collection. The proposed bin storage location is within the 10m drag distance and thus acceptable. In general, existing servicing arrangements are expected to remain largely unchanged and this is acceptable. A construction logistics plan and a before and after highway condition survey is requested due to the location of the site and both can be secured by condition.

Energy and Sustainability

Policies SI 16 of the London Plan (2021) and policy CS13 of the Barnet Core Strategy (2012) requires residential developments with water saving and other measures to encourage the efficient use of water. Policies SI 1 and SI 2 of the London Plan (2021); policies DM01 & DM02 of the Development Management Document (2012) seeks to achieve specific levels of improvement in carbon dioxide emissions when compared the minimum Target Emission Rate requirements of the 2010 Building Regulations.

In terms of water consumption, it is proposed that all residential units will obtain 100% of their water supply through water metres. Notwithstanding, a condition would be attached to a planning permission to require each unit to receive water through a water meter and be constructed with water saving and efficiency measures to encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy SI 16 of the London Plan (2021).

In order to increase the sustainability of the building it is proposed that photovoltaic panels will be placed on the roof. These panels have been cited in the most appropriate location to ensure the building can maximise the benefits from the solar energy. Green walls are proposed at the centre of the plot, where both residential blocks face each other. Green walls can dampen noise pollution from the neighbouring public houses and railway, as well as improve air quality, while providing aesthetic value to the building.

The new building would be constructed to ensure that it contains carbon dioxide emission reduction measures to achieve an improvement in carbon dioxide emissions A condition would be attached which requires that, prior to the first

occupation of the development, it must be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 25% in carbon dioxide emissions (when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter. This is to ensure that the development is sustainable and minimises carbon dioxide emissions.

Trees and Ecology

The importance of trees, ecology and landscape is recognised at every policy level, Nationally NPPF chapter 15; regionally London Plan policy G5, G6 & G7 of the London Plan (2021) and locally within Barnet Council's adopted policies DM01, DM04, DM15 & DM16 all require developers to consider, trees, ecology and landscape which builds biodiversity. In addition, the following references are also considered; Circular 06/2005: Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System, ODPM, 2005, London Biodiversity Action Plan, London Plan, 2016, London Regional Landscape Framework, Natural England, 2010.

Policy DM01 of the adopted Barnet Development Management advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size, and condition of trees. Trees should be retained wherever possible, and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

Trees

The submitted Tree report and Tree Protection Plan has been reviewed by the LPA Arboricultural Officer who has confirmed that there are no trees of "any significance would be affected by the proposal provided within these documents and plans are fully implemented throughout all development phases. This would be secured by way of condition, to ensure the visual amenities and health of identified trees are protected.

Ecology

The submitted Bat survey report concludes that during the emergence survey no bats were recorded or observed by any of the surveyors or their bat detectors. No bats were observed emerging from the building. No bats were observed at emergence time near to the building. Notwithstanding, in accordance with local policy DM16, London Plan policy G6 and National policy,

the development should deliver some biodiversity gains and should consider including swift or bat boxes within the proposed buildings.

The applicant would be required to submit for approval by the Local Planning Authority, full details of measures to improve biodiversity on the site in accordance with guidance set out within BS42040:2013: Biodiversity - Code of practice for planning and development, and guidance documents provided by the Chartered Institute of Ecology and Environmental Management (CIEEM) for approval by the Local Planning Authority and implemented thereafter. This would be secured by way of a planning condition.

Response to Public Consultation

All planning matters raised, including objections and concerns raised from local residents and the community have been considered within the evaluation above, and all representations received from residents were fully considered in the assessment of the application and are available to view online at the Councils website.

Excessive density and Overdevelopment- It is considered that the proposed density is suitable for this site, and the overall design ensures that the proposal would not present any symptoms associated with overdevelopment of the site, such as sub-standard accommodation, inadequate daylight, sunlight levels, poor outlook and privacy to future occupiers and/or loss of amenity to existing residential properties nearby. On the contrary, this Committee reports affirms that the proposal provides good amenity to future occupiers and does not compromise the existing amenities to nearby properties at no 9 Albert Road.

Design Scale and height of the development- Whilst an objector noted that the prevailing heights of buildings generally within East Barnet Ward ranging from between 2-4 storeys in height, the proposed height of this development (part 4, part 5 storeys) is not excessive on Albert Road, and the proposed scale, height and footprint is broadly in keeping with the nearby development at no 9 Albert Road, and is also in keeping with the existing and emerging character of both Albert Road and the local area. Overall, it is considered that the proposal is of high design quality and would have a positive contribution to the streetscene, local character and appearance of the area, whilst also optimising the potential of the site to accommodate and sustain an appropriate amount and mix of development, in accordance with planning policy.

It is acknowledged that the scale and height of the proposed development is larger than the neighbouring Public House building (Builders Arms). In design terms, this matter has been fully considered within the assessment of this proposal. The scale of development for residential flatted developments is generally different to the scale of development required to operate a public house. As such, the proposed land use broadly informed the scale of development

proposed onsite, whilst been cognisant and respectful of the site context and constraints. The proposal would not result in a loss of privacy to outdoor space at the rear of the public house. All other amenity considerations on the impacts to the public house have been addressed within this report.

Under provision for family accommodation- The proposal makes provision for 3 no x three-bedroom units, which would provide suitable family accommodation. This equates to 33% of the total number of residential units proposed onsite, which is public benefit and assists in the delivery of much needed family sized accommodation within the borough. In addition, the proposal makes provision for 1 no x two bed (4-person unit). In recent years, 2 bed (4 person) units are increasingly considered to provide suitable accommodation for families and indeed, there is growing demand for this form of family accommodation, as evidenced with the Councils Strategic Housing Needs Assessment. Whilst one family unit would provide private amenity space which doesn't meet the minimum size standards, the other family units provide private amenity space areas which either broadly meet or greatly exceed the minimum size standards. On balance, the overall provision of private amenity and communal amenity space is acceptable onsite, as discussed within the report. Overall, the proposed public benefits of the proposal in its delivery of family sized accommodation would outweigh any concerns residents may have with the proposed development.

Quality of accommodation- The standard of accommodation is supported by Officers and is in accordance with policy. All residential units meet minimum and would receive good outlook, daylight, and sunlight levels, and would not be subjected to loss of privacy or undue noise and air pollution from the railway line (approximately 20 meters away); the neighbouring pub (Builders Arms) and vehicle traffic on Albert Road.

Exacerbate congestion- LBB Highways team do not consider that the proposal, including no 6 cars onsite would unduly exacerbate the existing problems associated with congestion on the roads of East Barnet/New Barnet/Cockfosters and neighbouring areas. LBB Highways have recommended a list of planning conditions to mitigate against the impact on highway safety as set out with the recommendation section of this report.

No electric charging points- A planning condition would be attached which requires that, prior to commencement of the development full details of the electric vehicle charging points to be installed in the development shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the provision of a minimum of 1 active and 5 passive electric vehicle charging points. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such. This is to ensure that the development makes adequate

provision for electric vehicle charging points to encourage the use of electric vehicles.

Negative Environmental impacts in terms of noise, vibration, traffic and air pollution- Following the formal submission of the full planning application in November 2021, the applicant subsequently submitted a Noise Impact Assessment, which was made available to view on the Councils website on 19th January 2022. This report has been reviewed by the Councils Environmental Health team, and the proposed noise and vibration mitigation measures are considered acceptable. Importantly, it is considered that concerns related to traffic disturbance, noise and air pollution would be sufficiently mitigated against by way of planning conditions as set out within the report.

With reference to concerns relating to noise disturbance specifically relating to the structure of the building, sound insulation is a matter adequately addressed by the Building Regulations. The proposal would not result in an over intensification of the use onsite. It is also considered that the proposal would have an acceptable impact on the local character of the area; would not compromise the amenity of local residential properties; and would not have a detrimental impact on highway safety.

Dust and Air Pollution- The applicant would be required to submit a Demolition, Construction and Logistic Management Plan to be approved in writing by the Local Planning Authority, prior to the commencement of works onsite. This would include details of sustainable and efficient means of suppressing dust, including the adequate containment of stored or accumulated materials so as to prevent it becoming airborne at any time and giving rise to nuisance. Moreover, details of all noise mitigation measures from the operational plant and processors during the demolition and Construction process are required for approval, in the interest of high safety, noise and air quality.

Maintenance of Green walls- The applicant would be required to submit a detailed Maintenance Plan for the proposed green wall to the Local Planning Authority for approval in writing, prior to commencement of development works onsite. The details approved would be required to be maintained and retained thereafter. This would be secured by way of a planning condition.

Roof top Communal amenity space/integrated child play area- The location and quality of the proposed communal rooftop amenity space is considered acceptable, functional, and usable as discussed within the report. It is increasingly accepted and commonplace for flatted developments to locate communal amenity space/ and or child play area (particularly for 0-11 age cohort) at roof top level across London.

Increased pressure on local social infrastructure including schools and GP doctor surgeries- The applicant would be required to make appropriate Levy payments towards local social infrastructure such as schools and doctors' surgeries to mitigate against the impact it would have on existing facilities, in accordance with Community Infrastructure Levy (CIL) requirements and regulations. The CIL is a planning charge that Local Authorities and the Mayor of London set on new development to help pay for community infrastructure.

Specific objection received from the neighbouring Builders Arms Public house, directly north of the site on the following grounds:

- The premises operates from is a lower ground and first floor building. The 5-storey development directly north at no 9 Albert Road, has had a detrimental impact (loss of daylight, sunlight and privacy) on the outdoor amenity space to the rear of the Public House
- The proposed subject development (directly south) at no 1 Albert Road would further result in the loss of daylight and sunlight to the rear garden area, which would further reduce the amenity value of the rear outdoor amenity area for customers at this Public House. As a consequence of this, the continued viability of the business would be significantly compromised financially, which may result in its closure, should planning permission be granted to this subject proposed development.

(Officers response. It is acknowledged that the proposed would reduce the daylight and sunlight levels to this rear amenity space at the Public House, but it would not be significant. In the majority of instances through the year, most people visit pubs in the evening or at night, (outside prime daylight and sunlight hours.) BRE Guidelines regarding daylight and sunlight levels to an outdoor amenity area are not afforded the same material weight as a rear garden to a residential dwelling. This is primarily because occupying a residential development is more "permanent" in nature, in so far as that people spent a considerable amount of time within their dwellings, Conversely, patrons and visitors would occupy an outdoor space ancillary to the public house in a very temporary and transient form of nature.

There are no balconies; habitable rooms, or clear glazed windows proposed to the northern elevation, and therefore the proposal would not result in overlooking or loss of privacy to this space.

There is no evidence or any information submitted within this objector's representation to support the claim that the proposal would have negative ramifications for the continued viability and operation of the public house; which could ultimately lead to its closure. This assertion is unfounded. Conversely, it is likely that the increase in population (as a result of this development) could have a positive contribution to the business as Public Houses within residential

areas are primarily visited by local residents and continue to be in demand as it provides a social facility to the local residential area)

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.

Conclusion

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

Site Location Plan

